Bunbury City Council

Minutes
28 February 2012
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## Glossary of Abbreviated Terms

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<td>1:100</td>
<td>Ratio of 'one in one hundred'</td>
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<td>AD</td>
<td>Acceptable Development</td>
</tr>
<tr>
<td>ARI</td>
<td>Annual Recurrence Interval</td>
</tr>
<tr>
<td>AHD</td>
<td>Australian Height Datum</td>
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<tr>
<td>ANEF</td>
<td>Australian Noise Exposure Forecast</td>
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<tr>
<td>AWARE</td>
<td>All West Australians Reducing Emergencies (grant funding)</td>
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<tr>
<td>BCA</td>
<td>Building Code of Australia</td>
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<tr>
<td>BCCI</td>
<td>Bunbury Chamber of Commerce &amp; Industries</td>
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<td>BCRAB</td>
<td>Bunbury Community Recreation Association Board</td>
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<td>BEAC</td>
<td>Built Environment Advisory Committee</td>
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<td>BESAC</td>
<td>Bunbury Environment and Sustainability Advisory Committee</td>
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<tr>
<td>BHRC</td>
<td>Bunbury Harvey Regional Council</td>
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<td>BPA</td>
<td>Bunbury Port Authority</td>
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<td>BRAG</td>
<td>Bunbury Regional Art Galleries</td>
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<td>BRAMB</td>
<td>Bunbury Regional Arts Management Board</td>
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<td>BREC</td>
<td>Bunbury Regional Entertainment Centre</td>
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<td>BSSC</td>
<td>Big Swamp Steering Committee</td>
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<td>BWEA</td>
<td>Bunbury Wellington Economic Alliance</td>
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<td>CALM</td>
<td>Department of Conservation and Land Management</td>
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<td>CBD</td>
<td>Central Business District</td>
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<td>CCAFF</td>
<td>Community Cultural and Arts Facilities Fund</td>
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<td>CERM</td>
<td>Centre of Environmental and Recreation Management</td>
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<td>CPI</td>
<td>Consumer Price Index</td>
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<td>CSRFF</td>
<td>Community Sport and Recreation Facilities Fund</td>
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<td>DADAAWA</td>
<td>Disability in the Arts Disadvantage in the Arts Australia, Western Australia</td>
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<td>DAP</td>
<td>Detailed Area Plan (required by WA Planning Commission)</td>
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<tr>
<td>DCU</td>
<td>Development Coordinating Unit</td>
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<tr>
<td>DEC</td>
<td>Department of Environment and Conservation (formerly CALM)</td>
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<td>DEWCP</td>
<td>Department for Environment, Water and Catchment Protection</td>
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<tr>
<td>DLI</td>
<td>Department of Land Information</td>
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<td>DoE</td>
<td>Department of Environment</td>
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<td>DOLA</td>
<td>Department of Land Administration</td>
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<td>DoPI</td>
<td>Department of Primary Industry</td>
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<td>DoW</td>
<td>Department of Water</td>
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<td>Department for Planning and Infrastructure</td>
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<td>Department of Sport and Recreation</td>
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<td>DUP</td>
<td>Dual-use Path</td>
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<td>Enforcement Computer Technology</td>
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<td>Economic Development Advisory Committee</td>
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<td>Education Department of Western Australia</td>
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<td>Environmental Impact Assessment</td>
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<td>Environmental Protection Authority</td>
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<td>Environmental Review and Management Program</td>
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<td>Emergency Services Levy</td>
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<td>Fire and Emergency Services Authority</td>
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<td>Finished Floor Level</td>
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<td>GBP</td>
<td>Greater Bunbury Progress Group</td>
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<td>Greater Bunbury Resource Plan report</td>
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<td>Gigalitres</td>
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<td>GRV</td>
<td>Gross Rental Value</td>
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<td>Goods and Services Tax</td>
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<td>HCWA</td>
<td>Heritage Council of Western Australia</td>
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<td>ICLEI</td>
<td>International Council for Local Environmental Initiatives</td>
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<td>ICT</td>
<td>Information and Communications Technology</td>
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<td>IP</td>
<td>Internet Protocol</td>
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<td>IT</td>
<td>Information Technology</td>
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<tr>
<td>ITC</td>
<td>In Town Centre</td>
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<td>ITLC</td>
<td>Former In-Town Lunch Centre (now the “In Town Centre”)</td>
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<td>LAP</td>
<td>Local Action Plan</td>
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<td>LCC</td>
<td>Leschenault Catchment Council</td>
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<td>Bunbury Local Emergency Management Committee</td>
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<td>LIA</td>
<td>Light Industrial Area</td>
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<td>LSNA</td>
<td>Local Significant Natural Area</td>
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<td>MHDG</td>
<td>Marlston Hill Design Guidelines</td>
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<td>MRWA</td>
<td>Main Roads Western Australia</td>
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<td>National Disaster Mitigation Program</td>
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<td>NEEDAC</td>
<td>Noongar Employment &amp; Enterprise Development Aboriginal Corp.</td>
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<td>NRM</td>
<td>Natural Resource Management</td>
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<td>NRMO</td>
<td>Natural Resource Management Officer</td>
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<td>ODP</td>
<td>Outline Development Plan</td>
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<td>PAW</td>
<td>Public Access Way</td>
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<td>Peel-Harvey Catchment Council</td>
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<td>Residential R60</td>
<td>Town Planning Zone – up to 60 residential dwellings per hectare</td>
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<td>RFDS</td>
<td>Royal Flying Doctor Service</td>
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<td>RMFFL</td>
<td>Recommended Minimum Finished Floor Levels</td>
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<td>ROS</td>
<td>Regional Open Space</td>
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<td>ROW</td>
<td>Right-of-Way</td>
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<td>RSL</td>
<td>Returned Services League</td>
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<td>South Bunbury Cricket Club Inc.</td>
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<td>Supervisory Control and Data Acquisition</td>
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<td>Sportsgrounds Development Committee</td>
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<td>South West</td>
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<td>South West Aboriginal Medical Service</td>
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<td>South West Biodiversity Project</td>
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<td>South West Sports Centre</td>
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<td>Thompson McRobert Edgeloe</td>
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<td>Town Planning Scheme</td>
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<td>Union Bank of Switzerland Australia</td>
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<td>Valuer General’s Office</td>
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<td>Voice-Over Internet Protocol</td>
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<td>WALGA</td>
<td>Western Australian Local Government Association</td>
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<td>Western Australian Planning Commission</td>
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<td>Western Australian Plantation Resources</td>
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<td>WAWA</td>
<td>Water Authority of Western Australia</td>
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<td>Water Corporation</td>
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<td>Waters and Rivers Commission</td>
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Bunbury City Council
Minutes

Minutes of an Ordinary Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 28 February 2012.

Minutes
28 February 2012

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

1. Declaration of Opening by the Presiding Member

His Worship the Mayor declared the meeting open at 6.00pm.

2. Record of Attendance, Apologies and Leave of Absence

PRESENT

Council Committee Members

Presiding Member: His Worship the Mayor, Mr D Smith
Deputy Presiding Member: Deputy Mayor, Councillor S Craddock
Members:
  Councillor J Jones
  Councillor D Prosser
  Councillor A Leigh
  Councillor M Steck
  Councillor R Slater
  Councillor K Steele
  Councillor B Kelly
  Councillor N McNeill
  Councillor M Cook
  Councillor S Morris

Executive Management Team (Non-Voting)

Chief Executive Officer: Mr A Brien
Director Community and Customer Services: Ms S Addison- Brown
Director Corporate Services: Mr W Wright
Director Works and Services: Mr P Harris

Council Officers (Non-Voting):

Manager Development Services: Mr G Fitzgerald
Manager Sustainability and Integrated Land Use Planning: Mr T Farnworth
Manager Environmental Health: Ms S Upton
Senior Administration Officer: Mr J Dyson
Admin. Officer Corporate Services: Ms N Hribar

Others (Non-Voting):
Members of the Public: 10 approx
Members of the Press: 1

APOLOGIES:
Nil

LEAVE OF ABSENCE:
Councillor Cameron Bridges is on Leave of Absence from 27 February to 19 March 2012 inclusive.

3. Responses to Public Questions Taken ‘On Notice’ at the Previous Council Meeting

Nil

4. Public Question Time

Mr Glen Willetts, 40 Wilkerson Way, Withers – Convenor Withers Action Group

Question 1: Was Council aware that since stage 1 of Welcome Park has been finished that the park is used on a daily basis and is kept in a pristine condition by the Community and by the Council?
Response: (Mayor) I can only speak on behalf of myself and I am certainly aware.

Question 2: We as the Withers Action Group would like to ask Council if at all possible can the funding for stage 2 of the park become a priority for budgetary review as per the letter we received dated November 2011 from Mr Phil Harris in regards to it being looked at seriously
Response: (Mayor) It is in the budget review.

The Withers Action Group would like to take this opportunity to once again thank the Council and the Department staff for all of their help and work in helping the suburb of Withers.

Ms Pauline Vukelic, 30 Quedjinup Drive, Quedjinup – Member of Bunbury-Setagaya Sister Cities Committee

Question 1: What is the expected return on investment of sending a delegation to Setagaya in June?
Response: (Mayor) The first part of the trip is to celebrate in Setagaya the 20th Anniversary of the relationship. The intent is that the Setagaya representation will come to Bunbury in October and we will reciprocate. Obviously the objective of celebrating those occasions is to strengthen the relationship and to talk, in my case, with their Mayor and Executive Staff about where they would like to see the relationship going and what we can do to further strengthen it and
perhaps widen the amount of contact we have with Setagaya. Of course the whole objective of the Sister Cities program is to promote a mutual understanding of our communities and culture and through that develop ongoing relationships which will hopefully lend to world peace.

**Question 2:** What is the plan to invite other community and business leaders to attend the delegation?

**Response:** (Mayor) The only additional community organisation that has been asked to go along on this occasion is the Edith Cowan University Bunbury Campus and I think it is the intention that Mr Robert Irvine the Dean and perhaps his wife will accompany us. They will accompany us at the expense of ECU not the City. As you know with the other Sister City it actually began as a Sister Port relationship; it then became a Sister City and later a Sister Chamber and Sister University relationship. When the delegations go to China usually it is the other organisations that fund their representatives. Certainly the more frequent trade delegations that are organised by the Chamber are really organised on the basis that people paying their own way and just having the facility of having an escort for tours and places they may interested in a trade sense when they arrive in Jiaxing and also perhaps with other locations in China which might suit them. You might be aware that under the Jiaxing arrangements there is actually a business office which is part funded by the SWDC and part funded by the State Government through the Department of State Development. Council’s overall contribution to that is $5,000 a year. There is no Jiaxing committee as such, there is however a Jiaxing business committee where the CEO’s and, or Mayor in my case and the CEO, all attend and the executive support for those meetings is provided by the officer who is the staff person that is at the Bunbury-Jiaxing office. It is very much a different relationship where quite frankly the City is, in terms of the cost, a small element of those costs. Nonetheless it does mean there are many more trips out of Jiaxing to Bunbury, representing all of those areas from Jiaxing and when they do come we do our best as a City to be a good host and entertain them so I think the overall cost of the Jiaxing relationship is about the same as the Setagaya. Though you will note that the Setagaya relationship is primarily and almost solely at the moment a Sister City relationship and it has been more cultural and civic rather than the broader relationship. If you add the issue of sports, certainly their marathon runners come here regularly and we help to fund some of the runners from Bunbury to go to Setagaya to compete in their marathons. They’re the sort of areas that I really do think we want to explore to see if there are more opportunities. There is a new Mayor in Setagaya, but if he is any different to the previous Mayor we will have to wait and see.

**Question 3:** Is it not appropriate for Councillor Delegates to this, be selected after this committee’s future is decided in March 2012?

**Response:** In relation to the Councillors, I don’t think there is a need. There are a couple of Councillors that do have experience on the Setagaya committee and indeed Cr Leigh has chaired the committee at times. I don’t think it will make very much difference whether we consider it
if there is going to be a different sort of committee, I think there is a divided view on Council itself as to whether the committee continues in its current form or whether it disappears is largely done at an Executive level. It is no secret that I would like to retain the community representatives but that will be a decision for Council. Certainly in terms of the delegates from the City of Bunbury who are going to be paid for by the City of Bunbury there is no reason why we should hold that up. In relation to the community reps if we decide to dispense at Council, then it should be the people who have already demonstrated their interests rather than try and renew people. It should be people who are familiar with Setagaya to some extent.

5. Questions on Notice from Council Members (No Discussion Permitted)

At the Council Agenda Briefing session held 21 February 2012 the Councillors asked questions that were taken on notice. Copies of the responses are attached at Appendix 1 to these minutes.

6. Confirmation of Previous Minutes

The minutes of the Council meeting held 31 January 2012 have been circulated.

Recommendation

The minutes of the Council meeting held 31 January 2012 be confirmed as a true and accurate record.

Outcome – Council Meeting 28 February 2012

The recommendation (as printed) was moved Deputy Mayor Cr Craddock, seconded Cr Jones.

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

Council Decision 22/12

The minutes of the Council meeting held 31 January 2012 be confirmed as a true and accurate record.

CARRIED

12 votes “for” / nil votes “against”
7. **Disclosures of Interest under the Local Government Act 1995**

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.

At the Council Agenda Briefing session held 21 February 2012, the following Councillors disclosed an interest in certain items on the agenda with these disclosures remaining relevant to this meeting:

Councillor David Prosser disclosed a proximity interest in the item titled “Scheme Amendment 51 – Proposed Rezone from ‘Public Purpose Reserve’ to ‘Residential R40’ – Lots 27, 28, 29 and 45 (DP 7964) Pickersgill Street Bunbury” as he will be building a new house in the vicinity as well as he currently lives in the nearby area. He elected to stay and participate in discussion.

Councillor David Prosser disclosed an impartiality interest in the item titled “Proposed Change of use from Medical Centre to Hospital – Lot 174 (No 140) Spencer Street Bunbury” as he has family friends who own the business and has family that work in the same business. He elected to stay and participate in discussion.

Councillor Alfred Leigh disclosed an impartiality interest in the item titled “Scheme Amendment 62 – Proposed Rezoning from ‘Special Use 4 – Pre Primary School, Church and Hall’ to ‘Residential – R20/30’ – Lot 74 (DP 23304) No. 35 Winton Street Carey Park” as he is a member of the Church. He elected not to stay and participate in the discussion.

Councillor Alfred Leigh disclosed a conflict of interest in the item titled “Sister City Agreement – Bunbury Delegation visit to Setagaya (Japan) and Jiaxing (China) – June 2012” as he is the chairperson of the Bunbury-Setagaya Sister Cities Committee. He elected not to stay and participate in the discussion.

Councillor Karen Steele disclosed a impartiality interest in the item titled “Permanent Change in hours for Special Facility Licence for Bunbury Turf Club Inc” as she is sub-contracted to help out with Fashion in the Field during the Bunbury Cup. She elected to stay and participate in the discussion.

Councillor Cameron Bridges disclosed an impartiality interest in the confidential item titled “2012 Setagaya Student Goodwill Tour Leader” as he is friends with one the applicants that applied for the position. He elected to stay and participate in the discussion.

Councillor Cameron Bridges disclosed an impartiality interest in the item titled “Bunbury Forum Child Health Centre – Renewal of Deed of Lease Shop Y Health, Bunbury Forum Shopping Centre” as his wife and child use the facilities of the Child Health Centre. He elected to stay and participate in the discussion.

Councillor Cameron Bridges disclosed an impartiality interest in the item titled “Glen Iris Skate park Proposal” as his wife has attended all of the community consultation sessions and he works closely with a nearby resident to the proposed site. He elected to stay and participate in the discussion.

Any Further Disclosures

His Worship the Mayor disclosed a conflict of interest in the item titled ‘Sister City Agreement – Bunbury Delegation visit to Setagaya (Japan) and Jiaxing (China) June
When it comes to voting on whether the Mayoress is allowed to travel to both Japan and China with the delegation, the Mayor will leave the chambers and not take part in the discussion and vote on that part of the item.

Based on advice obtained in relation to the declaration by Cr Leigh, it was confirmed that he did not have a conflict and was entitled to stay and vote on the matter.

8. **Announcements by the Presiding Member (No Discussion Permitted)**

Nil

9. **Reception of Formal Petitions and Memorials**

Nil
Standing Order 16.1.1 permits the Council to adopt the Executive Recommendations listed in Sections 10 – 17 of the agenda “en bloc”

Pursuant to Standing Order 16.1.1, the Council adopted ‘en bloc’ (i.e. without discussion) those recommendations listed for items 10.3, 12.1, 12.4, 13.1, 13.5, 13.6, 13.7, 13.8, 16.1, 17.1 and 17.2 of the meeting agenda.

Items 10.1, 10.2, 10.4, 11.1, 12.2, 12.3, 13.2, 13.3, 13.4, 15.1 and 15.2 of the meeting agenda were then discussed and voted on separately.

Please note that the items listed in this section of the meeting minutes have been rearranged (and renumbered) so that they appear in the order that were discussed at the meeting. The items voted on ‘en bloc’ are listed first.

10. Reception of Reports and Recommendations from the Executive Leadership Team

10.1 Youth Advisory Council (was listed as item 10.3 on the meeting agenda)

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>A04597</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal Report</td>
</tr>
<tr>
<td>Author:</td>
<td>Andrew Brien, Chief Executive Officer</td>
</tr>
<tr>
<td>Executive:</td>
<td>Andrew Brien, Chief Executive Officer</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix CEO-3</td>
</tr>
</tbody>
</table>

Summary

As part of the agreed review process of all Council committees, a meeting was held with the Youth Advisory Committee (YAC) to consider the need for the YAC in the future. The outcome of the meeting was support for continuation in the same two tiered format with a review of the terms of reference.

The group undertook a Planning Day in November 2011 to help plan for 2012 and a copy is attached at Appendix CEO-3 for your information.

**Executive Recommendation**

1. That Council continue with the Youth Advisory Council; and
2. That the Youth Advisory Council be requested to undertake a review of the Terms of Reference and provide recommendations to Council on how the role of the Youth Advisory Council could be enhanced.

**Background**

*Terms of Reference (as adopted 14/09/2010)*

The Youth Advisory Council has been split into two groups – Formal YAC and Informal YAC. The following is the adopted terms of reference for both:

**Formal YAC:** The Formal Youth Advisory Council committee is comprised of youth members nominated and elected by the general membership of YAC and Councillors appointed by the City of Bunbury Council. The focus of the Formal YAC is decision
making, planning and provides an opportunity for skills development and experience around formal meetings, decision making, business/budgeting and program and project development.

Informal YAC: The Informal Youth Advisory Council committee is comprised of a general youth membership and exists to support the formal YAC as a base for consultation around issues relevant to youth, leadership development and as a volunteer resource base for event organisation and delivery. Formal YAC members are given the opportunity to participate in Youth Development Team meetings and are encouraged to take an active role in the ongoing development of City of Bunbury youth projects and programs.

Members of the Formal YAC are elected for a 12 month term. Offices include those of the Youth Mayor and Youth Deputy Mayor, promotions officer, and membership liaison officer. Formal YAC members currently sit on the project reference groups for the Unleashed holiday program, Take 2: Youth Media Project, BANDiT Live Music Project and are actively involved in consulting on the on going development of existing and new projects and programs.

Council Policy Compliance

There is no Council Policy that is relevant to this item.

Legislative Compliance

There is no Legislative Compliance relevant to this item.

Officer Comments

The YAC provides an opportunity for involvement by the youth (aged 12-25) in the planning and conduct of supported events. The following has been extracted from a report provided by the Youth Development Officer:

“The Youth Advisory Council operates as a leadership development hub and vital link between Council and the younger members of the Bunbury community. It provides direct access to youth for the Council, providing feedback from youth representatives on civic issues and involves youth in the Council decision making processes. The YAC also provides a vehicle for young people to report to Council their views on community issues that matter to them and is a valuable leadership development program with members from a diverse range of socio-economic and ethnic backgrounds.

Several state and national guidelines have been produced that include research findings that reflect the importance of involving young people from diverse backgrounds in decision making processes in all arms of government. A report on research conducted by the National Youth Affairs Research Scheme states as a key finding “Engaging young people in determining both process and the content of participatory decision making increases the engagement and commitment of young people from diverse backgrounds.”

The current two tiered YAC structure was developed and implemented with the direct involvement of local youth and reflects their wishes and desire to be directly involved in the City's decision making process. Both the formal committee and informal YAC include members from diverse ethnic and socio-economic backgrounds and represent a successful model for both
youth civic engagement, leadership development and involvement in local government decision making.

The Western Australian Commissioner for Children and Youth recently released guidelines for increasing the participation of youth in decision making processes and includes among the benefits of such action “the creation of policies, programs and services which are more relevant and more likely to meet the needs of children and young people and improve their wellbeing; improved outcomes for your organisation achieved in more efficient and cost effective ways; a better community now and for the future by engaging with the energy and creativity of a relatively silent but hugely important group in our community; enabling children and young people to feel connected and that they belong, so they can experience a better quality of life and achievement”.

It is my contention that the dissolution of the Youth Advisory Council as a formal committee of Council would severely detract from the dynamic fabric of the City Council and effectively remove an important, and all too seldom heard collective of voices from the City’s decision making process. The YAC is a widely used resource for community groups and the State and Federal government when seeking advice and feedback from youth. YAC members regularly participate in consultations with a range of different organisations and therefore the dissolution of the formal YAC will likely send a negative message to the community about the Council’s willingness to listen to youth and involve diverse opinion and interest in its routine decision making.

Lastly, the formal YAC is an important vehicle for introducing young people to the more formal side of civic life. It directly links its members with the City’s leaders, provides them with insight and the skills required to participate in and run formal meetings and the way decision making and civic leadership is enacted in our community. Most importantly it does all of this as more than just a token gesture, a point that is not lost on YAC members and the community that supports their involvement in the civic life of the City of Bunbury Council.”

Analysis of Financial and Budget Implications

YAC operational funding is included in the Community & Customer Services directorate and is reviewed on an annual basis as part of Council budget deliberations. The 2011/12 budget includes $60,600 for youth and related activities.

Community Consultation

At the YAC meeting, the future of the group was discussed and there was support from those present to continue with the two tiered structure and also support for a review of the Terms of Reference.
Outcome – Council Meeting 28 February 2012

Pursuant to Standing Order 16.1.1 the recommendation (as printed) from the Executive Leadership Team was moved Cr Steele, seconded Cr Slater and adopted (‘en bloc’) to become the Council’s decision on the matter.

Council Decision 23/12

1. That Council continue with the Youth Advisory Council; and
2. That the Youth Advisory Council be requested to undertake a review of the Terms of Reference and provide recommendations to Council on how the role of the Youth Advisory Council could be enhanced.

CARRIED
12 votes “for” / nil votes “against”
10.2 Local Government Statutory Compliance Return December 2011 *(was listed as item 12.1 on the meeting agenda)*

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>A00106</th>
</tr>
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<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal Report</td>
</tr>
<tr>
<td>Author:</td>
<td>Jack Dyson, Senior Administration Officer</td>
</tr>
<tr>
<td>Executive:</td>
<td>Wayne Wright, Director Corporate Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix DCS-1</td>
</tr>
</tbody>
</table>

**Summary**

Council is required to adopt the Statutory Compliance Return for the year 1 January 2011 to 31 December 2011. A copy of the reviewed return is attached at Appendix DCS-1.

Recent amendments to the Local Government (Audit) Regulations 1996 provide for the introduction of a new clause 14(3A) which reads, “The local governments audit committee is to review the compliance audit return and is to report to the council the results of that review”.

For the information of Council, the audit committee met on Tuesday, 7 February 2012 to review the completed statutory compliance return for the year 1 January 2011 to 31 December 2011.

The audit committee reports that it reviewed the compliance audit return and at the completion of the review, is satisfied, that the responses provided therein accurately portray that the City has been fully compliant during the period under review.

**Audit Committee Recommendation**

1. Council, under the provisions of clause 14(3A) of the Local Government (Audit) Regulations 1996, note and endorse the Audit Committees report on the review of the Statutory Compliance Return for the period 1 January 2011 to 31 December 2011; and

2. Council adopts the Statutory Compliance Return for the City of Bunbury for the period 1 January 2011 to 31 December 2011 and authorises its endorsement by His Worship the Mayor and Chief Executive Officer.

**Background**

Each year the Department of Local Government requires Council’s to conduct an annual assessment of their compliance with key components of the Local Government Act 1995 and regulations and it is to be returned to the Department by 31 March 2012. The Audit Committee has confirmed following review on Tuesday, 7 February 2012 that Compliance has been achieved on all key components of the return for the period under review.

