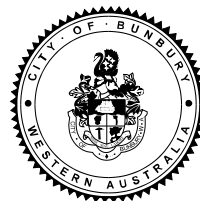




Bunbury City Council

Minutes 4 April 2017



CITY OF BUNBURY

4 Stephen Street
Bunbury WA 6230
Western Australia

Correspondence to:
Post Office Box 21
Bunbury WA 6231

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Nature of Council's Role in Decision Making

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Review:** When Council reviews decisions made by Officers.
- Quasi-Judicial:** When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Bunbury City Council

Minutes of the Ordinary Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 4 April 2017 at 5.30pm.

Minutes

4 April 2017

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

1. Declaration of Opening / Announcements of Visitors

The meeting was declared open by the Mayor Mr Gary Brennan at 5:30pm.

2. Disclaimer

All persons present are advised that the proceedings of this meeting will be recorded for record keeping purposes and to ensure accuracy in the minute taking process, and will also be streamed live via the internet to the public.

3. Announcements from the Presiding Member

The Mayor announced that he had had his initial official meeting with the new Member for Bunbury and that these would be held regularly from this point onwards.

The Mayor noted that the PCYC had reopened and that it had been nice to see this happen and to have participated in the opening.

The Mayor advised that on the previous evening a Carey Park Community Meeting was held on Monday evening with approximately 100 Carey Park residents in attendance along with elected members and officers.

The Mayor noted that WIN Television have commenced discussions about potentially broadcasting the South West Football League Grand Final this year.

The Mayor advised the iSports Carnival was held today with 240 competitors and 120 volunteers. He thanked Cr McCleary and Cr Cook for volunteering.

The Mayor advised 700 responses have been received so far for the CBD revitalisation community survey.

4. Attendance

Present:

Council Members:	
Presiding Member:	Mayor G Brennan
Deputy Presiding Member:	Deputy Mayor Councillor B Kelly
	Councillor S Morris
	Councillor J Jones
	Councillor J Hayward
	Councillor B McCleary
	Councillor M Cook
	Councillor J Miguel
	Councillor K Steck
	Councillor K Steele
	Councillor W Giles
	Councillor J McGuinness
	Councillor M Warnock
Executive Leadership Team (Non-Voting)	
Acting Chief Executive Officer	Mr G Harris
Acting Director Works and Services	Mr S Millen
Acting Director Corporate and Community Services	Mr D Ransom
Director Planning and Development Services	Mr M Osborne
Council Officers (Non-Voting)	
Media and Communications Officer	Mr J Tatham
Manager Information Communications and Technology	Mr M Roberts
Manager Community, Arts and Culture	Mr J Bowron
Manager Governance	Mr G Golinski
Council Meeting Support Officer	Ms J Earl
Council Meeting Support Officer	Ms L Allan
Acting Manager Finance	Mrs Vicki Gregg
Sport and Recreation Liaison Officer	Mr Gary Thompson
Others (Non-Voting)	
Members of the Public	17
Members of the Press	2

4.1 Apologies

4.2 Approved Leave of Absence

5. Declaration of Interest

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

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

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

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

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

Mayor Brennan declared an impartiality interest and a financial interest in the item titled “15.1.2 Request for Tender RFT1617- 00009 Koombana Bay Foreshore Construction” as one of the Tenderers is a company in which he has shares. Mayor Brennan will leave the chamber for the duration of the discussion and the vote on the matter.

Cr Warnock declared a financial interest in the item titled “15.1.2 Request for Tender RFT1617- 00009 Koombana Bay Foreshore Construction” as she has a financial connection to one or more of the tenderers. Cr Warnock will leave the chamber for the duration of the discussion and the vote on the matter.

Cr Hayward declared a financial interest in the item titled “15.1.2” as he has a financial connection with one or more of the tenderers. Cr Hayward will leave the chamber for the duration of the discussion and the vote on the matter.

Cr Jones declared an impartiality interest in the item titled “10.3.2 Stirling Street Arts Centre Redevelopment” as she is on the Board of the Stirling Street Arts Centre. Cr Jones will remain in the chamber for the duration of the discussion and the vote on the matter.

6. Public Question Time

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

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

6.1 Public Question Time

Nil.

6.2 Responses to Public Questions Taken 'On Notice'

Nil

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the Bunbury City Council held 21 March 2017 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 21 March 2017 be confirmed as a true and accurate record.

Outcome – Council Meeting 4 April 2017

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

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

Council Decision 113/17

The minutes of the Ordinary meeting of the Bunbury City Council held 21 March 2017 be confirmed as a true and accurate record.

CARRIED

13 votes "for" / Nil votes "against"

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

Applicant/Proponent:	Internal Report
Author:	Ben Deeley, Team Leader Sustainability and Integrated Land Use Planning
Executive:	Mal Osborne, Director Planning and Development Services
Attachments:	Appendix MTBN-1 – Community Environmental Reference Group Minutes 14/12/2017

Summary

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

1. Title: Community Environmental Reference Group Minutes 14/12/2017
Author: Ben Deeley, Team Leader Sustainability and Integrated Land Use Planning
Appendix: MTBN-1

Council Committee Recommendation

That the Community Environmental Reference Group Minutes for 14 December 2017 be accepted and noted.

Outcome – Council Meeting 4 April 2017

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

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

Council Decision 114/17

That the Community Environmental Reference Group Minutes for 14 December 2017 be accepted and noted.

CARRIED
13 votes "for" / Nil votes "against"

8. Petitions, Presentations, Deputations and Delegations

8.1 *Petitions*

Nil

8.2 *Presentations*

Nil

8.3 *Deputations*

Mr Giuliano Cantoni

Mr Cantoni requested to address item 10.3.1 titled “*Perth Glory W-League Match Funding Request*”.

Council Decision 115/17

Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Cantoni’s deputation request to address item 10.3.1 titled “Perth Glory W-League Match Funding Request” and allows a period of up to 5 minutes to present to Council.

CARRIED

13 votes “for” / Nil votes “against”

Mr Gideon Wezeman and Ms Elizabeth McNaughton, 35 Tuart Street Bunbury

Mr Wezeman and Ms McNaughton requested to address item 10.4.2 titled “*Retrospective Amendment to Development Approval – Landscaping and Front Fence – Lot 2 (#7) Taunton Street, East Bunbury*”.

Council Decision 116/17

Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Name’s deputation request to address item 10.4.2 titled “Retrospective Amendment to Development Approval – Landscaping and Front Fence – Lot 2 (#7) Taunton Street, East Bunbury” and allows a period of up to 5 minutes to present to Council.

CARRIED

13 votes “for” / Nil votes “against”

8.4 Council Delegates' Reports

Nil

8.5 Conference Delegates' Reports

Nil

9. Method of Dealing with Agenda Business

Standing Order 5.5 permits the Council to adopt the recommendations “by exception” (en-bloc).

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for items 10.2.1, 10.2.3, 10.2.4, 10.4.1, 10.4.3, 10.4.4.

Items 10.2.2, 10.3.1, 10.3.2, 10.3.3 and 10.4.2 of the meeting agenda were then discussed and voted on separately and in the order that they appeared on the agenda. The items have been renumbered with the items voted “by exception” listed first.

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

10. Reports

10.1 *Schedule of Accounts Paid for the 1 February 2017 to 28 February 2017 (was listed as item 10.2.1 of the Council Agenda)*

Applicant/Proponent:	Internal Report
Responsible Officer:	Vicki Gregg, Acting Manager Finance
Responsible Manager:	Vicki Gregg, Acting Manager Finance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-1: Schedule of Accounts Paid

Summary

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 February 2017 to 28 February 2017 is **attached** at Appendix CEO-1. The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$4,472,424.52
2. Advance Account – payments totalling \$2,380,697.10
3. Trust Account – payments totalling \$47,463.22
4. Visitor Information Centre Trust Account – payments totalling \$18,280.79
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$1,303,981.74
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$1,265,791.65

Executive Recommendation

The Schedule of Accounts Paid for the Period 1 February 2017 to 28 February 2017 be received.

Outcome – Council Meeting 4 April 2017

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

Council Decision 117/17

The Schedule of Accounts Paid for the Period 1 February 2017 to 28 February 2017 be received.

CARRIED

13 votes "for" / Nil votes "against"

10.2 Financial Management Report for the Period Ending 28 February 2017 (was listed as item 10.2.3 of the Council Agenda)

Applicant/Proponent:	Internal Report
Responsible Officer:	Vicki Gregg, Acting Manager Finance
Responsible Manager:	Vicki Gregg, Acting Manager Finance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-4: Statement of Comprehensive Income Appendix CEO-5: Statement of Financial Activity Appendix CEO-6: Statement of Net Current Assets Appendix CEO-7: Statement of Financial Position Appendix CEO-8: Capital Works Expenditure Summary Appendix CEO-9: Operating Project Expenditure Summary

Summary

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

- Statement of Comprehensive Income (**attached** at Appendix CEO-4)
Actual Financial Performance to 28 February 2017 (refer explanations within the report)
 - Actual income of \$51.31M is \$279K greater than the year-to-date budgeted income of \$51.03M.
 - Actual expenditure of \$26.84M is \$2.87M less than the year-to-date budgeted expenditure of \$29.71M.
 - Actual operating surplus of \$24.46M is \$3.15M more than the year-to-date budgeted operating surplus of \$21.31M.
- Statement of Financial Activity (**attached** at Appendix CEO-5)
Closing Funding Surplus to 30 June 2017 is forecast at \$500,817, which is \$1,116 more than the Current Budget Closing Funding Surplus of \$499,701.

- Statement of Financial Position (**attached** at Appendix CEO-7)

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

	Year-to-date	Forecast
* Current Assets of \$55.82M includes:		
- Cash and Investments	\$47.71M	\$27.06M
- Rates	\$6.81M	\$0.81M
- Other Current Assets	\$1.30M	\$1.93M
* Current Liabilities of \$8.34M includes:		
- Trade and Other Payables	\$2.64M	\$4.63M
- Annual Leave and LSL Provisions	\$3.46M	\$3.91M
* Working Capital (Current Assets less Current Liabilities)	\$47.48M	\$18.96M
* Equity (Total Assets less Total Liabilities)	\$600.21M	\$580.47M

4. Capital Works (**attached** at Appendix CEO-8)
 - Actual capital works of \$9.87M is \$3.29M less than the year-to-date budgeted capital works of \$13.16M, (refer explanation within report).

5. Operating Project Expenditure (**attached** at Appendix CEO-9)
 - Actual operating project expenditure of \$1.73M is \$611K less than the year-to-date budgeted operating project expenditure of \$2.34M, (refer explanation within report).

Executive Recommendation

The Financial Management Report for the period ending 28 February 2017 be received.

Strategic Relevance

Key Priority Area 5	Corporate
Objective 5.3	Ensure financial sustainability

Background

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

- Statement of Comprehensive Income (**attached** at Appendix CEO-4)
- Statement of Financial Activity (**attached** at Appendix CEO-5)
- Statement of Net Current Assets (**attached** at Appendix CEO-6)
- Statement of Financial Position (**attached** at Appendix CEO-7)
- Capital Works Expenditure Summary (**attached** at Appendix CEO-8)
- Operating Projects Summary (**attached** at Appendix CEO-9)

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

Council Policy Compliance

Not applicable.

