



## **Bunbury City Council**

### **Minutes**

**28 October 2014**



**CITY OF BUNBURY**

4 Stephen Street  
Bunbury WA 6230  
Western Australia

*Correspondence to:*  
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## GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
1:100	Ratio of 'one in one hundred'
AD	Acceptable Development
ARI	Annual Recurrence Interval
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AWARE	All West Australians Reducing Emergencies (grant funding)
BCA	Building Code of Australia
BCCI	Bunbury Chamber of Commerce & Industries
BCRAB	Bunbury Community Recreation Association Board
BEAC	Built Environment Advisory Committee
BESAC	Bunbury Environment and Sustainability Advisory Committee
BHRC	Bunbury Harvey Regional Council
BPA	Bunbury Port Authority
BRAG	Bunbury Regional Art Galleries
BRAMB	Bunbury Regional Arts Management Board
BREC	Bunbury Regional Entertainment Centre
BSSC	Big Swamp Steering Committee
BWEA	Bunbury Wellington Economic Alliance
CALM	Department of Conservation and Land Management
CBD	Central Business District
CCAFF	Community Cultural and Arts Facilities Fund
CERM	Centre of Environmental and Recreation Management
CPI	Consumer Price Index
CSRFF	Community Sport and Recreation Facilities Fund
DADAAWA	Disability in the Arts Disadvantage in the Arts Australia, Western Australia
DAP	Detailed Area Plan (required by WA Planning Commission)
DCU	Development Coordinating Unit
DEC	Department of Environment and Conservation (formerly CALM)
DEWCP	Department for Environment, Water and Catchment Protection
DLI	Department of Land Information
DoE	Department of Environment
DOLA	Department of Land Administration
DoPI	Department of Primary Industry
DoW	Department of Water
DPI	Department for Planning and Infrastructure
DSR	Department of Sport and Recreation
DUP	Dual-use Path
ECT	Enforcement Computer Technology
EDAC	Economic Development Advisory Committee
EDWA	Education Department of Western Australia
EIA	Environmental Impact Assessment
EPA	Environmental Protection Authority
ERMP	Environmental Review and Management Program
ESL	Emergency Services Levy
FESA	Fire and Emergency Services Authority
FFL	Finished Floor Level
GBPG	Greater Bunbury Progress Group
GBRP	Greater Bunbury Resource Plan report
GBRS	Greater Bunbury Region Scheme
GL	Gigalitres
GRV	Gross Rental Value
GST	Goods and Services Tax
HCWA	Heritage Council of Western Australia
ICLEI	International Council for Local Environmental Initiatives
ICT	Information and Communications Technology
IP	Internet Protocol
IT	Information Technology

## GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
ITC	In Town Centre
ITLC	Former In-Town Lunch Centre (now the "In Town Centre")
LAP	Local Action Plan
LCC	Leschenault Catchment Council
LEMC	Bunbury Local Emergency Management Committee
LIA	Light Industrial Area
LN (2000)	Liveable Neighbourhoods Policy (2000)
LSNA	Local Significant Natural Area
MHDG	Marlston Hill Design Guidelines
MRWA	Main Roads Western Australia
NDMP	National Disaster Mitigation Program
NEEDAC	Noongar Employment & Enterprise Development Aboriginal Corp.
NRM	Natural Resource Management
NRMO	Natural Resource Management Officer
ODP	Outline Development Plan
PAW	Public Access Way
PHCC	Peel-Harvey Catchment Council
PR	Plot Ratio
R-IC	Residential Inner City (Housing) - special density provisions
RDC	Residential Design Codes
RDG	Residential Design Guidelines
Residential R15	Town Planning Zone – up to 15 residential dwellings per hectare
Residential R20	Town Planning Zone – up to 20 residential dwellings per hectare
Residential R40	Town Planning Zone – up to 40 residential dwellings per hectare
Residential R60	Town Planning Zone – up to 60 residential dwellings per hectare
RFDS	Royal Flying Doctor Service
RMFFL	Recommended Minimum Finished Floor Levels
ROS	Regional Open Space
ROW	Right-of-Way
RSL	Returned Services League
SBCC	South Bunbury Cricket Club Inc.
SCADA	Supervisory Control and Data Acquisition
SGDC	Sportsgrounds Development Committee
SW	South West
SWACC	South Western Area Consultative Committee
SWAMS	South West Aboriginal Medical Service
SWBP	South West Biodiversity Project
SWCC	South West Catchments Council
SWDC	South West Development Commission
SWDRP	South West Dolphin Research Program
SWEL	South West Electronic Library
SWSC	South West Sports Centre
TME	Thompson McRobert Edgeloe
TPS	Town Planning Scheme
USBA	Union Bank of Switzerland Australia
VGO	Valuer General's Office
VOIP	Voice-Over Internet Protocol
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission
WAPRES	Western Australian Plantation Resources
WAWA	Water Authority of Western Australia
WC	Water Corporation
WML	WML Consultants
WRC	Waters and Rivers Commission

## 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 held Tuesday 28 October 2014.

### Minutes 28 October 2014

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

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

The meeting was declared open by the Mayor Mr Gary Brennan at 5.30pm. The Mayor welcomed Adele Farina MLC to the chamber.

#### **2. Disclaimer**

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

#### **3. Announcements from the Presiding Member**

The Mayor announced that the Department of Commerce had approved the City's application for extended trading hours for the upcoming Christmas period. The variation to trading hours is applicable for the period from 19 December through to the 30 December 2014.

The Mayor asked Councillors to be mindful of any motions involving budget variations, and to try where possible to direct these to the October budget review process to demonstrate good financial discipline.

The Mayor also invited all Councillors to join him and the Deputy Mayor on an Indigenous Culture tour of Bunbury, and that Councillors should register their interest through Jaimee Earl, the Mayor's Executive Assistant.

#### 4. Attendance

Present:

<b>Council Members:</b>	
Presiding Member	Mayor G Brennan
Deputy Presiding Member	Deputy Mayor Cr B Kelly
Members	Councillor J Hayward
	Councillor B McCleary
	Councillor S Morris
	Councillor J Jones
	Councillor S Morris
	Councillor J Miguel
	Councillor W Giles
	Councillor D Prosser
	Councillor M Cook
<b>Executive Leadership Team (Non-Voting)</b>	
Chief Executive Officer	Mr A Brien
Director Community Development	Ms S Addison-Brown
Director Planning and Development Services	Mr B Karaszkewych
Director Works and Services	Mr P Harris
<b>Council Officers (Non-Voting)</b>	
Manager Finance	Mr D Ransom
Media and Communications Officer	Ms L Gallo
Manager Governance	Mr G Golinski
Engineering Technical Officer	Ms J Schumann
Manager Property	Mr M Andreone
Council Meeting Support Officer	Ms K Halbert
<b>Others (Non-Voting)</b>	
Members of the Public	4
Members of the Press	2

#### 4.1 Apologies

Cr Steele

#### 4.2 Approved Leave of Absence

Nil

## 5. Declaration of Interest

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

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

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

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

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

Cr Miguel declared a financial and proximity interest in item 10.5.1 titled *“Development Application – Proposed Two Grouped Dwellings – Strata Lot: 11 #11/13 Forrest Avenue South Bunbury”* as he owns property adjacent to the development application in question. Cr Miguel will vacate the chamber for the discussion and the vote on the matter.

Cr Jones declared an impartiality interest in item 15.1.1 titled *“Lot 70 Winthrop Avenue”* as she is the Chairman of Alliance Housing Social and Affordable Housing Agency who may or may not have an interest in Lot 70 Winthrop Avenue in the future. Cr Jones will remain in the chamber for the discussion and the vote on the matter.

## 6. Public Question Time

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

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

### 6.1 Public Question Time

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 14 October 2014 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the Bunbury City Council held 14 October 2014 be confirmed as a true and accurate record.

#### **Outcome – Council Meeting 28 October 2014**

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

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

#### **Council Decision 391/14**

*The minutes of the Ordinary meeting of the Bunbury City Council held 14 October 2014 be confirmed as a true and accurate record.*

CARRIED

11 votes "for" / Nil votes "against"

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

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various
<b>Attachments:</b>	Appendix MTBN-1 – Community Access Committee Minutes 3.10.14 Appendix MTBN-2 Youth Advisory Committee Minutes 8.10.14 Appendix MTBN-3 Bunbury Setagaya Sister Cities Committee Minutes 17.9.14

#### **Summary**

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

1. Title: Community Access Committee Minutes 3.10.14  
Author: Isabell Evans, Community Development Officer  
Appendix: MTBN-1
2. Title: Youth Advisory Committee Minutes 8.10.14

Author: Elizabeth Larkin, Community Development Officer  
Appendix: MTBN-2

3. Title: Bunbury Setagaya Sister Cities Committee Minutes 17.9.14  
Author: Jaimee Earl, EA to the Mayor  
Appendix: MTBN-3

### **Council Committee Recommendation**

The following Advisory Committee meeting minutes listed in the report be accepted and noted:

1. Community Access Committee Minutes 3.10.14
2. Youth Advisory Committee Minutes 8.10.14
3. Bunbury Setagaya Sister Cities Committee Minutes 17.9.14

### **Outcome – Council Meeting 28 October 2014**

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

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

### **Council Decision 392/14**

*The following Advisory Committee meeting minutes listed in the report be accepted and noted:*

- 1. Community Access Committee Minutes 3.10.14**
- 2. Youth Advisory Committee Minutes 8.10.14**
- 3. Bunbury Setagaya Sister Cities Committee Minutes 17.9.14**

CARRIED

11 votes "for" / Nil votes "against"

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

### **8.1 Petitions**

Nil

### **8.2 Presentations**

Nil

### **8.3 Deputations**

Nil

### **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). The Mayor put the matters listed in Section 10 to be “adopted by exception” to the vote.

