



Bunbury City Council

Minutes 2 May 2017



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

Table of Contents

Item No	Subject	Page
1.	Declaration of Opening / Announcements of Visitors.....	5
2.	Disclaimer	5
3.	Announcements from the Presiding Member.....	5
4.	Attendance	5
4.1	Apologies	6
4.2	Approved Leave of Absence	6
5.	Declaration of Interest.....	7
6.	Public Question Time.....	8
6.1	Public Question Time	8
6.2	Responses to Public Questions Taken ‘On Notice’	8
7.	Confirmation of Previous Minutes and other Meetings under Clause 19.1.....	9
7.1	Minutes.....	9
7.1.1	Minutes – Ordinary Council Meeting.....	9
7.1.2	Minutes – Council Advisory Committees and Working/Project Groups	9
8.	Petitions, Presentations, Deputations and Delegations.....	10
8.1	Petitions.....	10
8.2	Presentations.....	10
8.3	Deputations	10
8.4	Council Delegates’ Reports.....	10
8.5	Conference Delegates’ Reports	11
9.	Method of Dealing with Agenda Business.....	11
10.	Reports.....	12
10.1	Financial Management Report for the Period Ending 31 March 2017 (was listed as item 10.2.1 of the Council Agenda).....	12
10.2	Schedule of Accounts Paid for the 1 March 2017 to 31 March 2017 (was listed as item 10.2.2 in the Council Agenda).....	19
10.3	Recommendation to the Bunbury Wellington Group of Councils – Council Local Government Funding Regional Allocation (was listed as item 10.2.3 on the Council Agenda)	20
10.4	Ranger Authorisation – Stephen Mark Delane and Michael Edward Donovan (was listed as item 10.4.4 in the Council Agenda).....	23
10.5	Appointment of Registration Officer and Authorised Officer – Desiree Lengyel and Kellie Payne (was listed as item 10.4.5 on the Council Agenda)	26
10.6	Appointment of Chief Bush Fire Control Officer (was listed as item 10.4.6 on the Council Agenda).....	28
10.7	Clontarf Foundation and City of Bunbury Partnership proposal (was listed as item 10.3.1 of the Council Agenda).....	30
10.8	Application for Development Approval for Proposed Grouped Dwelling at Lot 3 (#36) Austral Parade, East Bunbury (was listed as item 10.4.1 on the Council Agenda).....	34

Table of Contents

Item No	Subject	Page
10.9	Adoption of Draft City of Bunbury Local Planning Strategy and Draft City of Bunbury Local Planning Scheme No. 8 (was listed as item 10.4.2 on the Council Agenda).....	43
10.10	Proposed Greater Bunbury Region Scheme Amendment to rezone Lot 202 Halifax Drive and a portion of Lot 200 Robertson Drive, Davenport, from 'Regional Open Space Reserve' To 'Public Purposes (Public Utilities) Reserve'. (was listed as item 10.4.3 in the Council Agenda)56	56
11.	Applications for Leave of Absence.....	61
11.1	Application for Leave of Absence – Councillor Cook	61
12.	Motions on Notice	62
13.	Questions on Notice	62
13.1	Response to Previous Questions from Members taken on Notice.....	62
13.2	Questions from Members.....	62
14.	New Business of an Urgent Nature Introduced by Decision of the Meeting	62
14.1	Chief Executive Officer Contract.....	62
15.	Meeting Closed to Public.....	63
15.1	Matters for which the Meeting may be Closed	63
15.1.1	Request for Tender RFT1617-00006 Racecourses Local Area Plan Project	64
15.1.2	City of Bunbury Council Selected Baton Bearer Nomination Program.....	65
15.1.3	Chief Executive Officer Contract.....	66
15.2	Public Reading of Resolutions that may be made Public.....	67
16.	Closure	67

Nature of Council's Role in Decision Making

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

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

Bunbury City Council Minutes

Minutes of the Ordinary Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 2 May 2017 at 5.30pm.

Minutes

2 May 2017

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 acknowledged the well attended 2017 ANZAC Day services organised by the Bunbury RSL.

The Mayor noted that the 11/28th Battalion lead by Lieutenant Colonel Bob Colligan will exercise their Freedom of Entry and visit Bunbury later this year for the first time since it was granted in 2003.

The Mayor advised that a Memorandum of Understanding was signed with Landcorp last Friday 28 April 2017 to commence land promotions and marketing.

The Mayor noted Council's appreciation for the work done by Bunbury Senior High School students having planted 4,300 native plants at the Wally Crowd Reserve.

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 M Warnock
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr A Brien
Director Works and Services	Mr G Harris
Director Corporate and Community Services	Ms S Addison-Brown
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
Acting Manager Finance	Mrs V Gregg
Manager Sustainability, Planning and Development	Mr T Farnworth
Manager Governance	Mr G Golinski
Council Meeting Support Officer	Ms J Earl
Others (Non-Voting)	
Members of the Public	11
Members of the Press	2

4.1 Apologies

Cr Joel McGuinness was an apology to the meeting.

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.”*

Cr Cook declared an impartiality interest in the item titled *“10.4.2 Adoption of Draft Local Planning Strategy and Draft City of Bunbury Local Planning Scheme No 8”* as his sister owns a property which will be impacted by the Local Planning Scheme No 8. Cr Cook remained in the chamber for the duration of the discussion and vote on the matter.

Cr Miguel declared a financial interest in the item titled *“10.4.2 Adoption of Draft Local Planning Strategy and Draft City of Bunbury Local Planning Scheme No 8”* as he owns property which will be impacted by the Local Planning Scheme No 8. Cr Miguel left the chamber for the duration of the discussion and the vote on the matter.

Cr Jones declared an impartiality interest in the item titled *“10.4.2 Adoption of Draft Local Planning Strategy and Draft City of Bunbury Local Planning Scheme No 8”* as she is Chairman of the Aqwest Board. Cr Jones remained in the chamber for the duration of the discussion and vote on the matter.

Cr Jones declared an impartiality interest in the item titled *“10.4.3 Proposed Greater Bunbury Region Scheme Amendment to rezone Lot 202 Halifax Drive and a portion of Lot 200 Robertson Drive, Davenport, from ‘Regional Open Space Reserve’ to ‘Public Purposes (Public Utilities) Reserve’”* as she is Chairman of the Aqwest Board. Cr Jones remained in the chamber for the duration of the discussion and vote on the matter.

Cr Steck declared a financial interest in the item titled *“10.4.2 Adoption of Draft Local Planning Strategy and Draft City of Bunbury Local Planning Scheme No 8”* as her partner owns a number of properties affected by changes in the new Scheme. Cr Steck left the chamber for the duration of the discussion and the vote on the matter.

Cr Steck declared an impartiality interest in the item titled *“10.4.1 Application for Development Approval for Proposed Grouped Dwelling at Lot 3 (#36) Austral Parade, East Bunbury”* as she owns property in the vicinity of this lot. Cr Steck remained in the chamber for the duration of the discussion and vote on the matter.

Cr Warnock declared an impartiality interest in the item titled *“10.4.2 Adoption of Draft Local Planning Strategy and Draft City of Bunbury Local Planning Scheme No 8”* as she does public relations work for Aqwest. Cr Warnock remained in the chamber for the duration of the discussion and vote on the matter.

Cr Warnock declared an impartiality interest in the item titled *“10.4.3 Proposed Greater Bunbury Region Scheme Amendment to rezone Lot 202 Halifax Drive and a portion of Lot 200 Robertson Drive, Davenport, from ‘Regional Open Space Reserve’ to ‘Public Purposes (Public Utilities) Reserve’”* as she does public relations work for Aqwest. Cr Warnock remained in the chamber for the duration of the discussion and vote on the matter.

6. Public Question Time

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

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

6.1 Public Question Time

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 18 April 2017 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 18 April 2017 be confirmed as a true and accurate record.

Outcome – Council Meeting 2 May 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 149/17

The minutes of the Ordinary meeting of the Bunbury City Council held 18 April 2017 be confirmed as a true and accurate record.

CARRIED

12 votes "for" / Nil votes "against"

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

Nil.

8. Petitions, Presentations, Deputations and Delegations

8.1 *Petitions*

Nil.

8.2 *Presentations*

Nil.

8.3 *Deputations*

Jane and Warren Cluff, 1 Buswell Street, East Bunbury

Jane and Warren Cluff requested to address item 10.4.1 titled “*Application for Development Approval for Proposed Grouped Dwelling at Lot 3 (#36) Austral Parade, East Bunbury*”.

Council Decision 150/17

Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Jane and Warren Cluff’s deputation request to address item 10.4.1 titled “Application for Development Approval for Proposed Group Dwelling at Lot 3 (#36) Austral Parade, East Bunbury” and allows a period of up to 5 minutes to present to Council.

CARRIED

Mr David Smith, 8 Picton Crescent, Bunbury

Mr David Smith requested to address item 10.4.2 titled “*Adoption of Draft City of Bunbury Local Planning Strategy and Draft City of Bunbury Local Planning Scheme No 8*”.

Council Decision 151/17

Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr David Smith’s deputation request to address item 10.4.2 titled “Adoption of Draft City of Bunbury Local Planning Strategy and Draft City of Bunbury Local Planning Scheme No 8” and allows a period of up to 5 minutes to present to Council.

CARRIED (by casting vote of the Mayor)

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, 10.2.2, 10.2.3, 10.4.4, 10.4.5 and 10.4.6

Items 10.3.1, 10.4.1, 10.4.2 and 10.4.3 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 Hayward.

10. Reports

10.1 Financial Management Report for the Period Ending 31 March 2017 (was listed as item 10.2.1 of the Council Agenda)

Applicant/Proponent:	Internal Report
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-1: Statement of Comprehensive Income Appendix CEO-2: Statement of Financial Activity Appendix CEO-3: Statement of Net Current Assets Appendix CEO-4: Statement of Financial Position Appendix CEO-5: Capital Works Expenditure Summary Appendix CEO-6: 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-1)
Actual Financial Performance to 31 March 2017 (refer explanations within the report)
 - Actual income of \$52.50M is \$641K greater than the year-to-date budgeted income of \$51.86M.
 - Actual expenditure of \$29.93M is \$3.26M less than the year-to-date budgeted expenditure of \$33.19M.
 - Actual operating surplus of \$22.57M is \$3.90M more than the year-to-date budgeted operating surplus of \$18.67M.
- Statement of Financial Activity (**attached** at Appendix CEO-2)
Closing Funding Surplus to 30 June 2017 is forecast at \$589,320, which is \$89,619 more than the Current Budget Closing Funding Surplus of \$499,701.
- Statement of Financial Position (**attached** at Appendix CEO-4)

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

	Year-to-date	Forecast
* Current Assets of \$53.67M includes:		
- Cash and Investments	\$49.80M	\$27.48M
- Rates	\$2.31M	\$0.81M
- Other Current Assets	\$1.56M	\$1.93M
* Current Liabilities of \$7.33M includes:		
- Trade and Other Payables	\$1.64M	\$4.63M
- Annual Leave and LSL Provisions	\$3.45M	\$3.91M
* Working Capital (Current Assets less Current Liabilities)	\$46.34M	\$19.38M
* Equity		

(Total Assets less Total Liabilities)	\$599.62M	\$580.81M
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4. Capital Works (**attached** at Appendix CEO-5)
 - Actual capital works of \$10.36M is \$4.77M less than the year-to-date budgeted capital works of \$15.13M, (refer explanation within report).
5. Operating Project Expenditure (**attached** at Appendix CEO-6)
 - Actual operating project expenditure of \$1.84M is \$672K less than the year-to-date budgeted operating project expenditure of \$2.52M, (refer explanation within report).

Executive Recommendation

The Financial Management Report for the period ending 31 March 2017 be received.

Strategic Relevance

Key Priority Area No. 5 Corporate
Objective No. 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-1)
- Statement of Financial Activity (**attached** at Appendix CEO-2)
- Statement of Net Current Assets (**attached** at Appendix CEO-3)
- Statement of Financial Position (**attached** at Appendix CEO-4)
- Capital Works Expenditure Summary (**attached** at Appendix CEO-5)
- Operating Projects Summary (**attached** at Appendix CEO-6)

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

Council Policy Compliance

Not applicable.