Legislative Compliance

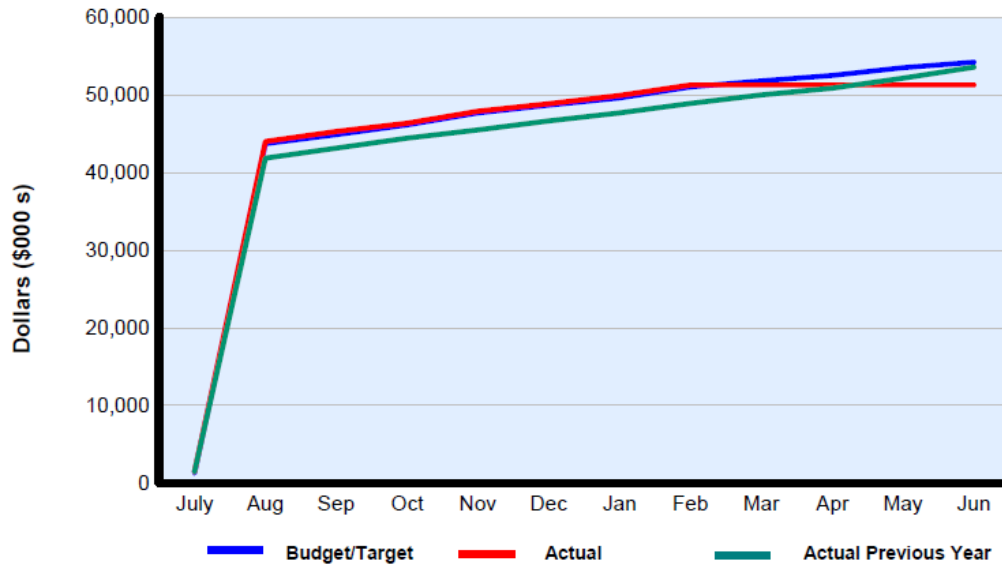
In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix CEO-6) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

At the Special Council Meeting 27 July 2016, Council adopted that a variance between actual and budget-to-date of greater than or equal to 10% and \$25,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2016/17.

Officer Comments

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

Operating income (\$000's)

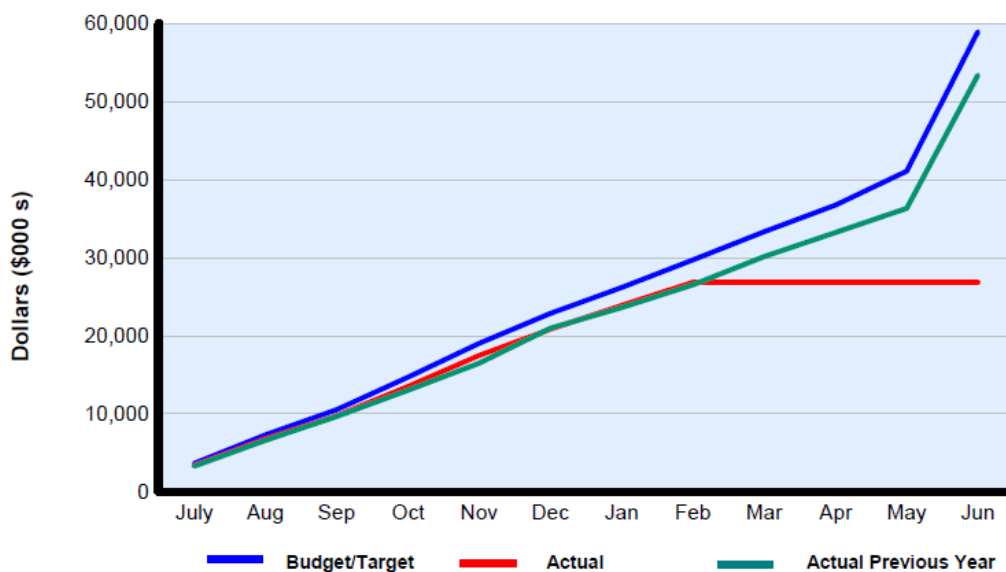


Note: Operating income includes: rates, fees and charges, operating grants and subsidies, contributions reimbursements and donataions, interest and other revenue.

Actual income of \$51.31M is \$279K greater than the year-to-date budget income of \$51.03M.

Explanations for this variance are included in this report.

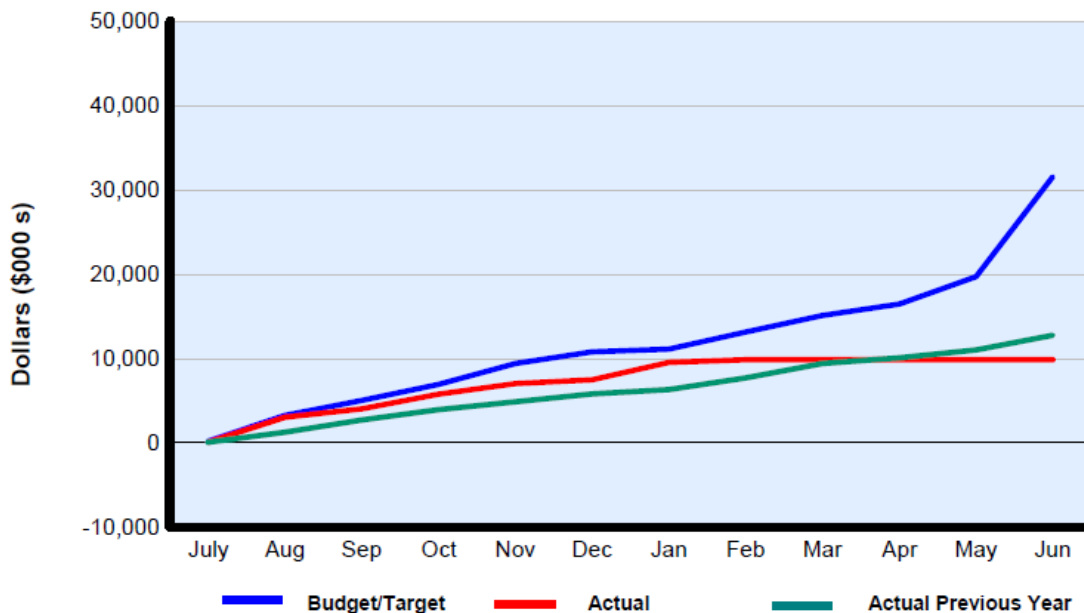
Operating expenditure (\$000's)



Note: Actual operating expenditure for both base and operating projects is \$2.87M under the year-to-date budget due to timing of works commencing.

Explanations for this variance are included in this report.

Capital Expenditure (\$ 000's)



Note: The capital expenditure variance to the end of February 2017 of \$3.29M is due to the delay in commencement or progress of various projects as reported in the monthly Capital Works Expenditure Summary Report to Council.

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

Statement of Comprehensive Income	YTD Actual to Budget Variance
Operating Income	
Interest Received <i>Cash and Investment Interest Income</i> – Favourable year-to-date variance of \$67K mainly due to an increase in funds held in term deposits. An end of year forecast adjustment has been made. <i>Rates Debtor Interest Income</i> – Favourable year-to-date variance of \$12K mainly due to additional rate payers taking advantage of paying by instalments. An end of year forecast adjustment has been made.	\$80,011 9%
Operating Expenditure	
Materials and Contracts <i>Material Expenditure</i> - Favourable year-to-date variance of \$485K, mainly due to the timing of operating expenditure. This will be monitored on a monthly basis. <i>Contract Employment Expense</i> – Favourable year-to-date variance of \$53K, this expenditure has not been required to date. This will be monitored on a monthly basis.	\$2,004,179 22%

<p><i>Consultants Expenses</i> - Favourable year-to-date variance of \$435K, mainly due to the timing of expenditure on the following accounts:</p> <ul style="list-style-type: none"> PR-4167 Prepare a Local Area Plan - \$150K PR-3196 Conduct detailed contaminated site investigation for Nuytsia Ave - \$69K PR-4166 Conduct site investigation Ecclestone Street - \$61K PR-4176 Implement Withers Youth Strategy - \$32K PR-4156 Revalue building assets and freehold land - \$20K Investigate and design traffic scenario modelling - \$19K PR-3882 Upgrade Trim Electronic Document System - \$16K PR-1578 Develop and implement a Public Health Plan - \$15K <p>This will be monitored on a monthly basis.</p> <p><i>Contractors Expenses</i> - Favourable year-to-date variance of \$934K, mainly due to the timing of operating expenditure on the following accounts:</p> <ul style="list-style-type: none"> Collect domestic recyclable materials - \$114K Maintain sport grounds and infrastructure - \$106K PR-3996 Upgrade Adam Road Primary School carpark - \$91K PR-4327 Regional Tourism Strategy implementation - \$70K Collect household organic waste - \$69K Maintain trees - \$47K Maintain landscape structures - \$39K Maintain paths and cycleways - \$35K Maintain corporate vehicles - \$30K Maintain drainage pump stations - \$30K PR-3888 Closure of laneways in Withers - \$30K <p>This will be monitored on a monthly basis.</p> <p><i>Software License or Maintenance Expenditure</i> - Favourable year-to-date variance of \$63K, mainly due to the timing of operating expenditure. This will be monitored on a monthly basis.</p> <p><i>Equipment Lease and Hire Expenditure</i> – Favourable year-to-date variance of \$24K, mainly due to the timing of operating expenditure. This will be monitored on a monthly basis.</p>	
<p>Other Expenses</p> <p><i>Miscellaneous Expenditure</i> - Favourable year-to-date variance of \$44K mainly due to the timing of operating expenditure for employee training and accommodation \$28K and membership and subscription expenses \$14K. This will be monitored on a monthly basis.</p> <p><i>Contribution, Donations and Sponsorship Expenditure</i> – Favourable year-to-date variance of \$63K mainly due to the timing of operating project expenditure. Refer to Operating Project Expenditure report for details.</p>	<p style="text-align: center;">\$134,797 9%</p>

<p><i>Elected Member Expenditure</i> – Favourable year-to-date variance of \$29K mainly due the timing of operating expenditure. This will be monitored on a monthly basis.</p>	
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Statement of Financial Activity	YTD Actual to Budget Variance
Operating Revenues	
Favourable variance. See explanation above included in the Statement of Comprehensive Income variances.	\$283,272 2%
Operating Expenses	
Favourable variance. See explanation above included in the Statement of Comprehensive Income variances.	\$2,873,373 9%
Capital Expenses	
<p>Acquisition of Assets – The favourable year-to-date variance is mainly due to the timing of expenditure for the following projects:</p> <p>PR-3390 – Capital works at BREC, including replacing hardi-flat sheeting with colourbond metal sheeting to fly tower - \$665K</p> <p>PR-2288 - Replace corporate heavy plant 2016/17 - \$520K</p> <p>PR-4165 - Develop a detailed design for a Cultural Precinct - \$365K</p> <p>PR-2481 - Reconstruct and improve drainage in Spencer St - \$310K</p> <p>PR-1912 – Replace waste vehicles and plant 2016/17 - \$279K</p> <p>PR-1197 – Upgrade intersection of Parade Rd and Crampton Ave - \$207K</p> <p>PR-3900 - Upgrade Koombana Drive and Austral Parade Intersection - \$193K</p> <p>PR-3647 - Renew drainage line Ecclestone St to Kelly St - \$147K</p> <p>PR-4015 – Improve City’s landscaping, parks and entry statements - \$139K</p> <p>PR-4149 - Implement State CCTV Strategy Infrastructure - \$104K</p> <p>PR-3222 – Renew drainage Picton Road - \$101K</p> <p>PR-4012 - Upgrade and segmentation of network structure - \$99K</p> <p>PR-1536 - Renew landscaping and irrigation systems at Queens Gardens - \$79K</p> <p>Refer to Capital Expenditure report for project details.</p>	\$3,286,551 24%

Analysis of Financial and Budget Implications

This Financial Management Report on the financial performance of the City is provided for Councillors information and does not have any financial or budget implications for the 2016/17 financial year.