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for items 10.3.2, 10.3.3, 10.4.1, 10.4.2, 10.4.3, 10.4.4 and 10.6.1.

Items 10.1.1, 10.2.1, 10.3.1 and 10.5.1 of the meeting agenda were then discussed and voted on separately and in the order that they appeared on the agenda. The items have been renumbered with the items voted “by exception” listed first.

The items “*adopted by exception*” was moved Cr Cook, seconded Cr McCleary .

## 10. Reports

### 10.1 Sister City Relationship with Vietnam (was listed as item 10.3.2 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal report
<b>Author:</b>	Helena Sahm, Team Leader Arts and Culture
<b>Executive:</b>	Stephanie Addison Brown, Director Community Development
<b>Attachments:</b>	Nil

#### Summary

On the 27 May 2014 Council resolved, as per decision 176/14, to undertake further research and consultation into the opportunities and benefits of developing a new sister city relationship with a city in Vietnam.

#### Executive Recommendation

That

1. Council formally acknowledge the invitation from the Vietnamese Consul General for the forging of a Sister City arrangement.
2. Council officers work towards the establishment of a formal Friendship Agreement to support partnerships developed by Bunbury organisations independently of Council.
3. A further review by undertaken in two (2) years to determine progress and consider the progression from Friendship Agreement to a formal Sister City arrangement.
4. The Vietnamese Consul General be advised of the Council decision and the proposed course of action.

#### Background

In February 2014 the Vietnamese Consul General visited Bunbury to meet with the Mayor, Deputy Mayor and representatives from the SWDC and BCCI about the possibility of establishing a Sister City arrangement. Following the meeting the SWDC prepared a summary of the potential benefits that could be achieved which was then considered by Council on the 27 May 2014. The resulting outcome was:

Council Decision 176/14

*That Council conduct further research and consultation within the next six (6) months to fully explore the opportunities and benefits of developing a new sister City relationship with a Vietnamese city.*

Sister City relationships generally focus on exchanges and initiatives that focus on the five key categories of – education, culture, trade, tourism and sport. Education is currently the strongest link between Australia and Vietnam with over 26,000 Vietnamese enrolled to study in Australia (600 in WA) and a further 15,000 Vietnamese studying in Australian institutions based in Vietnam. This category therefore provides one of the most significant opportunities for development of a Sister City relationship based on educational exchanges. The opportunity is strengthened by the positive interest already expressed by Bunbury based secondary and tertiary education providers:

- Edith Cowan University (ECU)  
The Dean responded positively, ECU currently has school exchanges with Jiaxing and would look at new international connections with Vietnam including schools and teacher training.
- South West Institute of Technology (SWIT)  
Interested in contributing to the formation of a Sister City relationship with Vietnam and then establishing programs to support it.
- Bunbury Catholic College  
Have expressed interest in developing exchanges from 2016.
- Bunbury Cathedral Grammar School have an established exchange program with Japan and expressed an interest in expanding this to a Vietnamese connection.

The City of Bunbury currently has Sister City relationships with Setagaya, Japan and Jiaxing, China. The Setagaya relationship was formed in 1991 and is a Mayoral relationship based on cultural exchange. A part time officer undertakes a range of programs with an annual operating budget of \$34,000. These activities are also overseen by a formal Council committee made up of 12 members.

The Jiaxing relationship is a formal arrangement but is maintained independently of the City of Bunbury with a primary focus on commercial trade agreements. The City of Bunbury supports its operations with an annual sum of \$5,000. Additional funding is provided by the SWDC and BCCI.

#### **Council Policy Compliance**

Nil

#### **Legislative Compliance**

Nil

#### **Officer Comments**

Sister City relationship models can vary from formal relationships to community driven initiatives and some are only in name. The opportunity exists to create a distinctly different relationship from those already established with Setagaya (a cultural relationship) and Jiaxing (a commercial focus) through a relationship primarily based on learning and educational exchanges. Cultural exchange would still be integral adding richness to the opportunities which develop.

Any relationship should be self-sustaining and have scope for growth and diversification. It is recommended that the City's strategic approach be that of a facilitator and supporter of community driven initiatives. The interest already shown by Bunbury's education organisations supports the potential for this type of relationship to be community owned and driven as opposed to being a function of Council. This view is supported by the Vietnamese Consul General who is mindful of the financial burden that can be placed on cities within these relationships.

Quang Binh Province has existing linkages with the south west and the signing of a 'Sister Caves' agreement is imminent. The City of Dong Hoi would embrace the development of opportunities from regional to city to individual business' exchange programs and trade. For example the Province would direct funds towards developing educational exchange with Bunbury.

The proposition of a Friendship Agreement would be an easier arrangement to make but would not be supported by government investment from Quang Binh.

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

The establishment of a Friendship Agreement that supports community driven initiatives would have no financial implication to Council.

### **Community Consultation**

Education and business groups were invited to express an interest in fostering student and professional exchanges. The BCCI and Bunbury Port Authority were also been consulted.

The Bunbury based fashion industry including SW Fashion Festival and the School of Fashion at the SWIT have expressed interest in developing manufacturing and production links offshore for young designers in Bunbury and the South West.

Bunbury Port Authority Commercial Manager Michael Beaton responded indicating that the port at present was unable to commit to any considerations due to its current amalgamation process.

A meeting was also held with the Vietnamese Consul General on 3 October 2014 in Bunbury that included Deputy Mayor Kelly, SWIT - Director of Innovation and Services, SWDC - Tourism Development, Associate Dean ECU, CEO Bunbury Wellington Economic Alliance, BCCI - President and South West Fashion Festival and industry representative. These representatives expressed their various interests in developing exchanges and relationships offering the Consul General a clear snapshot of Bunbury's strengths and possibilities for business, cultural, education exchanges and trade.

### **Councillor/Officer Consultation**

Mayor Brennan, Deputy Mayor Kelly, the Director Community Development, Manager Arts and Culture and Team Leader Arts and Culture have all been consulted and/or involved in this project.

### **Outcome – Council Meeting 28 October 2014**

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

#### **Council Decision 393/14**

***That***

- 1. Council formally acknowledge the invitation from the Vietnamese Consul General for the forging of a Sister City arrangement.***
- 2. Council officers work towards the establishment of a formal Friendship Agreement to support partnerships developed by Bunbury organisations independently of Council.***
- 3. A further review by undertaken in two (2) years to determine progress and consider the progression from Friendship Agreement to a formal Sister City arrangement.***
- 4. The Vietnamese Consul General be advised of the Council decision and the proposed course of action.***

CARRIED

11 votes "for" / Nil votes "against"

**10.2 Bunbury Setagaya Sister Cities Committee – Incoming Tour Leader 2014** (was listed as item 10.3.3 of the Council Agenda)

<b>Applicant/Proponent:</b>	Bunbury-Setagaya Sister Cities Committee
<b>Author:</b>	Stephanie Addison-Brown, Director Community Development
<b>Executive:</b>	Stephanie Addison Brown, Director Community Development
<b>Attachments:</b>	Nil

**Summary**

The Bunbury Setagaya Sister Cities Committee has proposed the appointment of Mrs Val Philp as the Incoming Goodwill Tour Leader and seeks Council's endorsement of this appointment.

**Committee Recommendation**

That Council endorse the appointment of Mrs Val Philp as the 2014 Incoming Goodwill Tour Leader.

**Background**

Over the past twenty years, the Bunbury Setagaya Sister Cities Committee has annually hosted sixteen (16) students and four (4) teachers from Setagaya approximately four (4) weeks after Bunbury's students return from Setagaya.

Historically, a member of the Bunbury Setagaya Sister Cities Committee member has filled the position of Tour Leader, however, in 2012 and 2013, the Incoming Tour Leader role was successfully fulfilled by a non-Committee person, Mrs Dorothy Bail.

For 2014, the Committee have nominated Mrs Val Philp who is a local member of the community with a high level of integrity and has displayed her willingness to offer her time to coordinate this visit. The Committee feel that Val's capability, positive approach to working with children from other cultures and her experience as a mother and grandmother of a large family would be a great asset and wish to nominate her for the position of Tour Leader in 2014.

**Officer Comments**

The appointment of the Tour Leader will ensure this long standing arrangement continues and the incumbent will work to support the Executive Officer to the Bunbury Setagaya Sister Cities Committee. The students participating on the Incoming Tour arrive in Bunbury on 31 October and depart on 5 November, during which time they will visit key attractions and stay with local families in Bunbury.

**Analysis of Financial and Budget Implications**

Appointment of the Tour Leader to the Bunbury Setagaya Sister Cities Committee is not expected to have any financial or budgetary impact on Council as this position is completely voluntary.