**Council Policy compliance**

There is no current Council Policy relevant to this item.
Legislative Compliance

Completion of the Statutory Compliance Return is a requirement under the provisions of Section 7.13(1)(i) of the Local Government Act 1995 and Clause 13 of the Local Government (Audit) Regulations 1996. The City of Bunbury has fulfilled its commitment to completing this return annually since 1997.

The last return (2010) was adopted by Council at its meeting held 1 March 2011.

Recent amendments to the Local Government (Audit) Regulations 1996 (gazetted 30 December 2011) have facilitated a revised structure to the Compliance Return which now restricts assessment and responses to those areas of compliance considered high risk.

Another amendment is a variation to the old clause 14(3) which now reads: “After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be –

(a) presented to the council at a meeting of the council; and
(b) adopted by the council; and
(c) recorded in the minutes of the meeting at which it is adopted.

The audit committee reports, it is satisfied compliance has been achieved.

Officer Comments

The Chief Executive Officer, all Directors and relevant work area managers are provided with copies of their sections of the Statutory Compliance Return forms for completion and return. The final return is then compiled in an on-line process at the end of the review period using information contained and examined as a result of the internal audits which are conducted on various aspects of the Return.

These adhoc internal audits assist the various work areas to ensure their operations meet the statutory requirements of the Local Government Act 1995 and associated Regulations, as well as providing management with information necessary to ensure continual compliance.

Analysis of Financial and Budget Implications

There are no budgetary implications associated with this compliance return.

Community Consultation

There is no requirement for community consultation on this matter.

Councillor/Officer Consultation

The Chief Executive Officer, all Directors and relevant work area managers have been consulted and requested to respond to relevant sections of this return and Councils audit committee members have reviewed the return and support its adoption.

This report serves to bring this issue to the attention of all elected members.
Delegation of Authority

The various sections of the Statutory Compliance Return and the on-line submission process are compiled under delegated authority by the Senior Administration Officer.

Outcome – Council Meeting 28 February 2012

Pursuant to Standing Order 16.1.1 the recommendation (as printed) from the Executive Leadership Team was moved Cr Steele, seconded Cr Slater and adopted (‘en bloc’) to become the Council's decision on the matter.

Council Decision 24/12

1. Council, under the provisions of clause 14(3A) of the Local Government (Audit) Regulations 1996, note and endorse the Audit Committees report on the review of the Statutory Compliance Return for the period 1 January 2011 to 31 December 2011; and

2. Council adopts the Statutory Compliance Return for the City of Bunbury for the period 1 January 2011 to 31 December 2011 and authorises its endorsement by His Worship the Mayor and Chief Executive Officer.

CARRIED
12 votes “for” / nil votes “against”
10.3 Financial Statements for the Period Ending 31 January 2012 (was listed as item 12.4 on the meeting agenda)

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>A02838</th>
</tr>
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<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal Report</td>
</tr>
<tr>
<td>Author:</td>
<td>David Ransom, Manager Finance</td>
</tr>
<tr>
<td>Director:</td>
<td>Wayne Wright, Director Corporate Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix DCS-4, DCS-5, DCS-6, DCS-7</td>
</tr>
</tbody>
</table>

Summary

1. Statement of Comprehensive Income (attached at Appendix DCS-4):
   Financial Performance to 31 January 2012
   - Year-to-date income of $39.2M is $689K greater than the year-to-date budgeted income of $38.6M.
   - Year-to-date expenditure of $25.5M is $1.2M less than the year-to-date budgeted expenditure of $26.7M.
   - Year-to-date operating surplus is a positive year-to-date variance of $1.9M

   Forecast Financial Performance to 30 June 2012
   - Forecast income of $44.1M is $644K greater than the current budgeted income of $43.5M.
   - Forecast expenditure of $46.9M is $326K greater than the current budgeted expenditure of $46.5M.
   - Forecast operating surplus shows a positive year-to-date variance of $318K

2. Capital Works (attached at Appendix DCS-5):
   Forecast capital works to 30 June 2012 of $22.4M is $15.8 M less than current budgeted expenditure of $38.2M. Major variations include:
   - Reductions in capital expenditure
     - BREC Building Improvements $8.0M
     - Bunbury Timber Jetty works $6.8M
     - Hay Park Soccer Drome Upgrade $2.0M
     - Depot Building $324K
     - Bunbury Hockey Pitch Replacement $223K
     - Withers Library Improvements $175K
     - Wood Turners Shed $150K
   - Increase in capital expenditure
     - Sanitation Plant and Equipment $1.4M
     - IT Hardware and Software $425K
     - Capital Purchases Plant and Equipment $126K
       $1.9M

   Forecast variations will not adversely impact operations and a balanced budget position will be retained as shown attached in Appendix DCS-6.

   **Executive Recommendation**
   The Financial Statements for the period ending 31 January 2012 be received.

   **Background**
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 DCS-6) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1)(d) for this month.

Councillors have also been provided with the following summaries in addition to the Statement of Financial Activity required under the Regulations:

- Statement of Comprehensive Income (attached at Appendix DCS-4)
- Capital Works Expenditure Summary (attached at Appendix DCS-5)
- Statement of Net Current Assets (attached at Appendix DCS-7)

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

The following is an explanation of significant Operating and Capital variances:

<table>
<thead>
<tr>
<th>Operating Income</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decrease in interim rates due to down turn in building activity</td>
<td>($85,000)</td>
</tr>
<tr>
<td>Additional grants funds approved during 2011/12</td>
<td>$234,000</td>
</tr>
<tr>
<td>Increase in interest received due to $2.4M capital grant for the Bunbury Entertainment Centre received late June 2011 not budgeted; and interest on carried forward operating and capital funds ($2.5M)</td>
<td>$450,000</td>
</tr>
<tr>
<td>Increase in contributions, donations and reimbursements. Note $103K is for insurance claim reimbursements: two vehicles involved in separate accidents and for the burnt out motor in Admin Building Air conditioning</td>
<td>$198,778</td>
</tr>
<tr>
<td>Decrease in fees and charges. Including $156K decrease in parking fines and $70K in planning approvals; offset by increase in waste collection charges $127K</td>
<td>($153,373)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Operating Expenditure</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decrease in employees costs due to unfilled positions budgeted for 2011/12</td>
<td>$190,922</td>
</tr>
<tr>
<td>Increase in material costs including Timber Jetty Mtce $150K, Community Engagement $25K, Road Mtce $63K and Admin Office Mtce $60K. (Air Conditioning motor recouped from insurance reimbursement)</td>
<td>($276,396)</td>
</tr>
<tr>
<td>Increase in street lighting costs forecast to 30 June 2012</td>
<td>($16,000)</td>
</tr>
<tr>
<td>Increase in other expenses including unbudgeted lease refund to Bunbury Surf Lifesaving Club $36K and additional $15K for the Light Scope Project</td>
<td>($85,587)</td>
</tr>
<tr>
<td>Increase due to actual impact of last years capital works program on depreciation</td>
<td>($139,271)</td>
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</table>
Capital Income

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decrease in capital grants to be received in 2011/2012 including Bunbury</td>
<td>($4,890,828)</td>
</tr>
<tr>
<td>Timber Jetty $3.3M; Hay Park Soccer Drome $1.8M</td>
<td></td>
</tr>
<tr>
<td>Decrease in proceeds from land sales - land sales not expected to be</td>
<td>($9,190,775)</td>
</tr>
<tr>
<td>realised in 2011/2012 including Lot 66 Ocean Drive, Lots 210 and 211</td>
<td></td>
</tr>
<tr>
<td>Holywell Street, and Lots 28 and 29 Mangles Street</td>
<td></td>
</tr>
</tbody>
</table>

Capital Expenditure

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decrease in building expenditure including BREC $8M and Bunbury Timer Jetty</td>
<td>$15,405,213</td>
</tr>
<tr>
<td>$6.8M in 2011/2012</td>
<td></td>
</tr>
<tr>
<td>Increase in plant and equipment expenditure including a new sanitation</td>
<td>($1,447,378)</td>
</tr>
<tr>
<td>truck $839K and organic waste recycling bins $682K</td>
<td></td>
</tr>
<tr>
<td>Increase in equipment expenditure including $494K for additional funding</td>
<td>($310,600)</td>
</tr>
<tr>
<td>required to comply with Microsoft licensing (originally included but</td>
<td></td>
</tr>
<tr>
<td>reallocated to purchase integrated planning software) and funding required</td>
<td></td>
</tr>
<tr>
<td>to migrate from Trim record keeping software to Microsoft SharePoint. SWSC</td>
<td></td>
</tr>
<tr>
<td>Solar Heating expenditure reduced by $200K due to cost savings</td>
<td></td>
</tr>
<tr>
<td>Decrease in infrastructure capital expenditure including $2.0M Hay Park</td>
<td>$2,125,328</td>
</tr>
<tr>
<td>Soccer Drome, Bunbury Hockey pitch replacement $223K, airport landing strip</td>
<td></td>
</tr>
<tr>
<td>seal $80K, and stormwater drainage $56K. Plus increases in road network $164K</td>
<td></td>
</tr>
<tr>
<td>and Hay Park Central Lighting project $5K</td>
<td></td>
</tr>
</tbody>
</table>

Outcome – Council Meeting 28 February 2012

Pursuant to Standing Order 16.1.1 the recommendation (as printed) from the
Executive Leadership Team was moved Cr Steele, seconded Cr Slater and adopted
(‘en bloc’) to become the Council’s decision on the matter.

Council Decision 25/12

The Financial Statements for the period ending 31 January 2012 be received.

CARRIED
12 votes “for” / nil votes “against”
10.4 Local Government Heritage Inventory – Approval to Advertise (was listed as item 13.1 on the meeting agenda)

| File Ref:  | A00538 |
| Applicant/Proponent: | Internal Report |
| Author: | Leigh Barrett, Planning Officer (Heritage) |
| Executive: | Bob Karaszkewych, Director Planning and Development Services |
| Attachments: | Nil |

Summary

The City of Bunbury Municipal Inventory 2001 has been reviewed (to ensure that all entries are appropriate and have a suitable level of protection) and now requires public advertising. Council’s support for advertising is sought.

Please note that in order to be consistent with Heritage Council of WA terminology the new document will be called the Local Government Heritage Inventory.

Executive Recommendation

That Council, pursuant to the provisions of the Heritage of Western Australia Act 1990, hereby resolves to advertise the draft City of Bunbury Local Government Heritage Inventory for public comment for a period of 42 days.

Background

Section 45 of the Heritage of Western Australia Act 1990 (hereafter “the Act”) requires that local governments ‘compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance’. Under the provisions of the Act, the Inventory shall be updated annually, reviewed every 4 years and compiled with ‘proper public consultation’.

In January 2009, heritage consultants Ms Annabel Wills and Ms Jacqui Sherriff commenced the review of the City’s 2001 Inventory. In addition to meeting the legislative requirements of the Act, the review was undertaken to determine that all places have sufficient cultural heritage value (in accordance with Local Planning Policy – Assessment of Cultural Heritage Significance) and that, if appropriate, they are afforded protection by their inclusion on the City of Bunbury Heritage List (as established by Town Planning Scheme No 7).

It is important to note that the provisions of the Heritage of Western Australia Act 1990 and the City of Bunbury Town Planning Scheme No7 do not provide any specific protection to places listed in the Local Government Heritage Inventory, and, as a consequence, there are no limitations or restrictions placed on the development of these places. The only requirement, as detailed in the City of Bunbury Local Planning Policy – Development Assessment Process for Heritage Places, is that a photographic record be made and submitted to the City of Bunbury Local Studies Collection should a place be given approval to be demolished. Inclusion on the City of Bunbury Heritage List is the minimum level at which protection is provided.

Protection of heritage values via the provisions of the City of Bunbury Town Planning Scheme No7, policy and design guidelines is provided to those places included on the Heritage List which is established under Part 7. Planning approval is required as the mechanism for providing this protection.
Part 7.1.2 of Town Planning Scheme No 7 states that:

“In preparation of the Heritage List the local government is to:

a) Have regard to the Municipal Inventory prepared by the local government under section 45 of the Heritage of Western Australia Act 1990; and

b) Include on the Heritage List such of the entries on the Municipal Inventory as it considers appropriate.”

The review of the Inventory includes a review of the Heritage List.

Following an initial draft, which was considered by the City of Bunbury Heritage Advisory Committee, the reviewed Local Government Heritage Inventory (note change of title in order to be consistent with Heritage Council of WA terminology) is now ready for public advertising.

As part of the advertising and consultation process, individual datasheets and an information brochure will be sent to owners inviting comment.

As a result of the review and based on the established criteria set out in the City of Bunbury Local Planning Policy – Assessment of Cultural Heritage Significance, the status of a number of places is proposed to change as shown below:

**Proposed for Inclusion on Heritage List:**

- B001.1 – Marlston Hill (the hill itself rather than the suburb)
- B001.2 – Lookout Tower, Apex Drive
- B016.2 – Breakwater, Bunbury Outer Harbour
- B031 – 42 Charles Street
- B066 – Withers Library
- B085 – St Elizabeth of Hungary Church (fmr)
- B087 – Centenary Pavilion (Bunbury Primary School Grounds)
- B089 – Commemorative Bell, St Augustine Anglican Church
- B111 – Rocky Point and Basalt Quarry
- B112 – Lighthouse
- B133 – Lady Mitchell Memorial
- B237 – Railway Institute
- B248 – Rathmine’s Primary School (fmr)
- B250 – Frankel Street Shopping Centre
- B263 – Recreation Ground
- B284 – Site – Leschenault Square
- Picton Agricultural Hall (new addition)

**Proposed for Removal from Heritage List**

- B052 – The Pines, Forrest Ave (demolished since 2001)
- B130 – Site – Original Bunbury Power Station
- B206 – The Esplanade Guest House (demolished since 2001)
- B244 – Site – Eastern Goldfields Fresh Air League
- B264 – Railway/Road Workshops (demolished since 2001)
**Proposed for Removal from Inventory**

- B039 – Relocated Group Settlement House, Dodson Rd (demolished since 2001)
- B054 – Carey Park Primary School (original) (demolished since 2001)
- B077 – Wood Chip Loader
- B131 – 21 Queensbury Street
- B139 – Ocean to Preston Regional Park
- B251 – House, 2 Wittenoom Street
- B259 – Site – Council Reserve for Aboriginals (fmr)
- B267 – Big Swamp Wetlands
- B288 – Aboriginal Sites Register

The City’s previous inventories were compiled based on nominations made by members of the public. This review has reassessed those places already included on the City of Bunbury Municipal Inventory 2001. The consultants were not required to identify or assess new places for inclusion in the Inventory with the exception of the Picton Agricultural Hall owned by the City.

**Council Policy Compliance**

The following Council policies are related to this issue:

- Local Planning Policy – Assessment of Cultural Heritage Significance

**Officer Comments**

The *Heritage of Western Australia Act 1990* requires local governments to prepare and review a Local Government Heritage Inventory. The review commenced in 2010 and revised datasheets for each place on the 2001 Inventory have been prepared. Each of these datasheets must now be provided to the relevant landowner for review and submissions will be received. The submissions can then be assessed by the City of Bunbury and the consultant in conjunction the Heritage Advisory Committee prior to amendment of the datasheets as considered appropriate and eventual finalisation of the Inventory, at which time it will be presented to Council for adoption.

**Analysis of Financial and Budget Implications**

Financial implications extend only to advertising costs and the printing and postage cost of distributing datasheets and information sheets for review to each of the landowners.
Community Consultation

Owners of all places on the City of Bunbury Municipal Inventory 2001 were advised in writing of the review and invited to provide submissions prior to the draft being prepared. Ten (10) submissions were received. These submissions were taken in account in the preparation of the draft.

Councillor/Officer Consultation

The City of Bunbury Heritage Advisory Committee (three Councillor and five community members) have participated in reviewing the draft and in assessing places for inclusion or deletion from the Heritage List or Inventory.

Outcome – Council Meeting 28 February 2012

Pursuant to Standing Order 16.1.1 the recommendation (as printed) from the Executive Leadership Team was moved Cr Steele, seconded Cr Slater and adopted (‘en bloc’) to become the Council's decision on the matter.

Council Decision 26/12

That Council, pursuant to the provisions of the Heritage of Western Australia Act 1990, hereby resolves to advertise the draft City of Bunbury Local Government Heritage Inventory for public comment for a period of 42 days.

CARRIED
12 votes “for” / nil votes “against"
10.5 Final Approval – Town Planning Scheme Amendment 59 to Allow for a Single House on a Lot in a Development Investigation Policy Area (was listed as item 13.5 on the meeting agenda)

<table>
<thead>
<tr>
<th>File Ref:</th>
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<tr>
<td>Applicant/Proponent:</td>
<td>Internal Report</td>
</tr>
<tr>
<td>Author:</td>
<td>Thor Farnworth, Coordinator Strategic and Environmental Planning</td>
</tr>
<tr>
<td>Executive:</td>
<td>Bob Karaszkewych, Director of Planning and Development Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix DPDS-12, DPDS-13</td>
</tr>
</tbody>
</table>

Summary

Section 6.2 of the City of Bunbury Town Planning Scheme No.7 (TPS7) sets out the statutory requirements for Development Investigation Policy Areas (DIPA), which are a type of Special Control Area under the Scheme that requires the adoption by Council and endorsement by the Western Australian Planning Commission (WAPC) of a structure plan prior to the approval of any subdivision or development.

This amendment to the Scheme Text is to allow for the approval of a single house and associated outbuilding on a lot within a DIPA where, in the opinion of Council, this does not adversely affect the future subdivision and development of land within a DIPA. A copy of the proposed Scheme Amendment 59 documentation is included as attached at Appendix DPDS-12.

Executive Recommendation

That Council:

1. In accordance with the Planning and Development Act 2005 resolves to adopt Scheme Amendment number 59 to the City of Bunbury Town Planning Scheme No. 7 in accordance with the modified Scheme Amendment number 59 documentation (attached at Appendix DPDS-12); and

2. Refers the modified Scheme Amendment number 59 documentation to the Western Australian Planning Commission for final approval in accordance with the provisions of the Town Planning Regulations 1967.

Background

At its meeting held on 4 October 2011 Council resolved as follows:

“Council Decision 228/11

That Council:

1. In accordance with the Planning and Development Act 2005 resolves to initiate Scheme Amendment number 59 to the City of Bunbury Town Planning Scheme No.7 by:

(a) modifying miscellaneous provisions of the Scheme Text by replacing the incorrect referencing of clause 6.2 with respect to the requirement and procedure for the preparation of a structure plan; and

(b) modifying clause 6.2.3.1 of the Scheme Text in order to allow for the approval of a single house and associated outbuilding on a lot within a Special Control Area (Development Investigation Policy Area) that would
otherwise require adoption of a structure plan to permit development and so that it reads as follows:

6.2.1.3 Development or subdivision

6.2.1.3.1 No Development or subdivision is permitted within the Development Investigation Area until the respective structure plan or development guide plan has been adopted by Council and endorsed by the Commission.

“Notwithstanding the above the Council may approve at its discretion, one single dwelling and associated outbuilding on any lot where the proposed development:

(a) is consistent with the underlying zone; and
(b) will not, in the opinion of the Council, prejudice or adversely affect the future subdivision, development or land use expectations of the Development Investigation Policy Area; and
(c) All such applications are to be referred to Council for its consideration”

2. Refer the proposed Scheme Amendment number 59 documentation to the Western Australian Planning Commission for approval to advertise for public comment with a request for a reduced advertising period of 21 days.

3. Refer the proposed Scheme Amendment number 59 documentation to the Environmental Protection Authority for approval to advertise for public comment.”

Council Policy Compliance

The proposed amendment to the Scheme Text is not relevant to or in conflict with any Council policies.

Legislative Compliance

Proposals to amend a Local Planning Scheme are required to be undertaken in accordance with the Planning and Development Act 2005 and associated Town Planning Regulations 1967.

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

Officer Comments

The need for the proposed scheme amendment is due to the process of obtaining final approvals for structure plans having become increasingly challenging over the last decade. The factors relating to this trend are discussed in detail in the previous agenda item for the initiation of Amendment 59, Council minutes 4 October 2011.

Notwithstanding the modifications made by Council to the originally proposed scheme amendment text, minor modifications have been made to the advertised version of the scheme amending documentation as detailed in pages 12 and 13 of the proposed Scheme Amendment 59 documentation. In summary, the wording of the proposed scheme amendment text was provided by officers of the Department of
Planning in consultation with officers of the City of Bunbury; and therefore, it is recommend that other than substituting the term “Council” - the originally proposed amending text should be adopted in order to avoid the expected necessity of the WAPC making further modifications to Council’s resolution after final adoption.

Analysis of Financial and Budget Implications

Nil, except for advertising costs.

Community Consultation

On 14 November 2011 a letter was received from the Environmental Protection Authority (EPA) indicating that the amendment did not require full assessment and therefore it could be advertised for comment. The amendment was advertised for 42 days in accordance with the requirements of the Planning and Development Act 2005 and associated Town Planning Regulations 1967. It was advertised in a local newspaper, on the City of Bunbury website and notices sent to all the relevant government agencies. As the amendment relates to the whole of the City of Bunbury and not to a specific site, signs on site were not practicable or necessary.

The closing date for submissions was 11 January 2012. Only one (1) submission (attached at Appendix DPDS-13) was received, which was a letter of no objection from the Department of Health.

It should be noted that the matter of a reduced advertising period of 21 days for minor scheme amendments was discussed with the Department of Planning as this request must be approved by the South-West Planning Committee. However, it was mutually agreed that for administrative reasons this would not substantially save any time, and therefore, the standard advertising period of 42 days was applied.

Councillor/Officer Consultation

There was no specific Councillor/Officer consultation in the compiling of this report.

Outcome – Council Meeting 28 February 2012

Pursuant to Standing Order 16.1.1 the recommendation (as printed) from the Executive Leadership Team was moved Cr Steele, seconded Cr Slater and adopted (‘en bloc’) to become the Council’s decision on the matter.

Council Decision 27/12

That Council:

1. In accordance with the Planning and Development Act 2005 resolves to adopt Scheme Amendment number 59 to the City of Bunbury Town Planning Scheme No. 7 in accordance with the modified Scheme Amendment number 59 documentation (attached at Appendix DPDS-12); and
2. *Refers the modified Scheme Amendment number 59 documentation to the Western Australian Planning Commission for final approval in accordance with the provisions of the Town Planning Regulations 1967.*

CARRIED
12 votes “for” / nil votes “against”

Next Item

Back to Index
10.6 Scheme Amendment No. 62 – Proposed Rezoning from “Special Use 4 – Pre-Primary School, Church and Hall” to “Residential – R20/30” – LOT: 74 DP: 23304 No. 35 Winton Street Carey Park (was listed as item 13.6 on the meeting agenda)

<table>
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<tr>
<th>File Ref:</th>
<th>P10941</th>
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<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>BSO Development Consultants</td>
</tr>
<tr>
<td>Author:</td>
<td>Teshome Tadesse, Senior Town Planning Officer</td>
</tr>
<tr>
<td>Executive:</td>
<td>Bob Karaszkewych, Director Planning and Development Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix DPDS-14, DPDS-15</td>
</tr>
</tbody>
</table>

Summary

BSO Development Consultants on behalf of the Roman Catholic Bishop of Bunbury has submitted a Scheme Amendment proposal to rezone Lot 74 (No. 35) Winton Street from “Special Use 4 – Pre-Primary School, Church and Hall” to “Residential - R20/30”. The proposed dual residential density coding is consistent with the current residential density coding applicable in the area; and therefore can be supported.

Executive Recommendation

That Council:

1. In accordance with the Planning and Development Act 2005 resolves to initiate Scheme Amendment 62 to the City of Bunbury Town Planning Scheme No. 7 by rezoning Lot 74 (No. 35) Winton Street, Carey Park from “Special Use 4 – Pre-Primary School, Church and Hall” to “Residential – R20/30”.

2. Refer the proposed Scheme Amendment 62 documentation to the Western Australian Planning Commission for approval to advertise for public comment.

3. Refer the proposed Scheme Amendment 62 documentation to the Environmental Protection Authority for approval to advertise for public comment.