Community Consultation

There is no requirement for community consultation on this report.

Councillor/Officer Consultation

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

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

Outcome – Council Meeting 4 April 2017

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

Council Decision 118/17

The Financial Management Report for the period ending 28 February 2017 be received.

CARRIED

13 votes "for" / Nil votes "against"

10.3 Bunbury Geographe Growth Plan (was listed as item 10.2.4 of the Council Agenda)

Applicant/Proponent:	Internal Report
Responsible Officer:	Andrew Brien, Chief Executive Officer
Responsible Manager:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

The Bunbury Geographe Growth Plan was officially launched by the Hon. Terry Redman MLA, Minister for Regional Development, in Bunbury on the 9 February 2017.

A full copy of the adopted Regional Growth Plan and other information can be found at <http://bunburygeographe.com.au>.

This report is to recommend that Council receive and endorse the Bunbury Geographe Growth Plan and support the ongoing marketing of the branding and strategic objectives of the Plan.

Executive Recommendation

Council receives and endorses the Bunbury Geographe Growth Plan and supports the ongoing marketing of the branding and strategic objectives of the Plan.

Strategic Relevance

Key Priority Area 4 Regional Economy
Objectives 4.1, 4.2, 4.3 Noting the key elements to ensure the future sustainability of Bunbury are a strong economic base that reflects complete advantages and key emerging and developing industry sectors.

Key Priority Area 5 Corporate
Objective 5.6 Improve local, regional, state and national perception of Bunbury noting strategic relationship will form the basis for collaborations that delivery positive community benefits.

Background

The City of Bunbury has been in partnership with the Shires of Dardanup, Capel and Harvey, the South West Development Commission, LandCorp and the Department of Regional Development to draft and adopt an economic growth strategy for the Bunbury Geographe area (encompassing the four local government districts).

A cornerstone outcome has been the new branding of what was known as Greater Bunbury to 'Bunbury Geographe'. The outcome of research, interviews and workshops widely supported the Bunbury Geographe name as a brand identity that would bond the City of Bunbury and Shires of Capel, Dardanup and Harvey with the ability to promote the area on a local, national and global stage.

The joining of the names 'Bunbury' and 'Geographe' represents the City at the centre of the region, with both an urban and industrial focus, whilst also talking to the natural landscapes and authentic experiences. The brand will now promote the region, build networks, breakdown barriers, connect the community and create opportunities in a sustainable way, enriching the lives of people in it

The implementation of the Growth Plan Strategy is being overseen by the Bunbury Geographe Growth Plan Partnership Steering Committee. The committee comprises of the following membership:

- * President of the Bunbury Chamber of Commerce and Industries;
- * Chairman of the Bunbury Wellington Economic Alliance;
- * Chief Executive Officer or delegate of the Southern Ports Authority;
- * Presidents of the Shires of Capel, Dardanup and Harvey;
- * Mayor of the City of Bunbury; and
- * CEO of the South West Development Commission.

The Steering Committee Chairman is Cr Mick Bennett.

The Steering Committee now seeks support to promote the Bunbury Geographe Growth Plan and the associated Bunbury Geographe branding through membership based marketing and communications channels.

Council Policy Compliance

Not Applicable

Legislative Compliance

Not Applicable

Officer Comments

As lead agencies in the Growth Plan partnership, the four (4) local governments and SWDC have many potential avenues to help generate increased awareness of the Growth Plan itself, and the associated branding. This could include:

Promoting the Bunbury Geographe Growth Plan;

- * Include an item on the Growth Plan in Communications to the community.
- * Make reference to the Growth Plan and include either a pdf version or link of the Strategy in an appropriate area of web site.
- * Making reference copies available at reception.
- * Ensure key staff are aware of its existence and contents.

Supporting the Bunbury Geographe brand;

- * Including Bunbury Geographe branding on websites.
- * Using the term 'Bunbury Geographe' when referring to the wider area (formerly may have used 'Greater Bunbury').
- * Including links to www.bunburygeographe.com.au on your website.
- * Applying the brand to corporate stationery and e-communications (as appropriate).

- * Applying the brand to promotional collateral e.g. banners, signage etc.

Creating links to the Cities web page and promoting the partnership in media releases, social media is appropriate. The Strategy will provide compelling support to attract investment in the region from both government and the private sector.

Analysis of Financial and Budget Implications

At this stage there are no financial implications for being a partner and supporting the Bunbury Geographe Growth Plan Strategy Partnership

Community Consultation

There have been a number of workshops and consultation undertaken with businesses and key agencies throughout the City of Bunbury and Shires of Capel, Dardanup and Harvey.

The Growth Plan empowers business to identify and pursue opportunities through the establishment of non-statutory, industry-led committees that have the capacity to address the particular research, marketing, education and infrastructure interests of industry sectors.

These committees will be coordinated by a Steering Committee that has equal industry and government representation, allowing the plan to be 'industry led and government enabled'.

Councillor/Officer Consultation

Elected Members have been informed on progress of the plan throughout the process and were provided with a presentation of the Bunbury Geographe Growth Plan in September 2016.

The Mayor is a member of the Steering Committee and the Chief Executive Officer has been involved in the Bunbury Geographe Growth Plan Meetings.

Outcome – Council Meeting 4 April 2017

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

Council Decision 119/17

Council receives and endorses the Bunbury Geographe Growth Plan and supports the ongoing marketing of the branding and strategic objectives of the Plan.

CARRIED

13 votes "for" / Nil votes "against"

10.4 Proposed Deed of Lease – Cancer Council WA, Relay for Life Bunbury over portion of Lot 100 Herbert Road “Payne Park”, East Bunbury (was listed as item 10.4.1 of the Council Agenda)

File Ref:	L270
Applicant/Proponent:	Cancer Council WA, Relay for Life Bunbury
Responsible Officer:	Jane Dawson, Senior Property Officer
Responsible Manager:	Felicity Anderson, Manager Major Projects and Property
Executive:	Malcolm Osborne, Director Planning and Development Services
Attachments:	DPDS-1: Location Plan

Summary

Cancer Council WA, Relay for Life Bunbury (the “Applicant”) have had a demountable Office and sea container located at Payne Park, East Bunbury for approximately three (3) years without a Lease in place, the Applicant now seeks a Deed of Lease. A location plan is **attached** at Appendix DPDS-1.

Executive Recommendation

Council agrees to the proposed Deed of Lease to the Applicant over portion of Lot 100 Herbert Road “Payne Park”, East Bunbury for a term of three (3) years with a further option of five (5) years for use as Office space and Storage subject to the terms and conditions as specified in the report, and the following:

1. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.
2. The Applicant to pay the full cost of document preparation.

Strategic Relevance

Key Priority Area 1 Community and Culture
Objective 1.4 Increase participation in sport and leisure activities

Background

The Applicant has had a demountable office and sea container located at Payne Park for approximately three (3) years without a lease in place with the City.

Relay for Life is a fund raising event for Cancer Council WA. It is organised and run by volunteers with the help of sponsors and supporters to ensure that almost every cent in each dollar goes towards cancer research.

Existing lease arrangements at Payne Park include the Bunbury Football Club. Should Bunbury Football Club exercise their five year option in 2020 Lease arrangements will end in March 2025. With this in mind it is proposed that the City seek to provide a three year lease with a five year option so that lease arrangements align for all groups at Payne Park.

Proposed New Lease

Commencement:	1 May 2017
Term:	Three (3) years with a further option of five (5) years
Expiry Date:	31 April 2022
Lease Area:	Office 44m ² and Storage sea container 18m ²
Rental:	\$37.20 per annum plus GST, CPI annually and Market Rent Review every three years
Outgoings:	Lessee responsible for all outgoings
Insurance:	Public Liability \$10M and General Insurance fixtures and fittings
Preparation of Lease:	Lessee to pay all costs associated with document preparation

Council Policy Compliance

Leasing and Licensing Policy.

Legislative Compliance

The notice of intention to grant the applicants a Deed of Lease will be published in the City Focus column of the Bunbury Mail Newspaper, displayed at the City's Libraries, the Administration centre and on the City's website in accordance with Section 3.58 of *the Local Government Act 1995*.

Officer Comments

The Applicant was notified on 16 January 2017 that the City would be drafting a lease for the Applicant's consideration and this would be forwarded within 21 days of the date of this notification.

The Draft Lease was forwarded to the Applicant on 24 February 2017 for review and comment.

The applicant has been advised that it will be recommended that the lease term be three (3) years with a further term of five (5) years to align with other leases at Payne Park.

Analysis of Financial and Budget Implications

The applicants will be responsible for all costs associated with the preparation of documentation associated with the new lease.

Community Consultation

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

Councillor/Officer Consultation

The Development Coordination Unit advised on 9 February 2017 there are no objections to the proposed lease.

Building have confirmed there are existing approvals for the Office and Storage (demountable and sea container).

Outcome – Council Meeting 4 April 2017

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

Council Decision 120/17

Council agrees to the proposed Deed of Lease to the Applicant over portion of Lot 100 Herbert Road "Payne Park", East Bunbury for a term of three (3) years with a further option of five (5) years for use as Office space and Storage subject to the terms and conditions as specified in the report, and the following:

- 1. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.***
- 2. The Applicant to pay the full cost of document preparation.***

CARRIED

13 votes "for" / Nil votes "against"

10.5 Proposed New Leases, Hangar 58 and Hangar 59, Bunbury Airport, Lot 507 (DP74949) South Western Highway, Davenport on Certificate of Title Volume LR3163 Folio 11 (was listed as item 10.4.3 of the Council Agenda)

File Ref:	L255 and L256
Applicant/Proponent:	Peter Heyworth and AirSports WA
Responsible Officer:	Jane Dawson, Senior Property Officer
Responsible Manager:	Felicity Anderson, Manager Major Projects and Property
Executive:	Malcolm Osborne, Director Planning and Development Services
Attachments:	DPDS-7: Location Plan

Summary

The City of Bunbury airport expansion provides for an additional 19 hanger sites. Applications for two (2) of the sites have been requested, being Hangar 58 and Hangar 59. A location plan is **attached** at Appendix DPDS-7.