The cost of entry fees into Dolphin Discovery Centre, Bunbury Wildlife Park etc have been included into the budget already.

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

### **Economic**

Each incoming student has approximately \$300 Australian spending money which is spent within the local Bunbury businesses.

The Tour Leader is a voluntary position so the City of Bunbury does not need to pay a salary.

### **Social**

Past itineraries have included at least one school, visits to the local beach, South West Sports Centre, barbeques in local parks, shopping and visit to the Dardanup Heritage Park.

The social interaction between the students, teacher and the general helps develop an understanding and friendship between all.

### **Outcome – Council Meeting 28 October 2014**

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

#### **Council Decision 394/14**

***That Council endorse the appointment of Mrs Val Philp as the 2014 Incoming Goodwill Tour Leader.***

CARRIED

11 votes "for" / Nil votes "against"



**10.3 Financial Management Report for the Period Ending 30 September 2014** (was listed as item 10.4.1 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Vicki Gregg, Team Leader Financial Accounting
<b>Executive:</b>	David Ransom, Acting Director Corporate Services
<b>Attachments:</b>	Appendix DCS-1 Statement of Comprehensive Income Appendix DCS-2 Statement of Financial Activity Appendix DCS-3 Statement of Net Current Assets Appendix DCS-4 Capital Works Expenditure Summary

**Summary**

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

1. Statement of Comprehensive Income (**attached** at Appendix DCS-1)  
Actual Financial Performance to 30 September 2014
  - Actual income of \$40.85M is \$94.4K less than the year-to-date budgeted income of \$40.94M.
  - Actual expenditure of \$10.08M is \$894K less than the year-to-date budgeted expenditure of \$10.97M (refer explanation on next page).
  - Actual operating surplus of \$30.77M is \$799K greater than the year-to-date budgeted operating surplus of \$29.97M.
2. Balance Sheet Year-to-date and Forecast balances are currently not available until the end of year audit for 2013/14 has been completed and the financial system rolled-over to 2014/15. A Balance Sheet report will provided with the October 2014 Financial Statements.
3. Capital Works (**attached** at Appendix DCS-4)
  - Actual capital works of \$2.30 is \$2.60M less than the year-to-date budgeted capital works of \$4.90M, (refer explanation on next page).

**Executive Recommendation**

The Financial Management Report for the period ending 30 September 2014 be received.

**Background**

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

- Statement of Comprehensive Income (**attached** at Appendix DCS-1)
- Statement of Financial Activity (**attached** at Appendix DCS-2)
- Statement of Net Current Assets (**attached** at Appendix DCS-3)
- Capital Works Expenditure Summary (**attached** at Appendix DCS-4)

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 DCS-2) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

**Officer Comments**

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

<b>Statement of Comprehensive Income</b>	<b>YTD Actual to Budget Variance</b>
<b>Operating Income</b>	
<b>Rates - Rate Interim Income</b> – Due to an error with a Landgate GRV valuation this resulted in a rates refund of \$50K.	\$61,763 (101%)
<b>Operating Expenditure</b>	
<b>Employee Costs</b> - Actual Employee Costs are \$372,722 above budget-to-date. This is due to payment of employee annual leave, long service leave and other entitlements. Annual leave and long service leave entitlements will not affect the end of year surplus as this expenditure has a matching provision in the balance sheet. This will even out over the financial year and does not affect the end of year forecast for employee costs.	(\$372,722) (7%)
<b>Materials and Contracts –</b> <i>Materials Expense</i> – Favourable variance of \$315,722, accounts to be monitored on a monthly basis. <i>Contractors Expense</i> – Favourable variance of \$774,431 due to timing of operating projects.	\$1,142,357 29%

<b>Statement of Financial Activity</b>	<b>YTD Actual to Budget Variance</b>
<b>Operating Revenues</b>	
See explanation above included in the Statement of Comprehensive Income variances.	\$29,738 0.3%
<b>Operating Expenses</b>	
See explanation above included in the Statement of Comprehensive Income variances	\$894,189 8%
<b>Capital Expenses</b>	
<b>Acquisition of Assets</b> – Variance due to delay in progress of various projects. Note that there is committed expenditure of \$2.30M. Refer to Capital Expenditure Report for project details.	\$2,597,789 53%
All projects will be reviewed during October and any estimated	

changes to expenditure requirements will be included in the October Budget review.	
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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.

### **Community Consultation**

There is no requirement for community consultation on this report.

### **Councillor/Officer Consultation**

Council's Executive Leadership Team, Department Managers and Corporate Services staff monitors the City's monthly revenue and expenditure and (as required) refer any variances requiring remedial action to Council.

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

### **Outcome – Council Meeting 28 October 2014**

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

<b>Council Decision 395/14</b>
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<b><i>The Financial Management Report for the period ending 30 September 2014 be received.</i></b>
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CARRIED
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11 votes "for" / Nil votes "against"
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**10.4 Quarterly Report – Councillor Discretionary Funds Report** (was listed as item 10.4.2 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Narissa Hribar, Corporate Administration Officer
<b>Executive:</b>	David Ransom, Acting Director Corporate Services
<b>Attachments:</b>	Nil

**Summary**

In accordance with Council Policy 'Councillor Discretionary Funds', Council is to be provided with a quarterly report outlining details of all Councillor Discretionary Fund payments. This agenda item satisfies the requirements of the policy.

**Executive Recommendation**

That Council receives the quarterly report for the period 1 July to 30 September 2014 relating to Councillor and Mayoral Discretionary Funds expenditure.

**Background**

At its Council meeting held 18 March 2014 Council adopted a Policy relating to Councillor Discretionary Funds. The policy requires officers to provide quarterly reports to Council outlining details of the expenditure of CDFs detailing:

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

**Council Policy Compliance**

This matter is in line with the Councillor Discretionary Fund Policy requirements.

**Legislative Compliance**

There is no legislative compliance applicable to this matter.

**Officer Comments**

The following table outlines the Councillor Discretionary Fund payments made for the period 1 July to 30 September 2014:

<b>Councillor</b>	<b>Recipient</b>	<b>Purpose</b>	<b>Value</b>
B McCleary	Mediation South West	Payment of Invoice 86869 for Withers Action Group mediation session with Chris Phillips (Mediator)	\$660
B McCleary	Milligan House	General purpose use	\$500
W Giles	Colts Cricket Club	For the development of Junior Cricket in Bunbury	\$500
W Giles	Bryce Lanigan	To assist with the costs of attending the 2014 State Junior Road Championships (Cycling) QLD	\$200

<b>Councillor</b>	<b>Recipient</b>	<b>Purpose</b>	<b>Value</b>
W Giles	SW Women's Health & Information Centre	To assist with South West Aboriginal Women's Health Promotion programs	\$2,500
J Miguel	SW Women's Health & Information Centre	To support their outreach programs	\$500
J Hayward	Friends of Des Ugle Park	Donation to the Christmas Concert and Family Day	\$250
J Hayward	Andrew Frazer	Donation for the Re.Discover 2015: An Annual Walking Street Art Exhibition	\$200
M Cook	Friends of Des Ugle Park	Donation to the Christmas Concert and Family Day	\$250
M Cook	Val Lishman Health Research Foundation	Assist with autism research	\$250
M Cook	Bunbury Men's Shed	To assist with the creation of standard operating procedure manuals	\$250
M Cook	Bunbury Seniors Computer Club	Assist with the purchase of training materials	\$250
M Cook	Life Without Barriers	Support Bunbury Athletes at Special Olympics, Melbourne	\$250
M Cook	Bryce Lanigan	To assist with the costs of attending the 2014 State Junior Road Championships (Cycling) in Queensland	\$250
M Cook	City of Bunbury Surf Life Saving Club	200 Club Sponsorship for season 2014/2015	\$220
M Cook	Special Olympics WA South West Region	To assist with their procedures and Governance setup	\$250
Mayor Brennan	Chef's Long Table Lunch	Donation in lieu of Civic Reception	\$1,000

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

There are no financial or budget implications as the money allocated has been included in the 2014/15 Budget.

#### **Community Consultation**

There is no community consultation required for this matter.

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

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

#### **Outcome – Council Meeting 28 October 2014**

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

**Council Decision 396/14**

***That Council receives the quarterly report for the period 1 July to 30 September 2014 relating to Councillor and Mayoral Discretionary Funds expenditure.***

CARRIED

11 votes "for" / Nil votes "against"

**10.5 2015 Council Meeting Schedule** (was listed as item 10.4.3 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Greg Golinski, Manager Corporate Performance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix DCS-5: Schedule of Meetings 2015

**Summary**

Pursuant to Regulation 12(1) of the *Local Government (Administration) Regulations 1996*, at least once each year a local government is to give local public notice of the dates on which Ordinary Council meetings are to be held for the next twelve (12) months.

**Executive Recommendation**

That Council:

1. Adopt the schedule of Ordinary Council Meetings for 2015 as presented at Appendix DCS-5 noting that all meetings will take place in the Council Chambers, 4 Stephen Street Bunbury commencing at 5.30pm.
2. Request that the Chief Executive Officer arrange all statutory advertising in this regard.