Background

Scheme Amendment 38 (R Codes – Omnibus Amendment) was gazetted on 6 December 2011. The dual residential density coding and the associated provisions are now part of the Scheme. The Scheme provisions are in order for the assessment and determination of the proposed Amendment 62 to Town Planning Scheme No.7. The Amendment report as prepared by BSO Development Consultants is attached at Appendix DPDS-14

Council Policy Compliance

It is noted that the applicant has incorporated the previous Local Planning Policy – “Housing Strategy” as justification to the Scheme Amendment Proposal. This Policy has been formally revoked recently by Council therefore cannot be taken into consideration in this case. The applicant will be required to delete reference to this Policy in the Amendment documentation prior to forwarding the documentation to the Western Australian Planning Commission (WAPC) and the Environmental Protection Authority (EPA) for their review and consent to advertise.
The applicant has provided the required Scheme Amendment documentation in conformity with City’s Local Planning Policy (LPP) Scheme Amendments – Applications requirements and documentation for purpose of Advertising.

Legislative Compliance

If Council resolves to initiate the proposed rezoning, the applicant will be required to submit formal amendment documents which are then referred to the EPA for its consideration and comment on any environmental issues. Following consent to proceed with the amendment, the proposal will be advertised for public comment for a period of 42 days in accordance with the provisions of the Planning and Development Act 2005 and Town Planning Regulations 1967.

On completion of the advertising, the amendment documentation will be referred back to Council for consideration. Should Council resolve to adopt the amendment, the documentation will then be referred to the WAPC for endorsement and ultimately referral to the Minister for Planning for final approval.

Strategic Relevance

It is considered that the broad direction of the City of Bunbury Strategic Plan – Key Strategies 2007 - 2012 would not be compromised by initiating Amendment 62 to Town Planning Scheme No.7.

Officer Comments

Schedule 2 – Special Use 4 of TPS7 nominates “Pre-Primary School, Church and Hall as the use classes permitted on Lot 74 (No. 35) Winton Street. The subject land is owned by the Bunbury Roman Catholic Church and used for Church related purposes. The southern portion of the subject land is currently occupied by St Thomas’ Catholic Church. The middle section of the subject land is used for meetings and administrative purposes. It is noted that there is no Pre-Primary School on site. The applicant has advised that the Bunbury Roman Catholic Church has no intention to continue with the current uses on the subject land, as the recent reconstruction and expansion of the Bunbury Cathedral caters for the Church’s needs.

A location plan is attached at Appendix DPDS-15

Amendment 38 to Town Planning Scheme No. 7 was gazetted on 6 December 2011. This Amendment has now been formally incorporated in the Scheme. The Amendment introduces a dual residential density coding in some of the suburbs within the City.

The Scheme Amendment 62 is a proposal to rezone the subject land from “Special Use 4 – Pre-Primary School, Church and Hall” to “Residential – R20/30”. The subject land has an area of 6556 m2 and has a potential for residential development to the maximum allowable density (R30) subject to compliance with Clause 5.3.2 of TPS7. In accordance with the Residential Design Codes, the average area requirement for the R30 density is 300m². This translates into 21 potential residential units.

The proposed Scheme Amendment 62 to rezone the subject land from “Special Use 4 – Pre-Primary School, Church and Hall “ to “Residential – R20/30” is consistent with the dual residential density coding applicable in the area.
It is recommended that Council support the proposed Scheme Amendment.

Analysis of Financial and Budget Implications

The recommendation will not impact on the existing Annual Budget nor result in expenses from Council perspective.

Community Consultation

Scheme amendments are required to be advertised for public comment for a period of 42 days in accordance with the requirements of the Planning and Development Act 2005 and Town Planning Regulations 1967 following consideration of environmental matters by the Environmental Protection Authority (EPA). Council may take into account any submissions received prior to final adoption of the amendment. Council's resolution, the Scheme Amendment documents and the submissions are then referred to the WAPC for the final approval by the Minister for Planning.

Councillor/Officer Consultation

Officers from Development Services have analysed the proposal and provided inputs as required.

Delegation of Authority

The initiation of a Scheme Amendment is by the decision of Council.

Outcome – Council Meeting 28 February 2012

At the Council Agenda Briefing session Cr Leigh disclosed an impartiality interest in this item. He elected to stay, participated in the discussion and vote on the matter.

Pursuant to Standing Order 16.1.1 the recommendation (as printed) from the Executive Leadership Team was moved Cr Steele, seconded Cr Slater and adopted ('en bloc') to become the Council's decision on the matter.

Council Decision 28/12

That Council:

1. In accordance with the Planning and Development Act 2005 resolves to initiate Scheme Amendment 62 to the City of Bunbury Town Planning Scheme No. 7 by rezoning Lot 74 (No. 35) Winton Street, Carey Park from “Special Use 4 – Pre-Primary School, Church and Hall” to “Residential – R20/30”.

2. Refer the proposed Scheme Amendment 62 documentation to the Western Australian Planning Commission for approval to advertise for public comment.

3. Refer the proposed Scheme Amendment 62 documentation to the Environmental Protection Authority for approval to advertise for public comment.

CARRIED
12 votes “for” / nil votes “against”
10.7 Permanent Change in hours for Special Facility Licence for Bunbury Turf Club Inc (was listed as item 13.7 on the meeting agenda)

<table>
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<tr>
<th>File Ref:</th>
<th>P01272</th>
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<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Paul Rossiter, CEO, Bunbury Turf Club Inc</td>
</tr>
<tr>
<td>Author:</td>
<td>Sarah Upton, Manager Environmental Health</td>
</tr>
<tr>
<td>Executive:</td>
<td>Bob Karaszkewych, Director Planning and Development Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Nil</td>
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</table>

Summary

The Bunbury Turf Club Inc has applied to the Department of Racing Gaming and Liquor to permanently change the hours specified in their Special Facility Licence. The application is requesting an additional 1½ hours for Bunbury Cup day only, to allow the patrons to finish their drinks and enjoy the entertainment provided after the last race on Cup day.

Executive Recommendation

Council agree to support the permanent change in hours until 8:00pm for the annual Bunbury Cup celebration and advise the Department of Racing Gaming and Liquor accordingly.

Background

The Bunbury Turf Club has been established as one of the leading provincial racing clubs in Western Australia for a number of years and holds twenty (20) race meetings during the months of October – April. The highlight of the race season is the annual Bunbury Cup which is held in March and attracts thousands of people every year.

Over the last three (3) years the Bunbury Turf Club has worked closely with City staff (Environmental Health, Community Law and Safety, Parks etc), Police and Department of Racing Gaming and Liquor and have been very proactive in improving the facilities and the management of events held on their premises, in particular the Bunbury Cup. Improvements over the years have included making the Bunbury Cup an over 18 event, improving responsible service of alcohol practices, implementing restrictions on drink purchases, employing additional security personnel, organising traffic management and pedestrian crossings for patrons, providing additional toilets facilities, developing a emergency management plan for the venue, providing free bus service after the event, upgrading existing kitchen facilities, and altering the event finishing time to earlier in the evening.

The Bunbury Turf Club currently has a special facility licence granted by Department of Racing Gaming and Liquor which allows them to trade to one (1) hour after the last race. Typically a normal race day will finish about 5:30pm-6pm. Due to the improvements to the management of the Bunbury Cup event, closing times of bars around the venue are staggered from 6pm, with all bars being closed at 7:45pm. Entertainment that is provided throughout the day will also cease at 7:45pm to ensure that all attendees have left the venue by 8pm.

The City and Police have not objected to Department of Racing Gaming and Liquor granting permission for the last three (3) years for once-off approvals to trade until 8pm for the Bunbury Cup. There have been no reported incidents during the last
three (3) years. This application is formalising the permanent arrangement to trade until 8pm every year for the Bunbury Cup event only and will prevent the Bunbury Turf Club from having to spend unnecessary time and money applying for this alteration every year.

It is to be noted that the Bunbury Turf Club Inc is an active member of the Bunbury Alcohol Accord and consistently works closely with the City and Police in relation to large public events that are held on the premises.

**Council Policy Compliance**

There are no Council policies relating to this application.

**Legislative Compliance**

The Turf Club Inc is required to comply with the Liquor Control Act 1988 (as amended). Council is only required to provide comment in relation to this application as the granting of this permanent change to the licence will be decided by the Department of Racing Gaming and Liquor.

The Bunbury Cup event will need to comply with the Health (Public Buildings) Regulations 1992, Food Act 2008, and Australian Food Safety Standards. The Bunbury Turf Club will also be required to provide traffic management, overflow parking and a risk management plan for the Bunbury Cup event. Staff at the Bunbury Turf Club Inc are currently working with City staff and Police to achieve these requirements.

**Officer Comments**

Over the last three (3) years, the Bunbury Turf Club Inc has been working closely with the Police and Councils Environmental Health department to modify and improve the Bunbury Cup event to ensure it is a safe event. The Bunbury Turf Club has been very proactive in upgrading existing kitchen facilities, developing risk management plans, providing additional portable toilet above the required amount, providing free bus services and altering the running of the event to limit alcohol incidents.

Councils Environmental Health Officers inspect this event every year and have noticed a great improvement in the running of the event, the provision of facilities and compliance with legislative requirements.

**Analysis of Financial and Budget Implications**

There is no financial cost to Council.

**Community Consultation**

The Department of Racing Gaming and Liquor require Council and Police comments before approving this alteration to the special facility licence. There will be no further community consultation.

**Councillor/Officer Consultation**

The application has been considered by the Bunbury Alcohol Accord Committee, and Environmental Health, Development Assessment and Building Certification,
Economic and Social Issues

Economic

The Bunbury Cup is an iconic event for Bunbury and attracts over 6000 people annually, some of which are visitors to the City. The event has a major economic impact on businesses in and around the City of Bunbury and the South West area via employment, tourism, accommodation, hospitality and retail sales.

Social

The majority of people attending the Bunbury Cup are local residents with “Cup Day” being well known throughout the community. Bunbury Cup is also part of the week long celebrations known as “Cup Week” which involve other events and activities occurring around the City. Part of these celebrations is the City of Bunbury event “Viva”.

Delegation of Authority

The Manager Environmental Health (through the CEO) has delegated authority to approve or provide comment on temporary or once-off applications for Liquor Licensing Extended Trading Permits. This delegation does not extend to permanent changes to alter, vary or cancel conditions of liquor licenses which is the basis of this application.

Relevant Precedents

Council has previously supported the Sanctuary Golf Resort application for ongoing extension of hours Thursday to Saturday from 12.00am midnight until 1.00am the following day, and Sunday from 10.00pm to 12.00am midnight for pre-booked functions only (Council Decision 50/09)

Outcome – Council Meeting 28 February 2012

At the Council Agenda Briefing session Cr Steele disclosed an impartiality interest in this item. He elected to stay, participated in the discussion and vote on the matter.

Pursuant to Standing Order 16.1.1 the recommendation (as printed) from the Executive Leadership Team was moved Cr Steele, seconded Cr Slater and adopted (‘en bloc’) to become the Council’s decision on the matter.

Council Decision 29/12

Council agree to support the permanent change in hours until 8:00pm for the annual Bunbury Cup celebration and advise the Department of Racing Gaming and Liquor accordingly.

CARRIED

12 votes “for” / nil votes “against”
10.8 Building Act 2011 (was listed as item 13.8 on the meeting agenda)

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<tr>
<td>Author:</td>
<td>Gary Fitzgerald, Manager Development Services</td>
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<td>Executive:</td>
<td>Bob Karaszkewych, Director Planning and Development Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix DPDS-17, DPDS-18, DPDS-19</td>
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</table>

Summary

The report briefly outlines changes that are proposed in the Building Act 2011 (the Act) and also seeks approval for a number of actions that the City needs to implement in order to ensure that the Building and Certification section of Development Assessment may continue to operate under the provision of the Act, to the same extent as it currently does under the existing Act, including amendments to the Schedule Fees and Charges and Delegations of Authority.

Executive Recommendation

That Council:

1. Accept the report in relation to the approach that Officers intend to take regarding the implementation of the Building Act 2011 and associated regulations.

2. (a) Amend the purpose in Section 4 of the existing Delegations of Authority Register as attached at Appendix DPDS-17 to more accurately reflect the current and new legislative details

   (b) Revoke existing delegations numbered 4.5, 4.6, 4.7, 4.9, 4.11, 4.12 and 4.13 as shown; and

   (c) Retain existing delegations numbered 4.1, 4.2, 4.3, 4.4, 4.8, 4.10 and 4.14; and

   (d) adopt new delegations as shown in attached Appendix DPDS-18 to take effect when relevant provisions of the Building Act 2011 are proclaimed.

3. Adopt new authorisations and appoint the relevant Officers as ‘Authorised Officers’ in accordance with Sections 96, 100, 101, 102, 103 and 104 along with any other relevant sections of the Building Act 2011 and associated regulations.


Background

The State Government’s Building Legislation Reform package is planned to deliver the most significant transformation to Western Australian building legislation in over 50 years. The existing building approvals process was established by the Local Government Act of 1960.

The Building Commission was established as a division of the Department of Commerce in July 2009 and brings together building practitioner registration, building standards, complaints processes and building policy. The package comprises the following bills:
This new legislation abolishes the Builders' Registration Board, the Painters’ Registration Board, the Building Surveyors Qualifications Committee and the Building Disputes Tribunal and replaces them with a more streamlined and integrated system.

The Act passed on 23 June 2011, has a significant impact on Local Government and is planned to come into operation on 2 April 2012 with a phased implementation over twelve (12) months.

The Act has been developed to replace the Building Regulations 1989 and parts of the Local Government (Miscellaneous Provisions) Act 1960. The Act covers all building in the State of Western Australia introduces permit issuing authorities, enables private certification of design compliance and is designed to streamline and clarify the building process, including:

- All buildings to be covered, including those owned by the Crown;
- Giving a clearer definition of what constitutes a building and clear exemptions from the building permit process;
- Nominating Permit Authorities – confirms Local Governments’ role in issuing building permits, also enable State Government or special permit authorities to issue building and occupancy permits and to enforce building control;
- Enables private registered building surveyors to certify design compliance;
- Introducing separate and streamlined processes for approving domestic and commercial buildings;
- Retaining the option for owners to use the current Local Government combined certification and permit issuing function for residential construction houses and minor building work (Class 1 residential and Class 10 outbuildings);
- Taking a risk-based approach to inspection requirements so that registered building professionals require less independent checking than lay designers and owner-builders;
- Providing a clear end-point to the construction process and certification that the building complies with the building permit issued;
- Registering a wider range of industry practitioners to certify compliance;
- Implementing a nationally agreed accreditation framework for building surveyors; and
- Implementing a process for the assessment and approval of building works carried out without a building permit.

The desired outcome of those reforms is intended to be a more responsive and a modern building regulatory system that meets the challenging needs and aspirations of all building industry participants and consumers.
Council Policy Compliance

There are no specific Council Policies that relate to this matter.

Legislative Compliance

This proposal will align the City’s obligations and requirements with the new Building Act 2011 legislation, the Local Government Act 1995 and the remaining provisions of the Local Government (Miscellaneous Provisions) Act 1960.

Strategic Relevance

The City is required to enforce the relevant provisions of the new legislation.

It is considered that the adoption of the recommendations will not affect nor compromise the broad direction of either the City’s current Strategic Plan or its future 10 year Strategic Planning Framework.

Officer Comments

The building approval process in Western Australia will undergo significant change with the passing of the legislation by the Government in June 2011.

Draft supporting regulations have been released for comment. New regulations are anticipated to be introduced at the beginning on 2 April 2012. While the Act has been discussed for a number of years, the current version of the Act and supplementary guidance information has been introduced within a short period of time. This period and the lack of supporting information such as the Regulations have made it difficult to prepare a comprehensive report with Officers endeavouring to fully understand the full implications that the Act on Local Government operations.

One of the key factors of the Building Act for Local Governments is that it enables privatisation of the Building Surveying function that was previously provided by Local Government. It is now open to competition from private approval providers which are a relatively new industry in WA, though it has been established in other states for some time. However, it is anticipated that in a relative short period of time the building industry will recover with a corresponding impact on Local Government’s ability to attract and retain suitably qualified personnel to undertake statutory responsibilities, together with lesser income than previously generated by Building Applications as a greater percentage of these may be assessed by Private (Building Surveyors) Certifiers.

The Act introduces a new framework for building control within WA which differs completely to the current system in place under the Local Government (Miscellaneous Provisions) Act.

The key change to the building approvals system is that there is no longer a requirement for a proposal within a local government district to be assessed by the Local Government Building Surveyor in which the development is situated. Currently if building work is undertaken within the City of Bunbury, the applicant must obtain a building permit by submitting a building licence application to the City of Bunbury.

It should be noted that there is effectively no change to the current system for Class 1 and 10 structures within the municipal area. All fees associated with Class 1 and 10 structures are set by regulation. However commercial projects Class 2 – 9 and
Class 1 and 10 outside the municipal area have no regulatory fee schedule and will be established as a separate fee structure.

Under the proposed system, an applicant may seek the services of any qualified Building Surveyor who may be employed by the Local Government, a Private Building Surveyor or another local government or other agency. The Building Surveyor would then issue a “Certificate of Design Compliance (CDC)”. Once the owner or builder has obtained the CDC, they may then submit an application for a Building Permit that must include the CDC together with the necessary plans and specifications to the Permit Authority (in whose district the development is proposed) has ten (10) days in which to issue the “Building Permit”.

In addition to acting as the permit authority, local governments are also able to provide other services and are able to charge a fee to recover the cost of providing those services. In doing so, local governments will need to ensure they do not breach the provisions of the Local Government Act and other legislation, such as the National Competition Policy. The nature of service that can be provided might include:

- Provide Certificate of Design Compliance, (Certification Services for all classes of buildings)
- Provide Certificate of Construction Compliance, (Inspection and Certification of various portions of a building during construction work that is within the scope of skills and qualifications available)
- Provide Certificate of Building Compliance, (coordinate, inspect and certify that a completed building is compliant)

It is envisaged that the City will continue to maintain the current services provided, while positioning itself to be able to either extend or contract that business over time (likely a two (2) year period) as the development industry comes to understand the systems provided by the new Act.

In order to do so, there are two possible options provided under the Local Government Act that may be considered which include, either the establishment of a “business unit” under s3.59 of the Local Government Act or expanding the current service the local government provides (an adjusted services model), as set out by s3.18 of the Local Government Act.

At this stage it is recommended that the City proceeds with the ‘adjusted service model’ as detailed below:

**Adjusted Service Model**

This model requires no significant changes to the existing operational environment other than a very close assessment of actual costs associated with the operation. The certifying charge will need to very accurately reflect all costs associated with providing that service including accurately costed operating overheads. Fees for permit issue will be set by statute; however, the Certification process will need to be set by Council and a proposal for this has been included in this report.

The City considers that the adjusted service model offers an ability to establish an immediate response and whilst refinement of processes and internal separation of services may be advantageous, the model can be quickly established.

It is considered that there may be little change in the first 12 – 24 months as the building industry gains an understanding of the new system; at some point beyond
twelve (12) months it is considered that competition will increase as new businesses (private certifiers) claim their place. Building surveyors in Local Government may also be attracted to those organisations via significant salary increases that local governments may not be able to compete with.

The Act now covers all work and provides that the Certificate of Design Compliance must be issued by a person who is not association with the building owner. State buildings must therefore now be certified by a Building surveyor who is not employed by the state. This also means that a building development proposed by a Local Government will no longer be able to be certified by the local government building surveyor; the City will now need to seek this certification externally from a private certifier or other permit authority however, Local Governments will still need to issue a permit. It should be noted that individual qualification / registration levels of individual building surveyors will determine the level / complexity of work that an individual is able to undertake. The permit authority must ensure that they provide suitably qualified and registered building surveyors to carry out the appropriate functions.

**Delegations**

The Chief Executive Officer (CEO) currently has the following relevant delegations under the provisions of the Local Government (Miscellaneous Provisions) Act 1960 as [attached](#) at Appendix DPDS-17:

- 4.5 Building and Sign Licence Applications – approve and refuse building sign applications
- 4.6 Notice of Requisition – delegated authority to form opinions and to issue, withdraw or amend Notices and Requisitions
- 4.7 Building Licences – delegated authority to determine building applications and issue building licences
- 4.9 Demolition Applications
- 4.10 Issue and Sign Notices
- 4.12 Issue of Classification Certificates
- 4.13 Approve or Refuse Plans

With the full introduction of the Act, the above delegations will become redundant in that the head of power will move from the Local Government (Miscellaneous Provisions) Act 1960 to the new Act.

Therefore, the report seeks Council’s approval for new delegations under the Act. Given the relevant provisions relating to delegations under the Act, have not yet come into operation, the functions of the new delegations cannot be performed by Officers until such time as the relevant provisions are proclaimed. It is therefore proposed that Officers continue to perform such functions in accordance with existing delegations with Council adopting the new delegations to be implemented at such future time as those provisions are proclaimed. The ability to do this is referred to under section 25 of the Interpretations Act 1984.

Section 127 of the Act, enables local governments to delegate any powers or duties to an employee.

Council is requested to approve the following new delegations to the CEO and other relevant officers as provided under the following sections of the Act:
- s20 – Approve or refuse a Building Permit
- s21 – Approve or refuse a Demolition Permit
- s58 – Issue an Occupancy Permit and a Building Approval Certificate
- s65 – Consider Extending the period of duration of an Occupancy Permit or a Building Approval Certificate
- s110 – Issue Building Orders
- s117 – Revoke Building Orders

**Authorisations**

The City currently has one Authorisation under the Local Government (Miscellaneous Provisions) Act 1960 which provides authority for its Building and Development Officers to enter and inspect buildings on behalf of the City of Bunbury.

With the introduction of the Act existing authorisations will not be affected; until such time as it is proclaimed; however additional authorisations are needed for Officers to carry out the relevant provisions under the Act. Given those relevant provisions have not yet come into operation, the new authorisations cannot be undertaken by Officers until such time as this occurs. It is therefore proposed that Council appoint authorised Officers and adopt the new authorisations to be implemented at such future time as the relevant provisions of the Act are proclaimed.

Under Section 96 of the Act permit authorities (Local Governments) may also designate employees as authorised persons.

Council are requested to approve the following new authorisations as attached at Appendix DPDS-18 to the CEO and other relevant Officers as proposed under various sections of the Act:
- s100 – Entry Powers
- s101 – Powers after Entry for Compliance
- s102 – Obtaining Information and Documents
- s103 – Use of Force and Assistance
- s106 – Apply for an Entry Warrant

**Revisions to Schedule of Fees and Charges**

Fees are associated with functions performed by the Permit Authority under the Act are statutory fees and have been published in advance by the Building Commission to assist the building industry in preparing for the implementation of the Act. However fees associated with the provision of services that may be provided by the City under an extended service model are not statutory and are required to be set by Council.

The fee schedule as attached at Appendix DPDS-19 is proposed for Council’s consideration.

It should be noted that any fees adopted by Council will be required to be publicly advertised in accordance with section 6.19 of the Local Government Act 1995.

**Analysis of Financial and Budget Implications**

It is unclear at this stage as to the full extent of the impact that could result with the introduction of this new legislation and this will need to be closely monitored. On one
hand there is likely to be a reduction in Building Application fees collected as a result of a percentage of work going to the private sector. Equally there is an opportunity for the City to provide services to customers both within the City and outside which could result in a significant increase in the amount of fees collected. At this stage it is envisaged that little impact will be felt within the first 12 – 18 months however, after this time the City is likely to be in a position to significantly expand its services outside the current restrictions of the municipal boundary.

Community Consultation

Officers had arranged two (2) briefing sessions for the industry regarding the introduction of the new building legislation. The first, an industry briefing held on 11 August 2011, the second a briefing session (organised by the City) presented by the Building Commission.

Councillor/Officer Consultation

The Manager Development Services provided a briefing to Council on the Act and implications and key issues on 30 August 2011.

Outcome – Council Meeting 28 February 2012

Pursuant to Standing Order 16.1.1 the recommendation (as printed) from the Executive Leadership Team was moved Cr Steele, seconded Cr Slater and adopted (‘en bloc’) to become the Council’s decision on the matter.

