

Bunbury City Council

Minutes 1 April 2014

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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 1 April 2014.

Minutes 1 April 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.

2. Disclaimer

All persons present were 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 welcomed the Youth Advisory Committee, Youth Mayor Sean Smith and Deputy Youth Mayor Jack Manini to the meeting.

The Mayor acknowledged the retirement of Mr Bill Carlsen who had been an employee of the City of Bunbury for more than 30 years. The Mayor advised that he had attended Mr Carlsen's retirement function last week where he was acknowledged for being a long serving employee of the City. On behalf of Council, the Mayor wished Mr Carlsen a long enjoyable and healthy retirement.

The Mayor also highlighted that the State budget will be brought down in May and advised he has already been in discussions with a couple of parliamentarians and the Deputy Mayor on the matter. The Mayor advised that over the next 9 months the City needs to work up a substantial bid for the State Government budget for the 2015/16 financial year and beyond, convincing the State Government to consider seriously investing in the City, particularly for regional projects. The Mayor highlighted that he be working with the CEO to develop a plan to be presented to Council for endorsement in the near future.

The Mayor also announced he had attended a meeting with the owners of the Plaza Shopping Centre, together with Director of Planning and the Director of Corporate Services to discuss very preliminary stages for a proposal to redevelop the shopping centre. The Mayor reiterated that this matter has been discussed in the past but is now going to be brought to a more project oriented focus.

4. Attendance

Present:

Council Members:	
Presiding Member	Mayor G Brennan
Deputy Presiding Member	Deputy Mayor Cr B Kelly
Members	Councillor J Hayward
	Councillor B McCleary
	Councillor J Miguel
	Councillor S Morris
	Councillor J Jones
	Councillor M Steck
	Councillor K Steele
	Councillor W Giles
	Councillor M Cook
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr A Brien
Director Community Development	Ms S Addison-Brown
Director Corporate Services	Mr W Wright
Director Planning and Development Services	Mr B Karaszekewych
Director Works and Services	Mr P Harris
Council Officers (Non-Voting)	
Media and Communications Officer	Ms L Gallo
Community Development Officer	Ms A Byrne
Executive Assistant to the CEO	Ms F Quinn
Council Meeting Support Officer	Ms J Pezzaniti
Others (Non-Voting)	
Members of the Public	13 (approximately)
Members of the Press	2

4.1 Apologies

Cr D Prosser

4.2 Approved Leave of Absence

Councillor McNeill is on approved leave of absence from all Council-related business from 1 April 2014 to 6 April 2014 inclusive.

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.”*

Outcome – Council Meeting 1 April 2014

Cr Jones declared an impartiality interest for item 10.6.1 titled *“Public Access Way Closures - Withers”* as she is a sitting member on the Aqwest Board. Cr Jones will remain in the chambers for the discussion and vote on the matter.

Cr Hayward declared an impartiality for item 10.5.2 titled *“Leschenault Inlet Masterplan”* as the business provides services to Channel 7, 9, 10 who own helicopters and Mr Gobby has been a previous client of the business. Cr Hayward will remain in the chamber for the discussion and vote on the matter

6. Public Question Time

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

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

6.1 Public Question Time

David Smith, 8 Picton Crescent

Mr Smith, asked the following three (3) questions to Council. The responses were provided by the Chief Executive Officer.

Question 1: Can you please advise progress on the development of the Tuart Brook Estate and the expenditure of the \$7million Grant from the Commonwealth?

RESPONSE: The City is continuing to work with the Department of Housing and the Commonwealth Government to explore options for the project. It is anticipated that a formal report will be provided to Council before the end of the financial year in relation to the project.

Question 2: I refer to the total of funds set aside by the State Government and council which was \$7 million - \$3.5 million each by the State and \$3.5 million by the Commonwealth for the restoration and or demolition of the Old Timber Jetty and ask for an update on what has been spent, what is left, and what is proposed to happen with the balance.

RESPONSE: The \$7M was comprised of \$3.5M from the State with matching funds from Council. The Federal Government were not a party to this project. The City has claimed a total of \$1,871,509.30 from State to reflect 50% of the eligible costs of the project to date. The City still needs pay the Contractor a final \$50,000 once the site clean-up has been approved by the Department of Transport. This will conclude the contract, notwithstanding the defects liability period. The heritage interpretation project is in the consultation phase and detailed design is to follow. The heritage project scope will be governed by the remaining funds, including a forecast 50% contribution from the state. Of the previously approved budget, there is approximately \$110,000 of City funds remaining. During the 2013/2014 budget, Council budgeted to spend \$714,974, however year to date has expended \$553,484 with a further \$44,157 committed.

There were some additional costs incurred in 2010/11 and 2011/12 that were deemed to be management costs and were not eligible for the State matching contribution (eg the installation of the boom). These additional costs were in the order of \$200, 000 but have not been included in the figures above as they were not considered to be eligible costs of the project.