**Background**

At the Ordinary Council meeting held on 12 November 2013, Council resolved (Decision 313/13) to adopt a fortnightly meeting cycle, alternating between Briefing Sessions and Ordinary meetings of the Council as follows:

*“That Council:*

1. *Discontinue the current Council Standing Committee structure effective 13 November 2013.*
2. *Amend the remaining 2013 meeting structure to reflect a fortnightly rolling meeting cycle as follows with all meetings commencing at 5.30pm:*
  - *Tuesday 19 November, Council Briefing Session*
  - *Tuesday 26 November, Ordinary Council Meeting*
  - *Tuesday 3 December, Council Briefing Session*
  - *Tuesday 10 December, Ordinary Council Meeting*
3. *Endorse an alternating rolling meeting cycle structure for 2014 year commencing on 14 January 2014 with a Council Briefing Session, followed by an Ordinary Council Meeting on 21 January 2014 with all meetings to commence at 5.30pm.*
4. *Request the CEO, in accordance with point 3 above and Regulation 12(1) of the Local Government (Administration) Regulations 1996, provide a report to the next ordinary meeting of Council detailing a calendar of meeting dates for Ordinary Council Meetings for 2014 which includes a recess period over the Christmas/New Year period.*
5. *Briefing meeting will consist of the following weeks Ordinary Council meeting agenda.”*

**Council Policy Compliance**

Not applicable

### **Legislative Compliance**

Regulation 12(1) of the *Local Government (Administration) Regulations 1996* requires local governments at least once a year to give local public notice of the dates on which it intends to hold its Ordinary Council meetings for the ensuing twelve (12) month period.

### **Officer Comments**

The schedule as **attached** at Appendix DCS-5 is consistent with the above resolution and outlines the proposed meeting structure for the 2015 year.

The last scheduled Ordinary Council meeting for 2014 is on Tuesday 9 December 2014, after which Council will enter a brief recess period over Christmas and the New Year public holidays. The draft 2015 calendar of meetings proposes to recommence Council's regular meeting cycle on 13 January 2015.

Council may opt to hold an additional round in December 2014, with a briefing on the 16 December followed by the Ordinary Council Meeting on the 23 December. This would mean that Council would return one week later in January 2015, with the first briefing being held 20 January followed by the Ordinary Council Meeting on the 27 January. This would allow officers additional time to prepare agenda items for the January rounds of Council, rather than compiling items over the Christmas/New Year period as well as having a recess period more in line with other businesses.

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

All advertising costs can be accommodated with the 2014/15 budget.

### **Councillor/Officer Consultation**

Not applicable

### **Outcome – Council Meeting 28 October 2014**

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

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

#### **Council Decision 397/14**

##### ***That Council:***

- 1. Adopt the schedule of Ordinary Council Meetings for 2015 as presented at Appendix DCS-5 noting that all meetings will take place in the Council Chambers, 4 Stephen Street Bunbury commencing at 5.30pm.***
- 2. Request that the Chief Executive Officer arrange all statutory advertising in this regard.***

CARRIED

11 votes "for" / Nil votes "against"



**10.6 Schedule of Accounts Paid for the Period 1 September 2014 to 30 September 2014** (*was listed as item 10.4.4 of the Council Agenda*)

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, Acting Director Corporate Services
<b>Executive:</b>	David Ransom, Acting Director Corporate Services
<b>Attachments:</b>	Appendix DCS-6: Schedule of Accounts Paid 1.9.14 – 30.9.14

The City of Bunbury "Schedule of Accounts Paid" covering the period 1 September 2014 to 30 September 2014 is attached at Appendix DCS-6. The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$16,048,755.99
2. Advance Account – payments totalling \$14,540,643.35
3. Trust Account – payments totalling \$22,454.41
4. Visitor Information Centre Trust Account – payments totalling \$12,476.50
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$270,381.86
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$230,778.80

**Executive Recommendation**

The Schedule of Accounts Paid for the period 1 September 2014 to 30 September 2014 be received.

**Outcome – Council Meeting 28 October 2014**

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

**Council Decision 398/14**

***The Schedule of Accounts Paid for the period 1 September 2014 to 30 September 2014 be received.***

CARRIED  
11 votes "for" / Nil votes "against"

**10.7 Ocean Drive Pump Station Upgrade PR-1324** *(was listed as item 10.6.1 of the Council Agenda)*

<b>File Ref:</b>	Internal Report
<b>Author:</b>	James Shepherd, Manager Civil & Open Space
<b>Executive:</b>	Phil Harris, Director Works & Services
<b>Attachments:</b>	Appendix DWS-1 Five Mile Brook Study

**Summary**

The 2014/15 Budget adopted by Council includes project PR1324 – Replace Ocean Drive Pump Station. This project has a budget of \$600,000 and is 100% funded through Council unrestricted cash. The tender responses have indicated that there is a shortfall in funding in the project budget as a result of adjustments to the scope and power provision which will enable a pump station solution for the next 50 years to be delivered.

**Executive Recommendation**

1. Council authorises the Chief Executive Officer to enter into negotiations with two (2) of the shortlisted tenderers to determine the most cost effective upgrade design and construct solution for the Ocean Drive Pump Station upgrade. The two (2) submissions being those of Ertech Pty and Opus International Consultants/Vasse Civil.
2. Council delegate authority to the Chief Executive Officer to approve the final design and award the contract subject to available funding in PR1324 – Replace Ocean Drive Pump Station and PR2421 - Construct Horseshoe Lake Upgrade.
3. Any variations to existing budgets and projects as a result of the negotiations will be reported in the October Budget review.

**Background**

Ocean Drive Pump Station is located at the western end of the Five Mile Brook and is required to pump stormwater from the brook to the Ocean. The current pump station and pump set up have reached the end of its use and do not provide the water pumping capacity for high risk periods of high tide/storm surge and prolonged rainfall which presents a significant flooding risk to large areas of South Bunbury within the Five Mile Brook catchment.

Initial investigations indicated an estimated budget of \$570,000 which excluded the upgrade to the power supply and was based on smaller pump sizes consistent with the original power supply. The pump identified in the original specification, whilst an increase on the existing configuration, did not provide the redundancy required to provide the capacity necessary to extend the upgraded pump station's life expectancy to 50 plus years.

The power upgrade was stipulated as an absolute requirement by Western Power as the existing supply was non-compliant with current regulations. Although this resulted in an increased cost to the project it has enabled the project scope to be varied to provide the pumping capacity for future urban infill within the catchment and potential sea level rise impacts for the next 50 years.

### **Officer Comments**

The existing single pump is at the end of its useful life, it is anticipated that failure to upgrade the pump station and install new pumps could result in the Five Mile Brook having no capacity to pump at the outflow if the pump fails as has been predicted as a high risk by the pump maintenance supplier.

The proposed Ocean Drive Pump Station replacement will provide an efficient and effective stormwater management system to manage the removal of stormwater in the Five Mile Brook catchment and mitigate 1/10, 1/50 and 1/100 year and climate change based flooding risks as identified in the hydrological study of Five Mile Brook conducted by Water Technology in 2012. A copy of this report is **attached** at Appendix DSW-1.

The intent of the delegated authority for the Chief Executive Officer to approve the final design and award the tender is to ensure that the project can be completed prior to the winter of 2015. The

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

The current financial year provides \$600,000 in the project budget of which \$10,000 has been committed to Western Power as a deposit to upgrade the power supply.

Additional funds have been identified as available from PR2421 Construct Horseshoe Lake Upgrade which is also listed for completion in the current financial year 2014/15.

There is no net effect to the 2014/15 Budget as a result of these adjustments.

### **Community Consultation**

Not Applicable

### **Councillor/Officer Consultation**

This project has been developed throughout in consultation with various Works and Services Directorate Officers including, Director Works and Services, Manager Engineering, Civil and Open Space Supervisors and Group Leader and Infrastructure and Assets team members.

### **Strategic Relevance**

The Five Mile Brook has been identified as one of the City's greatest risks from flooding with this project supporting Strategic Goals:

- 1.5 Improve the City's asset management practices
- 3.6 Mitigate and adapt to the possible impacts of climate change

### **Life-cycle Maintenance Costs**

An allocation for pump station maintenance for Ocean Drive already exists.

### **Outcome – Council Meeting 28 October 2014**

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

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

**Council Decision 399/14**

- 1. Council authorises the Chief Executive Officer to enter into negotiations with two (2) of the shortlisted tenderers to determine the most cost effective upgrade design and construct solution for the Ocean Drive Pump Station upgrade. The two (2) submissions being those of Ertech Pty and Opus International Consultants/Vasse Civil.**
- 2. Council delegate authority to the Chief Executive Officer to approve the final design and award the contract subject to available funding in PR1324 – Replace Ocean Drive Pump Station and PR2421 - Construct Horseshoe Lake Upgrade.**
- 3. Any variations to existing budgets and projects as a result of the negotiations will be reported in the October Budget review.**

CARRIED

11 votes "for" / Nil votes "against"

**10.8 Community Access Committee Appointments (was listed as item 10.1.1 of the Council Agenda)**

<b>File Ref:</b>	A05880
<b>Applicant/Proponent:</b>	Committee Report
<b>Author:</b>	Isabell Evans, Community Development Officer - Access
<b>Executive:</b>	Stephanie Addison-Brown, Director Community Development
<b>Attachments:</b>	Nil

**Summary**

The purpose of this report is for Council to consider appointing two community members to the Community Access Committee.