<table>
<thead>
<tr>
<th>Council Decision 30/12</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>That Council:</strong></td>
</tr>
<tr>
<td>1. Accept the report in relation to the approach that Officers intend to take regarding the implementation of the Building Act 2011 and associated regulations.</td>
</tr>
<tr>
<td>2. (a) Amend the purpose in Section 4 of the existing Delegations of Authority Register as attached at Appendix DPDS-17 to more accurately reflect the current and new legislative details (b) Revoke existing delegations numbered 4.5, 4.6, 4.7, 4.9, 4.11, 4.12 and 4.13 as shown; and (c) Retain existing delegations numbered 4.1, 4.2, 4.3, 4.4, 4.8, 4.10 and 4.14; and (d) adopt new delegations as shown in attached Appendix DPDS-18 to take effect when relevant provisions of the Building Act 2011 are proclaimed.</td>
</tr>
<tr>
<td>3. Adopt new authorisations and appoint the relevant Officers as ‘Authorised Officers’ in accordance with Sections 96, 100, 101, 102, 103 and 104 along with any other relevant sections of the Building Act 2011 and associated regulations.</td>
</tr>
</tbody>
</table>

CARRIED 12 votes “for” / nil votes “against”
10.9 Minutes – City of Bunbury Audit Committee (07/02/2012) (was listed as item 16.1 on the meeting agenda)

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>A02733</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal Report</td>
</tr>
<tr>
<td>Author:</td>
<td>David Ransom, Manager Finance</td>
</tr>
<tr>
<td>Executive:</td>
<td>Wayne Wright, Director Corporate Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix MTBN-1</td>
</tr>
</tbody>
</table>

The minutes of a meeting of the City of Bunbury Audit Committee held on 7 February 2012, are attached at Appendix MTBN-1.

**For Council information only**

**Executive Recommendation**

The minutes of a meeting of the City of Bunbury Audit Committee held on 7 February 2012, be noted.

**Outcome – Council Meeting 28 February 2012**

Pursuant to Standing Order 16.1.1 the recommendation (as printed) from the Executive Leadership Team was moved Cr Steele, seconded Cr Slater and adopted (‘en bloc’) to become the Council's decision on the matter.

**Council Decision 31/12**

*The minutes of a meeting of the City of Bunbury Audit Committee held on 7 February 2012 be noted.*

CARRIED
12 votes “for” / nil votes “against”
10.10 Development Approvals - 1 to 31 January 2012 (was listed as item 17.1 on the meeting agenda)

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>A00566</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal Report</td>
</tr>
<tr>
<td>Author:</td>
<td>Gary Fitzgerald, Manager Development Services</td>
</tr>
<tr>
<td>Executive:</td>
<td>Bob Karaszkewych, Director Planning and Development Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix ITBN-1</td>
</tr>
</tbody>
</table>

For the information of elected members, a list of Development Approvals issued for the Month of January 2012, is attached at Appendix ITBN-1.

Any queries concerning the list should be directed to the Manager Development Services.

**For Council information only.**

**Executive Recommendation**

The list of Development Approvals issued for the month of January 2012 be noted.

**Outcome – Council Meeting 28 February 2012**

Pursuant to Standing Order 16.1.1 the recommendation (as printed) from the Executive Leadership Team was moved Cr Steele, seconded Cr Slater and adopted (‘en bloc’) to become the Council’s decision on the matter.

**Council Decision 32/12**

*The list of Development Approvals issued for the month of January 2012 be noted.*

CARRIED
12 votes “for” / nil votes “against”
10.11 Schedule of Accounts Paid for the Period - 1 to 31 January 2012

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>A00083</th>
</tr>
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<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal Report</td>
</tr>
<tr>
<td>Author:</td>
<td>David Ransom, Manager Finance</td>
</tr>
<tr>
<td>Executive:</td>
<td>Wayne Wright, Director Corporate Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix ITBN-2</td>
</tr>
</tbody>
</table>

The City of Bunbury "Schedule of Accounts Paid" covering the period 1 to 31 January 2012 is attached at Appendix ITBN-2. The schedule contains details of the following transactions:

1. Advance Account - payments totalling $2,335,346.10
2. Municipal Account - payments totalling $3,606,116.50
3. Trust Account - payments totalling $11,671.29
4. Visitor Information Centre Trust Account - payments totalling $26,911.25
5. Bunbury-Harvey Regional Council Advance Account - payments totalling $158,792.22
6. Bunbury-Harvey Regional Council Municipal Account - payments totalling $183,774.77

For Council information only.

Executive Recommendation

The Schedule of Accounts Paid for period 1 to 31 January 2012 be noted.

Outcome – Council Meeting 28 February 2012

Pursuant to Standing Order 16.1.1 the recommendation (as printed) from the Executive Leadership Team was moved Cr Steele, seconded Cr Slater and adopted (‘en bloc’) to become the Council’s decision on the matter.

Council Decision 33/12

The Schedule of Accounts Paid for period 1 to 31 January 2012 be noted.

CARRIED
12 votes “for” / nil votes “against”
10.12 Sister City Agreement – Bunbury Delegation Visit to Setagaya (Japan) and Jiaxing (China) – June 2012 (was listed as item 10.1 on the meeting agenda)

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>A4387/A4389</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal Report</td>
</tr>
<tr>
<td>Author:</td>
<td>Andrew Brien, Chief Executive Officer</td>
</tr>
<tr>
<td>Executive:</td>
<td>Andrew Brien, Chief Executive Officer</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix CEO-1</td>
</tr>
</tbody>
</table>

Summary

It is proposed that Council authorise a delegation from the City of Bunbury to travel to Setagaya (Japan) and Jiaxing (China) in June 2012, to take part in the 20th Anniversary Celebrations in Setagaya and the Jiaxing International Sister City Mayor’s Summit in Jiaxing.

It is proposed both visits be done together to reduce costs and flight time. Should Council resolve to send different members on each delegation, this can be accommodated.

Council considered and discussed the Mayor’s and CEO’s attendance at the Jiaxing International Sister City Mayor’s Summit at the Council Meeting held on 13 December 2011. A response was sent to Jiaxing confirming the City of Bunbury would send a delegation of up to six (6) people to attend the Summit.

A copy of the invitation to the Jiaxing International Sister City Mayor’s Summit is attached at Appendix CEO-1

Executive Recommendation

That:
1. Council endorse the timetable for the Sister City visits for both Setagaya and Jiaxing;
2. In recognition of the significance of the 20th anniversary of the Setagaya Sister Cities Agreement, the Council delegation comprises the following:
   - Mayor and Mayoress
   - Chief Executive Officer
   - Councillor Alfred Leigh*
   - Councillor Ross Slater*
   - 2 members of the Setagaya Sister City Committee
   - Jaimee Earl – EA to the Mayor
3. Council endorse the attendance of the following members to attend the Jiaxing International Sister City Mayor’s Summit:
   - Mayor and Mayoress
   - Chief Executive Officer
   - Councillor Ross Slater*
   - 1 Councillor (to be nominated)
   - Representative from the Bunbury Chamber of Commerce and Industry
   - Representative from the Bunbury-Jiaxing Business Group
4. In addition to the CEO, Council endorse the attendance of relevant professional and administrative staff at the respective locations, with these names to be provided to Council prior to attendance.
5. The Mayor and Deputy Mayor be given leave of absence for the period from 10 June 2012 to 30 June 2012

* Note: At the Council Agenda Briefing session held 21 February 2012, the Deputy Mayor Cr Craddock advised that he was unable to attend. Councillors Slater and Leigh both expressed their interest in attending with the Setagaya delegation and Councillor Slater expressed a further desire to continue with the Jiaxing International Mayoral Summit.

Background

Setagaya

On 14 October 1992, the City of Bunbury and the City of Setagaya in Japan signed a formal agreement to establish a Sister City relationship and pledged to, “develop the bonds of friendship and mutual understanding between their citizens through conducting exchanges in the form of education, culture, art and economics, among others, and to contribute where possible to the maintenance of world peace”.

In November 1997, Mr Keiji Ohba, Mayor of Setagaya and a large delegation of members of the Setagaya Assembly and Citizens visited Bunbury to mark the Fifth Anniversary Celebrations. A further document was signed signifying five years of successful association in the spirit of goodwill development between the two cities and re-affirming their commitment to fulfil the objectives of the Sister Cities Agreement.

In 2002 (tenth anniversary of the Sister Cities Agreement) the City of Bunbury received a formal invitation from Mayor Ohba for a Mayoral Delegation from Bunbury to visit Setagaya in May to once again, re-affirm the agreement.

In 2007, on the fifteenth anniversary, the City of Bunbury sent a Delegation to Setagaya which included His Worship the Mayor, the Mayoress, Executive Assistant to the Mayor, Presiding Member Bunbury-Setagaya Sister Cities Committee, and Chief Executive Officer.

The Bunbury-Setagaya Sister Cities relationship continues to be immensely successful with annual Student Goodwill Exchanges as well as art, culture and sporting exchanges occurring in recent years.

Delegates who attended the 15th Anniversary visit to Setagaya in 2007 were Mayor David Smith, Tresslyn Smith (Mayoress), Greg Trevaskis (Chief Executive Officer), Councillor Linda Rose (Presiding Committee Member), Rachel Griffiths (Executive Assistant to the Mayor).

Delegates who attended the 10th Anniversary visit to Setagaya in 2002 were Mayor John Castrilli, Loretta Castrilli (Mayoress), Councillor Sam Morris, Dean Lomax (Committee Member) and Pauline Vukelic (Committee Member).

It is proposed the delegation visit Japan from 12 June – 17 June 2012 to celebrate the 20th Anniversary and to reaffirm the relationship. It has always been an expectation of the City of Setagaya that the Presiding Member of the Bunbury-Setagaya Sister Cities Committee form part of the delegation - this position is currently held by Councillor Alfred Leigh. Due to protocol as part of the Sister Cities Agreement, the Mayoress is to form part of the delegation.
On 13 October 2000, a formal agreement was signed in Bunbury between the City of Bunbury with Jiaxing City, along with the Bunbury Port Authority and Zha Pu Port to enter into a sister city/port relationship based on economic development and trade between the two cities and ports (Council Decision 40/00 - 29 February 2000).

Since that time the two cities have participated in formal visits with Bunbury delegations to Jiaxing in June 2001, September 2005, May 2009 and October/November 2010. Other trade related visits have occurred between Jiaxing and Bunbury through Edith Cowan University, Bunbury Chamber of Commerce and Industry and the Bunbury Port Authority. In 2005 a Memorandum of Understanding was signed in Jiaxing between Edith Cowan University and the Jiaxing Education Department to commit to education exchanges which has been successfully acted upon.

In accordance with the original agreement, the City of Bunbury/ Bunbury Port Authority is required to send a delegation to Jiaxing every 4 years. The City recently received a formal invitation for a delegation of up to 6 people to visit Jiaxing in June 2012, to attend the Jiaxing International Sister City Mayor’s Summit.

Protocol plays a large part in any visit by a government delegation from another country. Ms Zhuang Yue is from the International Affairs Office of Jiaxing City and has developed a close relationship with Bunbury through many visits to the region and return trips to Jiaxing.

Delegates who attended the 10th Anniversary visit to Jiaxing in 2010 were Mayor David Smith, Tresslyn Smith (Mayoress), Deputy Mayor Brendan Kelly, Councillor Ross Slater, Rachel Griffiths (Executive Assistant to the Mayor), Edwin Zhuang (Bunbury Jiaxing Business Office – Interpreter), 8 x entertainers funded by City of Bunbury, plus a number of business representatives funded independently.

Delegates who attended the official visit in 2009 were Mayor David Smith, Tresslyn Smith (Mayoress), Deputy Mayor Stephen Craddock, Councillor Ross Slater, Ken Weary (Executive Manager Corporate Services) and Jaimee Earl (Executive Assistant to the Mayor).

It is proposed the delegation visit China from 20 – 23 June 2012 to attend the Jiaxing International Sister City Mayor’s Summit. The invitation requests His Worship the Mayor heads a delegation of up to 6 people to attend the Summit.

**Attendees:**

The visits include several banquets with various groups where gift exchanges take place and there is liaison between the two sides on running sheets and protocols. This requires executive support that looks after gifts and the liaison with hosts on schedules and other arrangements.

**Council Policy Compliance**

The proposal does not contravene any existing Council policy.

**Legislative Compliance**

The proposal is part of separate agreements entered into by Bunbury and Setagaya, and Bunbury and Jiaxing.
Officer Comments

As per previous visits the Mayor’s Executive Assistant will attend to provide support to the Mayor and delegates when attending events, functions and site visits undertaken as part of the itinerary.

Analysis of Financial and Budget Implications

Flights from Perth to Tokyo, Tokyo to Shanghai, and Shanghai to Perth on Malaysian Airlines / Korean Air cost $1,960.00 per person (plus fees & taxes). Business class flights cost $4,550.00 per person (plus fees & taxes).

Flights from Perth to Tokyo return on Cathay Pacific cost $1,106.00 (plus fees & taxes). Flights from Perth to Shanghai return on Cathay Pacific cost $908.00 (plus fees & taxes). Business class flights cost $3,725.21 and $3,566.48 respectively.

Accommodation arrangements have yet to be made but it is proposed as per previous visits the City of Bunbury cover the accommodation costs in Setagaya (approx $150.00 per person per night). This would amount to a total of approximately $900.00 per person for accommodation for the six (6) proposed nights. This has been the arrangement for previous delegation visits, with the City of Setagaya covering the hospitality costs for the official party – this is a reciprocal arrangement.

In Jiaxing the accommodation, transport and hospitality costs are covered by Jiaxing. Visas are required when travelling to China. The City of Bunbury will be required to cover additional costs such as transport to and from the airport and gifts.

Total costs for flights and accommodation, plus an estimated additional $500.00 for other costs amount to a total of $3,360.00 per delegate visiting both cities.

There will be two (2) ‘free’ days between each visit. Accommodation and additional expenses during this period will be covered by individual delegates attending both visits.

Funding has been identified within the current budget review.

Community Consultation

Not applicable.

Councillor/Officer Consultation

Council is represented on a joint Bunbury Jiaxing Business Relations Committee along with membership from Edith Cowan University, Bunbury Port Authority, Bunbury Chamber of Commerce and Industries, South West Development Commission and Bunbury Wellington Economic Alliance. Most of the funding for Bunbury Jiaxing Business Office and to support the Committee is provided by the State Government. Council contributes $5,000. Apart from the Sister City relationship, there is a sister port, sister chamber of commerce, and sister university relationship.

The members of the Bunbury Jiaxing Business Relations Committee meet on a monthly basis and this is co-ordinated by the Bunbury Jiaxing Business Office.
Economic, Social, Environmental and Heritage Issues

Council’s sister city relationship with Jiaxing seeks to develop economic, educational and trade opportunities between our two ports and cities. The Bunbury Port Authority, Edith Cowan University and Bunbury Chamber of Commerce and Industry also participate in independent and cooperative visits to Jiaxing outside of official sister city delegations.

A further by-product of visits provides opportunities for cultural exchange and a better understanding of international affairs.

Delegation of Authority

The Chief Executive Officer has no delegated authority to approve international delegations.

Relevant Precedents

Council has previously endorsed and participated in official sister city visits to Jiaxing (China) and Setagaya (Japan) as part of its agreements with both cities.

Visits to China occur on a 4-year cycle whilst those with Japan operate on a 5-year return visit arrangement.

Outcome – Council Meeting 28 February 2012

At the Council Agenda Briefing session Cr Leigh disclosed a conflict of interest in this item. He elected to stay, participated in the discussion and vote on the matter.

The Mayor disclosed a conflict of interest in whether or not the Mayoress would be allowed to go on the delegation and stated that he would vacate the chambers and not participate on the voting when it came to voting on the Mayoress.

The Mayor stated that he would take the votes and discussion on every point in the recommendation separately and the final results will become the Council’s decision on the matter.

POINT 1 – Timetable for both Setagaya and Jiaxing
- Moved Cr Steele, seconded Cr Cook VOTE: 12 votes “for” / nil votes “against” CARRIED

The Mayor invited Mrs Pauline Vukelic, 30 Quedjenup Drive Quedjinup, to address the Council in regards to the nominations of the members of the delegation. The following is summary of her address: "In response to my previous question as to what is the expected return on investment in sending a delegation to Setagaya, well I concur with the Mayor’s response. I know those answers. I have been apart of it for 20 years and have been involved with the Sister city partnership, student exchange, athletic exchange i.e. the runners club, the dragon boat racing, photographic exhibitions etc. The return on investment as I see it, as a ratepayer and someone who has been a part of this committee and will remain committed to the ideas and principles of the Sister City program, is about the ability to give those people who participated in the delegation, having an ongoing and active contribution to the relationship as we go forward into the future. There are a number of experiences in the past where the Councillors have gone on delegations to Setagaya and surely thereafter had resigned their position on Council and so the knowledge and relationship that has resulted from that visit has in fact been lost. Another example in
more recent years when Councillors from the City of Bunbury attending a national Sister Cities Conference returned, there was no written report and subsequently resigned from Council so it was always a little confusing to the community of why that investment is being made if in fact there was going to be no benefit of either knowledge being bought back to the committee so that we can work with some of the matters on a local and international level. So that is the return on investment. The other important matter, I think, on the committee is that the Executive Officer from the Setagaya Sister City Committee has not in fact been to Setagaya. Yet day to day, week to week, they have been fully liaising with their counterparts in the City of Setagaya are somewhat unfairly disadvantaged in that it is more common than not those people in the international affairs section do have the opportunity to come on delegations with a student group as it is the City of Setagaya that manage the education exchange in their City, but you've got that internal officer knowledge that can be utilised within the organisation. This is my opinion and those of a couple of members of the committee that it is actually critical that the current Executive Officer be including in the delegation this year. We are disadvantaged, I think, in the fact that the Executive Officer does rely on second-hand information, she relies on the knowledge of certain members of the committee who have had that experience and I think it would be a good demonstration in this anniversary year to actually include the Executive Officer in that delegation. Another question for Councillors, why is necessary for both the Mayor’s wife, and this is no reflection on her, and his Personal Assistant going to attend if it is an either or situation that someone like the Executive Officer of the Sister City committee can undertake the role that is required by the Mayoress and the Personal Assistant. They are the key points, there are others such as the culture and understanding their language.”

POINT 2 – Nomination of Delegation positions to Setagaya:
- The nomination of Mayor and the Chief Executive Officer to the delegation; moved Cr Kelly seconded Cr McNeill. VOTE 12 votes “for” / nil votes “against” CARRIED
- The nomination of the number of Councillors – Deputy Mayor Cr Craddock moved Cr Cook seconded that there be two (2) Councillors nominated to the delegation and wish to nominate Cr’s Leigh and Steele. Cr McNeill moved Cr Steck seconded an amendment to nominate three (3) Councillors for the delegation. VOTE: 10 votes “for” / 2 votes “against” CARRIED. It was requested that the votes be recorded as follows:
  For: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Prosser, Cr Leigh, Cr Steck, Cr Steele, Cr Slater, Cr Kelly, Cr McNeill, Cr Cook
  Against: Cr Jones, Cr Morris
- Moved Cr Jones, seconded Cr Steck that the Executive Officer of the Bunbury-Setagaya Sister Cities Committee (BSSCC) plus one other member of the committee be nominated as part of the delegation. VOTE: 4 votes “for” / 8 votes “against” LOST
- Moved Cr Slater, seconded Cr Cook that the Executive Officer of the BSSCC and two (2) other members of the committee be nominated as part of the delegation. VOTE: 8 votes “for” / 4 votes “against” CARRIED
- The nomination of Jaimee Earl – Executive Assistant to the Mayor – to the delegation was moved Cr Kelly seconded Cr Leigh. VOTE: 10 votes “for” / 2 votes “against” CARRIED. It was requested that the votes be recorded as follows:
  For: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Prosser, Cr Leigh, Cr Morris, Cr Steele, Cr Slater, Cr Kelly, Cr McNeill, Cr Cook
  Against: Cr Jones, Cr Steck
The Mayor called for the nomination of the Councillors for the three (3) Councillor positions on the delegation. It was moved Cr Kelly seconded Cr Cook that the following Councillors be nominated:
- Cr Ross Slater
- Cr Alfred Leigh
- Cr Karen Steele

The Mayor put the motion to the vote and was CARRIED 12 votes “for” / nil votes “against”.

The Mayor stepped down as Presiding Member and vacated the chambers at 7.16pm. Deputy Mayor Cr Craddock assumed the role of the Presiding Member.
- The nomination of the Mayoress to the delegation was moved Cr McNeill, seconded Cr Slater. VOTE: 11 votes “for” / nil votes “against” CARRIED.

Deputy Mayor Cr Craddock stepped down as Presiding Member. The Mayor returned to the chamber and resumed the role of the Presiding Member at 7.17pm.

POINT 3 – Nomination of Delegation positions to Jiaxing
- The nomination of the Mayor, Chief Executive Officer, Councillor Ross Slater, one (1) other Councillor, Bunbury Chamber of Commerce and Industry Representative and Bunbury-Jiaxing Business Group Representative to attend the Jiaxing International Sister City Mayoral Summit was moved Cr Steck, seconded Deputy Mayor Cr Craddock. VOTE: 11 votes “for” / 1 vote “against” CARRIED.

The Mayor stepped down as Presiding Member and vacated the chambers at 7.26pm. Deputy Mayor Cr Craddock assumed the role of the Presiding Member.
- The nomination of the Mayoress to attend the Jiaxing International Sister City Mayoral Summit was moved Cr Slater, seconded Cr Leigh. VOTE: 11 votes “for” / nil votes “against” CARRIED

Deputy Mayor Cr Craddock stepped down as Presiding Member. The Mayor returned to the chamber and resumed the role of the Presiding Member at 7.27pm.

The Mayor called for nominations from the Councillors for the remaining Councillor position to attend the Jiaxing International Sister City Mayoral Summit. It was moved Cr Slater seconded Cr McNeill that Cr Karen Steele be nominated. VOTE: 11 votes “for” / 1 vote “against” CARRIED. It was requested that the votes be recorded as follows:
For: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Prosser, Cr Leigh, Cr Morris, Cr Steele, Cr Slater, Cr Kelly, Cr McNeill, Cr Cook, Cr Steck
Against: Cr Jones

Points 4 and 5 of the Executive recommendation was moved Cr Cook, seconded Cr Leigh with the amendment of removing the words “Deputy Mayor” in point 5 and replacing it with the following “Councillors Leigh, Steele and Slater”. VOTE: 11 votes “for” / 1 vote “against” CARRIED

**Council Decision 34/12**

That:
1. Council endorse the timetable for the Sister City visits for both Setagaya and Jiaxing;
2. **In recognition of the significance of the 20th anniversary of the Setagaya Sister Cities Agreement, the Council delegation comprises the following:**

- Mayor and Chief Executive Officer
- Councillors Alfred Leigh, Karen Steele and Ross Slater
- Executive Officer of the Bunbury-Setagaya Sister Cities Committee plus two (2) other committee members
- Jaimee Earl – EA to the Mayor
- The Mayoress

3. **Council endorse the attendance of the following members to attend the Jiaxing International Sister City Mayor’s Summit:**

- Mayor and Chief Executive Officer
- Councillors Ross Slater and Karen Steele
- Representative from the Bunbury Chamber of Commerce and Industry
- Representative from the Bunbury-Jiaxing Business Group
- The Mayoress

4. **In addition to the CEO, Council endorse the attendance of relevant professional and administrative staff at the respective locations, with these names to be provided to Council prior to attendance.**

5. **The Mayor and Councillors Leigh, Steele and Slater be given leave of absence for the period from 10 June 2012 to 30 June 2012**
10.13 **Review of Standing Orders Local Law 1999** *(was listed as item 10.2 on the meeting agenda)*

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>A00131-02</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal Report</td>
</tr>
<tr>
<td>Author:</td>
<td>Jack Dyson, Senior Administration Officer</td>
</tr>
<tr>
<td>Executive:</td>
<td>Andrew Brien, Chief Executive Officer</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix CEO-2, CEO 5</td>
</tr>
</tbody>
</table>

**Summary**

At its Ordinary Meeting held 29 November 2011, Council resolved at Decision 283/11 (Part 4) that an immediate review of the Standing Orders Local Law be commenced.

Advertising in accordance with the established process was commenced with statewide public notice being given twice and local notice given on four occasions during the prescribed forty two (42) day period. No public submissions were received.

**NOTE:** Prior to consideration of the Executive Recommendation, the Presiding Member is to read aloud the Application and Intent (Purpose and Effect) of the proposed local law as follows:

**Standing Orders Local Law 2012**

The Application (Purpose) of the proposed Standing Orders Local Law 2012 is to:

1. Provide rules and guidelines which apply to the conduct of all meetings of the Council and its committees and to meetings of electors; and

2. All meetings are to be conducted in accordance with the Act, the Regulations and these local laws.

The Intent (Effect) of the proposed Standing Orders Local Law 2012 is to result in:

a) better decision-making by the Council and committees;

b) the orderly conduct of meetings dealing with Council business;

c) better understanding of the process of conducting meetings; and

d) the more efficient and effective use of time at meetings.