Executive Recommendation

1. That Council agrees to grant:
 - (a) Mr Peter Heyworth an Airport Hangar Lease for Hangar 58 at the Bunbury Airport located on Lot 507 (DP74949) South Western Highway, Davenport for a term of five (5) years with a further option of five (5); and
 - (b) AirSports WA an Airport Hangar Lease for Hangar 59 at the Bunbury Airport located on Lot 507 (DP74949) South Western Highway, Davenport for a term of five (5) years with a further option of five (5);

2. That both leases be subject to the following:
 - (a) The leases being prepared including the standard terms and conditions;
 - (b) The applicants agreeing to pay all costs associated with the lease application including document preparation.
 - (c) Advertising for the disposal being undertaken in accordance with the provisions of Section 3.58 of the Local Government Act 1995.
 - (d) Approval of the Minister for Lands for the leases being obtained.

Strategic Relevance

Key Priority Area 2 Transport and Infrastructure
Objective 2.1 Maintain transport infrastructure at levels consistent with community expectations

Background

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

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

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

New Lease Details

Commencement:	1 May 2017
Term:	Five (5) years with a further option of five (5) years
Expiry Date:	30 April 2022
Lease Area:	Hangar 58 - 300m ² Hangar 59 - 300m ²
Rental @ \$5.00m ² :	Hangar 58 \$1,500.00 per annum exclusive of GST Hangar 59 \$1,500.00 per annum exclusive of GST
Rent Review:	Every Anniversary from the date of commencement, determined by CPI and market rental every 3 rd anniversary.
Outgoings:	Responsibility of the Lessee.
Insurance:	The Lessee to maintain Public Risk and General Insurance Policies over the premises with Public Liability to be set at \$10(M).
Special Conditions:	Lessee responsible for maintaining and upkeep of the demised premises. The applicant to pay all costs associated with the lease application including document preparation.

Council Policy Compliance

Not applicable.

Legislative Compliance

Section 3.58 of the *Local Government Act 1995*

Officer Comments

As a result of the recent expansion the City of Bunbury has had the opportunity to offer a significant number of new hanger leases which has attracted great interest. The new leases will increase airport and will create a vibrant hub for light aircraft within the region.

Analysis of Financial and Budget Implications

The lease rental calculated is based upon a report provided by the Valuer General following the Valuer General’s extensive review of similar airports throughout Western Australia.

Hangar Owners are also responsible for all outgoings including rates.

Community Consultation

The proposed leases will be advertised in accordance with the provisions of Section 3.58 of the *Local Government Act 1995*.

Should there be no objections received following the advertising of the proposed Lease, the Lease will progress. The matter will only return to Council for further consideration should there be any objection.

Councillor/Officer Consultation

The Team Leader Airport and Design has discussed the proposed Leases with the Applicants and requested that Major Projects and Property proceed with the preparation of leases.

Outcome – Council Meeting 4 April 2017

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

Council Decision 121/17

1. That Council agrees to grant:

- (a) Mr Peter Heyworth an Airport Hangar Lease for Hangar 58 at the Bunbury Airport located on Lot 507 (DP74949) South Western Highway, Davenport for a term of five (5) years with a further option of five (5); and**
- (b) AirSports WA an Airport Hangar Lease for Hangar 59 at the Bunbury Airport located on Lot 507 (DP74949) South Western Highway, Davenport for a term of five (5) years with a further option of five (5);**

2. That both leases be subject to the following:

- (a) The leases being prepared including the standard terms and conditions;**
- (b) The applicants agreeing to pay all costs associated with the lease application including document preparation.**
- (c) Advertising for the disposal being undertaken in accordance with the provisions of Section 3.58 of the Local Government Act 1995.**
- (d) Approval of the Minister for Lands for the leases being obtained.**

CARRIED

13 votes "for" / Nil votes "against"

10.6 Southern Ports Authority – Port of Bunbury Previously Bunbury Port Authority – Dust Monitoring Renewal of Licence Agreement over Portion Reserve 6962 (Lot 729) Stirling Street, Bunbury (was listed as item 10.4.4 of the Council Agenda)

File Ref:	F00339
Applicant/Proponent:	Southern Ports Authority, Port of Bunbury
Responsible Officer:	Jane Dawson, Senior Property Officer
Responsible Manager:	Felicity Anderson, Manager Major Projects and Property
Executive:	Malcolm Osborne, Director Planning and Development Services
Attachments:	Appendix DPDS-8: Location Plan Confidential Appendix CRUSC-1: BPA Dust Monitoring

Summary

Southern Ports Authority, Port of Bunbury seeks to be granted a renewal of its Licence Agreement over portion of Reserve 6962 (Lot 729) Stirling Street, Bunbury for the purpose of monitoring ambient dust emissions in the vicinity of the Port. A location map is **attached** at Appendix DPDS-8

Executive Recommendation

Council agrees to grant the Southern Ports Authority, Port of Bunbury a new Licence Agreement for the dust monitoring equipment on Reserve 6962 (Lot 729) Stirling Street, Bunbury, subject to:

1. The term of the License to be five (5) years then subject to review, in accordance with the terms and conditions contained in this report;
2. The Licensee to pay full costs of document preparation and valuation assessments;
3. The Southern Ports Authority, Port of Bunbury to provide the City of Bunbury with the results of dust monitoring programs on an annual basis;
4. The intention to enter into a Licence Agreement to be advertised in accordance with the provisions of Section 3.58(3) of the Local Government Act 1995; and
5. The approval of the Minister for Lands being granted.

Strategic Relevance

Key Priority Area 3 Natural and Built Environment
Objective 3.3 Improve public health and safety

Background

The applicant has had a licence over the site since 2005 when Council agreed (Decision No. 246/05) to grant a Licence Agreement to the Bunbury Port Authority to utilise a 6m² portion of Reserve 6962 (Lot 729) Stirling Street for an initial term of one (1) year.

Bunbury Port Authority had the Licence Agreement renewed in 2006 for a further one (1) year, in 2007 for a further five (5) years and in 2012 for a further five (5) years which will expire on 2 May 2017.

Reserve 6962 (Lot 729) is held by the City of Bunbury on Crown Land Record LR3089/681 for the purpose of 'Public Recreation' with the power to licence for a period of up to five (5) years.

Approval to enter into the Licence Agreement is to be sought from the Minister for Lands.

Current Licence Details - Dust Monitoring Unit

Commencement Date:	2 May 2012
Term:	Five (5) years
Expiry Date Review:	1 May 2017
Rental:	\$1146.53 plus GST per annum
Permitted Use:	Monitoring dust emissions
Licence Area:	6 square metres
Insurance Requirements:	The Southern Ports Authority, Port of Bunbury is required to hold public liability cover set at up to ten million dollars (\$10M), as well as general insurance and appropriate workers' compensation cover.
Special Conditions:	The Licensee shall consult with the City of Bunbury, the Department of Environment and Conservation and the Southern Ports Authority Community Liaison Committee; and provide an independent dust monitoring report to the City annually.
Outgoings:	Responsibility for the Licensee.

Proposed New Licence Agreement Details - Dust Monitoring Unit

Commencement Date:	2 May 2017
Term:	Five (5) years
Expiry Date Review:	1 May 2022
Rental:	\$1260.00 plus GST per annum
Permitted Use:	Monitoring dust emissions
Licence Area:	6 square metres
Insurance Requirements:	The Southern Ports Authority, Port of Bunbury is required to hold public liability cover set at up to ten million dollars (\$10M), as well as general insurance and appropriate workers' compensation cover.
Special Conditions:	The Licensee shall consult with the City of Bunbury, the Department of Environment and Conservation and the Southern Ports Authority, Port of Bunbury Liaison Committee; and provide an independent dust monitoring report to the City annually.
Outgoings:	Responsibility for the Licensee.
Documentation Costs:	The Licensee to pay full costs of document preparation and valuation.

Council Policy Compliance

Commercial Leases Policy

Legislative Compliance

The notice of intention to grant the Southern Ports Authority, Port of Bunbury a licence for the dust monitoring machine, will be published in accordance with section 3.58 of *the Local Government Act 1995*, the Office of the Minister for Lands will be approached for approval to the licence proposal.

Officer Comments

The 2012 Agenda to Council advised the Bunbury Port Authority will compile the dust monitoring levels after each financial year in August/September.

The Southern Ports Authority during the previous licence agreement term did not forward independent dust monitoring reports annually to the City.

As a condition of proceeding to Council with the request for new licence agreement, the Southern Ports Authority have now supplied a copy of a dust monitoring report this is **attached** at Confidential Appendix CRUSC-1.

Analysis of Financial and Budget Implications

The Southern Ports Authority will continue to be responsible for all costs associated with the operation of the dust monitors, and maintenance and remediation of the licence area.

Community Consultation

The notice of intention to grant the Southern Ports Authority, Port of Bunbury a licence for the dust monitoring machine, will be published in accordance with section 3.58 of *the Local Government Act 1995*.

Should there be no objections received following the advertising of the proposed licence, the licence will progress. The matter will only return to Council for further consideration should there be any objection.

Councillor/Officer Consultation

The City's Development Coordination Unit have supported the renewal of the licence.

Outcome – Council Meeting 4 April 2017

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

Council Decision 122/17

Council agrees to grant the Southern Ports Authority, Port of Bunbury a new Licence Agreement for the dust monitoring equipment on Reserve 6962 (Lot 729) Stirling Street, Bunbury, subject to:

- 1. The term of the License to be five (5) years then subject to review, in accordance with the terms and conditions contained in this report;***
- 2. The Licensee to pay full costs of document preparation and valuation assessments;***
- 3. The Southern Ports Authority, Port of Bunbury to provide the City of Bunbury with the results of dust monitoring programs on an annual basis;***
- 4. The intention to enter into a Licence Agreement to be advertised in accordance with the provisions of Section 3.58(3) of the Local Government Act 1995; and***
- 5. The approval of the Minister for Lands being granted.***

CARRIED

13 votes "for" / Nil votes "against"

10.7 Draft Integrated Financial Plan 2017/18 to 2031/32 (was listed as item 10.2.2 of the Council Agenda)

Applicant/Proponent:	Internal Report
Responsible Officer:	Vicki Gregg, Acting Manager Finance
Responsible Manager:	Vicki Gregg, Acting Manager Finance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-2: Summary of the Councillor Integrated Financial Plan Workshop 7 March 2017 Appendix CEO-3: Amended “Key Assumptions Underpinning the IFP”

Summary

The 15 year Integrated Financial Plan (IFP) is currently being developed by Councillors and staff for the financial years 2017/18 to 2031/32. The IFP provides the Bunbury community a plan to deliver the vision, goals and objectives of the Strategic Community Plan. It also demonstrates Council’s financial capacity to deliver services, provide facilities and manage assets that will sustain the Bunbury community in the future.