**Committee Recommendation**

That Council appoint Jennifer Wood and Shelley Leech to the Community Access Committee.

*\*Absolute Majority Vote Required*

**Background**

On Thursday 6 February 2014 the City of Bunbury received the resignation of Jethro Hepton from the Community Access Committee.

On Wednesday 27 August 2014 members of the public who had either previously attended Committee meetings and/or expressed an interest in becoming a member of the Committee were invited to submit a nomination for the vacant position. Two applications were received; from Jennifer Wood and Shelley Leech. Both nominees work in the industry and both have personal experience with disability.

A meeting was held on Friday 19 September 2014 between Presiding Member Councillor Brendan Kelly, Community Development Officer Isabell Evans and Acting Director Community Development Kristina Knight to discuss the nominations received and present a recommendation of appointment to the Committee. It was decided that given the excellent quality of both nominations and high contribution potential of the nominees that a recommendation for the appointment of both be presented.

At their meeting held Friday 3 October 2014 the Community Access Committee voted unanimously to recommend that Council appoint both nominees to the Committee.

**Council Policy Compliance**

There is no Council policy applicable to this report.

**Legislative Compliance**

There is no legislation applicable to this report.

### **Officer Comments**

Whilst ten (10) positions for community representatives currently exist on the Community Access Committee, the Bunbury City Council is at liberty to increase/decrease this number at any time. The extensive lived and professional experience of both nominees warrants an adjustment to Committee numbers at this time.

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

There are no financial or budgetary implications impacting from the recommendations of this report.

### **Community Consultation**

The matter was presented to the Community Access Committee at their meeting dated Friday 3 October 2014 where the Committee voted unanimously to recommend that Council appoint both nominees to the Committee.

### **Councillor/Officer Consultation**

The Manager Corporate Performance was consulted in the development of this report.

Deputy Mayor Councillor Brendan Kelly and Councillor Murray Cook are aware of this report.

### **Outcome – Council Meeting 28 October 2014**

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

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

### **Council Decision 400/14**

***That Council appoint Jennifer Wood and Shelley Leech to the Community Access Committee.***

CARRIED

11 votes "for" / Nil votes "against"

\*Absolute majority vote obtained.

**10.9 Poll Provisions – Schedule 2.1 Local Government Act 1995 (was listed as item 10.2.1 of the Council Agenda)**

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Greg Golinski, Manager Corporate Performance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

**Summary**

The WA Local Government Association (WALGA) is seeking feedback from local governments to help refine its advocacy position relating to the poll provisions contained in Schedule 2.1 of the *Local Government Act 1995* (the Act).

Feedback received will be consolidated and included as part of an agenda item to be prepared for the WALGA State Council meeting on 3 December 2014.

**Executive Recommendation**

That:

- 1) Council endorse the following position - Criteria defining whether a Local Government would be “significantly affected” be defined in the Act.
  - a. 50% of population preference one
  - b. 25% of population preference two
  - c. 10% of population preference three
- 2) The Chief Executive Officer advise WALGA accordingly.

**Background**

WALGA has written to all local governments regarding its advocacy for amendments to the poll provisions contained in Schedule 2.1 of the Act to enable the electors of a local government that will be abolished or significantly affected by a boundary change proposal to demand a poll.

At the 2 July 2014 WALGA State Council meeting, it was resolved to adopt, and advocate for, a policy position that the poll provisions should be amended so that the electors of a local government that will be abolished or significantly affected by a boundary change proposal are able to demand a poll on the proposal, with “significantly affected” being specifically defined as causing a 50% variation in either: population; rateable properties; or revenue.

At the Council Ordinary Meeting held on 5 August 2014 the Council considered a number of matters relating to Motions for the WALGA Conference. One of these from the City of Canning related to the Dadour Provisions and the Officers comment in part stated “...it is considered that the current poll provisions within the *Local Government Act 1995* provide appropriate scope for public participation and in the event that there is to be a change, it needs to be structured to provide a more appropriate outcome rather than further restricting the potential for local government reform. This proposed motion does not achieve that outcome and should not be supported in its current form.

*In some instances there are sound arguments for amalgamations and the poll provisions can create a barrier to achieving positive outcomes through a concerted community campaign against the changes. Community participation should be encouraged and through appropriate amendments could be supported, however there is a need to ensure that it is broad scale participation and not through the creation of a potentially more restrictive arrangement.”* As such the Council supported the officers’ recommendation to not support the motion.

### **Council Policy Compliance**

There are no Council policies that are applicable to this report.

### **Legislative Compliance**

The recommendations contained within this report relate to the poll provisions contained in Schedule 2.1 of the Act.

### **Officer Comments**

Defining the criteria for whether a boundary change significantly affects a Local Government is difficult, and there are differing views in the local government sector.

There is a general view that a minor boundary change, perhaps to fix an anomaly, should not be the subject of a potential poll of electors. There is also a general view that, where one or more local governments will be abolished, or where a local government’s viability could be affected by a boundary change proposal, electors should have the right to demand a poll.

Criteria defining whether a local government would be “significantly affected” could be defined in the Act. This was the State Council’s original approach where it was resolved that a 50 percent variation in population, or rateable properties, or revenue would be the trigger for the community to have the option to call a poll. In addressing this matter it needs to be determined whether these are the appropriate criteria or whether there should be an alternative method to determine whether a local government would be “significantly affected” by a boundary change proposal.

In seeking feedback, WALGA has requested that either of the following two options be considered:

**Option 1** - All boundary change proposals could be the subject of a poll.

While there is a general view that minor boundary changes should not be subject to a poll of the community, it could be argued that a minor boundary change that only affects a small number of properties would be unlikely to attract enough interest from the community for a poll to be called or to ultimately be successful in overturning the proposal. This would remove the need for criteria to be established to define “significantly affected”.

**Option 2** - Criteria defining whether a Local Government would be “significantly affected” could be defined in the Act.

It is suggested that a percentage variation in population, rateable properties, or revenue could be defined as the appropriate criteria to trigger the community’s right to call a poll. Three percentages are presented as options to define these criteria in the Act:

- a) 10 percent
- b) 25 percent



c) 50 percent

It is considered appropriate based on the previous support for the recommendation in the August report to Council that Council support option 2 as outlined by WALGA with the following - 50%, 25% then 10% of population defining significantly affected.

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

There are no financial implications relating to the recommendations contained within this report.

#### **Community Consultation**

Nil

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

This report is presented directly to Council for consideration.

#### **Outcome – Council Meeting 28 October 2014**

The Executive recommendation was moved Cr McCleary, seconded Cr Kelly.

Cr McCleary then moved the amendment that Council's preferred position be 25%, second position be 50% and third position remain as 10%. This amendment was accepted by Cr Kelly as seconder.

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

#### **Council Decision 401/14**

##### ***That:***

***1) Council endorse the following position - Criteria defining whether a Local Government would be "significantly affected" be defined in the Act.***

- a. 25% of population preference one***
- b. 50% of population preference two***
- c. 10% of population preference three***

***2) The Chief Executive Officer advise WALGA accordingly.***

CARRIED

11 votes "for" / Nil votes "against"

**10.10 Event Funding Allocations (was listed as item 10.3.1 of the Council Agenda)**

<b>Applicant/Proponent:</b>	Internal report
<b>Author:</b>	Kristina Knight, Manager Tourism and Wildlife Park
<b>Executive:</b>	Stephanie Addison Brown, Director Community Development
<b>Attachments:</b>	Nil

**Summary**

On the 27 May 2014 Council resolved, as per decision 171/14, to endorse the 'Event Funding Program'. The inaugural funding round has now been completed.

**Executive Recommendation**

That

1. Council note the successful recipients of the Event Funding Program approved under the delegated authority of the CEO.
2. Council note the decision to absorb the costs of the 'Ancillary In-Kind' that has been offered and do not record it against the funding pool of \$350,000
3. Council note that the income forgone will be charged against the event funding pool and reduces the funding pool by \$66,100.
4. Council allocate the remaining funds for major and iconic events as per recommendations from the Bunbury Events Coordination Group under the delegated authority of the CEO.

**Background**

In February 2014, Council decided to establish the Bunbury Event Coordination Group (BECG) to coordinate the attraction and development of events and establish an Event Funding Program.

The Event Funding Program was officially launched on 29 May 2014 and closed on the 21 July 2014. Thirty seven (37) applications were received of which thirty four (34) were successful in receiving funding.

A funding pool of \$350,000 was available for events in 3 categories – minor, major and iconic.

**Council Policy Compliance**

The Event Funding Program was undertaken in line with Council Policy CEO-10 'Council Funding'.