**Executive Recommendation**

That Council:

1. Note, no submissions were received in relation to the review of the 1999 Standing Orders Local Law.

2. a) Give statewide and local public notice of its proposal to adopt a Standing Orders Local Law 2012, inviting submissions from the public in accordance with Section 3.12 of the Local Government Act 1995.

   b) Resolve to repeal the Standing Orders Local Law 1999 (to be effective from 14 days following the gazettal of new Local Law)

   c) Note the outcome of parts a and b above will result in the repeal of the old local law taking effect 14 days from date of gazettal of the new local law (Refer clause 1.5 of Draft Local Law)

**NOTE:** An absolute majority vote is required.
Background

Section 3.16(1) of the Local Government Act 1995 requires a local government to undertake a review of its Local Laws every eight (8) years.

City of Bunbury Standing Orders Local Law 1999 governs the conduct of business at Council and committee meetings.

Concerns have been raised from time to time regarding the possible conduct of a review of Standing Orders so that they may be updated and adapted to reflect the City of Bunbury’s current status.

Council Policy Compliance

There is no specific Council Policy applicable to this matter.

Legislative Compliance

Section 3.16 of the Local Government Act 1995 requires a local government to review its local laws every eight years.

Section 3.12 of the Local Government Act 1995 stipulates the process a local government is required to undertake when making a new local law.

Officer Comments

The Local Law Standing Orders from 1999, (gazetted 13 January 2000) have previously been considered for review, however Council at the time wished to defer the review pending the outcome of a proposed Western Australian Local Government Association (WALGA) draft model local law.

Although WALGA have not actually developed a specific “Model Local Law”, they have provided advice to the affect that their “preferred” model is the City of South Perth Standing Orders Local Law 2007”. In actual fact the South Perth model is now the model contained within the WALGA Local Law Manual. A draft copy (amended to reflect the City of Bunbury) is attached at Appendix CEO-2.

The original South Perth adopted Local Law was amended in 2010. Those amendments have been integrated in to the draft local law attached.

At its Ordinary Meeting held 29 November 2011, Council resolved at Decision 283/11 (Part 4) that an immediate review of the Standing Orders Local Law be commenced.

Due process in the review has been followed and Council is now required to consider, under the provisions of Section 3.16(4), whether or not it considers that the 1999 local law should be repealed or amended.

Should Council choose, as recommended, then it must determine the adequacy of the “Preferred” option and advertise of its intention to make a new local law for the prescribed period of forty two (42) days.

Note: for the benefit of Councillors and to help identify where current provisions are located in the draft model a comparison is attached at Appendix CEO-5.
Analysis of Financial and Budget Implications

At this point in time, the advertising for this process can be met from currently budgeted funds.

Community Consultation

Community consultation in this matter has only been considered as a part of the prescribed process. The advertising period of 42 days failed to yield any submissions from members of the public.

Councillor/Officer Consultation

Council is aware of the necessity to undertake this review process and has previously expressed a desire to consider a new Standing Orders Local law that will reflect more modern day practices and be more in keeping with industry standards.

Councillor Murray Cook did offer the following suggestions for consideration in the review:

“With regard to the amount of time a speaker can address the Chamber –

1. Reduce the time from ten (10) minutes to five (5) minutes.
2. An extension of two (2) minutes may be granted by the Chair.
3. If the two (2) minutes is either not granted, or it is obvious that the argument cannot be put in the five (5) minutes or the two (2) minute extension, (if granted), the speaker may request additional time and must estimate the length of time required. The chair would then seek a simple majority from the floor to either grant or reject the requested time.”

Councillors are requested to consider clause 8.10 of the Draft attached, which may satisfactorily address this matter.

Councils Executive is also aware of this requirement.

Outcome – Council Meeting 28 February 2012

Pursuant to Procedural Motion 15.9 of the City of Bunbury Standing Orders, Cr Kelly moved Cr Steck seconded that the matter lie on the table and be taken to a briefing session and then brought back to Council in four (4) weeks (being the March round of meetings).

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

<table>
<thead>
<tr>
<th>Council Decision 35/12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pursuant to Standing Order 15.9 of the City of Bunbury Standing Orders the matter is to lie on the table and be taken to a briefing session for further discussion and be brought back to Council in the March round of meetings.</td>
</tr>
<tr>
<td>CARRIED</td>
</tr>
<tr>
<td>10 votes “for” / 2 votes “against”</td>
</tr>
</tbody>
</table>

Next Item

Back to Index
10.14 Australian Governments Infrastructure Australia – Ports and Cities Partnerships that Work Conference, 11th to 13th March 2012, Newcastle NSW (was tabled as a late item 10.4 to the meeting agenda)

<table>
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<td>Author:</td>
<td>Jack Dyson, Senior Administration Officer</td>
</tr>
<tr>
<td>Executive:</td>
<td>Andrew Brien, Chief Executive Officer</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Summary

Correspondence has been received from the Australian Government and Infrastructure Australia, which advises of a two (2) day conference to be held in Newcastle NSW from 11 to 13 March 2012, entitled “Ports and Cities – Partnerships that Work.”

Executive Recommendation

Council approve the attendance of His Worship the Mayor at the Australian Government and Infrastructure Australia’s “Ports and Cities Partnerships that Work” conference to be held in Newcastle New South Wales conference and that the Mayor provide a written report of his assessment and findings from the conference to Council.

Background

Advice has recently been received of the aforementioned conference being conducted and the scheduled timing of the conference coincides with an already approved attendance by His Worship the Mayor, to the Australian Coastal Councils Conference in Hobart from 5 to 7 March 2012.

His Worship has indicated his intention to divert his return trip from Hobart to attend personal matters in Sydney on 9 and 10 March and now seeks Council endorsement to attend this conference.

The conference will cover such topics as “Port City Partnerships and Economic Development, Governance and Growth; Integrated jurisdictional, Regional and Precinct Planning, Long Term Planning for Port Cities and Improving Ports and Logistics Productivity.”

Council Policy Compliance

Council endorsement of this proposal and His Worship the Mayors written report on findings from this conference will ensure full compliance with the conditions of Council Policy CEO 1.

Legislative Compliance

The endorsement of this proposal and receipt of the subsequent report will ensure compliance with all legislative matters including policy.
Officer Comments

It is considered that the proposed contents of the agenda for this conference could provide significant insight for Council in relation to its future long term strategic planning for the City.

Therefore, attendance by His Worship the Mayor is considered relevant and necessary in the context of his previous experiences as a member of the Bunbury Port Authority Board and the potential implications Port growth and future development may have on other aspects of future planning for the City.

Attendance will also afford the Mayor the opportunity of a follow up conversation with Michael Deegan, National Infrastructure Coordinator of Infrastructure Australia on the delivery of infrastructure services and their impacts on local communities.

Analysis of Financial and Budget Implications

It is anticipated that the extra cost of flying the Mayor from Sydney to Newcastle and return, conference registration and accommodation will be approximately $2,000.00.

This can be sufficiently met from current year budget funds allocated.

Community Consultation

There has been no community consultation related to this matter.

Councillor/Officer Consultation

This item serves to bring notice of this opportunity to the attention of Council.

Outcome – Council Meeting 28 February 2012

The Executive recommendation (as printed) was moved Deputy Mayor Cr Craddock seconded Cr Leigh.

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

Council Decision 36/12

Council approve the attendance of His Worship the Mayor at the Australian Government and Infrastructure Australia’s “Ports and Cities Partnerships that Work” conference to be held in Newcastle New South Wales conference and that the Mayor provide a written report of his assessment and findings from the conference to Council.

CARRIED
12 votes “for” / nil votes “against”

In accordance with procedural motion 14.1(c) of the City of Bunbury Standing Orders, the Mayor adjourned the meeting for a short break at 7.34pm. The meeting was resumed in open session at 7.38pm

Next Item
10.15 Glen Iris Skate Park Proposal (was listed as item 11.1 on the meeting agenda)

<table>
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<th>File Ref:</th>
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<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal Report</td>
</tr>
<tr>
<td>Author:</td>
<td>Andrew Rigg, Youth Development Officer; and Myles Bovell, Landscape Architect</td>
</tr>
<tr>
<td>Executive:</td>
<td>Stephanie Addison-Brown, Director Community and Customer Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix DCCS-1, DCCS-2, DCCS-3</td>
</tr>
</tbody>
</table>

Summary

Following Council decision 88/10 there has been considerable work undertaken that includes:
- development of a working committee;
- community and YAC consultation;
- identification of a preferred site;
- concept design; and
- estimated costs.

A report provided is attached at Appendix DCCS-1 provides recommendations for the commencement of the upgrade and development of John Boyle O'Reilly park in Glen Iris as a skate park with community facilities. This report provides a concept design and cost estimates.

Executive Recommendation

Council accept a two stage development of the preferred site being John Boyle O'Reilly Park starting with:
1. An upgrade and installation of ancillary facilities in 2012-13 financial year; and
2. Concluding with the construction of a skate park in 2013-14 financial year.

Background

Cr Steck provided a motion on notice to Council at the Council Committee Meeting 11 May 2010 being:

“1. The City of Bunbury approves the establishment of a skate park in Glen Iris in the 2010 Budget.
2. That a local working committee with community members be established to develop a design and maximum benefit to the local community”.

The result was Council decision 88/10 at the Council meeting 18 May 2010.

“Council Decision 88/10
1. That a local working committee with community members be established:
   1.1 to identify a suitable site for the proposed skate park in Glen Iris.
   1.2 to develop a design
1.3 to undertake an assessment of the cost of works including asset management cost on a yearly basis
1.4 refer the construction to the 2010/2011 budget and or next round of Royalties for Regions Funding

2. That the issue be referred to the Youth Advisory Council for their advice and comment.

3. Master Cody Philipp be advised of the recommendation of Council and a copy sent to him.”

Council Policy Compliance

There is no Council policy applicable to this proposal.

Legislative Compliance

Not applicable

Officer Comments

1. Site – The preferred location for a skate park development in Glen Iris is the north west corner of J.B. O’Reilly Park on the corner of Vittoria Rd and Erica Entrance (see Fig. 1 – attached Appendix DCCS-1).

2. Facility – A plaza style facility be developed at this site (see concept design – Appendix ‘F’) based on the draft concept design and incorporating, wherever possible, the elements recommended by the skate park users and the design consultants and all ancillary facilities as requested by the community and commensurate with best practice principles of Community Development. Energy efficient LED lighting should also be included in the design.

3. Ancillary facilities – The site be landscaped and ancillary features be included in the initial site development plan and constructed/installed at the same time as the skate park. These features should include:
a. Site lighting (see point 2, above)
b. Exaloo toilet
c. Free street side parking
d. Barbeque facilities and picnic seating
e. Robust shade structures
f. Robust enclosed rubbish bins
g. Robust drinking water fountain
h. Landscaping of the area around the skate park and reticulation.
i. Bollards or vegetation beds separating the car park from the skate park area and providing a border between the park facility and the drainage basin

4. Management strategy – A comprehensive management strategy be implemented covering site maintenance and upkeep, social development and the community law and safety aspects of the facility (see attached report for draft version of management strategy).

5. On-going costs – Council budget to meet the ongoing maintenance and management costs of the facility (as recommended in the management strategy) for the life of the facility: “Where new facilities are to be constructed Council will allocate 2% annually of the total budget cost for the purposes of asset renewal and a new annual budget line item will be created for 3% of the total budget cost for the ongoing maintenance of the park, facilities and

6. The proposal is of a small scale but is important in terms of providing recreational facilities for young people that may utilise it locally and sub-regionally.

7. The proposal is only of local significance in terms of infrastructure provision of general recreational facilities in the City, as it is orientated to residents of Glen Iris.

Analysis of Financial and Budget Implications

1. Stage one in 2012/13, estimated to cost $260,000, will include earthworks, services, carpark, exaloo toilet, furniture, and soft landscaping.

2. Stage two in 2013/14, estimated to cost $305,000, will include the plaza style skate surfaces, shelters, signage, and lighting.

The on-going cost for renewal is estimated to be $12,000pa and the estimated cost of on-going maintenance will be $18,000pa.

Please note all costs are estimates. Final costs will be generated upon approval by Council to proceed with this development.

It is anticipated the City will seek funding through Lotterywest and Department of Sport and Recreation to assist with the cost of construction (up to one third of the total cost from each) and will further consider options to fund ongoing crime prevention strategies as required.

Community Consultation

Community consultation took place via the convening of a community reference group, via two community forums and a resident’s survey. Consultation also took place with current City of Bunbury skate park users via two meetings, one held at City of Bunbury offices and another held at the CBD skate park. Details are noted in the attached Appendix DCCS-1

Councillor/Officer Consultation

Internal consultations involving staff from Planning, Engineering, Law and Safety and Community and Customer Services has taken place. Councillors were also involved in discussion via the Youth Advisory Council (Cr’s Leigh, Spencer, Steele and Bridges). Councillors were also invited to the community forums. Refer to planning comments attached at Appendix DCCS-2.

Strategic Relevance

The proposal aligns with current City Vision Social Goals and Objectives:

5.2 Reinforce the character and amenity of existing living areas through the conservation and replacement of defining vegetation, consistency in building design and streetscape, complementary public facilities and amenities and the naming of streets and places

8.1 Prepare a plan that supports youth activities and identified areas of unmet need in services and infrastructure
The proposal also aligns with Goal Area 3 of the City Life Division Strategic Plan which states the goal “to facilitate improved social inclusion and access and reduced incidences of crime & antisocial behaviour”.

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

“Where new facilities are to be constructed Council will allocate 2% annually of the total budget cost for the purposes of asset renewal and a new annual budget line item will be created for 3% of the total budget cost for the ongoing maintenance of the park, facilities and surrounds.” p.30 Glen Iris Skate Park Development Proposal document – City of Bunbury Skate Parks Management Plan (draft).

The on-going cost for renewal will be an estimated $12,000pa and the cost of on-going maintenance will be an estimated $18,000pa, based on the estimated cost of the project.

**Economic, Social, Environmental and Heritage Issues.**

**Social**

The recommendation will have a significant impact on the social environment in Glen Iris. This community is currently under resourced, has little useable public space and few facilities for the youth population. The upgrade of the proposed site and construction of the skate park will create a new, inclusive facility for use by families and encourage local young people and children to participate in active, healthy sporting activities.

**Environmental**

The proposed development will have minimal impact on the natural environment. No major clearing or removal of established trees or bushland is required.

**Heritage**

The proposed development has no heritage issues.

**Delegation of Authority**

The Chief Executive Officer does not have delegated authority to approve the recommendations contained in this report.

**Relevant Precedents**

The construction of the current CBD skate park facility at Queens Gardens in 1999 (refer minute extracts from previous Council meetings attached at Appendix DCCS-3).

**Outcome – Council Meeting 28 February 2012**

At the Council Agenda Briefing session Cr Bridges disclosed an impartiality interest in this item. He was not present at the Council meeting to take part in the discussion or vote on the matter.

The Mayor asked if there were any members of the public gallery that wished to address the Council on this matter.
Mrs Susan Brown, 34 Vittoria Road Glen Iris addressed the Council and the following is a summary of her address: “Where the proposed skate park is to be located is directly next door to our home. We were not contacted nor notified that the skate park was going to be located there. We were not told about any community meetings until I spoke to one of my neighbours. We already have to put up with anti-social behaviour from neighbours and believe this will increase with the construction of the skate park. Vittoria Road is used as main road between the South West Highway and the Perth to Bunbury Highway and we constantly have to put up with hoons traversing up and down that road. It would not be a safe area for a skater park to be constructed. Our house is under offer and the prospective buyers have put a clause that if the skate park gets the go ahead then the offer will be revoked. We are prepared to fight this all the way. We will lodge an appeal with SAT and are seeking legal advice.”

Mr Josh Rosair, 17 Verbena Boulevard Glen Iris addressed to Council and the following is a summary of his address: “I was not aware of the initial mail out and most of the residents and neighbours that I have spoken to were also unaware that this site was being proposed as the preferred site. My house is directly across the road from the John Boyle O’Reilly Park at the Erica Entrance end. I did attend the community meeting that was held at Grace Christian School in February and I believe that something on a broader scale to meet the long-term needs of the whole community.”

The Executive recommendation (as printed) was moved Cr Steck with an amendment in that an extra point be added which reads as follows:

“3. A working group be established immediately to oversee the project and an invitation extended to Mr Cody Phillips to become a member of the group.”

The motion lapsed for the want of a seconder.

Cr Slater moved Cr Prosser seconded the following motion:

“That the construction of the Glen Iris skate park be considered in the 2012/13 budget.”

After some discussion, Cr Prosser withdrew his support for the motion and the Mayor asked if there was any other Councillor wishing to second the motion. The motion lapsed for the want of a seconder.

Cr McNeill moved Cr Morris seconded the following motion:

“Council accept the development on the preferred site being John Boyle O’Reilly Park starting with:

1. An upgrade and installation of ancillary facilities in 2012-13 financial year; and

2. Including the construction of the proposed skate park in 2012-13 financial year.”

Deputy Mayor Cr Craddock foreshadowed the following motion:

“a) That Council provisionally accept a full stage development of the proposed skate park on the preferred site over the 2012-13 and 2013-14 financial years, pending grant approvals of significant funding contribution from Lotteries West, the Department of Sport and Recreation or other grants.”
b) **In the event that external funding is not granted, this item is to be returned to Council for further consideration in time for the second Budget Review for 2012-13.**

The Mayor put the motion (McNeill/Morris) to the vote and was LOST 4 votes “for” / 6 votes “against”.

Deputy Mayor Cr Craddock moved, Cr Prosser seconded the foreshadowed motion. The Mayor put the motion to the vote and was adopted to become the Council’s recommendation on the matter.

<table>
<thead>
<tr>
<th>Council Decision 37/12</th>
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</thead>
<tbody>
<tr>
<td><strong>a)</strong> That Council provisionally accept a full stage development of the proposed skate park on the preferred site over the 2012-13 and 2013-14 financial years, pending grant approvals of significant funding contribution from Lotteries West, the Department of Sport and Recreation or other grants.</td>
</tr>
<tr>
<td><strong>b)</strong> In the event that external funding is not granted, this item is to be returned to Council for further consideration in time for the second Budget Review for 2012-13.</td>
</tr>
</tbody>
</table>

CARRIED
7 votes “for” / 5 votes “against”
10.16 Bunbury Forum Child Health Centre - Renewal of Deed of Lease Shop Y Health, Bunbury Forum Shopping Centre (was listed as item 12.2 on the meeting agenda)

**Summary**

Documentation has been received from Atlas Point Pty Ltd offering the City of Bunbury a new Lease over Shop Y Health at the Bunbury Forum Shopping Centre (Lot 63) for a term of five (5) years with a further five (5) year option. A location plan is attached at Appendix DCS-2.

**Executive Recommendation**

Council agrees to enter into a new Lease with Atlas Point Pty Ltd over Shop Y Health at the Bunbury Forum Shopping Centre (Lot 63) for use as a child health centre, subject to the terms and conditions as specified in the Lease Agreement and the following:

1. The term of the Lease is to be for five (5) years with an option for a further term of five (5) years.
   (a) Prior to the expiration of the first term the City of Bunbury will review its obligations in regards to this service before taking up their further five (5) year term.

2. The Landlord and the Tenant shall pay the Landlord’s costs of and incidental to the preparation, negotiation and execution of this Lease in equal shares.

**Background**

On 6 May 1980, the City of Bunbury and Bunbury Forum Pty Ltd entered into a Deed of Lease for the provision of a Child Health Centre at the Bunbury Forum Shopping Centre, this Lease was for a period of twenty (20) years. A further Lease was entered into on 1 July 2001 for a period of ten (10) years; this Lease expired as at 30 June 2011. In accordance with the current Lease the City of Bunbury had a further option of ten (10) years. It was negotiated that the City of Bunbury would prefer a new Lease for a period of five (5) years with a further five (5) year option.

**Current Lease Details**

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<tr>
<td>Term:</td>
<td>Ten (10) years</td>
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<td>Expiry Date:</td>
<td>30 June 2011</td>
</tr>
<tr>
<td>Rental:</td>
<td>$10,847.78 plus GST, per annum.</td>
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<tr>
<td>Rent Review:</td>
<td>CPI annually on each anniversary of the commencing date during the Term and any further term.</td>
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<tr>
<td>Outgoings:</td>
<td>Responsibility of the applicant.</td>
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<td>Insurance:</td>
<td>Lessee to maintain Public Risk and General Insurance cover over the premises with Public Liability to be set at $5(M)</td>
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### Proposed Lease details are as follows

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<td>Further Term</td>
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</tr>
<tr>
<td>Rent Review</td>
<td>CPI annually on each anniversary of the commencing date during the Term any further term.</td>
</tr>
<tr>
<td>Outgoings</td>
<td>Responsibility of the applicant.</td>
</tr>
<tr>
<td>Insurance</td>
<td>The Lessee to maintain Public Risk and General Insurance Policies over the premises with Public liability to be set at $10(M)</td>
</tr>
<tr>
<td>Document Preparation</td>
<td>The Landlord and the Tenant shall pay the Landlord’s costs of and incidental to the preparation, negotiation and execution in equal shares.</td>
</tr>
</tbody>
</table>

### Council Policy Compliance

There is no Council Policy applicable to this proposal.

### Legislative Compliance

In accordance with Section 3.59 of the Local Government Act 1995, statewide Public Notice of the Lease renewal will be advertised.

### Officer Comments

The premise is occupied by the Department of Health and used as an infant health clinic. The City requested the Department of Health take on the Lease and make the necessary rental payments. Department of Health have advised they have no budget allocated for this and would not be able to take the clinic Lease on, but would continue to provide the service if the City met the Lease costs.

In accordance with the Western Australian Local Government Association, there is in place a ‘Memorandum of Understanding for the Provision of Child Health Facilities’ between the Department of Health, Department of Local Government and Regional Development and Western Australian Local Government Association. The memorandum seeks to provide a structure which can collaboratively plan and support child health services and facilities in Western Australia.

The City’s Executive and Atlas Point Pty Ltd have mutually agreed on the proposed term and conditions of the Lease.

### Analysis of Financial and Budget Implications

The proposal requires the City of Bunbury to meet the payment of the annual rent of $13,964.06 plus variable outgoings and payment of costs for preparation and registration of documentation.

### Community Consultation

Notice of the intention to grant the City of Bunbury a renewal of Deed of Lease to Atlas Point Pty Ltd for five (5) years with a further term of five (5) years will be advertised statewide.
Councillor/Officer Consultation

Comments were sought from the City’s Health Department and Community and Customer Service Directorates; there was no objection to this proposal however Community and Customer Service’s Directorate advised that we review our obligations in regards to this service prior to taking up the further five (5) year term.

Economic, Social, Environmental and Heritage Issues

Economic

This proposal will affect the City of Bunbury’s annual budget by the lease costs of $13,964.06 plus GST.

Social

Child health services are highly valued and contribute to the long term health and well being of individuals and communities.

The Bunbury Forum Child Health Centre caters for the provision of child and family health assessment, information and support to parents and carers of babies and young children in the community, by a community child health nurse.

Environmental

There are no direct environmental issues related to the proposal.

Heritage

There are no known heritage issues relative to the land in question.

Delegation of Authority

The Chief Executive Officer has delegated authority of Council to negotiate the terms and conditions of the proposal to lease before documentation is finalised.

Relevant Precedents

Since 1980, Council has held the Lease to the Bunbury Forum Child Health Centre over Shop Y Health at the Bunbury Forum Shopping Centre.

Outcome – Council Meeting 28 February 2012

At the Council Agenda Briefing session Cr Bridges disclosed an impartiality interest in this item. He was not present at the Council meeting to take part in the discussion or vote on the matter.

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

The Mayor put the motion to the vote and was adopted to become the Council’s decision on the matter.
Council Decision 38/12

Council agrees to enter into a new Lease with Atlas Point Pty Ltd over Shop Y Health at the Bunbury Forum Shopping Centre (Lot 63) for use as a child health centre, subject to the terms and conditions as specified in the Lease Agreement and the following:

1. The term of the Lease is to be for five (5) years with an option for a further term of five (5) years.
   (a) Prior to the expiration of the first term the City of Bunbury will review its obligations in regards to this service before taking up their further five (5) year term.

2. The Landlord and the Tenant shall pay the Landlord's costs of and incidental to the preparation, negotiation and execution of this Lease in equal shares.