Legislative Compliance

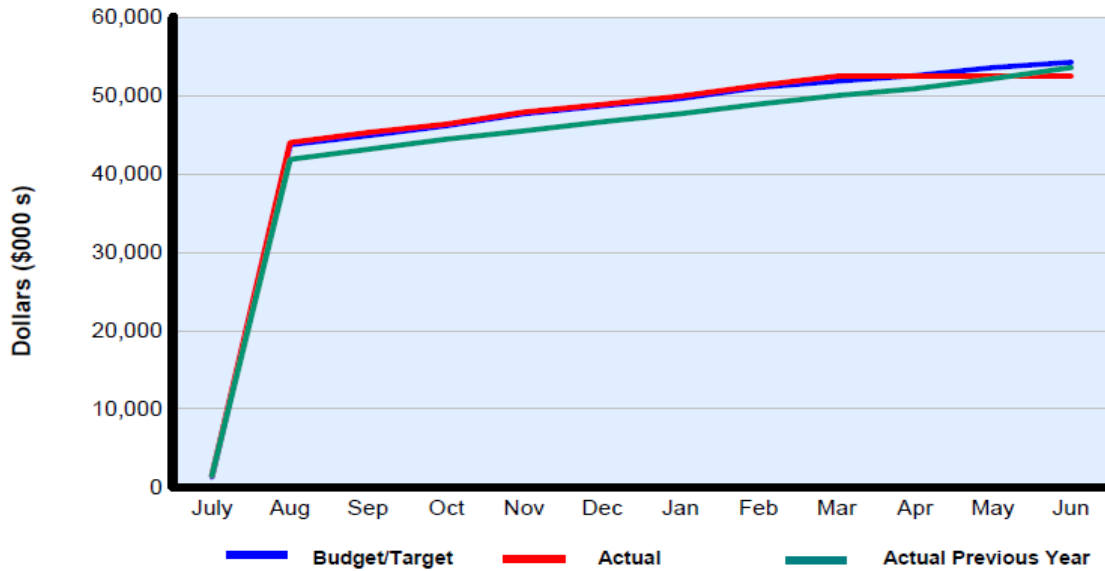
In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix CEO-3) reporting on the revenue 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

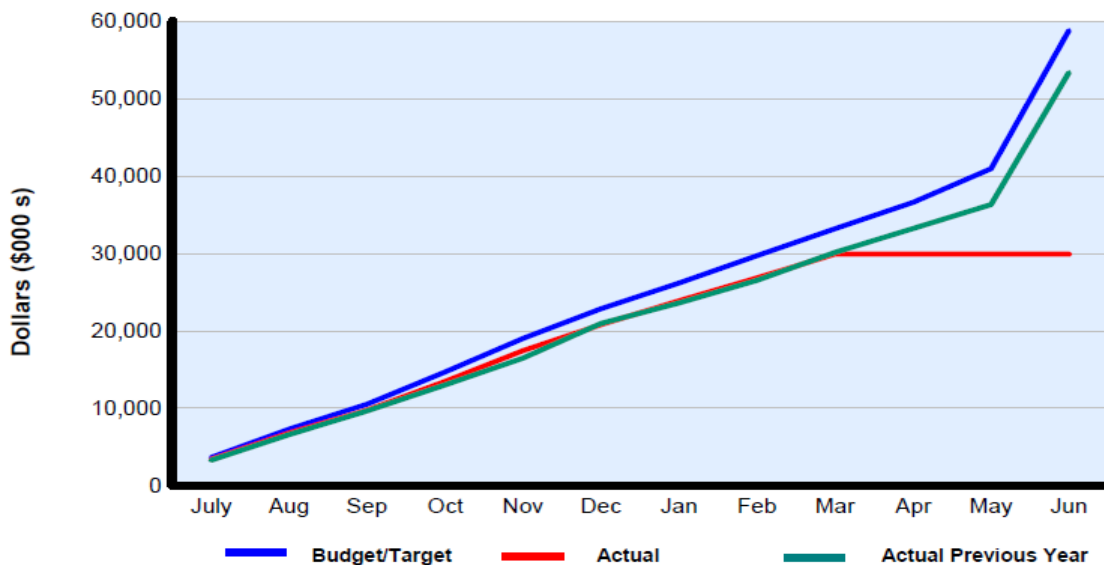
The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how the actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.

Operating income (\$000's)



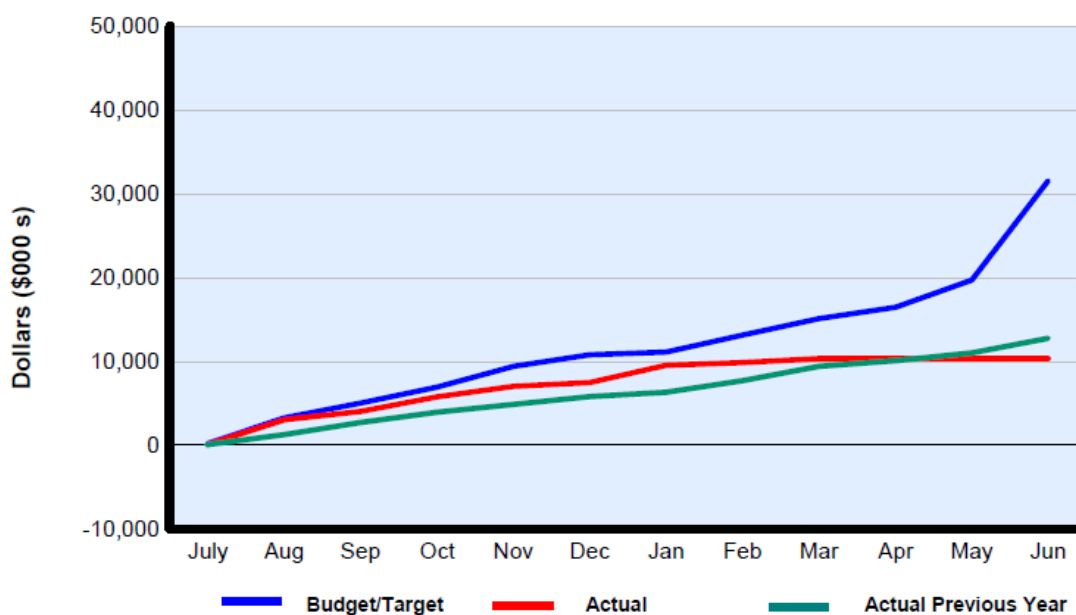
Note: Operating income includes: rates, fees and charges, operating grants and subsidies, contributions reimbursements and donataions, interest and other revenue.
 Actual income of \$52.50M is \$641K greater than the year-to-date budget income of \$51.86M.
 Explanations for this variance are included in this report.

Operating expenditure (\$000's)



Note: Actual operating expenditure for both base and operating projects is \$3.26M 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 March 2017 of \$4.77M 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	
Rates Income <i>Interim Rates Income</i> – Higher than anticipated interim rates of \$33K have been raised on property improvements. An end of year forecast adjustment has been made.	\$34,489 0.9%
Contribution, Reimbursements and Donations <i>Reimbursement Income</i> – Favourable year-to-date variance of \$199,945 mainly due to the reimbursement of \$100K from the South West Development Commission for PR-3877 Management of funds for the Bunbury Marine Facilities as the City will now be administering the contractual payments, \$48K of recoupable property utilities, \$24K of legal fees reimbursed and \$15K of workers compensation reimbursements. An end of year forecast adjustment has been made.	\$188,065 21%
Interest Received <i>Cash and Investment Interest Income</i> – Favourable year-to-date variance of \$128K 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 \$21K mainly due to additional rate payers taking advantage of paying by instalments. An end of year forecast adjustment has been made.	\$148,733 17%

Operating Expenditure	
<p>Materials and Contracts</p> <p><i>Material Expenditure</i> - Favourable year-to-date variance of \$525K, mainly due to the timing of operating expenditure. This will be monitored on a monthly basis.</p> <p><i>Contract Employment Expense</i> – Favourable year-to-date variance of \$57K, this expenditure has not been required to date. This will be monitored on a monthly basis.</p> <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-4166 Conduct site investigation Ecclestone Street - \$80K PR-3196 Conduct detailed contaminated site investigation for Nuytsia Ave - \$69K PR-4176 Implement Withers Youth Strategy - \$40K Investigate and design traffic scenario modelling - \$21K PR-4156 Revalue building assets and freehold land - \$20K PR-1578 Develop and implement a Public Health Plan - \$15K PR-3882 Upgrade Trim Electronic Document System - \$14K PR-4006 Revaluation of City Art Collection 2016/17 - \$12K <p>This will be monitored on a monthly basis.</p> <p><i>Contractors Expenses</i> - Favourable year-to-date variance of \$1.07M, mainly due to the timing of operating expenditure on the following accounts:</p> <ul style="list-style-type: none"> Collect domestic recyclable materials - \$129K Maintain sport grounds and infrastructure - \$104K PR-3996 Upgrade Adam Road Primary School carpark - \$86K PR-4327 Regional Tourism Strategy implementation - \$70K Collect household organic waste - \$62K Maintain trees - \$56K Maintain corporate vehicles - \$52K Maintain landscape structures - \$44K Maintain paths and cycleways - \$44K Conduct Christmas carnival event - \$41K Maintain drainage pump stations - \$32K PR-3888 Closure of laneways in Withers - \$30K Conduct destination marketing activities - \$25K <p>This will be monitored on a monthly basis.</p> <p><i>Software License or Maintenance Expenditure</i> - Favourable year-to-date variance of \$61K, mainly due to the timing of operating expenditure. This will be monitored on a monthly basis.</p>	<p>\$2,107,247 21%</p>

Non-Operating Income and Expenditure	
<p>Proceeds from the Disposal of Assets <i>Proceeds from the Disposal of Land</i> – Favourable year-to-date variance of \$166,666 due to the sale of two Latrielle properties during March 2017. An end of year forecast adjustment has been made.</p>	<p>\$156,286 40%</p>
<p>Value of Assets Disposed <i>Value of Plant and Vehicles Disposed</i> – Unfavourable year-to-date variance of \$55K due to the disposal value of vehicles. This is a non-cash expenditure item that records the profit and loss on the disposed assets.</p> <p><i>Value of Equipment Disposed</i> – This is a higher than anticipated value (\$140K) due to the disposal of City equipment to ensure adequate upgrades were effected. An end of year forecast adjustment has been made.</p>	<p>\$195,742 (113%)</p>

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Revenues	
Favourable variance. See explanation above included in the Statement of Comprehensive Income variances.	<p>\$606,171 3.7%</p>
Operating Expenses	
Favourable variance. See explanation above included in the Statement of Comprehensive Income variances.	<p>\$3,259,649 9.8%</p>
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-1912 – Replace waste vehicles and plant 2016/17 - \$599K</p> <p>PR-2288 - Replace corporate heavy plant 2016/17 - \$520K</p> <p>PR-1197 – Upgrade intersection of Parade Rd and Crampton Ave - \$389K</p> <p>PR-4165 - Develop a detailed design for a Cultural Precinct - \$364K</p> <p>PR-2481 - Reconstruct and improve drainage in Spencer St - \$306K</p> <p>PR-3997 – Install additional family and accessible change facilities at the SWSC - \$296K</p> <p>PR-4149 - Implement State CCTV Strategy Infrastructure - \$204K</p> <p>PR-3900 - Upgrade Koombana Drive and Austral Parade Intersection - \$169K</p> <p>PR-4015 – Improve City’s landscaping, parks and entry statements - \$155K</p> <p>PR-3647 - Renew drainage line Ecclestone St to Kelly St - \$147K</p> <p>PR-3222 – Renew drainage Picton Road - \$106K</p> <p>PR-3445 – Refurbish existing toilet at Queens Gardens - \$105K</p>	<p>\$4,770,385 31%</p>

PR-3694 – Renew Parade Road - \$100K PR-4012 - Upgrade and segmentation of network structure - \$98K PR-1536 – Renew landscaping and irrigation systems at Queens Gardens - \$78K Refer to Capital Expenditure report for project details.	
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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 2 May 2017

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

Council Decision 152/17

The Financial Management Report for the period ending 31 March 2017 be received.

CARRIED
12 votes "for" / Nil votes "against"

10.2 Schedule of Accounts Paid for the 1 March 2017 to 31 March 2017 (was listed as item 10.2.2 in the Council Agenda)

Applicant/Proponent:	Internal Report
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-7 – Schedule of Accounts Paid March 2017

Summary

The City of Bunbury "Schedule of Accounts Paid" covering the period 1 March 2017 to 31 March 2017 is **attached** at Appendix CEO-7. The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$7,792,462.45
2. Advance Account – payments totalling \$4,904,209.95
3. Trust Account – payments totalling \$28,526.60
4. Visitor Information Centre Trust Account – payments totalling \$11,890.10
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$325,924.65
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$196,996.35

Executive Recommendation

The Schedule of Accounts Paid for the Period 1 March 2017 to 31 March 2017 be received.

Outcome – Council Meeting 2 May 2017

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

Council Decision 153/17

The Schedule of Accounts Paid for the Period 1 March 2017 to 31 March 2017 be received.

CARRIED

12 votes "for" / Nil votes "against"

10.3 Recommendation to the Bunbury Wellington Group of Councils – Council Local Government Funding Regional Allocation (was listed as item 10.2.3 on the Council Agenda)

Applicant/Proponent:	Internal
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Confidential Report - CRUSC-3 – Discussion Paper

Summary

The Bunbury Wellington Group of Councils (BWGC) was formed in 1998 and consists of the following members:

- Shire of Capel
- Shire of Dardanup
- Shire of Collie
- Shire of Donnybrook-Balingup
- Shire of Harvey
- Shire of Boyup-Brook
- City of Bunbury

The group has been actively exploring the development of a Regional Waste Facility and in recent years, was successful in obtaining funding under the Council Local Government Fund – Regional Allocation to assist with the purchase of a site.