From the outcome of the Councillor IFP Workshop held on 7 March 2017, Councillors are required to give direction to staff to finalise the draft IFP prior to being presented to Council for adoption in May 2017. The summary of the above workshop is **attached** at Appendix CEO-2 and lists 7 outstanding items to be considered by Council.

Executive Recommendation 1

Council support the current allocation of \$292,608 to Bunbury Regional Entertainment Centre (BREC) as detailed in the IFP for the 2017/18 financial year.

Executive Recommendation 2

Council support the inclusion of \$20,000 in the 2017/18 financial year to audit all City properties, buildings and services to identify priorities of accessibility and inclusiveness to assist meeting the goal of becoming the Most Accessible Regional City in Australia (MARCIA) by 2020.

Executive Recommendation 3

Council maintains its current shade program (PR-3557 Install Shade Sails) in accordance with the Draft Integrated Financial Plan.

Executive Recommendation 4

Council supports to increase PR-3863 Provide funding for a “Community Grants” funding round 2017/18 from \$80,000 to \$95,000, to be funded by a reduction of \$15,000 from PR-4158 Provide funding for a “Minor Community Grants” funding round 2017/18.

Executive Recommendation 5

Council note there is an additional \$100,000 under PR-4248 for Implement Economic Development Strategy that the Business Tourism proposal can be accommodated within.

Executive Recommendation 6

Council request the CEO investigate the implementation of an Urban Food Garden in the 2017/18 financial year at an estimated net cost to Council of \$20,000.

Executive Recommendation 7

Council support amendments to the “Key Assumptions Underpinning the IFP” in the Integrated Financial Plan as per Appendix CEO-3.

Background

A draft Integrated Financial Plan for financial years 2017/18 to 2031/32 was presented at a Council Workshop on 31 January 2017. At this workshop Councillors were provided with an overview of the plan and requested to provide feedback for discussion at the second IFP Workshop on 7 March 2017. From this workshop, the requested changes are now presented to Council for a decision to give direction to staff to finalise the draft IFP prior to being presented to Council for adoption in May 2017.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

The following comments are provided in support of the Executive Recommendations:

Executive Recommendation 1 – It is recommended that council maintain the current level of funding presented in the IFP for the 2017/18 financial year and continues to work in conjunction with BREC to review the operating management structure of the centre.

Executive Recommendation 2 – Council to support the addition of a new project for \$20,000 to review all Council owned facilities for accessibility and inclusiveness. This review would determine priorities requiring funding in future years to upgrade facilities to meet the MARCIA goal, as grant funding will only be available for capital projects.

Executive Recommendation 3 – During the 2016/17 financial year, Council installed shade sails at the Graham Bricknell Shell. To extend the current shade sails it would result in possible view obstructions and will need to be installed over paving and not the grassed area.

Executive Recommendation 4 – The Minor Community Grants funding round has an application limit of \$500 per request, with less than 50% take-up so far in the 2016/17 financial year. The Community Grants funding round has an application request limit of \$2,500 for programs/events and \$20,000 for capital requests, which has been exhausted in the 2016/17 financial year. Reallocating the \$15,000 will allow Community groups to access a more substantial grant for community programs.

Executive Recommendation 5 – During the 2016/17 financial year, Council has entered into an MOU with Bunbury Wellington Group of Councils, Australia’s South West and the South West Development Commission to deliver a Regional Tourism Strategy that includes a Regional Action Plan and a Regional Marketing Plan. The focus of this group is to identify tourism opportunities, priorities and gaps, develop a unified tourism brand for the region, marketing, governance and product development and to identify infrastructure and product priorities.

Executive Recommendation 6 – Council currently supports two food gardens within the City, Thommo’s Community Garden and the Withers Waterwise Kitchen Garden. Having schools involved in the project to help with education and discussion of healthy eating but may cause potential administration issues with students leaving school grounds during school hours.

Executive Recommendation 7 – As per Executive Recommendation.

Analysis of Financial and Budget Implications

Should all items be supported the closing surplus for 2017/18 financial year will reduce from \$374,672 to \$229,672, a reduction of \$145,000.

The Executive Recommendations refer to future budgets and have no effect on the current 2016/17 Budget.

Community Consultation

Not applicable.

Councillor/Officer Consultation

Councillors discussed the draft IFP at a budget workshop on 31 January 2017 and were requested to provide comments on programs, projects and any suggested changes by 28 February 2017. All submitted proposals were discussed at the Councillor Briefing on 7 March 2017.

Outcome – Council Meeting 4 April 2017

Cr Warnock moved Executive Recommendation 1 with amendment to increase the amount to \$435,000 as follows.

Council support the ~~current~~ allocation of ~~\$292,608~~ \$435,000 to Bunbury Regional Entertainment Centre (BREC) as detailed in the IFP for the 2017/18 financial year.

The Mayor did not accept this due to the impact the quantum would have on the IFP.

An alternate motion was moved Cr Kelly, seconded Cr Giles as follows.

Council support the ~~current~~ allocation of ~~\$292,608~~ \$435,000 to Bunbury Regional Entertainment Centre (BREC) ~~as detailed~~ in the IFP for the 2017/18 financial year, with the figures in the IFP beyond 2017/18 as they are currently listed.

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

Council Decision 123/17

Council support the allocation of \$435,000 to Bunbury Regional Entertainment Centre (BREC) in the IFP for the 2017/18 financial year, with the figures in the IFP beyond 2017/18 as they are currently listed.

CARRIED
7 votes "for" / 6 votes "against"

Recommendation 2 (as printed) was moved Cr Kelly, seconded Cr Cook.

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

Council Decision 124/17

Council support the inclusion of \$20,000 in the 2017/18 financial year to audit all City properties, buildings and services to identify priorities of accessibility and inclusiveness to assist meeting the goal of becoming the Most Accessible Regional City in Australia (MARCIA) by 2020.

CARRIED
13 votes "for" / Nil votes "against"

Recommendation 3 (with amendment) was moved Cr Cook, seconded Cr Hayward as follows.

Council ~~maintain its current~~ support the inclusion of \$80,000 in the IFP for the 2017/18 financial year for its shade program (PR-3557 – Install Shade Sails) in ~~accordance with the Draft Integrated Financial Plan,~~ with the figures remaining the same as currently listed in the IFP for the remaining years.

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

Council Decision 125/17

Council support the inclusion of \$80,000 in the IFP for the 2017/18 financial year for its shade program (PR-3557 Install Shade Sails), with the figures remaining the same as currently listed in the IFP for the remaining years.

CARRIED
13 votes "for" / Nil votes "against"

Recommendation 4 (as printed) was moved Cr McCleary, seconded Cr Hayward

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

Council Decision 126/17

Council supports to increase PR-3863 Provide funding for a "Community Grants" funding round 2017/18 from \$80,000 to \$95,000, to be funded by a reduction of \$15,000 from PR-4158 Provide funding for a "Minor Community Grants" funding round 2017/18.

CARRIED
12 votes "for" / 1 vote "against"

Recommendation 5 (as printed) was moved Cr Jones, seconded Cr McCleary

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

Council Decision 127/17

Council note there is an additional \$100,000 under PR-4248 for Implement Economic Development Strategy that the Business Tourism proposal can be accommodated within.

CARRIED
13 votes "for" / Nil votes "against"

Recommendation 6 (as printed) was moved Cr McGuinness, seconded Cr Jones

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

Council Decision 128/17

Council request the CEO investigate the implementation of an Urban Food Garden in the 2017/18 financial year at an estimated net cost to Council of \$20,000.

CARRIED
11 votes "for" / 2 votes "against"

Recommendation 7 (as printed) was moved Cr Cook, seconded Cr Hayward

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

Council Decision 129/17

Council support amendments to the "Key Assumptions Underpinning the IFP" in the Integrated Financial Plan as per Appendix CEO-3.

CARRIED

10 votes "for" / 3 votes "against"

Cr McCleary, Cr Giles and Cr Steck asked that their votes "against" be recorded.

All other Councillors, including the Mayor voted "for" the motion.

10.8 Perth Glory W-League Match Funding Request (was listed as item 10.3.1 of the Council Agenda)

Applicant/Proponent:	Football Federation Australia
Responsible Officer:	Juaini Taylor, Senior Events Officer
Responsible Manager:	David Ransom, Acting Director Corporate and Community Services
Executive:	David Ransom, Acting Director Corporate and Community Services
Attachments:	Nil

Summary

A proposal has been put forward whereby the City has the opportunity for the Perth Glory W-League Match to open their 2017/18 National League season in Bunbury early November 2017.

The Perth Glory Women represents the Perth Glory in the W-League, the top division women's football (soccer) league in Western Australia.

This would be the very first time that a women's national soccer league competition is to be held outside the metropolitan area, and is an opportunity to showcase Bunbury and the Hay Park facility.

The planning of the event is time-critical and requires an indication of financial support from Council by early April 2017 in order for the event to progress in November 2017. However the request by Football Federation Australia to consider this event funding proposal is outside of the City's annual event funding round, which opens in mid-April 2017.

Executive Recommendation

Council allocate a contribution of up to \$35,000 from the returned funds of the 2016/17 Event Grant Funding Round budget, towards the Perth Glory W-League Match in Bunbury, subject to Football Federation Australia confirming other sources of funding towards the event.

Strategic Relevance

Key Priority Area 1	Community and Culture
Objective 1.4	Increase participation in sport and leisure activities
Objective 1.5	Celebrate and recognise the richness of our arts, culture and heritage
Key Priority Area 4	Regional Economy
Objective 4.1	Maintain support for local business
Objective 4.2	Create an environment that will attract new business

Background

This event has been initiated by Mr Guiliano Cantoni, a member of the Bunbury community, who is a supporter of the Perth Glory Women's team, and has been in contact with Football West and Department of Sport and Recreation to discuss the proposal.

The event is proposed for early November 2017, and requires a funding commitment by early April 2017, ahead of the City's annual Grant Funding Program, which opens in mid-April.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

Hay Park is the preferred venue for the event and meets the venue requirements.

An application to Department of Sport and Recreation for funding will be submitted by Football West. Should the funding be forthcoming, it is anticipated a number of community engagement activities are to be delivered by the Perth Glory team to the local community, as part the Department of Sport and Receptions funding agreement. This would include school visits and clinics for clubs.

Perth Glory's opponents have yet to be confirmed, however they would arrive the day before the fixture, and will stay one in night Bunbury.

Perth Glory Football Club, Anthony Radich, Chief Operations Officer is fully supportive of holding the W-League fixture in Bunbury as the opening "home" game of the season, however this is subject to full funding commitment from the City of Bunbury, Department of Sport and Recreation and Football West.

This event meets several objectives of the City of Bunbury Events Strategy, including:

- 1.2 Support events that develop a sense of place and cater to our community demographic
- 3.1 Support major and significant events based on economic and branding criteria
- 4.3 Support the growth and development of new and significant events for Bunbury

Analysis of Financial and Budget Implications

A total budget of \$60,000 is required to host the event in Bunbury, which will cover the cost of the following items:

Accommodation	\$15,000
Food and beverages	\$15,000
Transport	\$8,000
Signage	\$7,000
Staffing and venue hire	\$10,000
Marketing	<u>\$5,000</u>
Total Expenditure	\$60,000

The proponent is seeking a cash contribution of \$35,000 from the City of Bunbury and a maximum of \$20,000 from the Department of Sport and Recreation, towards the event. City officers have been informed that there may also be the possibility of further funding contribution from Football West and this funding option will be further explored.