CARRIED
12 votes “for” / nil votes “against”
10.17 Budget Review January 2012 (was listed as item 12.3 on the meeting agenda)

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>A00284-02</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal Report</td>
</tr>
<tr>
<td>Author:</td>
<td>David Ransom, Manager Finance</td>
</tr>
<tr>
<td>Executive:</td>
<td>Wayne Wright, Director Corporate Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix DCS-3</td>
</tr>
</tbody>
</table>

Summary

Council adopted the 2011/2012 Budget on 28 July 2011 of $84.76M, comprising of $36.69M capital works, $1.5M debt reduction and $46.57M in operating expenditure.

Local Governments are required to conduct a review of this budget between 1 January and 31 March each financial year. This is a requirement covered by Regulation 33A of the Local Government (Financial Management) Regulations. The intention of the legislation is to ensure local governments conduct at least one budget review between six and nine months into the financial year.

A Budget Review has been completed and leaves the 2011/2012 budget in a balanced position as presented in the Statement of Budget Review for the period 1 July 2011 to 31 January 2012 attached at Appendix DCS-3.

Executive Recommendation

Council adopt the January 2012 Budget Review with the following variations and amend the budget accordingly:

Operating Income
- Decrease in interim rates ($85,000)
- Increase in operating grant funds $234,000
- Increase in interest received $450,000
- Increase in contributions, donations and reimbursements $198,778
- Decrease in fees and charges ($153,373)

Operating Expenditure
- Savings in employees costs $190,922
- Increase in material costs ($276,396)
- Increase in street lighting costs ($16,000)
- Increase in other expenses ($85,587)
- Increase in depreciation ($139,271)

Other – Non Cash
- Decrease in profit from land sales ($9,384,020)
- Write back of non cash income and expenditure $9,523,291

Capital Expenditure
- Decrease in building expenditure $15,405,213
- Increase in plant and equipment expenditure ($1,447,378)
- Increase in equipment expenditure ($310,600)
- Decrease in infrastructure capital expenditure $2,125,328

Capital Income
- Decrease in capital grants ($4,890,828)
- Decrease in proceeds from land sales ($9,190,775)

Movement in Loans, Reserves and Restricted Cash
- Balance of loan fund carried forward to 2012/2013 ($297,000)
- Net movement in reserve funds $1,434,409
- Net movement in restricted cash ($3,285,713)

Note: An Absolute Majority Vote is required by Council.

Background

A Statement of Budget Review incorporating year to date budget variations and forecasts to 30 June 2012 for the period ending 31 January 2012 is presented for council to consider.

Councillors were given an overview of the draft Budget Review at the Information Briefing held Tuesday, 7 February 2012.

A copy of the review and determination will be provided to the Department of Local Government within 30 days of the adoption of the review.

Council Policy Compliance

The budget is based on the principles contained in the Corporate Business Plan.

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.

4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Officer Comments

Budget reviews assist in (and form part of) the financial management processes within the City of Bunbury. The scope of financial management is to ensure a sufficient cash supply is available to meet expenditure demand. Council's Executive together with Corporate Services staff monitor the City's monthly revenue and expenditure activities and (as required) refer any variances requiring remedial action to the Council.

Approved budget amendments are recorded in the financial statements to reflect Council's current budget and financial position at all times.
### Analysis of Financial and Budget Implications

The budget review includes:

<table>
<thead>
<tr>
<th>Operating Income</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Decrease in interim rates due to down turn in building activity</strong></td>
</tr>
<tr>
<td><strong>Additional grants funds approved during 2011/12</strong></td>
</tr>
<tr>
<td><strong>Increase in interest received due to $2.4M capital grant for the Bunbury Entertainment Centre received late June 2011 not budgeted; and interest on carried forward operating and capital funds ($2.5M)</strong></td>
</tr>
<tr>
<td><strong>Increase in contributions, donations and reimbursements. Note $103K is for insurance claim reimbursements: two vehicles involved in separate accidents and for the burnt out motor in Admin Building Air conditioning</strong></td>
</tr>
<tr>
<td><strong>Decrease in fees and charges. Including $156K decrease in parking fines and $70K in planning approvals; offset by increase in waste collection charges $127K</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Operating Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Decrease in employees costs due to unfilled positions budgeted for 2011/12</strong></td>
</tr>
<tr>
<td><strong>Increase in material costs including Timber Jetty Mtce $150K, Community Engagement $25K, Road Mtce $63K and Admin Office Mtce $60K. (Air Conditioning motor recouped from insurance reimbursement)</strong></td>
</tr>
<tr>
<td><strong>Increase in street lighting costs forecast to 30 June 2012</strong></td>
</tr>
<tr>
<td><strong>Increase in other expenses including unbudgeted lease refund to Bunbury Surf Lifesaving Club $36K and additional $15K for the Light Scope Project</strong></td>
</tr>
<tr>
<td><strong>Increase due to actual impact of last years capital works program on depreciation</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other – Non Cash</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Decrease in profit from land sales as land sales are not expected to be realised in 2011/2012 including Lot 66 Ocean Drive, Lots 210 and 211 Holywell Street, and Lots 28 and 29 Mangles Street</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Capital Income</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Decrease in capital grants to be received in 2011/2012 including Bunbury Timber Jetty $3.3M; Hay Park Soccer Drome $1.8M</strong></td>
</tr>
<tr>
<td><strong>Decrease in proceeds from land sales - land sales not expected to be realised in 2011/2012 including Lot 66 Ocean Drive, Lots 210 and 211 Holywell Street, and Lots 28 and 29 Mangles Street</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Capital Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Decrease in building expenditure including BREC $8M</strong></td>
</tr>
</tbody>
</table>
and Bunbury Timer Jetty $6.8M in 2011/2012

| Increase in plant and equipment expenditure including a new sanitation truck $839K and organic waste recycling bins $682K | ($1,447,378) |
| Increase in equipment expenditure including $494K for additional funding required to comply with Microsoft licensing (originally included but reallocated to purchase integrated planning software) and funding required to migrate from Trim record keeping software to Microsoft SharePoint. SWSC Solar Heating expenditure reduced by $200K due to cost savings | ($310,600) |

| Decrease in infrastructure capital expenditure including $2.0M Hay Park Soccer Drome, Bunbury Hockey pitch replacement $223K, airport landing strip seal $80K, and stormwater drainage $56K. Plus increases in road network $164K, path network $41K and Hay Park Central Lighting project $5K | $2,125,328 |

Community Consultation

Community consultation is not required for budget reviews.

Councillor/Officer Consultation

Directors, managers and officers with budget responsibility are consulted in the preparation of the Budget Review. Councillors were given an overview of the draft Budget Review at the Councillor Information Briefing held on Tuesday, 7 February 2012.

Outcome – Council Meeting 28 February 2012

The Executive recommendation (as printed) was moved Cr Steck, seconded Cr Leigh.

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

Council Decision 39/12

**Council adopt the January 2012 Budget Review with the following variations and amend the budget accordingly:**

**Operating Income**
- Decrease in interim rates ($85,000)
- Increase in operating grant funds $234,000
- Increase in interest received $450,000
- Increase in contributions, donations and reimbursements $198,778
- Decrease in fees and charges ($153,373)

**Operating Expenditure**
- Savings in employees costs $190,922
- Increase in material costs ($276,396)
- Increase in street lighting costs ($16,000)
- Increase in other expenses ($85,587)
- Increase in depreciation ($139,271)
<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Other – Non Cash</strong></td>
<td><strong>Decrease in profit from land sales</strong></td>
<td>($9,384,020)</td>
</tr>
<tr>
<td></td>
<td><strong>Write back of non cash income and expenditure</strong></td>
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<td></td>
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</tr>
<tr>
<td></td>
<td><strong>Decrease in infrastructure capital expenditure</strong></td>
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</tr>
<tr>
<td><strong>Capital Income</strong></td>
<td><strong>Decrease in capital grants</strong></td>
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<tr>
<td></td>
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</tr>
<tr>
<td></td>
<td><strong>Net movement in reserve funds</strong></td>
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</tr>
<tr>
<td></td>
<td><strong>Net movement in restricted cash</strong></td>
<td>($3,285,713)</td>
</tr>
</tbody>
</table>

CARRIED
12 votes “for” / nil votes “against” *Absolute majority vote attained*
10.18 Proposed Change of use from Medical Centre to Hospital – Lot: 174 (No.140) Spencer Street Bunbury (was listed as item 13.2 on the meeting agenda)

**Summary**

The City has received an application from Bedazzle Investments Pty Ltd (the Executor being Brodie MacLean) to allow for occasional overnight stays of patients in the existing Medical Centre (Day Surgery) at the rear of Lot 174 (No.140) Spencer Street.

A location plan is attached at Appendix DPDS-1.

To enable overnight stays of patients at the premises, the existing land use ‘Medical Centre’ is required to be changed to ‘Hospital’. Both land uses are ‘A’ uses in the Residential Zone under Town Planning Scheme No.7 (TPS 7), which means that planning approval at the discretion of the local government is required, after the proposal has been advertised.

**Executive Recommendation**

Council under and by virtue of the powers conferred upon it by the Planning and Development Act 2005 (as amended), hereby resolves to grant planning approval for the change of use from “Medical Centre” to “Hospital” for the Day Surgery at the rear of Lot 174 (No.140) Spencer Street, Bunbury subject to the following conditions:

1. The premises being used only in accordance with the definition of ‘Hospital’ contained in Schedule 1 of Town Planning Scheme No. 7 unless otherwise approved by Council (attached).

2. All development shall be generally in accordance with the approved development plans which form part of this Planning Approval.

3. This approval shall expire unless the works hereby authorised have been substantially commenced within 2 years of the date of issue or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.

4. All conditions of approval DA.2007.307.1 (dated 06/12/2007) for the premises remain valid and require to be implemented.

5. There shall be not more than 1 (one) overnight patient at anyone time.

6. Visitors for overnight patients are not permitted to enter/exit the premises, including the car park, after hours between 7pm and 7am.

7. A masonry wall with a height of 1.8m above the finished ground level of the adjoining residential properties (south) shall be constructed along the property boundary for the full length of the rear car park as indicated in red.
on the approved plan and to the satisfaction of the Manager Development Services.

Acceptable boundary wall materials include: limestone block (natural or reconstituted), painted tilt up concrete panels, bricks, or any other natural stone material.

(8) Car parking bays shall remain accessible, and be used solely for the purpose of parking vehicles at all times.

(9) A minimum number of 13 car parking bays for the Hospital use and a total number of 25 car parking bays for the entire site shall be provided and maintained.

(10) Property shall be connected to Water Corporation sewer.

(11) Compliance with Environmental Protection (Noise) Regulations 1997 is required.

(12) Ambulance siren shall not be used onsite after hours of 7pm or before 7am Monday - Saturday or before 9am Sunday and Public Holidays.

Any other operational conditions to the satisfaction of the Manager Development Services.

Background

The existing Medical Centre at the rear of the subject site has been approved by Council on 27 November 2007, Decision No. 237/07 as follows:

Council, under and by virtue of the powers conferred upon it in that behalf of the Planning and Development Act 2005, in respect of an application by Steve Dubczuk Architect Pty Ltd on behalf of Bedazzle Investments Pty Ltd for an additional Medical Centre (Day Surgery) at Lot 174 (No. 140) Spencer Street, hereby resolves to:

1. Determine the public submissions in accordance with the Schedule of Public Submissions.

2. Grant planning approval for the proposed “Medical Centre” subject to the following conditions:

   2.1 The premises being used only in accordance with the definition of “Medical Centre” contained in Schedule 1 of Town Planning Scheme No. 7 unless otherwise approved by Council.

   2.2 All development shall generally be in accordance with the approved development plans, which form part of this Planning Approval.

   2.3 This approval shall expire unless the works hereby authorised have been substantially commenced within 2 years of the date of issue or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.

   2.4 Plans submitted with the building licence to show the following modification generally as indicated in red on the approved plans to the satisfaction of the Manager Development Services. Car parking to be modified. Bays bounded by a fence or wall to be widened by 300mm.

   2.5 The landscaped area(s) as shown in green on the approved development plan and including all areas not used for buildings,
parking and access being planted, established and reticulated at the time of occupancy, and to be maintained as landscaped area at all times.

2.6 All verge areas abutting the property to be suitably grassed or planted and maintained at all times. The verge areas shall not be used for the purpose of parking or be gravel sealed.

2.7 A landscaping plan is to be prepared to address the area(s) as shown in green on the approved development plan. The landscaping plan is to be submitted to and approved by Council, prior to the issuance of a building licence. The landscaping plan is to include the following:

- Building layout (external walls, windows and roof) and property boundary.
- The location, species and size of existing vegetation.
- Details of any significant vegetation to be removed.
- Exact location and number of species proposed.
- Mature height of any proposed trees.
- Treatment of paved areas (parking and pedestrian areas).
- Fence material, height and treatment.
- A key or legend detailing species type grouped under the subheadings of tree, shrub and ground cover.
- Mulching or similar treatments of garden beds including edges.
- Contours including any alternation to natural ground levels.
- Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility of maintenance.

2.8 Existing trees located in verge areas to be retained except where otherwise approved for removal by Manager Parks and Recreation. Should removal be approved, costs associated with the removal to be the responsibility of the developer.

2.9 Arrangements shall be made to the satisfaction of the City Engineer for the submission of an approved independent traffic planning study for the development of the subject land together with the necessary traffic management measures being installed at the cost of the applicant prior to the building licence being issued.

An independent qualified Professional Engineer shall prepare the traffic study. The City Engineer shall approve the consultants brief. The brief shall include:

- Traffic volumes including pre development and post development traffic volumes to and from accesses to the development and on surrounding streets.
- Level of service of accesses.
- Impact of the development on the surrounding streets and intersections, including level of service pre and post development.
- Recommendations for measures to address impacts and maintain satisfactory levels of service.
- Safety Audit and recommendations to address any safety issues.
- Assessment of pedestrian access to and from the site including proposed pedestrian routes, road crossings and an access audit.
- Assessment of public transport access to and from the site including pedestrian access to the nearest bus stop.
2.10 Road assets Damage bond of $500.00 shall be paid by the applicant prior to the issue of the building licence as per Council’s Local Planning Policy “Bonds”. Attached

2.11 The access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, linemarked and finished with a sealed or paved surface or equivalent by the developer to an approved design to satisfaction of the City Engineer. Once constructed, the access way(s), parking area(s) and turning area(s) shall be maintained at all times to the satisfaction of the City Engineer (Advice Note: Design and construction shall be in accordance with the City of Bunbury Engineering Design and Construction Standards, Austroads Part 11 Guide to Traffic Engineering Practice: Parking, Australian Standard AS2890.1-2004 Off-street car parking and Australian Standard AS2890.2-2002 – Off-street commercial vehicle facilities). The design shall be approved prior to the issue of a building licence.

2.12 The applicant shall dispose of stormwater onsite. Plans and specifications relating to the disposal of stormwater and groundwater for the development shall be submitted and approved by the City Engineer prior to the issue of a building licence. (Refer Local Planning Policy – Stormwater Disposal From Private Property). (Advice Note: The applicant to provide for 2m3 of stormwater storage for each 65m2 of impervious area, including parking, driveways, other paved and sealed areas and roof area. Minimum of 50% of storage shall be underground and above the annual average maximum groundwater level, with the balance of the storage on the surface.)

2.13 This property is situated on the Preston River Flood Plain and is located within 100m of the toe of the Preston River Flood Protection Levees. Habitable rooms in any building construction shall have a minimum finished floor level of 1.9 metres AHD and scouring protection is required in accordance with Council’s Local Planning Policy “Development Within 100m from the Toe of the Preston River Levee”.

2.14 Property shall be connected to Water Corporation sewer.

2.15 The applicant shall submit a Waste Management Plan, detailing how and where waste produced during the proposed operation of the premises will be stored, handled and removed, to the satisfaction of the Manager Health and Manager Waste Services. This plan must be submitted and approved prior to the issue of a building licence.

2.16 Any other minor operational conditions to the satisfaction of the Manager Development Services.
Council Meeting Minutes
28 February 2012

Council Policy Compliance

It is considered that the Executive Recommendation does not contravene any known operable Council policy.

Local Planning Policy: Non-Residential Development within or adjoining Residential Areas is applicable.

Legislative Compliance

Legislative requirements relating to the Local Government Act or any other Act, Local Law, or regulations have been complied with in the processes leading up to the finalisation of this report.

Officer Comments

The existing Medical Centre at the rear of the subject site is a two (2) storey building which contains one (1) operating theatre, two (2) recovery rooms, one (1) holding room and ancillary rooms such as waiting, office, staff and plant rooms. Current patient and staff numbers are not proposed to change.

Site plan and floor plan are attached at Appendix DPDS-2.

The proposed land use ‘Hospital’ does not require any changes to the existing building or layout and number of car parking bays. The main difference between the land uses ‘Medical Centre’ and ‘Hospital’ is, that hospitals are premises in which persons are admitted and lodged for medical treatment or care and therefore do allow for overnight stays of patients, whereas overnight stays are not permitted in medical centres.

Two (2) submissions were received, which did not object to the proposal but raised concerns regarding the number of occasions of overnight patients, the number of staff, visitors and patients after hours and the potential for increased noise levels from cars, visitors and staff after hours, as their properties directly adjoin the rear car park (a photo is attached at Appendix DPDS-3).

The applicant provides the following comments in regards to the concerns raised:

- **Overnight stays will occur depending on the requirements of patients.** On occasions for the comfort and safety of the patient it may be appropriate after prolonged anaesthesia for the patient to stay at the facility and be monitored over night. Since opening in August 2010 we have not had such an occasion however if such an occasion should arise we would like to be able to offer such appropriate care to the patient. Due to the variability of patients we are unable to give a pre-determined frequency for overnight care.

- **There will be 1 overnight bed.** Patients and staff will stay as required we envisage 1 patient and 2 nurses.

These concerns have been addressed by conditions limiting numbers of patients after hours, not allowing visitors for overnight patients after hours and requesting that a 1.8m high masonry wall be constructed on the boundary along the rear car park.
Community Consultation

The proposal was advertised from 21 December 2011 until 17 January 2012 for a total of 28 days, allowing for more than the required time in accordance with Clause 9.4 of TPS 7 due to the Christmas Holiday period. Advertising included advertising notices on site, letters to adjoining owners and notices in the local newspaper. At the completion of the advertising period two (2) submissions have been received. The content of the submissions is summarised in the Schedule of Submissions, which is attached at Appendix DPDS-4.

Councillor/Officer Consultation

Discussions have been undertaken with planning staff within Development Services prior to the finalisation of the report.

Outcome – Council Meeting 28 February 2012

At the Council Agenda Briefing session Cr Prosser disclosed an impartiality interest in this item. He elected to stay, participated in the discussion and vote on the matter.

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

Cr McNeill moved Cr Morris seconded the following amendment:

1. Delete conditions 6, 7 and 12.
2. Change condition 8 to read: Only the car parking bays at the front of the building shall remain accessible between 7pm and 7am."

The Mayor put the amendment to the vote in separate parts and was the results formed the final decision on this matter.

Point 1: 9 votes “for” / 3 votes “against” CARRIED
Point 2: 9 votes “for” / 3 votes “against” CARRIED

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

**Note: The condition numbers have been altered to make provision for the amendments.

Council Decision 40/12

Council under and by virtue of the powers conferred upon it by the Planning and Development Act 2005 (as amended), hereby resolves to grant planning approval for the change of use from “Medical Centre” to “Hospital” for the Day Surgery at the rear of Lot 174 (No.140) Spencer Street, Bunbury subject to the following conditions:

(1) The premises being used only in accordance with the definition of ‘Hospital’ contained in Schedule 1 of Town Planning Scheme No. 7 unless otherwise approved by Council (attached).
(2) All development shall be generally in accordance with the approved development plans which form part of this Planning Approval.
(3) This approval shall expire unless the works hereby authorised have been substantially commenced within 2 years of the date of issue or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.

(4) All conditions of approval DA.2007.307.1 (dated 06/12/2007) for the premises remain valid and require to be implemented.

(5) There shall be not more than 1 (one) overnight patient at anyone time.

(6) Only the car parking bays at the front of the building shall remain accessible between 7pm and 7am.

(7) A minimum number of 13 car parking bays for the Hospital use and a total number of 25 car parking bays for the entire site shall be provided and maintained.

(8) Property shall be connected to Water Corporation sewer.

(9) Compliance with Environmental Protection (Noise) Regulations 1997 is required.

Any other operational conditions to the satisfaction of the Manager Development Services.

CARRIED

8 votes “for” / 4 votes “against”

It was requested that the votes be recorded as follows:

For: Deputy Mayor Cr Craddock, Cr Prosser, Cr Steck, Cr Leigh, Cr Kelly, Cr McNeill, Cr Cook, Cr Morris
Against: Mayor D Smith, Cr Jones, Cr Steele, Cr Slater
10.19 Scheme Amendment 51 - Proposed Rezone from “Public Purpose Reserve” to “Residential R40” – Lots 27, 28, 29 and 45 (DP 7964) Pickersgill Street Bunbury (was listed as item 13.3 on the meeting agenda)

**Summary**

Thompson McRobert Edgeloe (TME), acting on behalf of Prime Television (owner of the Golden West Network), previously lodged a similar application to amend the current Town Planning Scheme (TPS 7).

The current proposal is to rezone the land from its present designation (Local Scheme Reserve – Public Purposes – Local Government) to “Residential” with a density of R40. A location plan is attached at Appendix DPDS-5.

The subject land involves lots 27, 28, 29 and 45 Pickersgill Street, Bunbury (total land area 3410m²) and currently hosts the Golden West Network (GWN) broadcasting building. Prime Television (GWN) is planning to relocate current operations, thereby enabling the potential for adaptive reuse of new development.

Council resolved at its meeting held on 2 August 2011 (Item 11.12 refers) to initiate the current Scheme Amendment. Subsequently, the Scheme Amendment was publicly advertised in accordance with Scheme requirements. The advertising period closed 5 December 2011 and fourteen (14) submissions were received (refer Submissions Schedule – as attached at Appendix DPDS-6).

This report is to ascertain whether the Council wishes to issue final approval to amend TPS7.

**Executive Recommendation**

That Council:

1. a) In accordance with the Planning and Development Act 2005, resolves to grant approval in respect of Scheme Amendment 51 to the City of Bunbury Town Planning Scheme No. 7, to allow the rezoning of lots 27, 28, 29 and 45 Pickersgill Street, Bunbury from the current designation, “Local Scheme Reserve (Public Purposes) – Local Government”, to “Residential” R40, without modification.

   b) Forward the signed and sealed Scheme Amendment documents to the Minister for Planning and Infrastructure via the Western Australian Planning Commission with a request for final approval.

2. That Council further advise the applicant that it will require:

   a) The submission of a Detailed Area Plan (DAP) – prior to the submission of any subdivision application and or any development application, for consideration to cover matters such as car-parking, plot ratio, building height, site coverage, design parameters, and other
relevant matters, to the satisfaction of the Manager. Development Services; and,

b) The applicant to arrange for a professional archival record to be made (including historical photographs and photographs of the building in its current operational state) to the satisfaction of the Manager Development Services, prior to the submission of any demolition licence application to the City.

c) That Council give consideration to the preparation of an oral history on the site to be undertaken.

d) Any Detailed Area Plan is to be resubmitted to Council for its formal consideration after public advertising.

Background

Council first considered a rezoning proposal of the subject land. Council determined not to initiate the proposed Scheme Amendment (to allow R80-R100 type residential development), to resolve as follows:

“Council under and pursuant to the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves to advise Thompson McRobert Edgeloe (TME) that in respect of Lot 27, 28, 29 and 45 Pickersgill St. Bunbury, it is not prepared to initiate a Scheme Amendment to allow an amendment to the current Town Planning Scheme from the current designation, Local Scheme Reserve (Public Purposes) – Local Government to Special Use Zone (50) as the height, scale and bulk of the proposed development are not in keeping with the character and amenity of the area.”

As part of deliberations, Councillors raised the following issues, viz:

- There was no consultation process undertaken;
- Residents were not notified of the item going to Council;
- The rezoning of R80/100 is not consistent with the surrounding R15 zoned area;
- Proponents are urged to consult with residents of the area and are encouraged to resubmit a more appropriate proposal to Council.