**Legislative Compliance**

Nil

## Officer Comments

The below events were successful in receiving funding:

<b>Minor Category</b>	<b>Cash</b>	<b>In-kind</b>
Shorelines Writing for Performance	\$2,500	-
King Cottage Costume Spectacular	\$2,100	-
Bunbury City Classic	\$2,500	\$6,150
Des Ugle Christmas Party	\$2,500	\$1,300
Drug Aware Community Mental Health	\$2,500	\$200
GWABA Indigenous Football Carnival	\$2,500	\$4,500
Walk Over October		\$1,300
Koombana Bay Annual Regatta	\$2,500	-
2014 Australian Hobie Cat Nationals	\$2,500	-
Spring Gardening Fair	\$2,500	-
Comedy for Cure and Care	\$2,500	-
Silver Chain Australia Day Breakfast	\$1,850	\$300
Let's Celebrate Carers	\$1,460	\$150
Surf to Surf Fun Run	\$2,500	\$6,100
Diwali Festival of Lights	\$2,500	-
Vat2 Beach Concert	-	\$2,500
Vat2 New Year's Eve Concert	-	\$2,500
Women's Fun Run and Walk	\$2,500	-
Celebration of Australian and Irish Culture	\$2,500	\$1,000
Three Waters Running Festival	-	\$5,200
<b>Major Events</b>	<b>Cash</b>	<b>In-kind</b>
Australian Sprint Car Championships	\$20,000	-
Bunbury City Dolphin Festival	\$10,000	\$1,000
Geographe Crush Food and Wine Festival	\$8,000	\$1,650
2015 Krikke Boys Shootout	\$5,000	\$500
Multicultural Night Under the Stars	\$10,000	\$1,573
Bunbury 4WD, Boating, Camping	\$5,500	\$1,500
Home and Garden Show	\$10,500	\$1,500
Qube Truck Pull	\$8,000	\$5,800
VIVA Street Party	\$20,000	\$6,050
Dinosaurs Alive	\$5,000	\$4,000
Seniors Showcase	\$4,000	\$3,000
Aqua Spectacular	\$18,500	\$2,000
Live Lighter Bunbury Show	\$6,000	\$1,860
Re:Discover	\$8,000	-

## Iconic Events

Applications for iconic events are still being discussed and strategic planning sessions are being arranged with applicants before recommendations are formalised. One well known iconic event, *Groovin' The Moo*, has been approved to be held in 2015 with up to \$35,000 of in kind support to be allocated to the event in the 2014/15 financial year. This value is a maximum and may not all be needed, in which case the remainder will be returned to the pool. Additional iconic events are still

being discussed and recommendations to the CEO by the BECG will be forthcoming towards the end of 2014.

### Analysis of Financial and Budget Implications

The table below summarises the allocations committed for event support to date. Through this process it has become apparent that some of the ‘in-kind’ support provided is in the form of waived fees and as such is at no cost to Council. It is therefore recommended that this not be considered expenditure against the funding pool. This is listed as “*Ancillary In-Kind*” in the table below.

Event Category	Cash Contributions	In-Kind Contributions	
		<i>Ancillary In-kind</i> From fees and charges waived that have <u>NO</u> impact on salary costs eg: venue hire and marketing support.	<i>Income Forgone</i> From fees, charges and staff support that will be provided or waived that have a budget implication for salary costs eg: traffic management.
Minor	\$37,910	\$12,520	\$18,680
Major	\$138,500	\$20,083	\$12,420
Iconic	0	0	\$35,000
<b>TOTAL</b>	<b>\$176,410</b>	<b>\$32,603</b> <i>(NB this value will not be costed to the event funding allocation)</i>	<b>\$66,100</b>

These recommendations, provided by the BECG to the CEO, have been endorsed under delegation. Once the cash and “income forgone” in-kind values have been deducted from the original pool of \$350,000, a remaining balance of \$107,490 remains in the funding pool to be put towards additional iconic events and/or a second minor events funding round and/or further sponsorship of events. This will be subject to further consideration by the BECG as per their Terms of Reference.

### Community Consultation

The BECG met on Friday the 1 August 2014 to consider the funding applications and make the resulting recommendations on funding to the CEO.

### Councillor/Officer Consultation

The Director Community Development, Team Leader Events and Councillor Morris are members of the BECG and have been involved in the establishment of the event funding round and assessment of the applications.

The following City of Bunbury officers were consulted before the final recommendations were made to the CEO for approval and were supportive of the requests made through the application process:

- Manager of Environmental Health
- Team Leader Parking
- Manager Open Space
- Manager Waste Operations and Supervisor Waste Operations
- Senior Finance Officer
- Corporate Marketing Officer and Media & Communications Officer
- Community Safety Officer

**Outcome – Council Meeting 28 October 2014**

The Executive recommendation was moved Cr Morris, with an amendment to point 4 to remove the words “major and” and the addition of a point 5 which reads:

5. *Council refers to the October budget review, a request for an allocation of up to \$100,000 to be used as a contingency fund for a yet unidentified iconic event.*

The amended recommendation was seconded Cr Hayward.

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

**Council Decision 402/14**

***That***

1. ***Council note the successful recipients of the Event Funding Program approved under the delegated authority of the CEO.***
2. ***Council note the decision to absorb the costs of the ‘Ancillary In-Kind’ that has been offered and do not record it against the funding pool of \$350,000***
3. ***Council note that the income forgone will be charged against the event funding pool and reduces the funding pool by \$66,100.***
4. ***Council allocate the remaining funds for iconic events as per recommendations from the Bunbury Events Coordination Group under the delegated authority of the CEO.***
5. ***Council refers to the October budget review, a request for an allocation of up to \$100,000 to be used as a contingency fund for a yet unidentified iconic event.***

CARRIED

11 votes “for” / Nil votes “against”

**10.11 Development Application – Proposed Two Grouped Dwellings – Strata Lot: 11 #11/13 Forrest Avenue South Bunbury** (was listed as item 10.5.1 of the Council Agenda)

File Ref:	P03064-02: DA/2014/188
Applicant/Proponent:	Ghassan Ghaseb on behalf of Plaza Court Pty Ltd
Author:	Laura Sabitzer, Planning Officer
Executive:	Bob Karaszewych, Director Planning and Development Services
Attachments:	Appendix DPDS-1 Overall Lot Plan Appendix DPDS-2 Strata Consent Appendix DPDS-3 Location Plan Appendix DPDS-4 Development Plans Appendix DPDS-5 Applicant's Justification Appendix DPDS-6 Marked Floor Plan

**Summary**

A development application has been received for two grouped dwellings at strata lot 11, #11/13 Forrest Avenue, South Bunbury.

The strata lot is part of an existing residential subdivision which contains twelve (12) strata lots. At the time of subdivision, the property had a density coding of R40. Since then, the density coding has been increased to R60. This means, based on the site area, strata lots which are 300m<sup>2</sup> or greater can accommodate two (2) dwellings, rather than one (1) dwelling as planned for at the time of subdivision. The developer has indicated that they intend to further develop four (4) strata lots each with two (2) dwellings.

The application seeks several variations to State Planning Policy 3.1: Residential Design Codes (R-Codes), in relation to:

- the provision of visitor parking on-site;
- reduced building setbacks;
- the location of the outdoor living area.

Where the deemed-to-comply provisions of the R-Codes are not met, the variations are assessed against the corresponding design principles of the R-Codes. It is considered that the variations relating to the provision of visitor parking on-site and reduced setback between the building setback and communal street do not satisfy the design principles, as such those variations are not supported.

Additionally, the proposal does not represent orderly and proper planning as it is foreseen that the approval of additional dwellings within the development complex will result in inadequate parking available for visitors and emergency vehicles, and the lack of facilities for the collection of waste from the verge, as per the City's standard residential waste service.

The City has discussed the non-compliant issues with the applicant, and advised that the proposed increase in the number of dwellings in the development complex would be more appropriately dealt with through a strata-subdivision application (determined by the Western Australian Planning Commission) rather than a development application. The applicant on behalf of the land owner has responded that they do not wish to submit a strata-subdivision application, and would like to proceed with the current development application.

For the reasons outlined above, it is recommended that the development application be refused.

### **Executive Recommendation**

That Council:

1. Refuse a development application for two grouped dwellings at strata lot 11, #11/13 Forrest Avenue, South Bunbury (application reference: DA/2014/188) in accordance with the City of Bunbury's Town Planning Scheme No.7, for the following reasons:
  - a. The proposal does not meet the deemed-to-comply provisions or the design principles listed at State Planning Policy 3.1 Residential Design Codes clause 5.2.1 in relation to the proposed building setback from the communal street.
  - b. The proposal does not meet the deemed-to-comply provisions or the design principles listed at State Planning Policy 3.1 Residential Design Codes clause 5.3.3, as there is insufficient provision of visitor parking for the development complex.
  - c. Waste disposal, as per the City's standard residential waste service is unable to occur. With the additional dwelling, there is not sufficient area, adjacent to the kerb available for two additional bins to be serviced. Each dwelling is to have two bins serviced from the verge per week. The development was subdivided on the basis of 12 dwellings in the development complex.
  - d. The proposal does not represent orderly and proper planning, in accordance with clause 10.2.1(b) of the City of Bunbury Town Planning Scheme No. 7.
2. Advise the applicant of Council's decision

### **Background**

In 2007, the strata subdivision of the parent lots into 12 strata lots was endorsed by the Western Australian Planning Commission (WAPC) and subsequently land titles issued. At the time of subdivision, the property had a density coding of R40. Refer to the overall lot plan **attached** at Appendix DPDS-1.

In 2011, City of Bunbury Town Planning Scheme No.7 (TPS7) was amended and the density coding was increased from R40 to R60. This resulted in the strata lots over 300 m<sup>2</sup> in area being able to accommodate two dwellings, rather than one dwelling as planned for at the time of subdivision.