Question 3: What is the time table for the development of Marlston North and what is holding up its development?

RESPONSE: As this is not a Council managed project, the City is unable to provide an update on progress. It is suggested that contact be made directly with LandCorp.

6.2 Responses to Public Questions Taken 'On Notice'

Nil

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the Bunbury City Council held 18 March 2014 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 18 March 2014 be confirmed as a true and accurate record.

Outcome – Council Meeting 1 April 2014

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

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

Council Decision 102/14

The minutes of the Ordinary meeting of the Bunbury City Council held 18 March 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

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Appendix MTBN-1 – Bunbury-Setagaya Sister Cities Committee Appendix MTBN-2 – Audit Committee Meeting Minutes 25.02.2014 Appendix MTBN-3 – Withers Advisory Committee Minutes 14.02.14

Summary

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

1. Title: Bunbury-Setagaya Sister Cities Committee – Minutes of Meeting 19 February
Author: Helena Sahm, Team Leader Arts and Culture, Community, Culture & Engagement
Appendix: MTBN-1
2. Title: Audit Committee Meeting Minutes 25 February 2014
Author: Greg Golinski, Manager Corporate Performance
Appendix: MTBN-2
3. Title: Withers Advisory Committee Minutes 14 February 2014
Author: Alison Baker, Executive Assistant, Works and Services
Appendix: MTBN-3

Council Committee Recommendation

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

1. Bunbury-Setagaya Sister Cities Committee
2. Audit Committee Meeting Minutes 25 February 2014
3. Withers Advisory Committee Minutes 14 February 2014

Outcome – Council Meeting 1 April 2014

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

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

Council Decision 103/14

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

1. **Bunbury-Setagaya Sister Cities Committee**
2. **Audit Committee Meeting Minutes 25 February 2014**
3. **Withers Advisory Committee Minutes 14 February 2014**

CARRIED

11 votes "for" / nil votes "against"

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

In accordance with section 6.9 (2)(b) of Councils Standing Orders, the CEO referred the following deputation requests to Council to decide by simple majority, whether or not to receive the deputation.

Three deputations were received:

Mr Sean Smith of 3 Balliol Court

Mr Smith requested to address Item 10.1.1 titled “*Youth Arts Festival and 3D Street Artwork proposal by YAC Committee*”.

Mr David Smith of 8 Picton Crescent

Mr Smith requested to address Item 10.2.3 titled “*Not for Profit Accommodation – CBD Sites*”.

Ms Janice Mason of 4/136 Spencer Street

Ms Mason requested to address Item 10.3.1 titled “*‘Shore lines’ Writing for Performance Festival 2014*”.

Council Decision 104/14

Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves the following deputations:

- *Mr Sean Smith relating to item 10.1.1 titled “Youth Arts Festival and 3D Street Artwork proposal by YAC Committee” and allows a period of up to 10 minutes to present to Council.*
- *Mr David Smith relating to item 10.2.3 titled “Not for Profit Accommodation – CBD Sites” and allows a period of up to 10 minutes to present to Council.*
- *Ms Janice Mason relating to item 10.3.1 titled “‘Shore lines’ Writing for Performance Festival 2014” and allows a period of up to 10 minutes to present to Council.*

CARRIED

All deputations were accepted.

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 10.2.2, 10.4.1 and 10.4.2.

Items 10.1.1, 10.2.1, 10.2.3, 10.3.1, 10.4.3, 10.5.1, 10.5.2 and 10.6.1 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 Steck, seconded Cr Jones.

10. Reports

10.1 Policy Review and Development Committee – Amendment to Terms of Reference (*was listed as item 10.2.2 of the Council Agenda*)

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

Summary

The purpose of this report is for Council to consider amending the terms of reference for the Policy Review and Development Committee to allow the Committee to consider all policies including planning policies.

Executive Recommendation

That Council amend the terms of reference of the Policy Review and Development Committee to read:

Terms of Reference

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

Background

The current purpose statement and terms of reference for the Policy Review and Development Committee is as follows:

Purpose

To review all existing Bunbury City Council policies (excluding planning policies) and facilitate the development of new policies (excluding planning policies) for consideration by the Council on an ongoing basis.

Terms of Reference

The Terms of Reference for the Policy Review and Development Committee are as follows:

1. *To work with the Mayor, Councillors and Executive Staff on the review of existing Council Administrative policies and the development of new Council Administrative policies.*
2. *To provide Bunbury City Councillors with assistance and support to develop new Administrative Council policies.*
3. *To make recommendations to Council on matters of Administrative policy, policy review and policy development.*

4. *To explore opportunities that promotes Administrative policy development in all areas of Administration matters that may fall under Council jurisdiction.*
5. *To allow any draft policy developed and fully considered by another Advisory Committee of Council to be referred directly to Council for consideration.*

Legislative Compliance

Subdivision 2 of Division 2 of Part 5 of the Local Government Act deals with Committees and their meetings.