Subsequently, TME submitted a further Scheme Amendment proposal in respect of the subject land to request a change of zoning to Residential R40. This proposal was considered by Council at its meeting held on 8 September 2009 Council resolved:

“Council under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves to advise Thompson McRobert Edgeloe (TME) that in respect of lots 27, 28, 29 and 45 Pickersgill Street, Bunbury, it is not prepared to initiate a Scheme Amendment to allow an amendment to the current Town Planning Scheme from the current designation, Local Scheme Reserve (Public Purposes) – Local Govt., to Residential R40 for the fact that the proposed R40 coding would be inconsistent with the current R-coding of the neighbourhood, and the character of the neighbourhood”.

TME carried out further informal community consultation in November 2010 with a view to communicating the proposed development to the general public in the locality, and in terms of gaining community support for the proposed scheme amendment (to allow R40 residential development).
TME advised that a total of 85 landowners were notified (by TME) of the proposed development in the form of an information brochure with an invitation to discuss the proposal and provide feedback. TME advised that of the 9 responses received, seven (7) were supportive of the proposal; one (1) respondent stated that he would prefer a minimum lot size of 400m² and one (1) respondent was not supportive of the proposal and believed the site should have a R20 density coding.

TME then made a further formal application to allow a rezone from the current zoning to Residential R40 and Council subsequently supported formal initiation of the Scheme Amendment application.

Council’s most recent resolution on the matter (Item 11.12 of Council’s meeting held on 2 August 2011 refers), is as follows:

“Council Decision 175/11
a) That Council:
   1. In accordance with the Planning and Development Act 2005, resolve to initiate Scheme Amendment 51 to the City of Bunbury Town Planning Scheme No. 7, to rezone lots 27, 28, 29 and 45 Pickersgill Street, Bunbury from the current designation, “Local Scheme Reserve (Public Purposes) – Local Government”, to “Residential” R40.
   2. Refer the proposed Scheme Amendment documentation to the Western Australian Planning Commission (WAPC) for approval to advertise for public comment.
   3. Refer the proposed Scheme Amendment documentation to the Environmental Protection Authority (EPA) for approval to advertise for public comment.
   4. Subject to the approval of the WAPC and the EPA, advertise the proposed Scheme Amendment for a period of at least 42 days.

b) That Council further advise the applicant that it will require:
   1. the submission of a Detailed Area Plan (DAP) – prior to the submission of any subdivisional application and/or any development application - for consideration to cover matters such as car-parking, plot ratio, building height, site coverage, design parameters, and other relevant matters, all to be to the satisfaction of the Senior Mgr. Development Services; and,
   2. the applicant to arrange for a professional archival record to be made (including historical photographs and photographs of the building in its current operational state) to the satisfaction of the Senior Mgr Development Services prior to the submission of any demolition licence application to the City.
   3. That Council give consideration to the preparation of an oral history on the site to be undertaken.
   4. Any Detailed Area Plan is to be resubmitted to Council for its formal consideration after public advertising in respect of the matter.”

Council Policy Compliance

It is considered that all processes have been followed correctly in respect of Policy compliance and particularly in respect of LPP titled “Scheme Amendment – Application Requirements and Documentation for the Purpose of Advertising”.
Legislative Compliance

It is considered that all necessary actions have been taken in respect of legislative compliance, and particularly in respect of the Planning and Development Act 2005 and the Town Planning Regulations 1967.

Officer Comments

The current proposal is to rezone the subject land from its present designation of Local Scheme Reserve – Public Purposes – Local Government, to Residential with an R40 density designation. Residential land in the vicinity is currently zoned R20, changed from R15 as a result of the recent gazettal of Town Planning Scheme Amendment No. 38 in TPS7. A copy of TME’s Scheme Amendment report is attached at Appendix DPDS-7.

TME has advised that the objective of the proposed rezone is to:

“rationalise the zoning of the site as well as to permit further development of the site”.

The proposal to consider rezoning the land to a higher density than the surrounding area was first mooted some years ago, and prior to the matter of future densities being considered as part of the “Local Planning Strategy for Activity Centres and Neighbourhoods” - LPSACN) and Scheme Amendment 38.

Since Council last considered the matter, Scheme Amendment 38 has been approved by the Minister for Planning and gazetted. An R20 density designation for residential land in the vicinity of the subject site is therefore formalised as part of the current TPS7.

The proposal is best described by reference to the proposed zoning map as attached at Appendix DPDS-8.

The following criteria are considered relevant and in terms of Council determining as to whether it will, or will not, support the proposed Scheme Amendment.

Land-use

The land is currently designated as a Local Scheme Reserve (“Public Purposes – Local Govt.”) in the current Town Planning Scheme (TPS7). The applicant proposes to rezone the land to Residential R40. To an extent, the subject land may be able to be considered as being relatively unique in terms of height and bulk topography and location, and arguably may deserve to have a density zoning that emulates those features. In effect the subject land is dominated by the juxtaposed Aqwest reservoir.

It is considered, on balance, that in terms of land-use, the proposal to rezone the land to allow the use of the land for residential development, rather than the adoptive reuse as commercial premises, R40 residential development can be supported.

General efficacy of the proposed development

It is considered that it is relatively important that any future development should be visually aesthetic with the established housing in the vicinity and in terms of the location of the juxtaposed water reservoir which sits at a much higher elevation.

The matter of the Liveable Neighbourhoods Policy (LNP) is a relevant consideration. Policy has been adopted by the Western Australian Planning Commission and
operates as a development policy or code to facilitate the development of sustainable communities. In summary, the key tenets of the LNP are: to provide “walkable neighbourhoods” (i.e. to minimise car-dependence); to ensure active street/land-use interfaces; to provide a variety of lot sizes and housing types; and to maximise land efficiency. It is considered that the proposed development accords with the LNP in these respects.

As a condition of approval, it is recommended that the proponent be required to prepare a Detailed Area Plan (DAP) subsequent to the Scheme Amendment being approved, and prior to any development being actioned on future lots.

The Liveable Neighbourhoods policy document states (section R34) that in respect of small lots and special site conditions, a DAP should be prepared when certain listed criteria occur, including:

- Lots with an area less than 350m²;
- Lots where it is important to control vehicle access and egress;
- Steeply sloping land where high retaining wall to streets or boundaries are proposed

Submitter’s comments

Fourteen (14) submissions have been received (refer Schedule of Submissions – attached at Appendix DPDS-6). Of the submissions received, two (2) private citizen submitters support the proposed development; one (1) private citizen submitter has advised that he is not completely happy that a height limit of 9 metres will be adhered to - notwithstanding that this matter will be a key component of a future Detailed Area Plan; two (2) private citizen submitters object strongly to the proposed development; and of the remainder, eight (8), represent statutory authorities which have no objection to the proposed development or which offer technical advice in terms of the further processing of the application.

A key issue raised by a submitter relates to car-parking and motor vehicle impact. The City’s engineering section has advised that, based on advice from the Planning Consultant (TME) that the land may provide a yield of approximately 10 -15 lots, the increased traffic would be almost negligible between the existing development and the proposed development. This advice is based on an estimate that the existing development generates approximately 100 vehicle movements per day and that the proposed development would generate approximately 105 movements per day.

The applicant has advised that the building currently has 29 occupants and that due to the commercial nature of the development there are also numerous deliveries and visitors throughout the day as well as camera and news crews coming and going all day. TME has also advised that the building has had up to 70 full-time employees in the past and that this could occur again if a portion of the building could be leased out for a separate business.

An issue raised is “the proposed development is out of keeping with the surrounding properties”. In effect, the established development, which is of a commercial nature, is arguably out of keeping with established residential development in the area. The owner of the subject land possesses non-conforming use rights pursuant to Clause 4.3 of the current Town Planning Scheme (TPS 7). Furthermore, the owner of the land could make application to extend the current use, to alter the existing building, or could request approval to change the use of the land from the current non-conforming use to another non-conforming use. In effect, therefore, the concerns of the submitter(s) in this respect need to be balanced reasonably by the fact that the
existing land-use is out of keeping with the established use (residential) in the general area, and that the owner could, reasonably, request that the existing use be extended or altered.

Another issue raised is in regard to visual impact of the proposed development in the established residential area. It has also been noted that any future DAP will take into consideration the matter of visual impact and height to ensure that any future development will enhance the established residential area. In addition, it is considered that it should be noted that the impact of any future development in the area should, ideally, be measured against the fact that the existing building structure is quite imposing (refer photograph attached at Appendix DPDS-9), and the fact that the applicant could reasonably, ask that the existing building be used as a carcass, so to speak, for any proposed development.

The existing building is approximately 1200m² in area; the existing building is single storey at the eastern end, and three storeys (two storeys plus basement car-parking) at the western end. At the western end the building is approximately 12 metres in height from natural ground level at the western end and the satellite dishes would exceed that height.

It could be argued that any future new-build as proposed, within controls established within the framework of a DAP, may be considered as more palatable than a residential complex within the existing and/or extended building structure.

Clause R5 of the Liveable Neighbourhoods planning guidance document states that “the layout should connect well to existing, committed, or proposed development on adjacent sites…..and should take into account the existing urban structure of adjoining areas and should endeavour to enhance its contribution to a more sustainable urban structure, wherever practicable.” It is considered that the suggested requirement for a DAP, which will be publicly advertised, and will require Council’s final approval, will ensure that the provisions of this clause is met, as far as possible.

The matter of security has been raised. One (1) submitter has noted that with a residential unit development there is a likelihood of any new properties being occupied by more transient persons and this may lead to less security in the area in that the “neighbourhood watch” effect would be lessened. The current building, commercial in nature, provides essentially no neighbourhood watch effect, whilst if the land becomes residential street surveillance would be specifically required per the Residential Design Codes and the neighbourhood watch effect would therefore be enhanced.

Council is required to balance the impact of any increased density against the need to design a robust urban and neighbourhood structure that can accommodate a range of uses and densities and to ensure a site responsive approach to urban development.

It is also important to ensure that there are mechanisms in place such as the DAP to ensure that the proposal enhances the context in which it is located, strengthens local character and identity and integrates with surrounding development.

It is considered that the planning report prepared by TME is sound, that the submitters’ comments are not sufficient to preclude approval of the Scheme Amendment. It is considered that the proposed Scheme Amendment is sufficient to allow the matter to proceed to the next stage of consideration in terms of a
recommendation of approval to the Western Australian Planning Commission (WAPC), and reference to the Minister for Planning.

Analysis of Financial and Budget Implications

It is considered that, should the proposed development proceed, there would be no adverse impact on the Municipal Budget.

Strategic Relevance

It is considered that the broad direction of the City’s current Strategic Plan would not be compromised by supporting the proposed development.

Community Consultation

TME has previously carried out informal community consultation with a view to properly communicating the proposed development to the general public in the locality, and in terms of endeavouring to gain community support for the proposed scheme amendment (to allow R40 residential development).

TME advised the City formally that a total of 85 landowners were notified of the proposed development in the form of an information brochure with an invitation to discuss the proposal and provide feedback. TME has further advised that of the nine (9) responses received, seven (7) were supportive of the proposal, one (1) respondent stated that he would prefer a minimum lot size of 400m² and that one (1) respondent was not supportive of the proposal and believed the site should have a R20 density coding. Such consultation was of a non-statutory nature.

Councillor/Officer Consultation

The various issues relating to this matter have been canvassed with planning and engineering staff with a view to achieving a corporate approach to the decision making process.

Economic, Social, Environmental and Heritage Issues

Economic

It is considered that the proposed development will provide economic benefits to the City as it proceeds to take up its second-city status in the State in terms of the provision of further residential development broadening the housing base of the City.

Social

It is considered that there would not be any significant adverse social impact(s) should the development proceed. A few submitters have stated that with a proposed increase in density designation, there is a possibility that a rental situation could occur and on that basis social issues may result in respect of security. On consideration however, Development Services considers that density is not necessarily the driver of social discordance.

Environmental

It is considered that there are no relevant environmental issues.
The Manager Health has stated that Pickersgill Street has no known mosquito breeding areas and is not located in a high-risk mosquito area, on that basis, warrants no action in respect of the matter of mosquito control.

**Heritage**

The GWN Television Studio Building (B269) is listed on the Municipal Heritage Inventory (MI) of the City of Bunbury because of its considered social value. The MI data sheet B269 describes the Management Category as “Assess in more detail at DA”. Council's Heritage Advisory Committee has discussed the level of significance of the existing place for the community and the appropriate heritage requirements at its meeting held on 21 May 2008. The Local Planning Policy – ‘Assessment of Cultural Heritage Significance’ applies to ensure that the assessment is accountable, comparable and consistent. The Committee determined that the scheme amendment would be supported subject to the place being recognised and interpreted and an archival record being made (including historical photographs and photographs of the building in its current operational state).

It is considered therefore that the level of Heritage Value is not such that it would preclude consideration to grant approval of the Scheme Amendment.

**Outcome – Council Meeting 28 February 2012**

At the Council Agenda Briefing session Cr Prosser disclosed a proximity interest in this item. He elected to stay, participated in the discussion and vote on the matter.

The Executive recommendation (as printed) was moved Deputy Mayor Cr Craddock, seconded Cr Slater.

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

**Council Decision 41/12**

That Council:

1. a) In accordance with the Planning and Development Act 2005, resolves to grant approval in respect of Scheme Amendment 51 to the City of Bunbury Town Planning Scheme No. 7, to allow the rezoning of lots 27, 28, 29 and 45 Pickersgill Street, Bunbury from the current designation, “Local Scheme Reserve (Public Purposes) – Local Government”, to “Residential R40”, without modification.

   b) Forward the signed and sealed Scheme Amendment documents to the Minister for Planning and Infrastructure via the Western Australian Planning Commission with a request for final approval.

2. That Council further advise the applicant that it will require:

   a) The submission of a Detailed Area Plan (DAP) – prior to the submission of any subdivision application and or any development application, for consideration to cover matters such as car-parking, plot ratio, building height, site coverage, design parameters, and other relevant matters, to the satisfaction of the Manager. Development Services; and,
b) The applicant to arrange for a professional archival record to be made (including historical photographs and photographs of the building in its current operational state) to the satisfaction of the Manager Development Services, prior to the submission of any demolition licence application to the City.

c) That Council give consideration to the preparation of an oral history on the site to be undertaken.

d) Any Detailed Area Plan is to be resubmitted to Council for its formal consideration after public advertising.

CARRIED
8 votes “for” / 4 votes “against”

It was requested that the votes be recorded as follows:

For: Deputy Mayor Cr Craddock, Cr Jones, Cr Prosser, Cr Slater, Cr Kelly, Cr McNeill, Cr Cook, Cr Morris
Against: Mayor D Smith, Cr Steck, Cr Leigh, Cr Steele

Next Item
10.20 Scheme Amendment No. 53 – Proposed Rezoning of “Special Use Zone 44”, Lots 2 & 171-173 Wellington Street and Lots 20-21 Symmons Street to “City Centre Zone” (was listed as item 13.4 on the meeting agenda)

<table>
<thead>
<tr>
<th>File Ref:</th>
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<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Thompson McRobert Edgeloe Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Nicola Clark, Planning Officer</td>
</tr>
<tr>
<td>Executive:</td>
<td>Bob Karaszkewych, Director Planning and Development Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix DPDS-10, DPDS-11</td>
</tr>
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Summary

An application has been received from Thompson McRobert Edgeloe (TME), acting on behalf of the landowners of Lots 171 Wellington Street and 174 Molloy Street, requesting a scheme amendment to the current City of Bunbury Town Planning Scheme No. 7 (TPS7). Further information is included in the Scheme Amendment Report at as attached at Appendix DPDS-10.

Executive Recommendation

That Council in accordance with the Planning and Development Act 2005 resolve to:

1. Grant final approval to Scheme Amendment No. 53 to the City of Bunbury Town Planning Scheme No. 7 to rezone “Special Use No. 44 – City Centre” and Lots 2, 172 and 173 to “City Centre Zone” with a residential density coding of “R-AC3”, and Lot 171 Wellington Street and Lots 20 – 21 Symmons Street from “Residential Zone” to “City Centre Zone” with a residential density code of “R60”, and delete all references and provisions relating to Special Use Zone 44 under Schedule 2 of the Scheme Text; and

2. Forward the signed and sealed Scheme Amendment documents to the Minister for Planning via the Western Australian Planning Commission with a request for final approval and gazettal.

Background

The subject area consists of 10 land holdings bound by Wellington, Molloy and Symmons Streets, and is designated as “Special Use 44 – City Centre” and “Residential Zone” (R60) under the existing Town Planning Scheme No.7 (TPS7). The special use zoning was applied at the time of TPS6 and carried across into TPS7 to ensure any subsequent commercial development occurred in a manner that was sympathetic to the scale and character of existing residential properties.

The subject land presently comprises a mix of low density housing within that portion designated as “Residential Zone”, and primarily offices within the “Special Use Zone 44 – City Centre”. Lots 171, 172 and 173 Wellington St are undeveloped.

The age, condition and external appearance of the buildings within the subject area vary considerably. Notably however Lot 1 Wellington Street (situated at the corner of Wellington St and Molloy St) and Lot 153 Molloy Street (corner of Molloy St and Symmons St) appear on the City’s Municipal Inventory and Heritage List. Lot 174 Molloy St is the site of the former Little Theatre and is currently undergoing redevelopment and conversion to offices.
Council last reviewed this matter at its meeting on 13 September 2011, where it resolved as follows:

“Council Decision 207/11

That Council:

1. In accordance with the Planning and Development Act 2005, resolve to initiate Amendment No 53 to the City of Bunbury Town Planning Scheme No. 7 to rezone “Special Use Zone No. 44 – City Centre” and Lots 2, 172 and 173 Wellington Street to “City Centre Zone” with a residential density code of “R-AC3”, and Lot 171 Wellington Street and Lots 20-21 Symmons Street from “Residential Zone” to “City Centre Zone” with a residential density code of “R60”, and delete all references and provisions relating to Special Use Zone 44 under Schedule 2 of the Scheme Text.

2. Refer the proposed Scheme Amendment 53 documentation to the Western Australian Planning Commission (WAPC) for approval to advertise for public comment.

3. Refer the proposed Scheme Amendment 53 documentation to the Environmental Protection Authority (EPA) for approval to advertise for public comment.

4. Subject to approval of the Western Australian Planning Commission and Environmental Protection Authority, advertise the proposed Scheme Amendment 53 for a period of not less than 42 days.”

Council Policy Compliance

The site is in the frame area where Local Planning Policy – Non-Residential Development within or Adjoining Residential Areas is applicable. The purpose of this Policy is to provide guidance for ‘non-residential development’ – defined as any use that is a ‘D’ or ‘A’ use within the ‘Residential’ zone (as stipulated by Table 1 – zoning Table) within or adjoining residential areas.

The Local Planning Policy titled Scheme Amendments: Application Requirements and Documentation for Purposes of Advertising is a relevant policy in this case. It is considered that the proposal has complied with this Policy.

Legislative Compliance

Proposals to amend a Town Planning Scheme are required to be undertaken in accordance with the Planning and Development Act 2005 and associated Town Planning Regulations 1967. The proposed Scheme Amendment was initiated by Council following its meeting on 13 September 2011, and was referred to the Environmental Protection Authority (EPA) for review prior to the formal public advertising period.

The EPA indicated that a full environmental assessment was not required and the amendment has been advertised for a period of 50 days, no less than 42 days per WAPC requirements. Submissions have been analysed and the amendment has now been returned to Council for adoption with or without modifications.

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

The subject area appears to have accommodated its existing complement of land uses for some decades. The housing stock in the portion of the site included in the “Residential Zone” with a residential density code of “R60”, although providing a useful interface between the higher density commercial development to the east and the established medium density residential area to the west, is nearing the end of its building lifecycle and likely to come under increased pressure for redevelopment in the short to medium term. Given the proximity of the subject site to the existing ‘City Centre’ zone it would be reasonable to anticipate that the subject site would be considered as a natural extension of the footprint of City Centre zone under a revised Town Planning Scheme. Applying the ‘City Centre’ zone at this time will ensure greater compatibility with the existing land uses surrounding the site and in turn will compliment the future growth and intensification of the Bunbury CBD and generally supports the strategic objectives for the locality.

Significantly the scheme amendment proposal represents a forward step in implementing the City’s Local Planning Strategy for Activity Centres & Neighbourhoods (LPSACN), which advocates for the retention of the CBD as the prime retail and commercial centre for the Greater Bunbury Region. Part of this principle involves maintaining unrestricted development potential within the CBD. As a result, the LPSACN identifies the need for the redevelopment of areas that could be utilised for commercial or mixed use expansion. This approach was also endorsed under the LPSACN’s predecessor, the 2001 Commercial Strategy, whereby it was referred to as ‘rounding off’.

The main reason for applying the “Special Use Zone” as part of TPS6 was to ensure that any resulting commercial development was sympathetic to the scale and character of existing residential buildings. Whilst this approach had merit at that time, the purpose is now somewhat redundant. The bulk, scale and height of any future development (or redevelopment) within the subject site would now be subject to existing provisions of TPS7 and the adopted Local Planning Policies (LPPs) including the “LPP: Building Height” and “LPP: Non-Residential Development in or adjacent to Residential Areas”. Notwithstanding the above, in order to ensure that the scale of any future residential development along the new interface with the residential zone remains compatible, the density coding attributed to these lots is to be retained at R60. Any redevelopment proposed adjacent to the State listed heritage building located on Lot 1 Wellington St would necessarily be referred to the Heritage Council for their consideration and their recommendations would need to be taken into account prior to any approval from the City.

Within the proposal, the boundary between the newly created City Centre Zone and remaining Residential Zone would form a single straight line (abutting land associated with a public drainage reserve). The straightened boundary is regarded as an improvement on the present stepped arrangement. The proposed City Centre Zone would extend along Wellington St a distance that is similar to that found on the opposite side of the street.

Opportunities for further rezoning within the immediate area will be a matter of consideration as part of the up-coming scheme review process and having regard to the outcomes of this current scheme amendment proposal.

Analysis of Financial and Budget Implications

There are not considered to be any direct financial or budgetary implications to the City of Bunbury.
Community Consultation

Whilst it is not a statutory requirement, following receipt of the proposal from TME, the City wrote to landowners situated within the subject area and the surrounding residential zone (54 in total) advising them of the submission and providing copies of the submitted information. To-date, no adverse comments have been received by the City.

Following initiation by Council, the Scheme Amendment was formally advertised for public comment, opening on 30 November 2011 and closing on 18 January 2012 (not less than 42 days in accordance with the requirements of the Planning and Development Act 2005 and associated Town Planning Regulations 1967).

A total of three (3) submissions were received within the advertising period. The schedule of submissions is provided as attached at Appendix DPDS-11. Submissions were from Government agencies and advised no objection to the proposal.

Councillor/Officer Consultation

The City’s Heritage Advisory Committee has considered the proposed amendment and in noting the presence of two (2) places included within the City of Bunbury Municipal Inventory and Heritage List, advises that “any proposed development of those sites shall require consideration of the heritage values of the relevant places”.

Strategic Relevance

It is considered that the scheme amendment will have a direct positive effect on the achievement of strategic outcomes related to the retention of the primacy of the Bunbury CBD. As such the scheme amendment proposal is regarded as being consistent with relevant State and Local (i.e. City Vision) strategies. Further details in this respect can be found within the Scheme Amendment 53 report as attached at Appendix DPDS-10.

Economic, Social, Environmental and Heritage Issues

Economic

The availability of additional commercial land may promote economic development through the creation of increased employment opportunities within the Bunbury CBD.

Social

There are no known negative social impacts generated by the proposal.

Environmental

There are no known natural environmental impacts generated by the proposal.

Heritage

While the proposal does not have a direct negative effect on cultural heritage, it is worth citing the fact that two properties within the subject area are considered to have heritage significance, those being:
1. Lot 1 Wellington Street – local heritage significance, recommended for State Heritage Register; and
2. Lot 153 Molloy Street – local heritage significance.

The significance of these heritage places is acknowledged and any future development proposals on the subject site will require due consideration to these properties.

**Outcome – Council Meeting 28 February 2012**

The Executive recommendation (as printed) was moved Cr Slater, seconded Deputy Mayor Cr Craddock.

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

**Council Decision 42/12**

That Council in accordance with the Planning and Development Act 2005 resolve to:

1. Grant final approval to Scheme Amendment No. 53 to the City of Bunbury Town Planning Scheme No. 7 to rezone “Special Use No. 44 – City Centre” and Lots 2, 172 and 173 to “City Centre Zone” with a residential density coding of “R-AC3”, and Lot 171 Wellington Street and Lots 20 – 21 Symmons Street from “Residential Zone” to “City Centre Zone” with a residential density code of “R60”, and delete all references and provisions relating to Special Use Zone 44 under Schedule 2 of the Scheme Text; and

2. Forward the signed and sealed Scheme Amendment documents to the Minister for Planning via the Western Australian Planning Commission with a request for final approval and gazettal.