At present, nine (9) out of the twelve (12) strata lots of the subdivision are vacant. With the exception of strata lot 7, the remaining vacant lots are all owned by the original developer, Plaza Court Pty Ltd. The original developer intends to further develop strata lots 3, 10, 11 & 12 (refer to the document **attached** at Appendix DPDS-2).

A development application has now been received for the development of two (2) grouped dwellings at strata lot 11. The strata lot is 339m<sup>2</sup> in area and is currently vacant land (refer to the location plan **attached** at Appendix DPDS-3).

The proposed grouped dwellings are both two storeys in height and contain three (3) bedrooms, two (2) bathrooms and a double garage. Refer to the development plans **attached** at Appendix DPDS-4.

The development application proposes variations to the deemed-to-comply provisions of the R-Codes. The applicant's justification to the proposed variations is **attached** at Appendix DPDS-5.

### **Council Policy Compliance**

The relevant policies are as follows:

- **Local Planning Policy: Access & Parking for Pedestrians, Bicycles and Vehicles**

The Local Planning Policy at clause 5.2 states that:

*"All residential dwelling development...shall comply with the Acceptable Development standards [now referred to as deemed-to-comply provisions] of the Residential Design Codes for the provision of car parking".*

The application does not comply with this clause, because the proposal does not comply with the deemed-to-comply provisions relating to visitor car parking.

The Local Planning Policy also sets out the criteria for assessing concessions to the minimum car parking requirements such as; cash-in-lieu of parking, on-street parking and reciprocal parking. The criteria relating to car parking conditions are not satisfied and are therefore not applicable.

- **Local Planning Policy: Mixed Business Zone Special Development Area**

The policy sets out areas in the Mixed Business Zone where an application for residential development would be supported. The subject site has previously been approved for residential development and is located in the Special Development Area, where both residential and mixed use development is supported.

### **Legislative Compliance**

The proposal is subject to compliance with the following statutory documents:

- **City of Bunbury Town Planning Scheme No.7 (TPS7)**

The proposal requires planning approval under TPS7. The application has been assessed against the applicable provisions.

- **State Planning Policy 3.1: Residential Design Codes (R-Codes)**

The application proposes the following variations to the deemed-to-comply provisions of the R-Codes:

- Clause 5.1.2 C2.1.iv – Street setback
- Clause 5.1.3 C3.1.ii – Lot boundary setback
- Clause 5.3.1 C1.1 – Outdoor living areas
- Clause 5.3.3 C3.2 – Onsite visitor parking

Where the application does not satisfy the deemed-to-comply provisions, the application is assessed against the corresponding design principles to consider if the variations are acceptable. This is discussed in the Officer Comments section below.



## Officer Comments

### 1. Visitor parking

**Proposed variation:** *Two (2) visitor parking bays are provided on-site in lieu of a minimum of three (3) visitor parking bays*

A total of three (3) visitor parking bays are required where 13 dwellings are served by a common access. This is as per the deemed-to-comply provisions of the R-Codes. The existing subdivision contains two (2) visitor parking bays at the front of the property, which are the number of visitor bays required to service 12 dwellings. The location of the visitor car bays can be viewed on the overall lot plan **attached** at Appendix DPDS-1. It is noted that the existing 2 visitor parking bays are not marked or clearly signposted as dedicated for visitor use only which is a requirement of clause 5.3.4 C4.2 of the R-Codes

Due to the existing strata lot configuration there is no area available to accommodate an additional visitor parking bay. This is acknowledged by the applicant, who states that the developer is prepared to pay cash in lieu of the required visitor parking bay.

TPS7 at clause 5.7.7 and the Local Planning Policy: Access and Parking for Pedestrians, Bicycles and Vehicles state that cash in lieu of car parking can only be considered in locations where a public car park exists or is planned to exist that would adequately service the parking requirements of the general public and the proposed development. There are no public parking areas (existing or proposed) convenient for use and sufficiently close to the subject site. Therefore, cash-in-lieu of parking is not supported.

As a variation to the deemed-to-comply provisions of the R-Codes is proposed, the proposed variation is assessed against the following design principle, to assess whether the performance outcomes have been achieved:

**R-Codes Design principle 5.3.3 P3.1**

*“Adequate car parking is provided onsite in accordance with projected need related to:*

- *The type, number and size of dwellings;*
- *The availability of on-street and off-street parking; and*
- *The proximity of the proposed development to public transport and other facilities.*

The existing residences in the development are large ‘family size’ dwellings being two storeys and containing three/four bedrooms and two bathrooms. It is predicted that future dwellings in the development would also be constructed to this specification. For dwellings of this size it is expected that the two parking bays provided for exclusive use of the residence would be used and therefore not available for visitors.

The subject land was subdivided on the basis that the development would comprise of 12 dwellings. With the increase of density coding from R40 to R60, coupled with the developers written intention to subdivide/develop four (4) of the strata lots, the development will comprise of 16 dwellings. These additional four (4) dwellings were not taken into account at the time of subdivision. The existing communal street within the development cannot contain parked cars, because there needs to be two-way traffic and as well as adequate turning areas for cars.

There are no existing on-street or off-street parking bays within close proximity of the development site. Additionally on-street and off-street parking is unable to be accommodated near the development site. Forrest Avenue is a single lane road and in its current layout is unable to accommodate on-street parking. The verge in front of the property contains a footpath and street light and as such a parking bay recess is not an option along the entire driveway access.

The development site is not in close proximity to a high frequency public transport service (defined in the R-Codes as a timed stop service that runs at least every 15 minutes during week day peak periods).

For the reasons listed above, the variation of a reduction to visitor parking bays is not supported as it does not satisfy the corresponding design principles. There is insufficient provision of visitor parking bays available to adequately service the development complex.

## 2. Street setback

**Proposed variation:** *The buildings are setback a minimum 0.5m from the shared access way in lieu of a minimum of 2.5m or 1.5m for a porch, verandah, balcony and the like.*

The area of the ground and upper floors of both buildings which do not meet the street setback requirements of the deemed-to-comply provisions of the R-Codes are shaded in pink on the floor plans **attached** at Appendix DPDS-6. Street setbacks apply to communal streets (i.e. the private access way) however the street setback requirements are less than the street setback to a public road.

Where the deemed-to-comply provisions are not met, the following design principles are considered to determine if the proposed variation is acceptable:

R-Codes Design principle 5.1.2 P2.1 & P2.2
<p><i>“Buildings setback from street boundaries an appropriate distance to ensure they:</i></p> <ul style="list-style-type: none"><li><i>• Contribute to, and are consistent with, an established streetscape;</i></li><li><i>• Provide adequate privacy and open space for dwellings;</i></li><li><i>• Accommodate site planning requirements such as parking, landscape and utilities; and</i></li><li><i>• Allow safety clearances for easements for essential service corridors.”</i></li></ul> <p><i>“Buildings mass and form that:</i></p> <ul style="list-style-type: none"><li><i>• Uses design features to affect the size and scale of the building;</i></li><li><i>• Uses appropriate minor projections that do not detract from the character of the streetscape;</i></li><li><i>• Minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, service infrastructure access and metres and the like;</i></li><li><i>• Positively contributes to the prevailing development context and streetscape.”</i></li></ul>

The explanatory notes of the R-Code notes the purpose of the street setback is to provide a transition area between the communal street and the building, to address issues of visibility and security and to provide a buffer against noise and glare, and privacy for dwellings.

It is considered that the proposed street setback of the buildings does not meet the abovementioned design principles or the purpose of street setback areas. The proposed variation impacts the privacy of residents, creates building bulk, provides a minimal transitional area between the shared access way and the proposed dwellings, and does not positively contribute to the intended development context of the complex.

However it is noted that it is difficult to assess the variation in terms of the streetscape as the majority of the lots are vacant.

The applicant's justification in respect of this variation is **attached** at Appendix DPDS-5. The justification states that existing dwellings in the development have reduced street setbacks. The existing dwelling opposite strata lot 11 is setback 2.5m from the communal space and complies. It is acknowledged that strata lots 6 & 8 (the rear lots of the development) have reduced street setbacks, however these variations are minor and differ from the proposed variation as the projections are less than 2m<sup>2</sup> in area and are only single storey, and the variations occurring due to the front boundaries being angled and irregular.

### 3. Lot boundary setback

**Proposed variation:** *A two storey high boundary wall is proposed on the strata lot boundary between the subject strata lot and strata lot 10 in lieu of a single storey high boundary wall.*

The R-Codes at clause 5.1.3 C3.1.iii states that separate grouped dwellings on the same site are to be setback from each other as though there were a boundary between them. The proposed buildings are setback nil from the north-east strata lot boundary, which adjoins strata lot 10. A boundary wall with an average height of 3m (typically single storey height) would be permitted. The proposed boundary wall is two storeys in height and can be viewed in the development plans at Elevation 2 **attached** at Appendix DPDS-4 and as marked in purple on the floor plan **attached** at Appendix DPDS-6.