As an outcome of the decision of the Shire of Dardanup to go to public tender for the sale of the Banksia Road site, this is no longer an option to pursue.

There is a need to consider the implications in the longer term for the south west local governments in relation to waste management and the preferred approach to take to the next BWGC Meeting.

Recommendation

1. That Council authorise the options proposed for the Country Local Government Funding Regional Allocation and South West Regional Waste Management Site to be submitted for consideration at the next Bunbury Wellington Group of Councils Meeting, with Option 1 being the preferred Council position, along with the two other recommendations contained in the report.
2. That in the event that there is no support for Option 1, the Mayor be authorised to consider alternatives provided by the other Local Governments and support a position which will see a positive outcome for the City.
3. That Council support the funding of a project officer and the progressing of the required studies for the site identified in accordance with the CLGF Grant.

Background

Detailed background regarding this project and options for submission to the next BWGC meeting are contained within the Confidential discussion paper **attached** at CRUSC-3 .

Contained with the South West Regional Blueprint is the following project:

Sustainable energy supply - Ensure there is access to sustainable, affordable energy supplies to support a growing region. The region is able to expand its economic and population base through the provision of adequate energy supplies and reliable distribution networks, and makes best possible use of renewable energy and provides an alternative source of fuel to coal as coal stocks deplete.

The South West has secure and sustainable energy supplies for a population of 500,000. All waste is recycled into energy production or alternative.

Regional waste - Build subregional waste facilities capable of recycling and managing waste to a forecast regional population of 500,000. All waste is recycled into energy production or alternative.

In order to progress the priorities outlined in the draft South West Regional Blueprint and to meet the short medium and long term requirements of local governments in the region and broader south west as it relates to waste management.

A Special Meeting of the BWGC will be convened in May and therefore, there is the requirement to have a preferred Council position that will be able to be presented to the meeting.

Council Policy Compliance

Not Applicable.

Legislative Compliance

Not Applicable

Officer Comments

The Bunbury Wellington Group of Councils (BWGC) has been actively exploring the development of a Regional Waste Facility and was successful in obtaining funding under the CLGF Regional Funding Round to assist with the purchase of a site.

As a member of the Bunbury Wellington Group of Councils, and given the work undertaken to date in relation to the development of a regional approach to waste management, it is considered appropriate for Council to consider and accept the preferred way forward.

As there are numerous matters within the attached paper and linkages to the priorities outlined in the draft South West Regional Blueprint there is a need for the group to consider how regional waste will be progressed.

Analysis of Financial and Budget Implications

In the event that the group of Councils is unsuccessful in continuing with a regional waste site, the short term implications will be the requirement to negotiate a commercial arrangement with a private provider or another local government. Whilst these costs can be met in the short to medium term, the lack of control over pricing in the longer term would be outside of the control of Council.

As the Group have secured funding via the CLGF this provides some scope for the group to consider alternative sites, however the deadline for this to occur is still relatively tight. As such, the group will need to consider how it wants to approach the funding and other associated matters.

Community Consultation

There is no requirement for community consultation on this proposal.

Councillor/Officer Consultation

This report serves to bring the matter to the attention of all elected members, prior to referral to the other local government in the BWGC and to provide some direction for the Mayor in representing the Council preferred position/direction.

Outcome – Council Meeting 2 May 2017

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

Council Decision 154/17

- 1. *That Council authorise the options proposed for the Country Local Government Funding Regional Allocation and South West Regional Waste Management Site to be submitted for consideration at the next Bunbury Wellington Group of Councils Meeting, with Option 1 being the preferred Council position, along with the two other recommendations contained in the report.***
- 2. *That in the event that there is no support for Option 1, the Mayor be authorised to consider alternatives provided by the other Local Governments and support a position which will see a positive outcome for the City.***
- 3. *That Council support the funding of a project officer and the progressing of the required studies for the site identified in accordance with the CLGF Grant.***

CARRIED

12 votes "for" / Nil votes "against"

10.4 Ranger Authorisation – Stephen Mark Delane and Michael Edward Donovan (was listed as item 10.4.4 in the Council Agenda)

Applicant/Proponent:	Internal
Responsible Officer:	Sarah Upton, A/Manager, Community Law, Safety & Emergency Management
Responsible Manager:	Sarah Upton, A/Manager, Community Law, Safety & Emergency Management
Executive:	Mal Osborne, Director Planning & Development Services
Attachments:	Nil

Summary

City of Bunbury Ranger/Fire Control Officers and Parking Officers are required to be authorised to perform their duties.

Executive Recommendation

That Council

1. Appoint Stephen Mark Delane and Michael Edward Donovan as Authorised Person's and Authorised Officer's in accordance with the following legislation from the commencement of their employment with the City of Bunbury on 5 April 2017:
 - 1.1 Dog Act 1976, Dog Regulations 2013, Dog (Restricted Breeds) Regulations (No. 2) and Dog Local Laws (as amended);
 - 1.2 Cat Act 2011 and Cat Regulations 2012
 - 1.3 Caravan, Parks and Camping Ground Act 1995 and Caravan Parks and Camping Grounds Regulations 1997;
 - 1.4 Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1995 as amended;
 - 1.5 Litter Act 1979 and Litter Regulations 1981 (as amended);
 - 1.6 Control of Vehicles (Off-road Areas) Act 1978 and Control of Vehicles (Off-road Areas) Regulations 1979 (as amended);
 - 1.7 The purpose of control and supervision of any of the Local Laws of the City of Bunbury Council; and
 - 1.8 Bush Fires Act 1954 and Bush Fires Regulations 1954 (as amended).
2. Appoint Stephen Mark Delane and Michael Edward Donovan as:
 - 2.1 Registration Officer in accordance with the Dog Act 1976;
 - 2.2 Fire Control Officer in accordance with Section 38 and 59 of the Bush Fires Act 1954 (as amended); and
 - 2.3 Pound Keeper/Ranger pursuant to the provision of Part XX of the Local Government (Miscellaneous Provisions) Act 1960.
3. Revoke the appointment of Rhys Paul as an Authorised Person and Authorised Officer for the City of Bunbury.
4. Advertise and gazette the appointments in accordance with various legislative requirements.

Strategic Relevance

Key Priority Area 5: Corporate
Objective 5.2: Maintain a high standard of corporate governance and improve access to information.

Background

Stephen Delane and Michael Donovan commenced employment with the City of Bunbury as Ranger/Fire Control Officer and Parking officer respectively on 5 April 2017. These officers now require Council authorisation to perform relevant duties in accordance with various legislation that is administered by the Department.

Rhys Paul was a previous incumbent in the role of Ranger/Fire Control Officer but has now vacated the position.

Council Policy Compliance

Not applicable.

Legislative Compliance

The aforementioned legislation requires that Council authorises staff who are employed for the purpose or exercising the powers as conferred under each statute.

Officer Comments

All Ranger/Fire Control Officers and Parking Officers require specific authorisation to complete their duties and enforce the various legislative requirements.

Analysis of Financial and Budget Implications

Not applicable.

Community Consultation

Not applicable.

Councillor/Officer Consultation

The Governance Department was consulted in regard to this matter.

Applicant Consultation

Not applicable.

Outcome – Council Meeting 2 May 2017

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

Council Decision 155/17

That Council

- 1. *Appoint Stephen Mark Delane and Michael Edward Donovan as Authorised Person's and Authorised Officer's in accordance with the following legislation from the commencement of their employment with the City of Bunbury on 5 April 2017:***
 - 1.1 *Dog Act 1976, Dog Regulations 2013, Dog (Restricted Breeds) Regulations (No. 2) and Dog Local Laws (as amended);***
 - 1.2 *Cat Act 2011 and Cat Regulations 2012***
 - 1.3 *Caravan, Parks and Camping Ground Act 1995 and Caravan Parks and Camping Grounds Regulations 1997;***
 - 1.4 *Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1995 as amended;***
 - 1.5 *Litter Act 1979 and Litter Regulations 1981 (as amended);***
 - 1.6 *Control of Vehicles (Off-road Areas) Act 1978 and Control of Vehicles (Off-road Areas) Regulations 1979 (as amended);***
 - 1.7 *The purpose of control and supervision of any of the Local Laws of the City of Bunbury Council; and***
 - 1.8 *Bush Fires Act 1954 and Bush Fires Regulations 1954 (as amended).***
- 2. *Appoint Stephen Mark Delane and Michael Edward Donovan as:***
 - 2.1 *Registration Officer in accordance with the Dog Act 1976;***
 - 2.2 *Fire Control Officer in accordance with Section 38 and 59 of the Bush Fires Act 1954 (as amended); and***
 - 2.3 *Pound Keeper/Ranger pursuant to the provision of Part XX of the Local Government (Miscellaneous Provisions) Act 1960.***
- 3. *Revoke the appointment of Rhys Paul as an Authorised Person and Authorised Officer for the City of Bunbury.***
- 4. *Advertise and gazette the appointments in accordance with various legislative requirements.***

CARRIED
12 votes "for" / Nil votes "against"

10.5 Appointment of Registration Officer and Authorised Officer – Desiree Lengyel and Kellie Payne (was listed as item 10.4.5 on the Council Agenda)

Applicant/Proponent:	Internal
Responsible Officer:	Sarah Upton, A/Manager, Community Law, Safety & Emergency Management
Responsible Manager:	Sarah Upton, A/Manager, Community Law, Safety & Emergency Management
Executive:	Mal Osborne, Director Planning & Development Services
Attachments:	Nil

Summary

Ranger Administration Officers and Customer Service Support Officers are required to be authorised under the Dog Act 1976 and Cat Act 2011 to perform their duties associated with dog and cat registrations.

Executive Recommendation

That Council

1. Appoint Desiree Lengyel and Kellie Payne as;
 - 1.1 Registration Officers in accordance with the Dog Act 1976 and associated regulations; an
 - 1.2 Authorised persons for the purposes of Part 2, Division 1, Subdivision 2, of the Cat Act and associated regulations; and
2. Advertise and gazette the appointment in accordance with relevant legislative requirements.

Strategic Relevance

Key Priority Area 5: Corporate
Objective 5.2: Maintain a high standard of corporate governance and improve access to information.

Background

Ms Desiree Lengyel commenced employment with the City of Bunbury as an Administration Officer for the City of Bunbury in the Rangers Department on 31 March 2017. To perform the duties of the role associated with the registration of dogs and cats it is a requirement that both Desiree Lengyel and Kellie Payne be appointed as a Registration Officers for Dog Act 1976 and Authorised Persons for the Cat Act 2011.

Council Policy Compliance

Not applicable.

Legislative Compliance

The aforementioned legislation requires that Council authorises staff who are employed for the purpose or exercising the powers as conferred under each statute.

Officer Comments

To allow the dog and cat registrations to be processed by administration officers the officers are required to be appointed as Registration Officers under the Dog Act 1976 and Authorised Persons for the Cat Act 2011.

Analysis of Financial and Budget Implications

Not applicable.

Community Consultation

Not applicable.

Councillor/Officer Consultation

The Governance Department was consulted in regard to this matter.

Applicant Consultation

Not applicable.

Outcome – Council Meeting 2 May 2017

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

Council Decision 156/17

That Council:

- 1. *Appoint Desiree Lengyel and Kellie Payne as;***
 - 1.1 *Registration Officers in accordance with the Dog Act 1976 and associated regulations; and***
 - 1.2 *Authorised persons for the purposes of Part 2, Division 1, Subdivision 2, of the Cat Act and associated regulations; and***
- 2. *Advertise and gazette the appointment in accordance with relevant legislative requirements.***

CARRIED

12 votes "for" / Nil votes "against"

- 1.1 *Registration Officers in accordance with the Dog Act 1976 and associated regulations; and***
- 1.2 *Authorised persons for the purposes of Part 2, Division 1, Subdivision 2, of the Cat Act and associated regulations; and***

10.6 Appointment of Chief Bush Fire Control Officer (was listed as item 10.4.6 on the Council Agenda)

Applicant/Proponent:	Internal
Responsible Officer:	Sarah Upton, A/Manager, Community Law, Safety & Emergency Management
Responsible Manager:	Sarah Upton, A/Manager, Community Law, Safety & Emergency Management
Executive:	Mal Osborne, Director Planning & Development Services
Attachments:	Nil

Summary

Pursuant to section 38 of the Bush Fires Act 1954 a Chief Bush Fire Control Officer must be appointed by the Local Government to carry out the prescribed legislative requirements.

Executive Recommendation

That Council

1. Appoint Neil Dyer as a Fire Control Officer and Chief Bush Fire Control Officer in accordance with section 38 of the Bush Fires Act 1954 and Bush Fires Regulations 1954 (as amended); and
2. Advertise and gazette the appointment in accordance with various legislative requirements.

Strategic Relevance

Key Priority Area 5: Corporate
Objective 5.2: Maintain a high standard of corporate governance and improve access to information.