Total event income sources:

City of Bunbury	\$35,000
Department of Sport and Recreation (unconfirmed)	\$20,000
Football West (unconfirmed)	<u>\$5,000</u>
Total Income	\$60,000

- * Due to the recent cancellation of three events that were successful in receiving funding from the 2016/17 Grant Funding Program, a total of \$32,100 is available for reallocation, towards this event.

Please find below details of the cancelled events and funding allocated:

Event Details	Amount Allocated		Reason for Returned Funds
	Cash Contribution	In-Kind Support	
South West Fashion Festival	\$10,000	\$0	Other funding sources were not successful, therefore event unable to proceed.
Touch Football WA State Championship	\$11,050	\$3,950	Date of event has passed, and applicant did not contact the City to confirm event details.
Touch Football WA Indian Ocean Cup	\$11,050	\$3,500	Event is scheduled for 25-26 March 2017. Numerous emails and phone calls made to applicant requesting confirmation of event. The applicant did not reply by the deadline, and the venue has now been booked out to another sporting group.
Total	\$32,100	\$7,450	

Tickets will be sold to the event at the door and could generate up to \$7,000. Any income generated from ticket sales will be used to offset the use of the facilities and the City's contribution to the event.

There will be an opportunity for a local club to run the canteen during the game, and this will be confirmed closer to the date.

Community Consultation

Mr Guiliano Cantoni met with Mayor Gary Brennan on 7 February 2017 to discuss the proposal.

Councillor/Officer Consultation

The following Council Officers met with Mr Guiliano Cantoni on 28 February 2017 to discuss the proposal:

- * Stephanie Addison Brown, Director Community and Corporate Service
- * John Kowal, Manager Sports and Recreation
- * David Ransom, Manager of Finance

- * Juaini Taylor, Senior Events Officer
- * Gary Thompson, Sport and Recreation Liaison Officer

Applicant Consultation

Football Federation Australia is supportive of the venture, and has requested Perth Glory to complete further paperwork to progress with the event proposal.

Outcome – Council Meeting 4 April 2017

Mr Giuliano Cantoni addressed Council speaking in support of the Executive Recommendation.

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

An amendment to the recommendation was moved Cr Warnock, seconded Cr McGuinness as follows.

That Council refer the request for up to \$35,000 funding for the Perth Glory W League Match to the BEAG Meeting scheduled to be held 12 April 2017 for a recommendation to be submitted to Council.

The Mayor put the amendment to the vote and it was lost 5 votes “for” / 8 votes “against”

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

Council Decision 130/17

Council allocate a contribution of up to \$35,000 from the returned funds of the 2016/17 Event Grant Funding Round budget, towards the Perth Glory W-League Match in Bunbury, subject to Football Federation Australia confirming other sources of funding towards the event.

CARRIED

10 votes “for” / 3 votes “against”

10.9 Stirling Street Arts Centre Redevelopment *(was listed as item 10.3.2 of the Council Agenda)*

Applicant/Proponent:	Stirling Street Arts Centre Management Committee Inc
Responsible Officer:	Julian Bowron Manager Arts & Culture
Responsible Manager:	Julian Bowron Manager Arts & Culture
Executive:	David Ransom, Acting Director Corporate and Community Services
Attachments:	Appendix DCCS-1: Stirling Street Art Centre Development proposal

Summary

The Stirling Street Arts Centre Committee with the assistance of City of Bunbury Staff have developed a business case for the redevelopment of the Stirling Street Arts Centre (SSAC) (**attached** at Appendix 1). The redevelopment will consist of the following:

- * 2 new studio spaces
- * 1 meeting room
- * New toilets
- * Administration space – offices and storage
- * Reception and retail display space
- * New kitchen

The cost of this redevelopment has been capped at \$2M with \$1M from the City and \$1M from State Government grants (unconfirmed). The City has budgeted for this project in the draft Integrated Financial Plan in 2017/18 (\$500,000) and 2018/19 (\$500,000).

It is proposed to seek Council approval to bring forward \$100,000 from the draft 2017/18 budget to enable plans to be drawn for the SSAC redevelopment project. The approval of these funds will enable the City of Bunbury, as project managers, to obtain quotations and engage the professional services of both architectural and engineering consultants to complete the project design including concept drawings; project costing's and project timeline in conjunction with the SSAC Committee.

Once plans are drawn, further consultation with project stakeholders can take place and funding applications can be prepared.

Executive Recommendation

That Council receive the business case for the Stirling Street Arts Centre redevelopment and authorise the CEO to progress to preparation of a concept design for the purpose of consultation and budget allocation.

Strategic Relevance

Key Priority Area 3: Natural and Built Environment

Objective 3.4: Facilitate urban design, diversity of land users, and enabling infrastructure.

Key Priority Area 4: Regional Economy

Objective 4.1: Create an environment that will attract new business.

Objective 4.3: Promote Bunbury as a place that supports commercial, residential and social development.

Key Priority Area 5:	Corporate
Objective 5.1:	Facilitate community and stakeholder participation in decision making
Objective 5.6:	Improve local, regional, state and national perceptions of Bunbury.

Background

In 2010/11 a master plan for the redevelopment of SSAC was prepared by MCG architects for the SSAC Committee. The plan proposed an extensive redevelopment of the Centre including an auditorium, new studios, administration offices, toilets and an amphitheatre.

Soon after being developed, the plan was superseded by a proposal to include accommodation for 'not-for-profit' organisations in the redevelopment of SSAC. A working group was established to develop the not-for-profit proposal, but opposition to various aspects of the plan followed and it did not go ahead.

In early 2015 the Committee of SSAC lead by Chairwoman Margaret Perkins approached Council to once again begin progressing towards redevelopment of the Centre. At that time it was agreed that Council would carry out a new consultation process and SSAC would prepare a business case with which to seek funding for their future development.

A public meeting was held in May 2015 to begin the consultation process. The SSAC Committee, nearby Stirling Street residents and property owners, stakeholders and SSAC user groups were invited. The City's Executive Leadership Team and several councillors attended. The meeting was followed up with a survey distributed to all participants.

Twenty-five (25) responses were received and the top scoring priorities identified were:

1. Heritage Conservation
2. Traffic Increase
3. Parking

As a result a brief was prepared with the following specific requirements for a Conservation Management Plan for Stirling Street Arts Centre:

- * Safeguard and celebrate the character and integrity of the heritage buildings on the site;
- * Provide recommendations and priorities for any measures necessary to restore and enhance the character and integrity of the heritage buildings on the site;
- * Provide guidelines for sympathetic and appropriate future use of the site including considerations such as noise, drainage, traffic and parking;
- * Guidelines for maintaining open space on the site including adjacent open space;
- * Character and proximity of the neighbourhood, its current use and central city location when making recommendations for future use and development of the site;
- * Design guidelines and building footprints for any new buildings on the site.

The Conservation Management Plan was completed by Greenward Consulting and adopted by Council (253/16) in July 2015.

The Manager of Community, Arts and Culture carried out further consultation meetings during June and July 2015 with the following groups. These results are as follows;

SSAC Committee

The Committee expressed there is an urgent need to improve all facilities to meet the demand for classes and activities and to ensure the future financial viability of the Centre.

Current SSAC user groups

All groups emphasised the need for better toilet facilities, they all need improved storage capacity for their equipment and materials. Several groups which are at capacity need more studio space in order to cater for the increase in demand.

The Bunbury City Band

The band has its own stand-alone building adjacent to SSAC which it shares with SW Wind and Jazz. The Band is concerned about security of tenure once Council assume ownership of the site. They would prefer any new development for them to take place on Crown land.

ROSS (Residents of Stirling Street) group

ROSS (represented by Gerard Murphy & Deborah Bowman) are opposed to the 2011 Master Plan. They want no additional performing arts groups or facilities on the site. They expressed that should any development occur a Traffic Management Plan for the area is needed. They also expressed concern that redevelopment could result in increased costs to existing user groups, that those user groups would no longer be able to afford to utilise the facilities which would then allow “inappropriate” users to move in.

The community focus of the Centre enables an estimated 9,000 annual arts participation experiences. The benefits of arts participation are evident every day at SSAC. At the same time the social and mental health benefits of being part of the SSAC community are enhancing quality of life for many Bunbury residents.

Council Policy Compliance

Greater Bunbury Strategy (2013)
Greater Bunbury Structure Plan (2013)
Greater Bunbury Region Scheme
Activity Centres for Greater Bunbury Policy (April 2013)
City of Bunbury Town Planning Scheme No. 7 (TPS7)
Local Planning Strategy for Activity Centres and Neighbourhoods (2010)
Local Planning Policy: Access and Parking for Pedestrians, Bicycles and Vehicles
Local Planning Policy: Building Height
Local Planning Policy: Landscaping
Draft City of Bunbury Local Planning Strategy
Draft City of Bunbury Local Planning Scheme No. 8 (LPS8).
Conservation Management Plan for the State Government Infants’ School (fmr) (now known as the Stirling Street Arts Centre)

Legislative Compliance

*Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015*

Officer Comments

Assisted by the Manager Arts and Culture the Manager of SSAC has prepared a business case document which identifies the current level of activities at SSAC, the increasing demand for expansion of activities and the limitations of current facilities preventing expansion of business.

The business case identifies the positive impact this project will have on the local community and provides estimates of capital and operating costs, projected levels of use, likely hirers and income projections.

The SSAC site was assessed by the State Heritage Council's Register Committee at its meeting on 24 February 2017 and decided that the former '*State Governments Infants' School, Bunbury*, does not have sufficient cultural heritage significance at the state level for inclusion in the State Register of Heritage Places. This may have State Government heritage funding implications.

Analysis of Financial and Budget Implications

In the City's draft Integrated Financial Plan \$500,000 is allocated for each of the 2017/18 and 2018/2019 financial years from City of Bunbury loan borrowings. The redevelopment is also dependent of State Government grants of \$1,000,000 which have not been confirmed.

Community Consultation

A public meeting was held in May 2015 to begin the consultation process. The SSAC Committee, nearby Stirling Street residents and property owners, stakeholders and SSAC user groups were invited. The meeting was followed up with a survey distributed to all participants.

Twenty-five (25) responses were received and the top scoring priorities identified were:

1. Heritage Conservation
2. Traffic Increase
3. Parking

The Manager Arts and Culture carried out further consultation meetings during June and July 2015 with the following groups to identify their key priorities:

- * SSAC Board
- * Current SSAC user groups
- * The Bunbury City Band
- * ROSS (Residents of Stirling Street) group

As the project has developed the Manager Arts and Culture has kept in contact with various stakeholders so that they continue to be informed about the project.