R-Codes Design principle 5.1.3 P3.1
<p><i>"Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"><li><i>• reduce impacts of building bulk on adjoining properties;</i></li><li><i>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i></li><li><i>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties."</i></li></ul>



As the adjoining strata lot is vacant and has the same land owner as strata lot 11, it is difficult to consider the variation against the abovementioned design principles. Therefore the likely development to be constructed at the adjoining lot has been considered.

It is likely that the future development on strata lot 10, would be designed with walls adjoining the boundary wall in order to maximise the floor area of the building. The R-Codes states that *"where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension"* it meets the deemed-to-comply provision. This means that future development abutting the proposed two storey boundary wall would comply with the setback requirements. This would not minimise, rather increase the level of privacy between the proposed and likely dwelling, and due to the orientation of the strata lots not result in adverse impacts of building bulk such as overshadowing.

For the reasons outlined, the lot boundary setback variation is supported.

#### 4. Outdoor living area

**Proposed variation:** *The outdoor living area of Unit B is provided in the street setback area rather than behind the street setback area.*

The outdoor living area of Unit B is provided at the front of dwelling, next to the porch area (as marked in green on the site plan **attached** at Appendix DPDS-6). The R-Codes deemed-to-comply provision states that, *“An outdoor living area is to be provided behind the street setback area”*.

The R-Codes allows for the above requirement to be varied, providing that the outdoor living area meets the following design principle:

R-Codes Design principle 5.3.1 P1.1
<i>“Outdoor living areas which provide spaces:</i> <ul style="list-style-type: none"><li>• <i>capable of use in conjunction with a habitable room of the dwelling;</i></li><li>• <i>open to winter sun and ventilation; and</i></li><li>• <i>optimise use of the northern aspect of the site.”</i></li></ul>



This variation is supported as it addresses the above mentioned design principles. This is because the outdoor living area can be used in conjunction with Bed 2, a habitable room, the area is unroofed and is open to winter sun and ventilation, and is located in the north-west corner of the strata lot, therefore optimising the northern aspect of the site.

#### 5. Waste

There is concern in relation to waste service from the complex. The City’s standard residential waste service is that once a week, two bins per dwelling are to be placed within 1m of the kerb. It is acknowledged that there is limited area at present on the Forrest Ave verge for 12 dwellings (i.e. 24 bins) to be serviced; however this issue would be exacerbated with each additional dwelling approved for the complex.

#### Analysis of Financial and Budget Implications

Not applicable.

#### Community Consultation

There is no statutory requirement for this development application to be advertised for public comment.

The applicant submitted with the development application a document signed by the other strata lot owners (refer to **attached** Appendix DPDS-2). This document acknowledges and gives consent for application to be made for strata lots 3, 10, 11 & 12 to be subdivided or developed to contain two dwellings.

### **Councillor/Officer Consultation**

The proposal has been discussed internally with Planning and Development Services officers, prior to the finalisation of this report.

### **Conclusion**

It is acknowledged that the density coding of the property has increased from R40 to R60, and that based on site area some of the strata lots are now able to accommodate two dwellings. However consideration is to be given to the impact the additional dwellings will have on the development complex as a whole.

This application is recommended for refusal due to the provision of visitor car parking and reduced street setback not satisfying the relevant requirements of the R-Codes, issues with waste disposal and that the development application does not represent orderly and proper planning.

However should Council decide to approve the application, it is recommended that the matter be referred to Administration to put forward standard conditions and advice notes.

### **Delegation of Authority**

The application is referred to the Council for determination as the City's officers do not have the delegation to refuse development applications.

### **Outcome – Council Meeting 28 October 2014**

Cr Miguel declared a proximity and financial interest in this matter (see Section 5). Cr Miguel vacated the chamber at 5:40pm.

The Executive recommendation was moved Cr Kelly, with the amendment of an additional point 3 which reads as follows:

*3. Advise the applicant that the proposal for additional dwellings at the density of R60 within the existing grouped dwelling/ strata-subdivision development of R40 would be better dealt with through strata-subdivision approval from the Western Australian Planning Commission prior to seeking development approval for additional dwellings. This approach would allow for proper consideration of the proposal within the constraints of the existing lot, rather than on an ad-hoc basis through individual development applications for each existing single strata lot.*

The amended motion was seconded Cr McCleary.

Cr Cook advised of his intention to foreshadow the following motion should the amended Executive recommendation be lost:

*That Council:*

*1. Confirm their commitment to the allocated density code of R60 for #11/13 Forrest Avenue, South Bunbury in accordance with the City of Bunbury's Town Planning Scheme No.7 and is very keen to see appropriate development that complies in all respects to set-backs, parking (but not including cash in lieu) and waste management to the satisfaction of Council Officers.*

*2. Advise the applicant of Council's decision and suggest that the Developer firstly receive strata-subdivision approval from the Western Australian Planning Commission, prior to seeking development approval for additional dwellings to R60.*

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

Cr Miguel returned to the chamber at 5:46pm.

**Council Decision 403/14**

***That Council:***

- 1. Refuse a development application for two grouped dwellings at strata lot 11, #11/13 Forrest Avenue, South Bunbury (application reference: DA/2014/188) in accordance with the City of Bunbury's Town Planning Scheme No.7, for the following reasons:***
  - a. The proposal does not meet the deemed-to-comply provisions or the design principles listed at State Planning Policy 3.1 Residential Design Codes clause 5.2.1 in relation to the proposed building setback from the communal street.***
  - b. The proposal does not meet the deemed-to-comply provisions or the design principles listed at State Planning Policy 3.1 Residential Design Codes clause 5.3.3, as there is insufficient provision of visitor parking for the development complex.***
  - c. Waste disposal, as per the City's standard residential waste service is unable to occur. With the additional dwelling, there is not sufficient area, adjacent to the kerb available for two additional bins to be serviced. Each dwelling is to have two bins serviced from the verge per week. The development was subdivided on the basis of 12 dwellings in the development complex.***
  - d. The proposal does not represent orderly and proper planning, in accordance with clause 10.2.1(b) of the City of Bunbury Town Planning Scheme No. 7.***
- 2. Advise the applicant of Council's decision***
- 3. Advise the applicant that the proposal for additional dwellings at the density of R60 within the existing grouped dwelling/ strata-subdivision development of R40 would be better dealt with through strata-subdivision approval from the Western Australian Planning Commission prior to seeking development approval for additional dwellings. This approach would allow for proper consideration of the proposal within the constraints of the existing lot, rather than on an ad-hoc basis through individual development applications for each existing single strata lot.***

CARRIED

8 votes "for" / 2 votes "against"

**11. Applications for Leave of Absence**

No requests for Leave of Absence had been received at the time of printing.

**12. Motions on Notice**

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

**13. Questions on Notice**

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

Nil

**13.2 Questions from Members**

Nil

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

Nil

## 15. Meeting Closed to Public

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

#### 15.1.1 Lot 70 Winthrop Avenue

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CRUSC-1: Confidential Report Lot 70 Winthrop Avenue

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

*A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report CRUSC-1). The report is not for circulation.

#### **Recommendation**

In accordance with Section 5.23(2)(d) 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 item titled "15.1.1 Lot 70 Winthrop Avenue"

#### **Outcome – Council Meeting 28 October 2014**

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

The Mayor put the motion to the vote and was CARRIED 11 votes "for" / Nil votes "against". The meeting was closed to all members of the public and press at 5:46pm.

#### **Council Decision 404/14**

***In accordance with Section 5.23(2)(d) 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 item titled "15.1.1 Lot 70 Winthrop Avenue"***

CARRIED  
11 votes "for" / Nil votes "against"



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

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

The Mayor put the motion to the vote and was CARRIED 11 votes “for” / Nil votes “against”.

The meeting was reopened to the public and press at 5:48pm.

The Mayor advised that the Executive recommendation was moved Cr Kelly, seconded Cr Hayward and the motion was CARRIED 11 votes “for” / Nil votes “against”.

The Mayor then read out the following resolution to those present.

### **Council Decision 405/14**

*That Council delegate authority to the Chief Executive Officer to:*

*1. Formally commence the process for the disposal of Lot 70 Winthrop Avenue in accordance with legislative requirement and the Joint Venture Agreement.*

*2. Enter into an Offer and Acceptance in accordance with the following conditions:*

*- An open due diligence clause of 12 calendar months to enable time to assess the Flora/ Fauna study, Contamination report, Scheme Amendment results, final ruling on any road works from Main Roads WA and Subdivision approval.*

*- A negotiated settlement period*

*- Settlement of the property into the purchasers name (or another entity to be established) within 21 days of the due diligence clause being waived, with full payment being delayed until completion of the first stage of the development.*

*- An agreement by the City of Bunbury to fast track the studies, and the Scheme Amendment wherever possible*

*- The purchaser (or another entity to be established) to contribute towards the expansion of the Flora/ Fauna study to take in Lot 70.*

*- The purchaser (or another entity to be established) to engage a suitable engineer to prepare the necessary elements of the Scheme Amendment and make application for such.*

*- The purchaser (or another entity to be established) to commence other aspects of the due diligence requirements.*

CARRIED

11 votes “for” / Nil votes “against”

## **16. Closure**

The meeting was declared closed at 5:50pm.

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Confirmed this day 11 November to be a true and correct record of proceedings of the Bunbury City Council Meeting held 28 October 2014.

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**Mr Gary Brennan**  
**MAYOR**