Background

Section 38 of the Bush Fires Act 1954 requires the local government to appoint a Chief Bush Fire Control Officer and a Deputy Chief Bush Fire Control Officer. The role of the Chief was previously filled by John Kowal with Christopher Widmer in the role of the Deputy. Due to the relocation of John Kowal to another department of the City, a new Chief Fire Control Officer is required to be appointed.

Council Policy Compliance

Not applicable.

Legislative Compliance

The appointment of a Chief Bush Fire Control Officer is a legislative requirement in accordance with the Bush Fires Act 1954. The appointment must be advertised in a local newspaper and gazetted in accordance with the legislative requirements.

Officer Comments

To satisfy the legislative requirements of a Chief Bush Fire Control Officer, the person must have the necessary skills and experience to undertake the duties required of them. Neil Dyer has both the skills and experience to undertake this role, with Christopher Widmer remaining as Deputy Chief Bush Fire Control Officer.

Analysis of Financial and Budget Implications

Not applicable.

Community Consultation

Not applicable.

Councillor/Officer Consultation

The Governance Department was consulted in regard to this matter.

Applicant Consultation

Not applicable.

Outcome – Council Meeting 2 May 2017

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

Council Decision 157/17

That Council

- 1. Appoint Neil Dyer as a Fire Control Officer and Chief Bush Fire Control Officer in accordance with section 38 of the Bush Fires Act 1954 and Bush Fires Regulations 1954 (as amended); and***
- 2. Advertise and gazette the appointment in accordance with various legislative requirements.***

CARRIED

12 votes "for" / Nil votes "against"

10.7 Clontarf Foundation and City of Bunbury Partnership proposal (was listed as item 10.3.1 of the Council Agenda)

Applicant/Proponent:	Internal Report
Responsible Officer:	Deanna Sullivan, Team Leader Community Development
Responsible Manager	Sharon Chapman, Manager Community and Library Services
Executive:	Stephanie Addison-Brown, Director Corporate and Community Services
Attachments:	Nil

Summary

At the Council Briefing Session on 28 March 2017, Mr Ross Kelly, Chairman of the Clontarf Foundation provided Council with a presentation on the work of Clontarf Foundation in Australia and in Bunbury, with the view of establishing a partnership with the City of Bunbury.

This report is provided in response to that presentation.

Executive Recommendation

That Council:

1. Recognises the contribution that the Clontarf Foundation makes to the community and continues to provide the Foundation with the in-kind support currently provided through Traineeships and Work Experience;
2. Request the CEO to explore partnership opportunities with the Clontarf Foundation, such as developing suitable health and fitness programs based at the South West Sports Centre (SWSC);
3. Consider the request from the Clontarf Foundation as part of the development of the draft 2017/18 budget and future iterations of the Integrated Financial Plan.

Strategic Relevance

Key Priority Area 1	Community and Culture
Objective 1.1	Establish Bunbury as the most accessible regional city in Australia by 2020
Key Priority Area 3	Natural and Built Environment
Objective 3.3	Improve public health and safety

Background

On Friday 17 February 2017 a meeting was held between the City of Bunbury Mayor Gary Brennan and Chief Executive Officer of the Clontarf Foundation, Mr Gerard Neesham. From this meeting Mr Neesham was invited to provide a presentation on the Clontarf Foundation and City of Bunbury Partnership proposal. This was subsequently presented to Council by Clontarf Foundation Chairman, Mr Ross Kelly, at the Council Briefing Session on 28 March 2017.

Council Policy Compliance

Council Policy: Equal Opportunity

Legislative Compliance

Not applicable

Officer Comments

The South West Clontarf Academy (Newton Moore College) caters for almost 70 local Indigenous boys and has an annual budget of \$525,000. Two thirds of this funding (approximately \$350K) is provided by the Federal and Western Australian State Governments. The remaining one third (\$175K) is raised from the private sector.

Until recently, Clontarf's Eastern States private funding partners were satisfied with funds they provided were being directed to fund programs in States other than their own. However, now that Clontarf is expanding rapidly in Victoria, New South Wales and Queensland, they are finding it increasingly difficult to justify why private funder's money are not being directed towards growing their operations in their own State. As a consequence of this, Clontarf needs to increase the private sector funding that it raises from the local communities that benefit directly from its programs.

Clontarf anticipate having a permanent presence in Bunbury for the next 30 – 40 years and are seeking an annual contribution from the City.

The City's Organisation Development and Human Resources Department has a well-established working relationship with the South West Clontarf Academy (Newton Moore College) and meets regularly. Last year we successfully recruited two high school students through the Clontarf program. The City also provides school based traineeships and work experience across all departments which includes, but is not limited, to the Community Development, Events, Open Spaces, Bunbury Regional Art Gallery (BRAG), South West Sports Centre (SWSC), and International Relations departments.

The City has established a relationship with Aboriginal Workforce Centre and ensures that all recruitment is advertised on the Aboriginal Workforce Centre Job Force board.

The City also supports other Aboriginal programs such as the Newton Moore Girls Academy, which is an initiative of Rolemodels & Leader Australia, a not-for-profit charitable organisation founded in 2004 and provides school-based programs for Aboriginal and Torres Strait Islander students in Australia, developing and empowering youth through leadership training, mentoring, sport and extra-curricular programs.

Although the SWSC does not currently provide any health or fitness programs or services for Clontarf there is certainly scope for the Sport and Recreation Club Development staff to meet with Clontarf management to further discuss and perhaps develop such programs that will provide the necessary nutritional, health and fitness for the Clontarf students.

Analysis of Financial and Budget Implications

There is currently no specific funding identified for this proposal and it is suggested that Council consider allocating funds in 2017/18 as part of the 2017/18 Budget workshops in May and June 2017.

In terms of an in-kind contribution, the City currently makes provision to accept school based trainees and work experience students across all its departments, which includes but is not limited to Community Development, Events, Open Spaces, Bunbury Regional Art Galleries (BRAG), South West Sports Centre (SWSC), and International Relations departments.

Community Consultation

At this stage there has been no community consultation.

Councillor/Officer Consultation

The Mayor met with Chief Executive Officer of the Clontarf Foundation, Mr Gerard Neesham.

Councillors received a presentation from Mr Ross Kelly, Chairman of the Clontarf Foundation, at the Councillor Briefing Session on 28 March 2017.

Outcome – Council Meeting 2 May 2017

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

The Mayor put each point of the motion to the vote separately as follows:

That Council:

- 1. Recognises the contribution that the Clontarf Foundation makes to the community and continues to provide the Foundation with the in-kind support currently provided through Traineeships and Work Experience;***

CARRIED

11 votes “for” / 1 vote “against”

- 2. Request the CEO to explore partnership opportunities with the Clontarf Foundation, such as developing suitable health and fitness programs based at the South West Sports Centre (SWSC);***

CARRIED

11 votes “for” / 1 vote “against”

- 3. Consider the request from the Clontarf Foundation as part of the development of the draft 2017/18 budget and future iterations of the Integrated Financial Plan.***

CARRIED

7 votes “for” / 5 votes “against”

Cr Jones, Cr Giles, Cr Steck, Cr Steele and Cr McCleary requested that their votes “against” be recorded for point 3. All other Councillors, including the Mayor voted “for” the motion.

Council Decision 158/17

That Council:

- 1. Recognises the contribution that the Clontarf Foundation makes to the community and continues to provide the Foundation with the in-kind support currently provided through Traineeships and Work Experience;***
- 2. Request the CEO to explore partnership opportunities with the Clontarf Foundation, such as developing suitable health and fitness programs based at the South West Sports Centre (SWSC);***
- 3. Consider the request from the Clontarf Foundation as part of the development of the draft 2017/18 budget and future iterations of the Integrated Financial Plan.***

CARRIED

10.8 Application for Development Approval for Proposed Grouped Dwelling at Lot 3 (#36) Austral Parade, East Bunbury (was listed as item 10.4.1 on the Council Agenda)

File Ref:	2017.34.1
Applicant/Proponent:	Simon Hancock
Responsible Officer:	Anthony Pick, Senior Planning Officer
Responsible Manager:	Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Mal Osborne, Director, Planning and Development Services
Attachments:	Appendix DPDS1 – Location Plan and Photographs Appendix DPDS2 – Proposed Development Plans Appendix DPDS3 – Submitter’s Letter

Summary

Development approval is sought for a grouped dwelling in a battle axe arrangement to the rear of Lot 3 (#36) Austral Parade. The proposal seeks a variation to the deemed-to-comply provisions of the Residential Design Codes (R-Codes) in regard to lot boundary setback, where an over height boundary wall is proposed.

The adjoining landowner has expressed concern to the proposed development, primarily on the grounds of solar reduction, design and bulk, and impact on the heritage character of the area. The variation has been assessed against the corresponding design principles of the R-Codes. It is considered that the variation satisfies the design principles of the R-Codes and given its siting and scale would not adversely affect the heritage value of Lot 2 (#32) Austral Parade, which is on the City of Bunbury Heritage List. The proposal therefore represents orderly and proper planning and the recommendation is for conditional approval.

Executive Recommendation

That Council:

1. In accordance with the *Planning & Development Act 2005* (as amended), hereby resolves to grant development approval for a grouped dwelling at Lot 3 (#36) Austral Parade, East Bunbury, subject to the following conditions:
 - 1.1 At all times, the development subject of this planning approval must comply with the definition of Grouped Dwelling as contained in State Planning Policy 3.1 Residential Design Codes (R-Codes).
 - 1.2 All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.
 - 1.3 This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.
 - 1.4 All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.

- 1.5 Before the development is occupied, external clothes drying facilities must be provided for the existing and proposed dwelling in accordance with clause 5.4.5 of the State Planning Policy 3.1 Residential Design Codes (the R-Codes). External clothes drying facilities must be effectively screened from public view at all times and to the satisfaction of the City of Bunbury. Details to be submitted with the building permit application.
- 1.6 Before the development is occupied an enclosed lockable storage area constructed in a design and material matching the dwelling, where visible from the street, must be provided for each dwelling in accordance with the R-Codes. The store shall have a minimum dimension of 1.5m and an internal area of 4m² and be accessed from outside the dwelling. The store shall have a maximum wall height of 2.4m and a maximum ridge height of 4.2m.
- 1.7 Front walls and fences within the primary street setback area are visually permeable 1.2 metres above the natural ground level in accordance with the R-Codes and to the satisfaction of the City of Bunbury.
- 1.8 Walls and fences must be truncated or reduced to no higher than 0.75 metres above natural ground level within 1.5 metres setback of where walls and fences adjoin vehicle access points where a driveway meets a public street (lot boundary) or a communal accessway to the satisfaction of the City of Bunbury and in accordance with the R-Codes.
- 1.9 Rubbish bin storage areas must be screened from public view at all times in accordance with clause 5.4.5 of State Planning Policy 3.1 Residential Design Codes (the R-Codes) and to the satisfaction of the City of Bunbury.
- 1.10 The boundary (parapet) walls, including footings and associated structures, shall be constructed wholly within the lot boundaries and finished to a quality finish and professional standard, to the satisfaction of the City of Bunbury.
- 1.11 Before the development commences, a crossover permit must be obtained from the City of Bunbury for the proposed crossover and the upgrade of the existing crossover. Construction and maintenance of the crossover shall be in accordance with the crossover permit.
- 1.12 Before the development is occupied, the access way(s), car parking and turning area(s) shall be constructed in accordance with the development approval to the satisfaction of the City of Bunbury.
- 1.13 Before the development is occupied, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.
- 1.14 Before the development commences, a damage bond to the value of \$1200.00 must be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy "Bonds".

- 1.15 A minimum of 1m³ of storm water storage for each 65m² of impervious area must be provided on site in accordance with the City of Bunbury's Information Guide – Stormwater Disposal from Private, Commercial and Industrial Properties.

Detailed design plans of the proposed stormwater management must be submitted for approval prior to the development commencing, and be implemented in accordance with the approved plan prior to the development being occupied.

- 1.16 This property is situated on the Preston River Flood Plain and is susceptible to flooding. Habitable rooms in any building construction must have a minimum finished floor level of 2.1 metres AHD in accordance with the City of Bunbury's Local Planning Policy: Development in Flood Affected Areas.
- 1.17 All construction activities must be undertaken so as to avoid dust nuisance to occupiers of land in the vicinity to the satisfaction of the City of Bunbury.
- 1.18 Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage system.

Advice notes:

- (a) This is a development approval only. The applicant and landowner are advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or license requirements that may relate to the development or land use.
- (b) Where an approval lapsed, no development must be carried out without the further approval of the local government.

An application for an extension of time to an existing development approval shall require a formal written request, signed by both the land owner and applicant (if applicable) and the payment of the appropriate application fee (as per the Council's Fees & Charges Schedule), details of the relevant development approval are required (e.g. DA number, date of approval, property address). An application shall be received within one month prior to the expiration of the development approval.