Councillor/Officer Consultation

Councillor Jones is a member of the SSAC Committee and the following officers have been consulted on this matter:

- * Director Corporate and Community Services
- * Manager Finance
- * Team Leader Financial Accounting
- * Project Manager Strategic Operating Systems
- * Environmental Officer Sustainability and Integrated Land Use
- * Strategic Planning Officer Heritage
- * Development Engineer

Outcome – Council Meeting 4 April 2017

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

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

Cr Jones made an amendment to the recommendation that was accepted by Cr Kelly and Cr Hayward as follows.

That Council receive the business case for the Stirling Street Arts Centre redevelopment and ~~authorise the CEO~~ bring forward \$100,000 from the draft 2017/18 budget to progress ~~to~~ the preparation of a concept design for the purpose of consultation and Council's consideration ~~and budget allocation~~.

As the amendment was accepted by the mover and the seconder the amendment became the substantive motion.

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

Council Decision 131/17

That Council receive the business case for the Stirling Street Arts Centre redevelopment and bring forward \$100,000 from the draft 2017/18 budget to progress the preparation of a concept design for the purpose of consultation and Council's consideration.

CARRIED

12 votes "for" / 1 votes "against"

10.10 Vietnam Sea Festival Visit *(was listed as item 10.3.3 of the Council Agenda)*

Applicant/Proponent:	Carol McDowall, Senior Officer International Relations
Responsible Officer:	Carol McDowall, Senior Officer International Relations
Responsible Manager:	David Ransom, Acting Director Corporate and Community Services
Executive:	David Ransom, Acting Director Corporate and Community Services
Attachments:	Appendix DCCS-2: Signed Memorandum of Understanding

Summary

The Friendship Agreement with the City of Nha Trang, Vietnam was counter-signed by the Chairman of the People’s Committee of Nha Trang on 26 October 2016 (**attached** at Appendix DCCS-2). As part of the MOU between Bunbury and Nha Trang the two sides commit to frequent contact. The Chairman of Nha Trang People’s Committee has invited the Bunbury Mayor to attend the biannual Sea Festival from 10 to 13 June 2017. The Mayor has advised that he will not be able to attend this event.

Executive Recommendation

That Council approve the attendance of Cr _____ as the official Council representative at the 2017 Sea Festival in Nha Trang, Vietnam from 10 June 2017 to 13 June 2017.

Strategic Relevance

- Key Priority Area 1 Enhancing community well-being and the quality of life for the people who live and work in Bunbury
- Objective 1.2 Promote and celebrate multiculturalism; and
- Objective 1.5 Celebrate and recognise the richness of our arts, culture heritage.

- Key Priority Area 4 The key elements that will ensure the future sustainability of Bunbury are a strong economic base that reflects competitive advantages and key emerging and developing industry sectors. Economic growth will be achieved through realising opportunities, and actively promoting what the City has to offer
- Objective 4.1 Maintain support for local business;
- Objective 4.2 Create an environment that will attract new business; and
- Objective 4.3 Promote Bunbury as a place that supports commercial, residential and social development.

Background

The City of Bunbury signed the MOU between Bunbury and Nha Trang on 2 December 2015. The Perth Consul General of Vietnam signed on behalf of Nha Trang. The two signed documents were then sent to Nha Trang for their signature. Due to elections in Vietnam, the MOU was not signed until 26 October 2016. The purpose of this MOU is to encourage exchange in the areas of trade, sport, education, tourism and culture.

The Chairman of the People’s Committee of Nha Trang has since invited the Mayor of Bunbury to visit Nha Trang during the Sea Festival to advance the relationship and formally present the signed document.

Council Policy Compliance

Nil

Legislative Compliance

Nil

Officer Comments

It was announced in the Bunbury press in December 2015 that the Friendship MOU was signed between Nha Trang and Bunbury. It is anticipated the Bunbury Community would be expecting the relationship to progress and provide opportunities for exchange in trade, sport, education, tourism and culture.

Attendance at the iconic 2017 Sea Festival would be a demonstrative way to show our commitment to and support of the burgeoning relationship with Nha Trang. It should be noted that the Sea Festival only takes place every other year and is Nha Trang's iconic event. There are other festivals in Nha Trang, however none of this scale and importance.

It has been confirmed that Mr David Kerr, the President of the Bunbury Geographe Chamber of Commerce and Industry has also committed his attendance at the 2017 Sea Festival in Nha Trang to develop a relationship with the Nha Trang Oceanographic Institute.

Analysis of Financial and Budget Implications

The estimated cost implication of sending one delegate the Friendship City of Vietnam is \$3,500.

Flights	\$1,200
Accommodation	\$1,400
Meals	\$350
In country travel	\$550
TOTAL	\$3,500

The funds to cover the cost of this visit are currently provided for in the current 2016/17 financial year budget.

Community Consultation

Nil

Councillor/Officer Consultation

The City of Bunbury CEO, the Chair of the International Relations Committee, the Acting Director of Corporate and Community Services and Project Officer were consulted in the preparation of this Report.

Outcome – Council Meeting 4 April 2017

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

The Mayor called for nominations for the official Council representative. Councillor McCleary was the only nominee.

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

Council Decision 132/17

That Council approve the attendance of Cr McCleary as the official Council representative at the 2017 Sea Festival in Nha Trang, Vietnam from 10 June 2017 to 13 June 2017.

CARRIED

12 votes "for" / 1 votes "against"

10.11 Retrospective Amendment to Development Approval – Landscaping and Front Fence – Lot 2 (#7) Taunton Street, East Bunbury (was listed as item 10.4.2 of the Council Agenda)

File Ref:	P14502 – DA2015/257/2
Applicant/Proponent:	Gideon Wezeman
Responsible Officer:	Matthew Wansborough, Planning Officer
Responsible Manager:	Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Mal Osborne, Director, Planning and Development Services
Attachments:	Appendix DPDS-2: Location Plan Appendix DPDS-3: Site Photos Appendix DPDS-4: Original Development Approval Appendix DPDS-5: Applicant’s Proposed Development Plan and Correspondence Appendix DPDS-6: Modified Development Plan

Summary

This application for amended development approval relates to changes in the landscaping and front fencing of the grouped dwellings located at Lot 2, #7 Taunton Street, East Bunbury (location plan is **attached** at Appendix DPDS-2) which was originally approved by Council.

The landscaping and front fencing have not been constructed in accordance with the development approval, in that landscaping has not been provided within the lot and the front boundary fences are not visually permeable above the required 1.2m from the ground. The applicant has proposed alternative landscaping outside of the lot within the street verge but, despite extensive negotiation with officers, is unwilling to reduce the height of the solid part of the front fence.

The application for amended development approval was advertised to neighbours from 25 January 2017 to 10 February 2017. No submissions were received as part of this consultation.

The proposal is considered to be in conflict with the requirements of State Planning Policy 3.1 Residential Design Codes (the R-Codes) in relation to both the front fence and landscaping. However, should Council be prepared to approve the development in its current form, Officers have provided an alternative recommendation for approval.

Executive Recommendation

That Council:

1. Refuse the application for amended development approval related to landscaping and front boundary fence at Lot 2, #7 Taunton Street, East Bunbury, in accordance with the City of Bunbury Town Planning Scheme No. 7 (TPS7), for the following reasons:
 - 1.1 The proposed amendment to the provision of landscaping is not deemed to comply with the requirements or the design principles of Part 5.3.2 of the R-Codes in that it does not contribute to the appearance and amenity of the development or the streetscape.
 - 1.2 The proposed amendment to the front boundary fences is not deemed to comply with the requirements or the design principles of Part 5.2.4 of the R-Codes in that it will limit surveillance of the street and will not enhance the streetscape.

- 1.3 The proposed amendments to the front fences and landscaping are not consistent with the Aims of Town Planning Scheme No.7 in that the development will not safeguard or enhance the character and amenity of the built and natural environment of the local government area, and therefore does not represent orderly and proper planning.

2. Advise the applicant of Council's decision.

Alternative Recommendation

If Council considers that the proposal is consistent with the objectives of the City of Bunbury's current and proposed local planning scheme and represents orderly and proper planning, an alternative recommendation is set out below.

That Council:

1. In accordance with the *Planning and Development Act 2005* (as amended), hereby resolves to grant amended development approval (application reference: DA/2015/257/2) for the landscaping and front fencing at Lot 2, # 7 Taunton Street, East Bunbury, subject to all of the conditions contained on the original notice of development approval (**attached** at Appendix DPDS-4), except for conditions 1.8, 1.12 and 1.13 relating to the front fence and landscaping which are to be deleted.
2. Advise the applicant of Council's decision.

Strategic Relevance

Key Priority Area 3: Natural and Built Environment
Objective 3.4 Facilitate urban design, diversity of land uses, and enabling infrastructure

Background

A location plan showing the subject site and its surrounds is **attached** at Appendix DPDS-2.

A summary of the key details pertaining to the subject lot is as follows:

Property Address:	Lot 2 (#7) Taunton Street, East Bunbury
Zoning:	Residential Zone
Residential Density Coding:	R20/40
Existing Land Use:	Grouped Dwellings
Lot Area:	1,155m ²

In September 2015, an application was made by Summit Homes South West on behalf of the owner (and current applicant) to demolish the original single house and replace it with four grouped dwellings arranged in pairs along the eastern and western sides of the lot, with a new access driveway running approximately north-south down the middle of the lot.

Site photos of the resulting development on the subject site and its surrounds are **attached** at Appendix DPDS-3.

The application proposed a number of variations to the ‘deemed-to-comply’ provisions of the R-Codes, particularly in terms of the positioning of outdoor living areas within the street setback area, and was advertised to neighbouring landowners. In total, seven submissions were received, of which six were objections. The main concerns raised in submissions were about adverse impacts on the amenity of the local area, particularly in relation to the visual and noise impact of outdoor living areas within the streetscape and traffic impacts.

The proposal for the grouped dwellings was therefore considered by Council in December 2015 and approved subject to a number of conditions (Council Decision 439/15). The original development approval is **attached** at Appendix DPDS-4.

Following construction of the grouped dwellings, a site inspection was undertaken in October 2016 by City officers to check compliance with the conditions of approval, where it was observed that the approved landscaping had not been implemented and the front fences had been constructed with solid panels up to a height of 1.4m above natural ground level. Upon officer advice, the proponent submitted an application for amended development approval to vary the landscaping provision and front fence as originally approved.

In terms of the landscaping, the original approval required provision of landscaping towards the front of the lot, in two areas either side of the central driveway. As constructed, no landscaping was provided at all with the areas either side of the driveway being paved in the same way as the driveway and other access areas within the lot. Through extensive negotiation with planning officers, the applicant indicated that landscaping could be provided outside of the lot within the street verge in the form of two substantial planted garden beds 1.5m in width and 8m in length positioned immediately in front of the boundary fences on either side of the driveway.

In terms of the front fences, these were constructed with solid panels up to 1.4m above the natural ground level and open ‘picket-style’ panels above up to a total height of 1.8m. Despite extensive negotiation with planning officers, the applicant is unwilling to lower the solid, visually impermeable part of the fence down to 1.2m as required by the original development approval condition number 1.8. The proponent argues that the constructed fence is essential for the privacy of the outdoor living areas of the newly constructed grouped dwellings, that it is attractive as is, cannot be modified and that there are many other examples of front fences in Bunbury which are not visually permeable above 1.2m.