CARRIED
12 votes “for” / nil votes “against”
10.21 Main Roads Western Australia Re-Proclamation of Australind Bypass and Proclamation of slip-lane at Eelup Roundabout (was listed as item 15.1 on the meeting agenda)

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<td>Main Roads Western Australia</td>
</tr>
<tr>
<td>Author:</td>
<td>Scott Bowie, Engineering Technical Officer</td>
</tr>
<tr>
<td>Executive:</td>
<td>Phil Harris, Director Works and Services</td>
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<tr>
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Summary

The City of Bunbury received a request from Main Roads WA (MRWA) on the 27 January 2012 to formalise the change of Australind Bypass and Eelup Rotary slip lane, in accordance with Section 13 of the Main Roads Act, as MRWA Road Number H57 in place of the existing H2 and proclaim the slip lane as shown on the drawings 1021-0163-02 and 1221-0002-00 as attached at Appendix DWS-1

Before making the recommendation to the Minister to reproclaim the road and the slip lane, the Commissioner requires a Council Resolution in support and endorsement of the attached drawings.

Executive Recommendation

Council resolves to support the proposal and endorse drawings 1021-0163-02 and 1221-0002-00.

Background

The construction of the Forrest Highway and the Kwinana Freeway extension has had a major impact on travel patterns between the Perth Metropolitan area and Bunbury. A review has been undertaken of the role of various State Roads between Perth and Bunbury. To reflect the changed role of the roads, it is intended that several road proclamations be gazetted.

MRWA is seeking Council support to changes of Australind Bypass and Eelup Rotary slip lane in accordance with Section 13 of the Main Roads Act.

Council Policy Compliance

No Council policy applies.

Legislative Compliance

Provision of the Main Roads Act applies. Section 13 states that on the recommendation of the Commissioner, the Governor may by proclamation declare that any section or part of a road shall be a highway or main road.
Officer Comments

This is a routine process to correct the land tenure associated with State's highways and main roads

Analysis of Financial and Budget Implications

There will be no detrimental effect on the City’s Annual Budget. Ongoing road maintenance will be at the cost of MRWA.

Relevant Precedents

At its meeting of the 24 August 2010, Council accepted drawings proclaiming Bunbury Port Access Road stage 1 as a “highway” under Section 13 of the Main Roads Act.

Outcome – Council Meeting 28 February 2012

The Executive recommendation (as printed) was moved Cr Slater, seconded Cr Leigh.

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

Council Decision 43/12

Council resolves to support the proposal and endorse drawings 1021-0163-02 and 1221-0002-00.

CARRIED

12 votes “for” / nil votes “against”
10.22 Nominations for Appointment of Community Representatives to Bunbury Region RoadWise Committee *(was listed as item 15.2 on the meeting agenda)*

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>A04616</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal Report</td>
</tr>
<tr>
<td>Author:</td>
<td>Jack Dyson, Senior Administration Officer</td>
</tr>
<tr>
<td>Executive:</td>
<td>Phil Harris, Director Works and Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Nil</td>
</tr>
</tbody>
</table>

**Summary**

A request has been received from the RoadWise Committee (via Cr Cook) seeking Council endorsement of the appointment of two (2) community representatives to the committee.

The recommended persons are, Ms Gemma Bourne and Ms Maria Sole.

The appointment of these representatives is supported by the Bunbury Regional RoadWise Committee.

**Executive Recommendation**

Council approve the appointment of Ms Gemma Bourne and Ms Maria Sole as community representative members to the Bunbury Region RoadWise Committee.

**Background**

The Bunbury Region RoadWise Committee was formed in 1998 and consists of interested members of the public and representatives of organisations concerned with road safety. The committee’s terms of reference reflect these concerns and are as follows:

- Continue the development of road safety within the Bunbury Region.
- Develop and maintain a Road Safety Strategy document.
- Prioritise and recommend actions to be adopted.

Currently, the committee comprises of His Worship the Mayor, Cr Bridges, Cr Slater and the following agency and community representatives:

- Paul Cassidy, Southern Road Services
- Alan Roberts, Main Roads Western Australia
- Charles Wilks, St Johns Ambulance
- Lisa Gartrell, School Drug Education and Road Aware
- Brad Brooksby, Community Member
- Murray Cook, Fire & Emergency Services Australia
- Sgt Gerard Murphy, South West Traffic – Bunbury Police
- Gordon Pattenden, Road Skills Australia – Driving School

The committee also consists of a RoadWise Officer, Gavan Hayllar and City Of Bunbury City Engineer, Jason Gick who do not have voting rights.
Council Policy Compliance

There is no specific Council Policy relative to this item. The Terms of Reference for the Committee provides for up to twelve (12) community representatives with voting rights.

Legislative Compliance

The potential appointment of these members is in accord with the relevant sections of the Local Government Act 1995.

Officer Comments

The members of the Bunbury Region RoadWise Committee met on Wednesday, 1 February 2012 and resolved to support the appointment of the nominated committee members, hence this request of council.

The Bunbury Region RoadWise Committee is a committee of Council that the 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).

Council has an obligation to endorse nominations to ensure that full membership and quorums are maintained.

Analysis of Financial and Budget Implications

There are no budget implications as a result of this proposal.

Community Consultation

There has not been any community consultation in relation to these appointments.

Councillor/Officer Consultation

This item brings the matter to Council's attention. Committee members, including councillor representatives mentioned above, are aware of the proposal.

Outcome – Council Meeting 28 February 2012

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

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

Council Decision 44/12

Council approve the appointment of Ms Gemma Bourne and Ms Maria Sole as community representative members to the Bunbury Region RoadWise Committee.

CARRIED
11 votes “for” / 1 vote “against”

It was requested that the votes be recorded as follows:
For: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Prosser, Cr Steck, Cr Leigh, Cr Steele, Cr Slater, Cr Kelly, Cr McNeill, Cr Cook, Cr Morris

Against: Cr Jones

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11. Motions on Notice
   Nil

12. Urgent Business
   Nil
13. **Confidential Business as Stipulated under Section 5.23(2) of the Local Government Act 1995**

Pursuant to Standing Order 15.10, Cr Prosser moved the Procedural Motion that “the meeting exclude members of the public and press to permit Confidential Business (as defined by the Local Government Act 1995) to be discussed”.

The Mayor put the procedural motion to the vote and was CARRIED 12 votes “for” / nil votes “against”. The meeting was closed to the public and press at 9.40pm.

13.1 **Council has been invited to consider its direction on a Section 408 Notice (Removal of Neglected Building) (was listed as item 20.1 on the meeting agenda)**

<table>
<thead>
<tr>
<th><strong>File Ref:</strong></th>
<th>P10981</th>
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<tbody>
<tr>
<td><strong>Applicant/Proponent:</strong></td>
<td>Internal Report</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Gary Bruhn, Coordinator Building</td>
</tr>
<tr>
<td><strong>Executive:</strong></td>
<td>Bob Karaszkewych, Director Planning and Development Services</td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td>Confidential Report DPDS-16</td>
</tr>
</tbody>
</table>

A confidential report and recommendation has been circulated to members [under separate cover](#).

**Outcome – Council Meeting 28 February 2012**

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

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

**Council Decision 45/12**

*The City to advise SAT that subject to the site remaining adequately secure and fenced that it is prepared to delay further legal action for a maximum of 6 months (1 August 2012).*

CARRIED

7 votes “for” / 5 votes "against"

It was requested that the votes be recorded as follows:

For: Cr Prosser, Cr Steck, Cr Steele, Cr Kelly, Cr McNeill, Cr Cook, Cr Morris
Against: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Leigh, Cr Jones, Cr Slater,
13.2 Tender- RFT 2011 2012-16 Pavement Construction and Sealing Works to the Bunbury Airport (was listed as item 20.2 on the meeting agenda)

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>A05359</th>
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<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal report</td>
</tr>
<tr>
<td>Author:</td>
<td>Mark Robson, Contract Co-ordinator</td>
</tr>
<tr>
<td>Director:</td>
<td>Phil Harris, Director Works and Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Confidential Report DWS-2</td>
</tr>
</tbody>
</table>

Summary

The City of Bunbury has advertised for a suitably qualified and experienced civil works contractor to undertake pavement construction and sealing works at the Bunbury Airport. The contractor is required to commence site works in the week commencing 5 March 2012 and will be expected to complete all onsite works within a maximum four (4) week period.

Executive Recommendation

Council accepts the tendered lump sum fee submitted by J.W Cross and Sons being for the pavement construction and resealing works at the Bunbury Airport.

Background

Tender documents were prepared and advertised in South Western Times on the 12th January 2012 and in the West Australian newspapers on the 14 January 2012. Tenders closed at 3:00pm on Wednesday, 1 February 2012. The City's Contract Co-ordinator and Senior Engineering Technical Officer opened the tender box. A total of nineteen (19) interested companies had requested and received the tender documents.

By closing seven (7) tender responses had been received, as follows:

- Correctline Contracting - PO Box 6083 Bunbury WA
- Geographe Civil - 11 Hensen Street, Davenport WA
- S & J Excavations – 7 Ditchingham Place, Australind WA
- Fulton Hogan Industries – 115-119 Churchill Road North, Dry Creek SA
- Carbone Bros- PO Box 61, Brunswick Junction WA
- Road Constructions - 2 Ridgewood Drive, Dawesville WA
- J.W Cross & Sons – 11 Yookson Road, Picton WA

An evaluation panel comprising the City's Senior Engineering Technical Officer, Engineering Officer and the Contract Co-ordinator assessed the responses. The tenders were evaluated using the following criteria:

- Compliance
- Qualitative
- Price
Price

Evaluation of the tender prices (and ranking) has been assessed but because the results are "commercial in confidence" details are listed in a Confidential Report (DWS-5) that has been circulated to Council members under separate cover.

Council Policy Compliance

The tender process complies with the requirements of the City's Work Procedure WP4.12 "Tender Procedure and Associated Legislation."

Council's CD2 "Purchasing - Local Preference Policy" was applied during evaluation of the tenders but did not affect the outcome or tendered prices.

Legislative Compliance

Advertising and processing of tenders was conducted in accordance with the Local Government (Function and General) Regulations 1996, Part 4 "Tenders for Providing Goods or Services".

Officer Comments

Based on the panel’s evaluation of the tender documents submitted by all respondents the recommended tenderer is J.W Cross and Sons as this company has provided the City with competitive prices, demonstrated its ability to provide quality products that meets councils requirements, is within the available budget and its tender is considered to be the most advantageous tender to the City.

Analysis of Financial and Budget Implications

The City of Bunbury has entered into an agreement with the South West Development Commission to jointly fund the improvements to Worksites 1 & 2. Improvements to Worksites 3 & 4 are funded by the City of Bunbury and the recommended tenderers offer is within the available budget.

Delegation of Authority

The total costs of this contract exceeds $100,000 therefore it has been dealt with in accordance with Local Government (Functions and General) Regulations 1996 (Part 4 - Tenders for Providing Goods or Services).

Outcome – Council Meeting 28 February 2012

The Executive recommendation (as printed) was moved Cr Slater, seconded Cr Leigh.

The Mayor put the motion to the vote and was adopted to become the Council’s decision on the matter.
Council Decision 46/12

Council accepts the tendered lump sum fee submitted by J.W Cross and Sons being for the pavement construction and resealing works at the Bunbury Airport.

CARRIED
12 votes “for” / nil votes “against”

Next Item

Back to Index
13.3 **2012 Setagaya Student Goodwill Tour Leader** *(was listed as item 20.3 on the meeting agenda)*

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>A05258</th>
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<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal Paper</td>
</tr>
<tr>
<td>Author:</td>
<td>Jenni Brown, Executive Officer Bunbury Setagaya Sister Cities Committee</td>
</tr>
<tr>
<td>Executive:</td>
<td>Andrew Brien, Chief Executive Officer</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Confidential Report CEO-4</td>
</tr>
</tbody>
</table>

A confidential report and recommendation has been circulated to members **under separate cover**.

**Outcome – Council Meeting 28 February 2012**

At the Council Agenda Briefing session Cr Bridges disclosed an impartiality interest in this item. He was not present at the Council meeting to take part in the discussion or vote on the matter.

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

The mover and seconder where asked to agree to an amendment to the recommendation as follows:

Change the wording of the amendment to read as “*That Council appoint Kate Jowett as the Tour Leader to Setagaya for the 2012 Student Tour*”. This amendment was agreed to.

The Mayor put the motion (as amended) to the vote and was adopted to become the Council’s decision on the matter.

**Council Decision 47/12**

*That Council appoint Kate Jowett as the Tour Leader to Setagaya for the 2012 Student Tour*

CARRIED

11 votes “for” / 1 vote “against”
13.4 Bunbury Airport Development Plan (was listed as item 20.4 on the meeting agenda)

File Ref: A04872
Applicant/Proponent: Internal Report
Author: Nigel Archibald, Airport Reporting Officer
Executive: Phil Harris, Director Works and Services
Attachments: Confidential Report DWS-3

A confidential report and recommendation has been circulated to members under separate cover.

Outcome – Council Meeting 28 February 2012

The Executive recommendation was moved Deputy Mayor Cr Craddock, seconded Cr Steck with the following amendments:

Change point 3 to read as follows:

“3 a) Council approves the inclusion of the items listed in the Airport 10 year works program in a new 5 year program to be returned to Council for endorsement of the proposed timeframe.

b) An additional amount of $200,000 be added to the works program for 2016/17 for extending the waiting room / terminal building."

Rearrange the points to make Point 4 now point 2 and add the word “immediately” before the word “advise” in point 4. Point 2 now becomes point 3 and Point 3 now becomes point 4.

The Mayor put the motion (as amended) to the vote and was adopted to become the Council’s decision on the matter.

Council Decision 48/12

1. Council acknowledges the Bunbury Airport Development Plan.

2. Council immediately advise the Clay Target Gun Club that the lease will not be renewed or negotiated when it expires on 30 June 2012.

3. Council endorses the amalgamation of the current Clay Target Gun Club site into the Bunbury Airport (as attached at Appendix 2).

4. a) Council approves the inclusion of the items listed in the Airport 10 year works program in a new 5 year program to be returned to Council for endorsement of the proposed timeframe.

b) An additional amount of $200,000 be added to the works program for 2016/17 for extending the waiting room / terminal building.

CARRIED

8 votes “for” / 4 votes “against"

Cr Jones moved procedural motion 15.10 to reopen the meeting to the public and press. The Mayor put the procedural motion to the vote and was CARRIED 12 votes “for” / nil votes “against. The meeting was reopen to the public and press at 10.15pm.
21. Close of Meeting

The meeting was declared closed at 10.16pm
### APPENDIX 1 – FURTHER INFORMATION AND RESPONSES TO QUESTIONS FROM TUESDAY, 21 FEBRUARY 2012

#### AGENDA BRIEFING

<table>
<thead>
<tr>
<th>Item Title</th>
<th>Further Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Director Planning and Development Services</strong></td>
<td></td>
</tr>
<tr>
<td>Proposed Change of Use from Medical Centre to Hospital – Lot 174 (No.140) Spencer Street Bunbury</td>
<td>The Bunbury Town Planning Scheme No.7 categorises the existing <strong>Day Surgery</strong> as a <strong>Medical Centre</strong> which by definition does not allow overnight stays of patients. The application was “to allow overnight stays of patients”. There is no scope in the planning scheme to permit this as an ancillary discretionary use as part of the activity of a Medical Centre. The planning scheme requires officers to categorise the proposal by the next closest definition, hence <strong>Hospital</strong>. The draft conditions of consent restrict the activity of the <strong>Hospital</strong> as a <strong>Day Surgery</strong>, by virtue of the application itself, that is, “to not more than one overnight patient at any one time”, the accompanying development plan; and specific conditions of approval. In relation to Conditions 1 to and inclusive of 6 they should remain. Condition 7 (some 8 metres of boundary fence to be constructed of Masonry walling) should be deleted for the reason that neighbours had not objected to the development nor had requested the wall and does not serve a practical purpose. Condition 7 should be substituted by the following condition: “The rear door that provides access to the to the Bin Wash area shall not be used for staff or patient access or storage for a Waste Bin. All Clinical Waste and General Waste shall be kept in bins in the Waste Hold inside the premises to unauthorised access to waste”. Condition 12 should be deleted as an Ambulance Siren is not a function of hospital or under the management and control of the applicant. Condition 12 should be substituted by the following: “Patient and staff access (from the rear car park) shall be via the Service Entry adjacent to the Covered Delivery/Ambulance Bay”.</td>
</tr>
<tr>
<td>Scheme Amendment 51 – Proposed Rezone from “Public Purpose Reserve” to “Residential R40” – Lots 27, 28, 29 and 45 (DP 7964) Pickersgill Street Bunbury</td>
<td>Despite the efforts of the applicant to gauge community support for the proposal through informal consultation, Councils support for the recommendation would allow for formal public exhibition of the proposal with a further report to Council. Assuming Council support, this would entail the applicant preparing a Detailed Area Plan to be exhibited for comment followed by a report to Council for its formal consideration. Only then can figures on the extent of notification of residents or “ratio” of support / non-support can be reported on to the Council. Assuming favourable consideration by the Council, the</td>
</tr>
<tr>
<td>Proposal</td>
<td>Description</td>
</tr>
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<td>-------------</td>
</tr>
<tr>
<td>Final Approval – Town Planning Scheme Amendment 59 to Allow for Single House on a Lot in a Development Investigation Policy Area</td>
<td>This report is to correct an anomaly in the planning scheme.</td>
</tr>
<tr>
<td>Confidential Report DPDS-16 Wisbey Street Section 408 Notice (Removal of a Neglected Building)</td>
<td>In summary the matter related to a property owned by the Brooks family that had contracted BGC Constructions as the Builder of the three brick and tile 3 x 2 Bedroom unit housing development on the subject land. The two front units have been sold and handed over BUT the rear unit was not completed to the satisfaction of the owner of the property (who decided to not take possession of the building because of various defects) and Council's Building Surveyor, namely the building was built 200mm lower than what had been approved. This coupled with the relative steepness of the driveway created difficulty for vehicles accessing and egressing the site with the potential to collide with the building eave overhang. The Brooks family solicitors have been involved with the SAT since about 2005/06. The SAT is required to determine who the legal owner of the building is. The outcome of which will inform staff who to issue the section 408 Notice. The Local Government Miscellaneous Provisions legislation is worded such that Council cannot further act on this matter until the SAT resolves the ownership issue. In about 2008/09 a Notice to demolish the building was issued BUT staff were caught by the above technicality as to owns the building I am advised that contrary to popular belief, the Builder is not living in the building; he actually resides in Peppermint Grove. The building is uninhabitable due to considerable vandalism to the interior of the building. The list of defects is extensive. The building is boarded-up with no access and this is being monitored on a regular basis to ensure public safety. Having regard to the above circumstances, the SAT has been informed that subject to the site remaining adequately secure and fenced that it is prepared to delay further legal action for a period of 6 months (1 August 2012).</td>
</tr>
</tbody>
</table>
The car parks and street machines income are on budget. Any shortfall in the budget relates to a reduction in the parking infringement income.

The reason for the reduction in the parking infringements income is two fold, firstly since the introduction of the parking strategy, the focus by Rangers with regards to parking in the CBD has been one of education to ensure that motorists are aware of and comply with the parking requirements within the CBD. This education has been achieved, in part by the issuing of warning notices with attached printed parking information sheets instead of infringements for most first time offenders.

The second reason is that since the introduction of street parking machines the number of vehicles observed breaching the parking restrictions has reduced substantially. The reduction in offending vehicles can be attributed to two main reasons, the increase in education of motorists and the fact that since the introduction of paid street parking, motorists now receive a ticket from the machine that clearly identifies when a vehicle arrived and when it must vacate the bay.

In relation to the decrease in planning approvals, this reflects an approximate 20% down-turn in development activity experienced in the past twelve months. The % down-turn actually represents an average number of all planning and building development activity over the past 11 years. In these global, national and local economic circumstances this level of activity demonstrates a relative degree of resilience in the local economy.

**Director Corporate Services**

**Bunbury Timber Jetty – January 2012 Budget Review**

The January 2012 Budget Review reduces the budgeted expenditure on the Bunbury Timber Jetty from $7.0M to $200k as the demolition/reconstruction project is not expected to commence in 2011/12. $200k has been allowed for design, tender and maintenance costs in 2011/12.

As a result of the $6.8M reduction in expenditure, grant income for the Bunbury Timber Jetty has been reduced from $3.5M to $200k and income from land sales of $3.5M deleted.

**IT Hardware and Software Purchases – January 2012 Budget Review**

The 2011/12 Budget for IT Hardware and Software purchases has increased from $252,701 to $747,166, an increase of $494,465. This has been funded from an increase in operating income identified in the budget review.

An additional $250,000 is required to comply with Microsoft licensing (originally included but reallocated to purchase integrated planning software) and a further $244,465 is required to migrate record keeping software from TRIM to Microsoft SharePoint.

**January 2012 Schedule of**

The $107,756.90 paid to Synergy in January 2012 is for approximately 60 electricity accounts for the...
APPENDIX 1

Accounts Paid - $107,756.90 paid to Synergy

period October – December 2011 including:

- Street Lighting $51,031.75 (01/12/11 – 24/12/11)
- Administration Building $27,760.75 (22/10/11 – 22/12/11)
- Regional Library $10,347.25 (15/11/11 – 19/12/11)

January 2012 Schedule of Accounts Paid – Payments to Perth Energy

- SW Sports Centre Electricity Charges $23,541.60 (15/11/11 – 14/12/11)
- SW Sports Centre Electricity Charges $22,648.29 (15/12/11 – 14/01/11)

Director Works and Services

Main Roads Western Australia Re-Proclamation of Australind Bypass and Proclamation of Slip-lane at Eelup Roundabout

In relation to Council declining to endorse the proclamation of Australind Bypass and Eelup slip lane – a recent precedence involved a Council not signing off on a proclamation for approximately 10 years, Main Roads continued to resubmit the request to Council until eventually it was signed off. The process is an administrative procedure, the operation and usage of the roads will not change.

The cost of Main Roads repeatedly resubmitting the request and for Council officers to prepare a revised agenda item for elected members to consider each time that the request was received is something that may need further thought.

Director Community and Customer Services

Glen Iris Skate park Proposal

Q1: Can we bring the skate park forward and reverse the project stages?

A1: It would be possible to construct the skate infrastructure first however community consultation and ancillary park equipment were outcomes of the community consultation and safety obligations. There are however specific portions of the site works that need to be completed prior to the skating infrastructure being constructed. While this would impact on funding it is achievable as full delivery in a single year depending on funding.

Q2: CCTV – Has this been considered, what are the actual costs and consideration to install?

A2: Estimated cost of an onsite (local) CCTV system would be approximately $30K. This would be for a local system not linked to the City’s street CCTV network because of site distance. If issues arise in the future at the proposed skate park currently available mobile CCTV camera system could be deployed for a period of time to deal with any issues.

Q3: Clarity in regards to the ongoing maintenance costs is sought. What does the $18,000 represent?

A3: $18,000pa represents 3% of the original construction value to be budgeted for annual
maintenance of the park and its facilities. The figure of 3% is based on standard guidelines for asset management. This means that to maintain a safe and serviceable facility, an additional $18,000pa needs to be included in the annual budget for the purpose of landscape maintenance, waste management, maintenance of the toilet and BBQ facilities, watering fees and charges, graffiti and vandalism management, etc.

Furthermore, 2% ($12,000pa) of the original construction value to be budgeted for depreciation so that the facility can be replaced at the end of its life, anticipated to be approximately 30 years.

Without these two considerations, the service level of the facility will diminish immediately after its first year, and will once again be an expensive item to be replaced at the end of its lifecycle. These two budget considerations are not limited to this one facility, but to every new facility that the City builds.

Q4: How many man hours have been spent on this project?
A4: This was not tracked specifically, however it is estimated approximately 37 hours.

Q5: Why is the car park located over the road and how many car bays are there?
A5: Please note, the car park is not over the road but adjacent to the skate park. There are 8 car bays allocated in the concept plan.

Q6: Can you confirm BBQ facilities are included?
A6: Yes, a double plate BBQ is included in the cost schedule.

Q7: Can lighting be considered in stage 1 rather than stage 2?
A7: Lighting for the exaloo is to be included in the first stage and the other lighting is "in-design" lighting, i.e. it is to be built into the skate park itself. Solar lighting and LED lighting will be considered in the first instance for this project.