- (c) The development the subject of this development approval is also regulated by the *Western Australia Building Act 2011*, Building Regulations 2012 and the Building Code of Australia (BCA). A separate building permit must be granted before the development commences, where offences occur statutory penalties may apply. The owner is advised to liaise further with the City of Bunbury's Building Certification team on (08) 9792 7000.
- (d) This development approval does not remove or affect any statutory responsibility or obligation the owner may have under that *Strata Titles Act 1985* (as amended). Under the strata or survey strata plan, a requirement for consent by the strata company or other strata or survey strata owners may be required.
- (e) Before development commences, the existing effluent disposal system(s) must be decommissioned in accordance with Division 3 of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

Strategic Relevance

Key Priority Area 3 Natural and Built Environment
Objective 3.4 Facilitate Urban Design, Diversity of Land Uses and Enabling Infrastructure

Background

The subject site is located on Austral Parade and is 1011m² in area. The site and surrounding land is included in the 'Residential Zone' with a density of R20/R40. The density coding increases to the west with the adjoining lot identified on the Scheme Map as R40/R80. The site is not located within a Heritage Area. However, Lot 2 (#32) Austral Parade is on the City of Bunbury Heritage List. It is considered that the proposed development due to its scale and siting would have no adverse impact on the heritage values of the dwelling.

A location plan and photographs of the property showing the subject site and its surrounds are **attached** at Appendix DPDS1.

The proposal consists of a single storey dwelling to the rear of #36 Austral Parade in a battle axe configuration. The proposal represents a contemporary design that seeks to maximise its northerly aspect. The footprint of the dwelling sits comfortably on the lot and provides adequate open space and a large outdoor living area.

The proposed development plans are **attached** at Appendix DPDS2.

Legislative 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; and
- City of Bunbury Town Planning Scheme No. 7 (TPS7).

Officer Comments

The proposed development is compliant with the deemed-to-comply requirements of the R-Codes, with the exception of clause 5.1.3 lot boundary setback. The applicant seeks a variation to the R-Codes for an over height wall built up to the boundary (i.e. nil setback). The parapet wall, located on the boundary spans 9.0m in length, and measures 3.77m at its highest point sloping down to 3.0m in height. The average height of the parapet wall is 3.39m. It is also noted that the natural ground level will be raised by 0.41m to meet minimum flood level requirements and therefore this additional height is to be considered as part of the assessment.

The length of the parapet wall is compliant with the deemed-to-comply requirements of the R-Codes. However, the height is in excess of the deemed-to-comply provisions of 3.5m and the average height requirement of 3.0m. The variation is therefore assessed against the corresponding design principles, set out below:

Clause 5.1.3 – Lot boundary setback Design Principle – P3.2	Assessment
<p>Buildings built up to boundaries (other than the street boundary) where this:</p> <p>makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</p>	<p>The proposed nil set back would maximise the effective layout and use of space within the lot. The layout includes providing for an alfresco area to the side of the dwelling, with direct access to the outdoor courtyard area which takes advantage of the northerly aspect.</p> <p>The proposed parapet wall will enhance privacy for the adjoining lot as no openings are proposed. Furthermore, the parapet wall would provide increased privacy for the landowners of the subject lot, as there is a first floor window that directly overlooks the site.</p>
<p>does not compromise the design principle contained in clause 5.1.3 P3.1;</p>	<p>It is considered that the proposed variation does not compromise the design principles contained in clause 5.1.3 P3.1, which broadly states that a building’s design should seek to reduce impacts of building bulk on adjoining properties, provide adequate sun and ventilation, and to minimise the extent of overlooking.</p> <p>The proposed dwelling is single storey and the parapet wall is 9m in length. The variation proposes an average height of 3.39m in lieu of 3.0m. The impact of the additional height is considered to be acceptable and would maintain adequate sun and ventilation to the adjoining building and open space. The proposal does not include any openings and therefore there would not be any overlooking.</p>
<p>does not have any adverse impact on the amenity of the adjoining property;</p>	<p>It is considered that the proposed variation would not have any unreasonable impact on the residential amenity of the adjoining property. Therefore, the proposed variation is considered acceptable given the modest increase in height and that the wall length is compliant with the deemed-to-comply requirements.</p>
<p>ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining owners is not restricted; and</p>	<p>The proposed parapet wall would not compromise direct sun to major openings of habitable rooms or outdoor living areas for adjoining owners. The adjoining dwelling has two ground floor windows on the side (east) elevation, which are both high level windows and therefore not deemed major openings under the R-Codes. The outdoor living area of the adjoining property features a metal roof and the sides include lattice to the existing fence, partly enclosing the patio. It is therefore considered that the proposed parapet wall would not dominate the outlook of the adjoining landowners.</p>
<p>positively contributes to the prevailing</p>	<p>The proposed grouped dwelling will deliver a</p>

Clause 5.1.3 – Lot boundary setback Design Principle – P3.2	Assessment
development context and streetscape.	contemporary dwelling and the battle axe arrangement is consistent with the development pattern within the locality. Due to the type of development proposed, that is a battle axe development, its direct impact on the streetscape is considered to be minimal.

In conclusion, whilst the concerns of the adjoining owners are acknowledged, it is considered that the proposed variation is consistent with the design principles of the R-Codes and would not adversely affect the heritage value of Lot 2 (#32) Austral Parade. The applicant has agreed to the submitter's request to install a 2 metre wall to provide a consistent boundary treatment. The recommendation is for conditional development approval.

Analysis of Financial and Budget Implications

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

Community Consultation

The applicant has provided comments from the adjoining landowners at Lot 1 (#1) Buswell Street, East Bunbury, in regards to the proposed variation. The submission expresses concern that the location of the parapet wall on the boundary would reduce solar access to a bedroom and the asymmetrical wall design would dominate their outdoor living area and the heritage character of the area. Those concerns are addressed in the officer comments.

In the event development approval is recommended, the submitter requests that consideration is given to addressing the consistency of the boundary fence. The applicant has confirmed they are happy to provide a 2.0m brick fence.

The submission is **attached** at Appendix DPDS3.

Consultation with the Applicant

The draft officer's recommendation has been communicated with the applicant.

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 2 May 2017

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

Mr Warren Cluff addressed Council in relation to this matter.

The recommendation (as printed) was moved Cr Steck, 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 159/17

That Council:

- 1. In accordance with the Planning & Development Act 2005 (as amended), hereby resolves to grant development approval for a grouped dwelling at Lot 3 (#36) Austral Parade, East Bunbury, subject to the following conditions:***
- 1.1 At all times, the development subject of this planning approval must comply with the definition of Grouped Dwelling as contained in State Planning Policy 3.1 Residential Design Codes (R-Codes).***
- 1.2 All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.***
- 1.3 This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.***
- 1.4 All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.***
- 1.5 Before the development is occupied, external clothes drying facilities must be provided for the existing and proposed dwelling in accordance with clause 5.4.5 of the State Planning Policy 3.1 Residential Design Codes (the R-Codes). External clothes drying facilities must be effectively screened from public view at all times and to the satisfaction of the City of Bunbury. Details to be submitted with the building permit application.***
- 1.6 Before the development is occupied an enclosed lockable storage area constructed in a design and material matching the dwelling, where visible from the street, must be provided for each dwelling in accordance with the R-Codes. The store shall have a minimum dimension of 1.5m and an internal area of 4m² and be accessed from outside the dwelling. The store shall have a maximum wall height of 2.4m and a maximum ridge height of 4.2m.***
- 1.7 Front walls and fences within the primary street setback area are visually permeable 1.2 metres above the natural ground level in accordance with the R-Codes and to the satisfaction of the City of Bunbury.***
- 1.8 Walls and fences must be truncated or reduced to no higher than 0.75 metres above natural ground level within 1.5 metres setback of where walls and fences adjoin vehicle access points where a driveway meets a public street (lot boundary) or a communal accessway to the satisfaction of the City of Bunbury and in accordance with the R-Codes.***

- 1.9** *Rubbish bin storage areas must be screened from public view at all times in accordance with clause 5.4.5 of State Planning Policy 3.1 Residential Design Codes (the R-Codes) and to the satisfaction of the City of Bunbury.*
- 1.10** *The boundary (parapet) walls, including footings and associated structures, shall be constructed wholly within the lot boundaries and finished to a quality finish and professional standard, to the satisfaction of the City of Bunbury.*
- 1.11** *Before the development commences, a crossover permit must be obtained from the City of Bunbury for the proposed crossover and the upgrade of the existing crossover. Construction and maintenance of the crossover shall be in accordance with the crossover permit.*
- 1.12** *Before the development is occupied, the access way(s), car parking and turning area(s) shall be constructed in accordance with the development approval to the satisfaction of the City of Bunbury.*
- 1.13** *Before the development is occupied, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.*
- 1.14** *Before the development commences, a damage bond to the value of \$1200.00 must be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy "Bonds".*
- 1.15** *A minimum of 1m³ of storm water storage for each 65m² of impervious area must be provided on site in accordance with the City of Bunbury's Information Guide – Stormwater Disposal from Private, Commercial and Industrial Properties.*
- Detailed design plans of the proposed stormwater management must be submitted for approval prior to the development commencing, and be implemented in accordance with the approved plan prior to the development being occupied.*
- 1.16** *This property is situated on the Preston River Flood Plain and is susceptible to flooring. Habitable rooms in any building construction must have a minimum finished floor level of 2.1 metres AHD in accordance with the City of Bunbury's Local Planning Policy: Development in Flood Affected Areas.*
- 1.17** *All construction activities must be undertaken so as to avoid dust nuisance to occupiers of land in the vicinity to the satisfaction of the City of Bunbury.*
- 1.18** *Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage system.*
- Advice notes:**
- (a)** *This is a development approval only. The applicant and landowner are advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or license requirements that may relate to the development or land use.*

- (b) Where an approval lapsed, no development must be carried out without the further approval of the local government.**

An application for an extension of time to an existing development approval shall require a formal written request, signed by both the land owner and applicant (if applicable) and the payment of the appropriate application fee (as per the Council's Fees & Charges Schedule), details of the relevant development approval are required (e.g. DA number, date of approval, property address). An application shall be received within one month prior to the expiration of the development approval.

- (c) The development the subject of this development approval is also regulated by the Western Australia Building Act 2011, Building Regulations 2012 and the Building Code of Australia (BCA). A separate building permit must be granted before the development commences, where offences occur statutory penalties may apply. The owner is advised to liaise further with the City of Bunbury's Building Certification team on (08) 9792 7000.**

- (d) This development approval does not remove or affect any statutory responsibility or obligation the owner may have under that Strata Titles Act 1985 (as amended). Under the strata or survey strata plan, a requirement for consent by the strata company or other strata or survey strata owners may be required.**

- (e) Before development commences, the existing effluent disposal system(s) must be decommissioned in accordance with Division 3 of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.**

CARRIED

11 votes "for" / 1 vote "against"

10.9 Adoption of Draft City of Bunbury Local Planning Strategy and Draft City of Bunbury Local Planning Scheme No. 8 (was listed as item 10.4.2 on the Council Agenda)

File Ref:	A03929
Applicant/Proponent:	City of Bunbury
Responsible Officer:	Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Mal Osborne, Director Planning and Development Services
Attachments:	Appendix DPDS4: Draft City of Bunbury Local Planning Strategy Appendix DPDS5: Draft City of Bunbury Local Planning Scheme No. 8 Appendix DPDS6: Schedule of Modifications Appendix DPDS7: Scheme Review Project - Mixed Business Zone vs Service Commercial Zone Land Use Class Comparison Appendix DPDS8: Local Planning Strategy & Scheme Review: Community Forum - Summary Report of Proceedings (7 December 2016) Appendix DPDS9: Schedule of Submissions

Summary

In accordance with the *Planning and Development Act 2005* and associated *Planning and Development (Local Planning Schemes) Regulations 2015*, the inaugural draft City of Bunbury Local Planning Strategy and accompanying new draft City of Bunbury Local Planning Scheme No. 8 (LPS8) were publicly advertised for 90 days from 7 August 2016 to 16 December 2016. A total of 104 submissions were received, 24 of which informed numerous minor modifications to the revised draft Scheme text and map.

The modified draft Local Planning Strategy and modified draft Local Planning Scheme documents are **attached** at Appendix DPDS-4 and 5, and are presented for Council's consideration for final adoption.

Executive Recommendation

That Council,

1. In accordance with Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to support the draft City of Bunbury Local Planning Strategy with proposed modifications;
2. Pursuant to section 72 of the *Planning and Development Act 2005* and in accordance with Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to adopt the draft City of Bunbury Local Planning Scheme No. 8 with proposed modifications for the entire area within the City of Bunbury district;
3. Submit to the Western Australian Planning Commission:
 - (a) The Schedule of Submissions received,
 - (b) A Schedule of Modifications to the advertised draft Local Planning Strategy and draft Local Planning Scheme proposed by the local government,
 - (c) A copy of the modified final draft Local Planning Strategy for the Commission's endorsement, and

- (d) A copy of the modified final draft Local Planning Scheme for the Commission's endorsement to the Minister for Planning for approval to gazette;
4. Cease consideration of new submissions to amend the existing City of Bunbury Town Planning Scheme No. 7.