The applicant’s proposed development plan and correspondence with officers is **attached** at Appendix DPDS-5.

Legislative and Council Policy Compliance

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

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- State Planning Policy 3.1 Residential Design Codes;
- City of Bunbury Town Planning Scheme No. 7 (TPS7); and
- Local Planning Policy: Landscaping.

Officer Comments

Landscaping

The constructed grouped dwelling development is not deemed-to-comply with Part 5.3.2 of the R-Codes in that more than 50% of the street setback area is paved. The proposed amendment to the approval to retain this paving can be assessed against the relevant design principles in Part 5.3.2 of the R-Codes as follows:

R-Codes Reference	Design Principle	Proposed
Part 5.3.2 P2 Landscaping of grouped and multiple dwelling common property and communal open spaces that:	<ul style="list-style-type: none"> contributes to the appearance and amenity of the development for the residents; and contributes to the streetscape. 	<ul style="list-style-type: none"> The paving negatively impacts on the appearance and residential amenity of the development by not providing a natural space and setting at the front of the dwellings; and The proposed paving negatively impacts upon the streetscape on Taunton Street.

Therefore, it is considered that the proposed paving arrangement is not acceptable in relation to the R-Codes, Town Planning Scheme No. 7 and the Local Planning Policy for landscaping.

Whilst the applicant has indicated that they are willing to provide a landscaping strip within the verge area, it is considered that it is not appropriate to attempt to control this through any development approval, given the potential multiple ownerships across the grouped dwelling and ultimately there is a risk that the approved landscaping strip would not be adequately maintained. The existing Condition 1.15 for the approved development remains in force and requires the applicant to grass or plant and maintain the verge, and keep it clear, at all times.

Street Walls and Fences

Under Part 5.2.4 of the R-Codes, front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level are deemed-to-comply. The as-constructed front fences sit within the primary street setback and are constructed of solid PVC up to a height of 1.4m above natural ground level with open slats above up to a height of 1.8m. Therefore, they are not deemed-to-comply with Part 5.2.4 C4 of the R-Codes. Consequently, assessment of the proposal must be made against the design principles of the R-Codes as follows:

R-Codes Reference	Design Principle	Proposed
Part 5.2.4 P4 Front fences are low or restricted in height to permit surveillance (as per clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need:	<ul style="list-style-type: none"> for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial. 	<ul style="list-style-type: none"> Taunton Street is not designated as a primary or district distributor or integrator arterial road and therefore the proposal cannot be justified in terms of needing to attenuate traffic impacts or in terms of providing necessary privacy for the outdoor living areas of the dwellings.

Whilst it is recognised that the as-constructed fences would bring some benefits to the residents of the properties in terms of providing privacy and reducing traffic impacts, it is considered that the proposal does not demonstrate compliance with the R-Codes design principle in Part 5.2.4 P4, essentially because Taunton Street is a quiet suburban street rather than a busy distributor road.

Conclusion

In summary, as set out above the proposal does not comply with the R-Codes in relation to the lack of landscaping and the solid height of the front fences within the primary street setback area. On this basis, it is recommended that the application for amended development approval be refused.

Through the application process, planning officers discussed various solutions with the applicant, including the provision of landscaping within the street verge and reducing the solid height of some of the fence panels in order to facilitate a more desirable streetscape outcome. An illustration of how a modified plan would look is **attached** at Appendix DPDS-6.

However, this modified plan is not supported by the applicant who argues that there is a need for higher fencing in order to provide privacy for residents as their outdoor living areas are located in the street setback area as was approved by Council in the original development application for the grouped dwellings.

The proposal is considered to be consistent with all other relevant elements of the R-Codes and TPS7.

Analysis of Financial and Budget Implications

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

If the applicant is aggrieved by Council's decision they may apply for a review of the decision through SAT. If the decision is forwarded to SAT for appeal, the City of Bunbury may incur legal costs.

Community Consultation

The application for amended development approval was subject to consultation from 25 January 2017 to 10 February 2017. Public consultation measures included the following:

- letter sent to surrounding landowners/occupiers; and
- copies of plans and supporting information made available at the City of Bunbury's customer service centre.

In total, no submissions were received.

Consultation with the Applicant

Officers have met with the applicant on site and suggested amendments to the proposal in order to bring it into line with the R-Codes. In response, the applicant did consider solutions to the landscaping part of the proposal but was unwilling to make alterations to or replace the solid front fence.

Councillor/Officer Consultation

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

Outcome – Council Meeting 4 April 2017

Mr Wezeman and Ms McNaughton address Council in relation to this item.

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

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

Council Decision 133/17

That Council:

- 1. In accordance with the Planning and Development Act 2005 (as amended), hereby resolves to grant amended development approval (application reference: DA/2015/257/2) for the landscaping and front fencing at Lot 2, # 7 Taunton Street, East Bunbury, subject to all of the conditions contained on the original notice of development approval (attached at Appendix DPDS-4), except for conditions 1.8, 1.12 and 1.13 relating to the front fence and landscaping which are to be deleted.***
- 2. Advise the applicant of Council's decision.***

CARRIED

13 votes "for" / Nil votes "against"

Note: Council considered that the proposal was consistent with the objectives of the City of Bunbury's current and proposed local planning scheme and represented orderly and proper planning.

11. Applications for Leave of Absence

11.1 Application for Leave of Absence – Councillor Hayward

Applicant/Proponent:	Cr James Hayward
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Cr Hayward requests leave of absence from all Council-related business for the period 11 April 2017 to 23 April 2017 inclusive.

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

Executive Recommendation

Pursuant to Section 2.25 of the *Local Government Act 1995*, Cr Hayward is granted leave of absence from all Council-related business for the period 11 April 2017 to 23 April 2017 inclusive.

Outcome – Council Meeting 4 April 2017

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

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

Council Decision 134/17

Pursuant to Section 2.25 of the Local Government Act 1995, Cr Hayward is granted leave of absence from all Council-related business for the period 11 April 2017 to 23 April 2017 inclusive.

CARRIED

13 votes "for" / Nil votes "against"

12. Motions on Notice

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

13. Questions on Notice

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

Nil

13.2 *Questions from Members*

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

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

These reports are confidential in accordance with section 5.23(2) (e) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:

- (e) *a matter that if disclosed, would reveal —*
- (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*
- where the trade secret or information is held by, or is about, a person other than the local government; and*

Recommendation

In accordance with section 5.23(2) of the *Local Government Act 1995* and clause 6.2 of the City of Bunbury's Standing Orders Local Law 2012, Council resolves to close the meeting to members of the public to consider the items titled:

- a) *"15.1. Request for Tender RFT1617-00007 Civic and Cultural Precinct Design"*
- b) *"15.2. Request for Tender RFT1617-00009 Koombana Bay Foreshore Construction"*

Outcome – Council Meeting 4 April 2017

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

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

Council Decision 135/17

In accordance with section 5.23(2) of the Local Government Act 1995 and clause 6.2 of the City of Bunbury's Standing Orders Local Law 2012, Council resolves to close the meeting to members of the public to consider the items titled:

- a) "15.1. Request for Tender RFT1617-00007 Civic and Cultural Precinct Design"***
- b) "15.2. Request for Tender RFT1617-00009 Koombana Bay Foreshore Construction"***

CARRIED
13 votes "for" / Nil votes "against"

The meeting was closed to all members of the public and press at 6.48pm.

15.1.1 Request for Tender RFT1617-00007 Civic and Cultural Precinct Design

Applicant/Proponent:	Internal
Responsible Officer:	David Russell, Senior Contracts and Procurement Officer
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Gavin Harris, Director Works and Services
Attachments:	Confidential Appendix CRUSC-2-1: Evaluation Report and Referee Check

This report is confidential in accordance with section 5.23(2)(e) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:

- (e) *a matter that if disclosed, would reveal—*
- (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*
- where the trade secret or information is held by, or is about, a person other than the local government; and*

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report CRUSC-2). The report is not for circulation.

Outcome – Council Meeting 4 April 2017

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

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

Council Decision 136/17

That Council:

- 1. *Accept the offer made by Bollig Design Group for the lump sum of \$122,100 excluding GST for the Civic and Cultural Precinct Design.***
- 2. *Authorise the Chief Executive Officer to enter into a contract with Bollig Design Group for the Civic and Cultural Precinct Design.***

CARRIED

8 votes “for” / 5 votes “against”

15.1.2 Request for Tender RFT1617- 00009 Koombana Bay Foreshore Construction

Applicant/Proponent:	Internal
Responsible Officer:	David Russell, Senior Contracts and Procurement Officer
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Gavin Harris, Director Works and Services
Attachments:	Confidential Appendix CRUSC-3-1: Evaluation Report and Referee Check

This report is confidential in accordance with section 5.23(2)(e) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:

- (e) *a matter that if disclosed, would reveal—*
- (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government; and

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report CRUSC-3). The report is not for circulation.

Outcome – Council Meeting 4 April 2017

The Mayor, Cr Hayward and and Cr Warnock declared financial interests in the item and left the Chamber at 6.51pm for the duration of the discussion and the vote on the matter. At this time the Deputy Mayor assumed the position as Chair of the meeting.

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

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

Council Decision 137/17

That Council:

- 1. *Accept the offer made by Ertech Pty Ltd for the lump sum of \$10, 848,376.18 excluding GST for the Koombana Bay Foreshore Construction.***
- 2. *Authorise the Chief Executive Officer to enter into a contract with Ertech Pty Ltd for the Koombana Bay Foreshore Construction***

CARRIED

10 votes "for" / Nil votes "against"

The Mayor, Cr Hayward and Cr Warnock returned to the Chamber at 6.52pm and the Mayor reassumed position as Chair of the meeting.

15.2 Public Reading of Resolutions that may be made Public

Outcome – Council Meeting 4 April 2017

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

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

Council Decision 138/17

Council resolves that the meeting be reopened to Council Officers, Members of the public and the press.

CARRIED

13 votes "for" / Nil votes "against"

The meeting was reopened to public and press at 6.52pm.

The Mayor read aloud Council Decision 136/17 for Item 15.1.1 *"Request for Tender RFT1617-00007 Civic and Cultural Precinct Design"*.

That Council:

1. Accept the offer made by Bollig Design Group for the lump sum of \$122,100 excluding GST for the Civic and Cultural Precinct Design.
2. Authorise the Chief Executive Officer to enter into a contract with Bollig Design Group for the Civic and Cultural Precinct Design.

The Mayor read aloud Council Decision 137/17 for Item 15.1.2 *"Request for Tender RFT1617-00007 Koombana Bay Foreshore Construction"*.

That Council:

1. Accept the offer made by Ertech Pty Ltd for the lump sum of \$10,848,376.18 excluding GST for the Koombana Bay Foreshore Construction.
2. Authorise the Chief Executive Officer to enter into a contract with Ertech Pty Ltd for the Koombana Bay Foreshore Construction

16. Closure

The meeting was declared closed at 6.55pm.