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 2: Transport and Infrastructure

Objective 2.1: Maintain transport infrastructure at levels consistent with community expectations.

Objective 2.2: Maintain a high standard of recreational open space and facilities.

Objective 2.3: Maintain a high standard of community infrastructure.

Key Priority Area 3: Natural and Built Environment

Objective 3.1: Undertake assessments of the City's key natural areas, activity centres and streetscapes to identify opportunities to improve biodiversity.

Objective 3.2: Mitigate and adapt to the possible impacts of climate change.

Objective 3.3: Improve public health and safety.

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 4.2: 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

At its ordinary meeting held on 31 March 2015, Council resolved to (Decision: 109/15):

- Forward the draft City of Bunbury Local Planning Strategy and draft City of Bunbury Local Planning Scheme No. 8 (completed and reformatted to the satisfaction of the Chief Executive Officer in accordance with the revised draft Model Scheme Text contained in the proposed Planning and Development (Local Planning Schemes) Regulations 2014) to the Department of Planning for its preliminary consideration and advice regarding the format, content and process for the finalisation of the respective draft documents prior to their release for public advertising and comment.*
- Subject to the outcomes of deliberations with the Department of Planning on its preliminary consideration and advice with the oversight of the Western Australian Planning Commission (WAPC), and in accordance with clauses 72, 84 and 94 of the Planning and Development Act*

2005 and regulations 8, 10, 11, 12, 12A, 12B, 13 and 15 of the Town Planning Regulations 1967, resolves to publicly advertise the finalised draft City of Bunbury Local Planning Strategy and draft City of Bunbury Local Planning Scheme No. 8.

3. *Advise the WAPC of Council's decision to publicly advertise the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No. 8, and forward to the Commission copies of the draft documents, prior to proceeding to public advertising, in accordance with the provisions of the Planning and Development Act 2005 and Town Planning Regulations 1967.*
4. *In accordance with clauses 81 and 83 of the Planning and Development Act 2005, refer a copy of the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No. 8 documents to the Environmental Protection Authority (EPA) and any other relevant public authority, for consideration and advice.*
5. *In accordance with clause 84 of the Planning and Development Act 2005 and regulation 15 of the Town Planning Regulations 1967, subject to formal assessment not being required by the EPA and subject to the granting of consent by the WAPC, undertake the following:*
 - (a) *Publication of the notice of the passing by Council of that resolution in the Government Gazette and also in a newspaper circulating in the City of Bunbury, in accordance with Form No. 3 of Appendix A to the Town Planning Regulations 1967;*
 - (b) *Publicly advertise and display the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No. 8 documents for public comment, with a submission period of not less than three (3) months from the date of publication of advertisement in the Government Gazette pursuant to the provisions of the Town Planning Regulations 1967;*
 - (c) *Forward a copy of the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No. 8 documents to any other person or public authority which, in the opinion of the City of Bunbury, has a direct interest in the draft documents, for consideration and advice within a period of not less than three (3) months from the date of publication of advertisement in the Government Gazette (and not less than 21 days after the day on which the final draft City of Bunbury Local Planning Strategy is given to the person or body); and*
 - (d) *Take such other steps or carry out such other consultation as the City of Bunbury considers appropriate to give notice of the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No. 8.*
6. *In accordance with clause 87 of the Planning and Development Act 2005 and regulations 16 and 17 of the Town Planning Regulations 1967, further consider the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No. 8, with or without modifications, together with any public submissions lodged with the City of Bunbury following the conclusion of the statutory three (3) month public advertising period.*

The format and content for preparing the revised Local Planning Scheme was prescribed at that time under the *Town Planning Regulations 1967*, which contained the Model Scheme Text (MST). A working draft copy of the revised Scheme text, based on the MST but with suggested modifications, was provided to the Western Australian Planning Commission (WAPC) on 2 February 2015 as part

of the City of Bunbury's submission in response to a Discussion Paper released during the public comment period on the proposed draft Planning and Development (Local Planning Schemes) Regulations 2014, which of significance, included a fundamentally new model scheme text.

The City of Bunbury was then advised by the Chairman of the WAPC on 19 March 2015 that all new schemes were expected by the Minister for Planning to be based upon the new model provisions for local planning schemes, which were later finalised on 25 August 2015 in the gazetted version of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Consequently, the draft Local Planning Scheme was reformatted to accord with the new model provisions and lodged with the Department of Planning for its assessment on 30 April 2016. The revised draft Scheme text and maps were then resubmitted to the WAPC on 6 September 2016 for permission to publicly advertise in accordance with the South West Planning Committee's directed modifications issued on 22 June 2016.

Legislative Compliance

The following statutory planning instruments of the State Planning Framework are applicable to the consideration of both proposed draft Local Planning Strategy and associated draft Local Planning Scheme:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- State Planning Strategy 2050 (2014);
- all relevant State planning policies prepared under Part 3 of the Planning and Development Act 2005;
- Greater Bunbury Strategy (2013);
- Greater Bunbury Structure Plan (2013);
- Greater Bunbury Region Scheme; and
- Activity Centres for Greater Bunbury Policy (April 2013).

The procedure for preparing and reviewing a Local Planning Strategy and a Local Planning Scheme is prescribed under the *Planning and Development Act 2005* and accompanying *Planning and Development (Local Planning Schemes) Regulations 2015*, the latter of which contains both the new model and deemed provisions for local planning schemes.

Council Policy Compliance

The draft Local Planning Strategy has been prepared based on supporting land use planning themes (chapters and maps), which as an innovation, is structured to promote alignment between the land use planning and urban design intentions of the Local Planning Strategy and the goals of Council's Strategic Community Plan.

Officer Comments

Submissions collected throughout the statutory public advertising period, along with comments captured during community forum sessions, have been used to inform the completion of both finalised versions of the draft Strategy and Scheme documents, prior to Council's consideration of their adoption.

Modifications

The Schedule of Modifications made on both the draft Local Planning Strategy and draft Local Planning Scheme is **attached** at Appendix DPDS-6. It is considered that these modifications are not significant and are sufficiently minor in nature to not warrant readvertising in accordance with regulation 26(1) of the new Regulations.

Key Issues

The following table summarises the key issues of strategic importance in finalising the draft Strategy and Scheme documents:

Key Issue	Resolution
<ul style="list-style-type: none">• Pending amendments to existing Town Planning Scheme No. 7:	Initiated scheme amendments to the existing Town Planning Scheme No. 7 that are approved by the Minister for Planning prior to Council's final adoption of the draft Local Planning Scheme No. 8 will be reflected in the revised Scheme prior to its gazettal.
<ul style="list-style-type: none">• Process for handling requested changes to zoning and/or residential density coding:	<p>Changes to the proposed zoning and/or residential density coding requested by submissions on the advertised draft Scheme generally fall within one of the following four categories:</p> <ol style="list-style-type: none">1. changes that can be accommodated now as minor modifications to the draft Scheme;2. changes that the City can commit to exploring as possible post gazettal omnibus amendments to the new Scheme in the future;3. changes that Council can support on behalf of landowners advancing themselves in the future according to their own timeframes post gazettal of the new Scheme; and4. changes that Council does not support, either now as a modification to the draft Scheme or in the future as an amendment to the gazetted new Scheme. <p>Where possible, all changes that can reasonably be deemed as being minor modifications to the draft Scheme map have been captured at this stage in the Schedule of Modifications attached at Appendix DPDS-6.</p>
<ul style="list-style-type: none">• Permissibility of land uses in the Zoning Table:	A fundamental change introduced by the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , is that changes of use in premises to a permitted 'P' use does not require development approval where there are no 'works' involved. The new Scheme's Zoning Table has been drafted with this in mind,

and takes advantage of the new suite of zones in order to facilitate adaptive reuse of buildings for those activities (i.e. 'P' uses) that promote achievement of the zone objectives.

The draft Scheme draws upon its strategic objectives by formulating new activity centre and mixed use zones, each with their respective range of compatible or complimentary land uses in conjunction with provisions, which seek to facilitate and incentivise new development or redevelopment through commercial floorspace bonuses and car parking relaxation.

A risk based approach has also been incorporated into the methodology for preparing the draft Scheme's Zoning Table. The discretionary 'D' and 'A' levels of consideration are applied to those land uses that are either sensitive uses proposed in locations that could compromise the economic viability of an existing non-residential development; or conversely, are non-residential uses proposed in locations that could impact on the liveability of an established residential development or another type of sensitive land use class.

- Permissible land uses in the proposed 'Service Commercial Zone': In response to submissions, a number of modifications in the land use permissibility of the proposed 'Service Commercial Zone', which replaces the 'Mixed Business Zone', have been recommended. A table comparing the land use permissibility of the existing 'Mixed Business Zone' vs the modified 'Service Commercial Zone' is **attached** at Appendix DPDS-7.
- Definition of 'bulky goods showroom' land use class: The Department of Planning has acknowledged identified flaws in the present model provisions definition for the 'bulky goods showroom' land use class, which is why the department allowed for the draft Scheme to be publicly advertised with appropriate modifications in line with the intent of the State Planning Framework.

The Commission is deliberating on what if any changes it wishes to make to the 'bulky goods showroom' definition that the department proposed in its post implementation review of the *Planning and Development (Local Planning Schemes) Regulations 2015*. It can be expected that the outcome of this process will confirm what the final definition of 'bulky goods showroom' will be in the new Scheme.
- Rationalisation of Part 4 and Schedule 5 of the Scheme text: With the fundamental change to the statutory weighting given to local planning policies, now recognised as a planning instrument that the local government must have regard to, it is accepted that Part 4 and Schedule 5 of the draft Scheme text can be rationalised.

Consequently, it is recommended that most of the urban design controls (e.g. building height) in Part 4 and Schedule 5 of the advertised version of the draft Scheme text should be

incorporated into a local planning policy (i.e. zone code), which will ensure adequate flexibility for the designing and assessment of development proposals within the new zones.

- Recommended change of title from 'Tourism Zone' to 'Mixed Use – Tourism Zone':
The proposed 'Tourism Zone' that would replace the ad hoc Special Use Zones reflects a balance between the State government and Council's strategic goals for promoting tourism development in the city and investor's desire for flexibility in the provision of short-term accommodation for visitors or unrestricted length of stay opportunities for residents. As such, the new Scheme seeks to strike this balance in accommodating both tourism and lifestyle choice in its version of the 'Tourism Zone'.

While the model provisions specify the title of 'Tourism Zone', the City of Bunbury's version of this zoning reflects its unique circumstance, by enabling a range of unrestricted length of stay options and allied non-residential land uses. It is also acknowledged that there are perception issues associated with the word 'tourism' and that financial/lending institutions may impose greater stringency and less favourable loan-to-value (LTV) ratios on borrowings for tourism related projects, as compared to purely residential development projects.

Consequently, it is recommended at this time that the Western Australian Planning Commission (WAPC) permits the City of Bunbury to modify the name of the zone to 'Mixed Use – Tourism Zone', so that it properly reflects its objectives and more explicitly forms part of the suite of new mixed use zones.

This recommendation has been captured in the Schedule of Modifications to the Local Planning Scheme - Scheme Text and Map, with a notation to also be included in the draft Local Planning Strategy.

Next Step

The final draft Local Planning Strategy and draft Local Planning Scheme documents (together with Council's resolution, Schedule of Submissions and Schedule of Modifications) are to be forwarded to the WAPC for its endorsement of the Local Planning Strategy followed by its endorsement of the Local Planning Scheme for approval by the Minister for Planning for gazettal.

Analysis of Financial and Budget Implications

The implementation of a finalised draft Local Planning Strategy and a new draft Local Planning Scheme, within the context of the Strategic Community Plan, is expected to have a positive quadruple-bottom-line net benefit to the city. It is expected that the implementation of the finalised drafts of the Strategy and Scheme, as conceived, will contribute towards:

- facilitating the more sustainable development and growth of Bunbury; and
- the stimulation of greater social and economic (both public and private) investment in the necessary provision of soft and hard infrastructure services in Bunbury.

Community Consultation

In summary, the following project milestones and community engagement activities occurred during the preparation of the draft Local Planning Strategy and draft Local Planning Scheme prior to their formal public advertising:

- Scheme Review Project Workshop 1 (May 2011);
- Council Decision 276/11 (29 November 2011);
- WAPC resolution of 20 April 2012 (in accordance with regulation 4(6) of the old Regulations), advised by letter on 3 May 2012;
- Local Planning Scheme Review Report (November 2011);
- Scheme Review Project Workshop 2 (December 2011);
- Local Planning Strategy - Integrated Transport Study (September 2012);
- Local Planning Strategy - Discussion Paper (September 2012);
- Council Workshop 1 (September 2012);
- Community and Industry Forum (November 2012);
- Council Workshop 2 (November 2012);
- Local Planning Strategy & Scheme Review: Stakeholder Forum - Report of Proceedings (December 2012);
- Local Biodiversity Conservation Planning Framework: Discussion Paper (April 2013);
- Local Biodiversity Conservation Planning Framework Workshop (May 2013);
- Local Planning Strategy and Scheme Review Project Update to Council (September 2013);
- Council Scheme Review Committee/ Working Group (February – June 2014); and
- Key stakeholder forum sessions - informal consultation period (20 November 2014 - 22 January 2015).

The draft Local Planning Strategy and draft Local Planning Scheme documents were then publicly advertised for 90 days from 7 August 2016 to 16 December 2016 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. However, the period during which Council would accept submissions was extended up to 31 December 2016. Community consultation measures applied during the public advertising period included the following:

Activity	Date	Comments
• Hard copy draft documents sent to the Department of Planning.	26/08/2016	
• Media release.	07/09/2016	
• Soft Launch (Council Function Room).	07/09/2016	Attended by 27 people.
• Website with Planning Focus Publications, draft Scheme Maps, public notice.	07/09/2016	
• City Focus article published and printed.	07/09/2016	
• Public notice and copy of draft documents sent to surrounding local governments and all public authorities	12/09/2016	

likely to be affected by the draft Scheme (including: SWDC, Tourism WA, LandCorp, Department of Regional Development, Department of Planning, Department of Environment Regulation, Department of Parks and Wildlife, Main Roads Western Australia, Department of Transport, Department of Water, Department of Agriculture and Food).

- Letter sent to local MLA and MLC 12/09/2016 advising of public advertising period.
- Hard copies draft documents and submission forms displayed in City of Bunbury administration centre and libraries. 14/09/2016
- Radio interviews. 15, 16 and 21/09/2016
- Social Media Updates: 07/08/16-16/12/16
 - Facebook – City of Bunbury and Mayors’ pages
 - Twitter Feeds – City of Bunbury and Mayor’s.
- Planning enquiry phone line. 07/08/16-16/12/16 12 recorded public enquiries.
- Lunchtime drop-in shop front (Leschenault Room with coffee/tea and biscuits stand). 31/10/2016 – Nil attendance. 11/11/2016 daily from 11am-1pm
- Late night shopping drop-in shop front. 3/11/2016 & Nil attendance. 10/11/2016 5pm-7pm
- By invitation travelling roadshow. By appointment HIA workshop held on 12/10/2016. Professionals (real estate agency) workshop scheduled for 28/11/2016.
- Household Panel. 22/11/2016 Distribution of material based on website information, supplemented by thought provoking questions / statements to stimulate engagement and generate responses.
- Bunbury Geographe Chamber of 07/11/2016 Occurred as a meeting held at the

Commerce and Industry (BGCCI) engagement.

Rowing Club with Mr John Saunders, Frank Comito, Geoff Hill, Ross Slater and staff (John Kowal and Ann-Kristin Jank).

- Community Forum (Council Function 07/12/2016 Room).

Attended by approximately 20 people, refer to Local Planning Strategy & Scheme Review: Community Forum - Summary Report of Proceedings (7 December 2016) **attached** at Appendix DPDS-8.

A total of 95 submissions were received during the public consultation period, with a further nine submissions being received by 31 December 2016, taking the total to 104 accepted submissions.

Regulation 25 under Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* specifies that the ‘consideration period’ is 120 days after the end of the submission period, or a later date approved by the Commission. This would mean that the consideration period would have concluded on Saturday 15 April 2017. Given that approximately 30 submissions were received from consulting firms or organisations, many of which are of considerable size and complexity, an extension to the consideration period was granted by the WAPC up until 5 May 2017.

The submission form on the draft Local Planning Strategy and draft Local Planning Scheme incorporated three tick boxes, which were ‘support / no objection’, ‘no comment’ or ‘objection’. An initial breakdown of the 104 submissions by the self-nominated tick boxes is as follows:

- (a) Support / no objection = 32; and
- (b) Objection = 72.

However, further analysis of the submissions is required in order to gain a full appreciation of the nature of opinions, which in summary breaks down as follows:

<i>Number of Submissions</i>	<i>Breakdown of Submissions</i>	<i>Resulting Modifications</i>	<i>Number of</i>
8	<i>Support</i> - but may have suggested additions and modifications to the draft Strategy and/or the Scheme documents.	1 submission has resulted in a recommended minor modification to the draft Strategy. 2 submissions have resulted in recommended minor modifications to the draft Scheme map and/or text (e.g. deletion of ‘Local Road Reserve’).	
24	<i>No objection</i> - but may have requested additions and modifications to the draft Strategy and/or the Scheme documents.	5 submissions have resulted in recommended minor modifications to the draft Strategy.	

- 4 submissions have resulted in recommended minor modifications to the draft Scheme map and/or text (e.g. correction to terminology for consistency).
- 15 **Objected only to zoning/coding** – requesting an alternative zoning and/or residential density coding, but otherwise supported or had no other objection to the draft Strategy and/or the Scheme documents. 8 submissions have resulted in recommended minor modifications to the draft Scheme map and/or text (e.g. to create more ‘Additional Uses’).
- 3 of these submissions requested that the draft Scheme map reflect a recent scheme amendment to the existing Town Planning Scheme No. 7, which it can be advised that any amendments to the existing Scheme that are approved by the Minister for Planning prior to Council’s final adoption of the draft Local Planning Scheme No. 8 will be reflected in the revised Scheme prior to its gazettal.
- 30 **Objected only to Marlston North Precinct** - primarily regarding the filling and development of the subject site at Lot 500 Jetty Road, Bunbury. No modifications required or possible.
- 2 **Objected only to Light Industry Zone** - but otherwise had no other objection to the draft Strategy and/or the Scheme documents (N.B. submission number 102 made by the BGCCI also included an objection to this proposal). No modifications recommended.
- 26 **Objection to multiple issues or generally** to the draft Strategy and/or the Scheme documents. 1 submission has resulted in a recommended minor modification to the draft Strategy.
- 10 submissions have resulted in recommended minor modifications to the draft Scheme map and/or text (e.g. to change the permissibility of land use classes).

The Schedule of Submissions made on both the draft Local Planning Strategy and draft Local Planning Scheme is **attached** at Appendix DPDS-9, which details the response to each submission and the particulars of each modification to the draft Strategy and Scheme documents proposed in response to the submissions.

Councillor/Officer Consultation

The information contained in both the draft Local Planning Strategy and draft Local Planning Scheme has been prepared with the involvement of Councillors, staff from across directorates, in conjunction with other key stakeholders, such as the Department of Planning, a broad range of State government agencies and utilities, the BGCCI, property and development industry sectors, and interested member of the community.

Outcome – Council Meeting 2 May 2017

Cr Steck and Cr Miguel declared financial interests in the item and left the Chamber at 5.52pm for the duration of the discussion and the vote on the matter.

Cr Jones, Cr Warnock and Cr Cook declared impartiality interests in the item and remained in the Chamber for the duration of the discussion and the vote on the matter.

Mr David Smith addressed Council in relation to this matter.

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

Cr Hayward proposed an amendment to the recommendation to add an additional point as follows:

Revise the Schedule of Modifications at Appendix DPDS-6 to amend the Local Planning Strategy and Local Planning Scheme 8, particularly the Zoning Table at Clause 17 and Schedule 5 Additional Zone Development Requirements, to ensure no loss of existing land use and development permissibility's as they presently exist under Local Planning Scheme 7 for land in the proposed Mixed Use – Commercial, Mixed Use – Residential, Service Commercial, Light Industry and General Industry Zones.

The inclusion of additional, new land use and development outcomes, such as residential and mixed use development under the Mixed Use – Commercial / Residential Zones, are to remain as proposed.

The Mayor did not accept the amendment as it was a significant change to the motion. Cr Hayward foreshadowed an alternate motion should the current motion be lost.

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

Council Decision 160/17

That Council:

- 1. In accordance with Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to support the draft City of Bunbury Local Planning Strategy with proposed modifications;***
- 2. Pursuant to section 72 of the Planning and Development Act 2005 and in accordance with Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to adopt the draft City of Bunbury Local Planning Scheme No. 8 with proposed modifications for the entire area within the City of Bunbury district;***

- 3. *Submit to the Western Australian Planning Commission:***
 - (a) The Schedule of Submissions received,***
 - (b) A Schedule of Modifications to the advertised draft Local Planning Strategy and draft Local Planning Scheme proposed by the local government,***
 - (c) A copy of the modified final draft Local Planning Strategy for the Commission’s endorsement, and***
 - (d) A copy of the modified final draft Local Planning Scheme for the Commission’s endorsement to the Minister for Planning for approval to gazette;***
- 4. *Cease consideration of new submissions to amend the existing City of Bunbury Town Planning Scheme No. 7.***

CARRIED
8 votes “for” / 2 votes “against”

Cr Steck and Cr Miguel returned to the Chamber at 6.08pm.

10.10 Proposed Greater Bunbury Region Scheme Amendment to rezone Lot 202 Halifax Drive and a portion of Lot 200 Robertson Drive, Davenport, from ‘Regional Open Space Reserve’ To ‘Public Purposes (Public Utilities) Reserve’. (was listed as item 10.4.3 in the Council Agenda)

File Ref:	A02340-03
Applicant/Proponent:	McRobert Planning on behalf of Aqwest
Responsible Officer:	Kelvin Storey, Team Leader Strategic Planning and Urban Design
Responsible Manager:	Thor Farnworth, Manager Sustainability Planning and Development
Executive:	Mal Osborne, Director Planning and Development Services
Attachments:	Appendix DPDS-10: GBRs Amendment Proposal

Summary

McRobert Planning consultants acting on behalf of Aqwest, intend to submit a request to the Western Australian Planning Commission (WAPC) to amend the Greater Bunbury Region Scheme (GBRS) to effect a change in the classification of Lot 202 Halifax Drive and a portion of Lot 200 Robertson Drive from ‘Regional Open Space Reserve’ to ‘Public Purposes (Public Utilities) Reserve’. Before proceeding with such a request, it is practice for WAPC to require proponents to approach the relevant local government and seek a resolution that provides in-principle support for the initiation of the region scheme amendment.

Executive Recommendation

That Council:

1. Note the proponent’s intent to seek an amendment to the Greater Bunbury Region Scheme that proposes a change to the ‘Regional Open Space Reserve’ designation over part of Lot 200 Robertson Drive, Davenport.
2. Advises the Western Australian Planning Commission that the City of Bunbury has no objection to it considering initiation of an amendment to the Greater Bunbury Region Scheme involving a change from ‘Regional Open Space Reserve’ to ‘Public Purposes (Public Utilities) Reserve’ at Lot 202 Halifax Drive and a portion of Lot 200 Robertson Drive, Davenport, as identified within the Region Scheme Amendment Report (March 2017) submitted by McRobert Planning Pty Ltd.

Strategic Relevance

- Key Priority Area No. 3 Natural and Built Environment
- Objective No. 3.1 Undertake assessments of the City’s key natural areas, activity centres and streetscapes to identify opportunities to improve biodiversity.
- Objective No. 3.4 Facilitate urban design, diversity of land uses, and enabling infrastructure.
- Key Priority Area No. 4 Regional Economy
- Objective 4.3 Promote Bunbury as a place that supports commercial, residential and social development.

Background

Lot 202 Halifax Drive is owned by Aqwest and accommodates water supply and purification infrastructure, including tanks, buildings, pipes and drying beds. The lot is fully developed and contains no recognisable areas of vegetation.

Lot 200 Robertson Drive is a long narrow parcel of land owned by the City of Bunbury that lies to the south and west of Lot 202 Halifax Drive. Negotiation involving the sale of a part of the lot (approximately 2150m²) lying directly to the west of Lot 202 Halifax Drive to Aqwest is in progress, its disposal having been agreed by Council at their meeting held on 24 January 2017 (Council Decision 26/17).

Council Policy Compliance

The proposed region planning scheme amendment is not inconsistent with the aims or goals of Council's Strategic Plan Bunbury 2030.

Legislative Compliance

Proposals to amend a region planning scheme are required to be undertaken in accordance with the *Planning and Development Act 2005*, under procedures provided in Part 4 Division 3, or Division 4 when the amendment is deemed to be 'minor' in nature. In either instance, when the WAPC decides to initiate a region scheme amendment the proposal requires referral to the Environmental Protection Authority, and following receipt of their advice, it would be publicly advertised or relevant agencies notified. Once advertising concludes, the matter then returns to the WAPC for its consideration and endorsement, prior to final determination by the Minister for Planning.

Part 9 of the Act specifies that local planning schemes are to be consistent with the applicable region planning scheme. In this instance, as the proposed amendment would involve a change from one regional reservation (Regional Open Space) to another regional reserve (Public Purposes (Public Utilities)), if the amendment is approved and gazetted, the local planning scheme map would be updated automatically without the need for a consequential local scheme amendment.

Officer Comments

Situated directly to the north of the Preston to Ocean Regional Park boundary, Lot 200 Robertson Drive forms part of a largely vegetated corridor that separates Robertson Drive and the Halifax Business Park. The northernmost part of this lot is the subject of an on-going sub-division application that will see the newly created lot (to be known as Lot 200 Halifax Drive) sold by the City of Bunbury to Aqwest. Acquiring the adjacent land will allow Aqwest to explore the opportunity of extending their operations and infrastructure in this location. At the same time, Aqwest seeks to formalise the status of these two holdings from a land use zoning perspective, and hence, the preparation of a GBRS amendment proposal. The land sale and amendment proposal are matters being progressed independently.

The GBRS amendment proposal, prepared by McRobert Planning, is **attached** as Appendix DPDS-10. This states that the reclassification of the regional reserve will:

- (a) better reflect the current use and development of the land for water treatment and supply;

- (b) recognise the strategic importance of the land with respect to future water treatment and supply within the Greater Bunbury Region; and
- (c) provide the opportunity to develop or expand the Aqwest facilities as and when required.

Additional justification is provided within in Section 4 of the submitted document.

In respect of existing activities and land uses, Lot 202 Halifax Drive is essentially fully developed with service utility infrastructure, whilst the subject portion of Lot 200 Robertson Drive (future Lot 200 Halifax Drive) accommodates the former dog pound building, road infrastructure and hardstand, and a mix of trees and other vegetation, most of which are located towards the western boundary adjacent to the Robertson Drive Primary Regional Road Reserve. The remainder of Lot 200 Robertson Drive supports a number of buildings accommodating local groups and services, including State Emergency Services facilities and the Volunteer Bush Fire Brigade, access to which is available via Clements Street.

From a natural environment perspective the City of Bunbury is mindful of the following:

Native Flora and Fauna

The subject site currently supports a small amount of remnant native vegetation (approx. 0.1ha), which would be protected under the WA *Environmental Protection Act 1986*. Accordingly, should this vegetation be proposed to be cleared in the future, there may be the requirement for a clearing permit if an exemption does not otherwise apply.

The subject site forms part of a larger Regional Open Space linkage between Manea Park to the south and Morrissey Lake and the Preston River to the north east. The City of Bunbury understands that the clearing of vegetation onsite may adversely affect usage of the linkage by fauna that require continuous canopy cover; however, arguably, the function of the linkage in this regard may have already been conceded by recent clearing events (e.g. those associated with the construction of the SES facility and maintenance of the Robertson Drive road reserve). The Department of Parks and Wildlife, as the peak state level conservation agency would be able to provide additional advice in this regard.

Western Ringtail Possums have previously been recorded onsite. This species is protected under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* from 'significant' impacts. Should the clearing of the remnant native vegetation onsite be proposed in the future, this may trigger 'significance thresholds' established by the federal Department of Environment and Energy, thereby necessitating referral.

Bushfire Management

The subject site falls within an area identified as 'Bushfire Prone Land' by the Department of Fire and Emergency Services. State Planning Policy (SPP) 3.7 'Planning in Bushfire Prone Areas' indicates that a Bushfire Management Plan, prepared incorporating the findings of a Bushfire Hazard Level Assessment or BAL (Bushfire Attack Level) Contour Map, should accompany the region scheme amendment proposals in such circumstances. Whilst the proponent's submission acknowledges the bush fire prone location, it suggests that bushfire management can be satisfactorily addressed, if deemed necessary, as and when any new physical development is proposed on site. Exemptions from the requirements of SPP 3.7 are able to be applied in certain

instances and a matter for the Department of Planning (DoP)/WAPC to consider when they receive the proposal.

Resource Enhancement Wetland

The subject site is located approximately 40m from a Resource Enhancement wetland, as mapped by the Department of Parks and Wildlife under the 'Geomorphic Wetlands, Swan Coastal Plain' dataset (2013) and as such aspects of EPA Guidance Statement 33 may be of relevance.

Suspected Contaminated Site

Lot 200 Robertson Drive is understood to have historically been used for the storage of bitumen. The site was previously reported to the state government as a suspected contaminated site and was subsequently classified 'possibly contaminated – investigation required' under the WA *Contaminated Sites Act 2003*.

Acid Sulfate Soils

The subject site has been mapped 'high to moderate risk of ASS occurring within 3m of natural soil surface' by the Department of Environment Regulation, based on the 'Acid Sulphate Soil Risk Map – Swan Coastal Plain' (2014).

The above observations will be forwarded to the Department of Planning as supplementary information for their noting and further consideration in conjunction with the advice containing the formal resolution of Council.

Analysis of Financial and Budget Implications

Adoption of the recommendation will not have any direct financial implications for the existing annual budget.

Community Consultation

The GBRS amendment will require public advertising pursuant to the procedure set out in the *Planning and Development Act 2005*. As such, submissions may be made to the Commission in the form specified in the notice within the period (not less than 60 days for a minor amendment) from the date the notice is first published in the government Gazette.

Councillor/Officer Consultation

Officers from the City of Bunbury's Sustainability, Planning and Development department have undertaken an initial appraisal of the proposal and it has also been reported to the Development Control Unit (DCU).

Aqwest's planning consultant was provided with a letter from the City of Bunbury dated 25 November 2016 indicating that the City of Bunbury had no objection to the GBRS amendment proceeding. This correspondence is included as Attachment 3 of the proponent's submitted amendment document. Council's decision when forwarded to the WAPC will formalise the City of Bunbury's position in this respect.

Outcome – Council Meeting 2 May 2017

Cr Jones and Cr Warnock declared impartiality interests in the item and remained in the Chamber for the duration of the discussion and vote on the matter.

The recommendation (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 161/17

That Council:

- 1. Note the proponent's intent to seek an amendment to the Greater Bunbury Region Scheme that proposes a change to the 'Regional Open Space Reserve' designation over part of Lot 200 Robertson Drive, Davenport.***
- 2. Advises the Western Australian Planning Commission that the City of Bunbury has no objection to it considering initiation of an amendment to the Greater Bunbury Region Scheme involving a change from 'Regional Open Space Reserve' to 'Public Purposes (Public Utilities) Reserve' at Lot 202 Halifax Drive and a portion of Lot 200 Robertson Drive, Davenport, as identified within the Region Scheme Amendment Report (March 2017) submitted by McRobert Planning Pty Ltd.***

CARRIED

12 votes "for" / Nil votes "against"

11. Applications for Leave of Absence

11.1 Application for Leave of Absence – Councillor Cook

Applicant/Proponent:	Cr Murray Cook
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Cr Cook requests leave of absence from all Council related business for the period 17 May 2017 to 22 May 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 Cook is granted leave of absence from all Council related business for the period 17 May 2017 to 22 May 2017 inclusive.

Outcome – Council Meeting 2 May 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 162/17

Pursuant to Section 2.25 of the Local Government Act 1995, Cr Cook is granted leave of absence from all Council related business for the period 17 May 2017 to 22 May 2017 inclusive.

CARRIED

12 votes "for" / Nil votes "against"

12. Motions on Notice

Nil.

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

Nil

13.2 Questions from Members

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

14.1 Chief Executive Officer Contract

It is requested that this matter be dealt with as urgent business. An affirmative Council Decision is required before this matter can be considered.

Recommendation

That Council pursuant to section 5.4 of Council's Standing Orders, agree to receive the item titled "Chief Executive Officer Contract" as a matter of urgent business.

Outcome – Council Meeting 2 May 2017

The recommendation (as printed) was moved Cr McCleary, 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 163/17

That Council pursuant to section 5.4 of Council's Standing Orders, agree to receive the item titled "Chief Executive Officer Contract" as a matter of urgent business.

CARRIED

12 votes "for" / Nil votes "against"

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

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

- (a) *a matter affecting an employee or employees*
- (b) *the personal affairs of any person*

- (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 sections 5.23(2)(a),(b) and (e) 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:

- "15.1.1 Request for Tender RFT1617-00006 Racecourses Local Area Plan Project*
- "15.1.2 City of Bunbury Council Selected Baton Bearer Nomination Program"*
- "15.1.3 Chief Executive Officer Contract"*

Outcome – Council Meeting 2 May 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 164/17

In accordance with sections 5.23(2)(a), (b) and (e) 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:

- "15.1.1 Request for Tender RFT1617-00006 Racecourses Local Area Plan Project***
- "15.1.2 City of Bunbury Council Selected Baton Bearer Nomination Program"***
- "15.1.3 Chief Executive Officer Contract"***

CARRIED
12 votes "for" / Nil votes "against"

The meeting was closed to all members of the public and press at 6.10pm.

15.1.1 Request for Tender RFT1617-00006 Racecourses Local Area Plan Project

File Ref:	RFT1617-00006
Applicant/Proponent:	Internal
Responsible Officer:	David Russell, Senior Contracts and Procurement Officer
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Mal Osborne, Director Planning and Development Services
Attachments:	Confidential Appendix CRUSC-1-1: Evaluation Report

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-1). This report is not for circulation.

Outcome – Council Meeting 2 May 2017

The recommendation (as printed) was moved Cr Miguel, 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 165/17

That Council:

- 1. Award Tender 1617-00006 to Calibre Consulting Pty Ltd for the lump sum of \$149,825.00 excluding GST for the preparation of the Racecourses Local Area Plan.***
- 2. Authorise the Chief Executive Officer to enter into a contract with Calibre Consulting Pty Ltd for the preparation of the Racecourses Local Area Plan.***

CARRIED
12 votes "for" / Nil votes "against"

15.1.2 City of Bunbury Council Selected Baton Bearer Nomination Program

Applicant/Proponent:	Internal Report
Responsible Officer:	Juaini Taylor, Senior Events Officer
Responsible Manager	Isabell Evans, Acting Manager Tourism, Events and Wildlife Park
Executive:	Stephanie Addison Brown, Director Corporate and Community Services.
Attachments:	Nil

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

(b) *the personal affairs of any person*

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

Outcome – Council Meeting 2 May 2017

The recommendation (as printed) was moved Cr Jones, 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 166/17

That Council:

- 1. Accept the opportunity to host the Council Selected Baton Bearer Nomination Program, as part of the 2018 Commonwealth Games QBR Program.***
- 2. Nominate the 2017 Bunbury Citizen of the Year recipient, Joyce McGinn, as the Council Baton Bearer for the 2018 Commonwealth Games QBR Program.***
- 3. Should Joyce McGinn decline the opportunity to become the Council Baton Bearer, the 2017 Young Citizen of the Year, Luella Knuckey be offered the position.***

CARRIED
12 votes "for" / Nil votes "against"

15.1.3 Chief Executive Officer Contract

Applicant/Proponent:	Internal
Responsible Officer:	Mayor Gary Brennan with assistance from Manager Human Resources
Executive:	Not Applicable
Attachments:	Nil

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

(a) *a matter affecting an employee or employees;*

Outcome – Council Meeting 2 May 2017

Officers left the Chamber at 6.13pm with the exception of the Minute Taker who remained.

The recommendation (as printed) was moved Cr Cook, 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 167/17

In accordance with Clause 11.4 (2) of the Chief Executive Officers Contract of Employment, Council accepts the amended departure date of Mr Andrew Brien as Chief Executive Officer with his last day of employment being 19 May 2017.

CARRIED
12 votes "for" / Nil votes "against"

15.2 Public Reading of Resolutions that may be made Public

Cr Cook moved Cr Jones 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 168/17

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

CARRIED
12 votes "for" / Nil votes "against"

The meeting was reopened to the council officers, public and press at 6.14pm.

The Mayor read aloud Council Decision 165/17 for Item 15.1.1 *"Request for Tender RFT1617-00006 Racecourses Local Area Plan Project"*.

That Council:

- 1. Award Tender 1617/00006 to Calibre Consulting Pty Ltd for the lump sum of \$149,825.00 excluding GST for the preparation of the Racecourses Local Area Plan.*
- 2. Authorise the Chief Executive Officer to enter into a contract with Calibre Consulting Pty Ltd for the preparation of the Racecourses Local Area Plan.*

The Mayor read aloud Council Decision 166/17 for Item 15.1.2 *"City of Bunbury Council Selected Baton Bearer Nomination Program"*.

That Council:

- 1. Accept the opportunity to host the Council Selected Baton Bearer Nomination Program, as part of the 2018 Commonwealth Games QBR program.*
- 2. Nominate the 2017 Bunbury Citizen of the Year recipient, Joyce McGinn, as the Council Baton Bearer for the 2018 Commonwealth Games QBR program.*
- 3. Should Joyce McGinn decline the opportunity to become the Council Baton Bearer, the 2017 Young Citizen of the Year, Luella Knuckey be offered the position.*

The Mayor read aloud Council Decision 167/17 for Item 15.1.3 *"Chief Executive Officer Contract."*

In accordance with Clause 11.4 (2) of the Chief Executive Officers Contract of Employment, Council accepts the amended departure date of Mr Andrew Brien as Chief Executive Officer with his last day of employment being 19 May 2017.

16. Closure

The meeting was declared closed at 6.18pm.