Officer Comments

Following discussion between the Mayor and Chief Executive Officer, it is suggested that the terms of reference for the Policy Review and Development Committee be amended to also provide for the review of Planning Policies. The current purpose of this Committee specifically excludes Planning Policies, and the committee only deals with Administrative Policies.

Administrative Policies are created under the Local Government Act, and can be developed through a simple majority of Council with no public consultation required. As the name suggests, Administrative Policies typically only deal with administrative type matters.

Planning Policies are not developed under the Local Government Act, but rather under the Planning and Development Act and the City's Town Planning Scheme. The process for adopting or amending a Planning Policy is vastly different from that of an Administrative Policy, and incorporates consultation periods and gazettal.

There is no reason why the Policy Review and Development Committee could not make recommendations to Council on Planning Policy related matters.

To facilitate this, an amendment to the current terms of reference is required.

The addition of planning policies for review by the Committee will assist in the development of Town Planning Scheme 8 (TPS8) and ensure that all matters will still come back to Council for final review and endorsement.

Councillor/Officer Consultation

This report is presented direct to Council following discussion between the Mayor and Chief Executive Officer.

Council Policy Compliance

N/A

Analysis of Financial and Budget Implications

Nil

Outcome – Council Meeting 1 April 2014

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

Council Decision 105/14

That Council amend the terms of reference of the Policy Review and Development Committee to read:

Terms of Reference

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

CARRIED

11 votes "for" / nil votes "against"

10.2 Schedule of Accounts Paid for the Period 1 February 2014 to 28 February 2014 (*was listed as item 10.4.1 of the Council Agenda*)

Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-1 – Schedule of Accounts Paid

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 February 2014 to 28 February 2014 has been issued to elected members and is **attached** at Appendix DSC-1. The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$5,079,386.48
2. Advance Account – payments totalling \$3,104,293.90
3. Trust Account – payments totalling \$14,010.74
4. Visitor Information Centre Trust Account – payments totalling \$11,226.60
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$4,212,609.90
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$4,130,465.61

Executive Recommendation

The Schedule of Accounts Paid for the period 1 February 2014 to 28 February 2014 be received.

Outcome – Council Meeting 1 April 2014

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

Council Decision 106/14

The Schedule of Accounts Paid for the period 1 February 2014 to 28 February 2014 be received.

CARRIED

11 votes "for" / nil votes "against"

10.3 Financial Management Report for the Period Ending 28 February 2014 (was listed as item 10.4.2 of the Council Agenda)

Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-3 – Statement of Comprehensive Income Appendix DCS-4 – Statement of Financial Activity Appendix DCS-5 – Balance Sheet Appendix DCS-6 – Capital Works Expenditure Summary Appendix DCS-7 – Statement of Net Current Assets

Summary

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

1. Statement of Comprehensive Income (**attached** at Appendix DCS-3)
Actual Financial Performance to 28 February 2014
 - Actual operating income of \$44.21M is \$259K more than the year-to-date budgeted income of \$43.95M (refer explanation on next page).
 - Actual operating expenditure of \$27.22 is \$1.78M less than the year-to-date budgeted expenditure of \$29M (refer explanation on next page).
 - Actual operating surplus of \$17M is \$2.05M more than the year-to-date budgeted operating surplus of \$14.95M (refer explanation on next page).

2. Balance Sheet (**attached** at Appendix DCS-5)

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

	Year-to-date	Forecast
• Current Assets of \$28.9M includes:		
- Cash and Investments	\$22.63M	\$11.40M
- Rates	\$ 5.36M	\$0.22M
- Other Current Assets	\$ 0.91M	\$2.20M
• Current Liabilities of \$7.23M includes:		
- Trade and Other Payables	\$2.81M	\$5.40M
- Annual Leave and LSL Provisions	\$2.97M	\$3.46M
• Working Capital (Current Assets less Current Liabilities)	\$21.67M	\$3.02M
• Equity (Total Assets less Total Liabilities)	\$435.65M	\$415.14M

3. Capital Works (**attached** at Appendix DCS-6)
 - Actual capital works of \$13.30M is \$7.16M less than the year-to-date budgeted capital works of \$20.46M (refer explanation on next page).

Executive Recommendation

The Financial Management Report for the period ending 28 February 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-3)
- Statement of Financial Activity (**attached** at Appendix DCS-4)
- Statement of Net Current Assets (**attached** at Appendix DCS-7)
- Balance Sheet (**attached** at Appendix DCS-5)
- Capital Works Expenditure Summary (**attached** at Appendix DCS-6)

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

Council Policy Compliance

Not applicable.

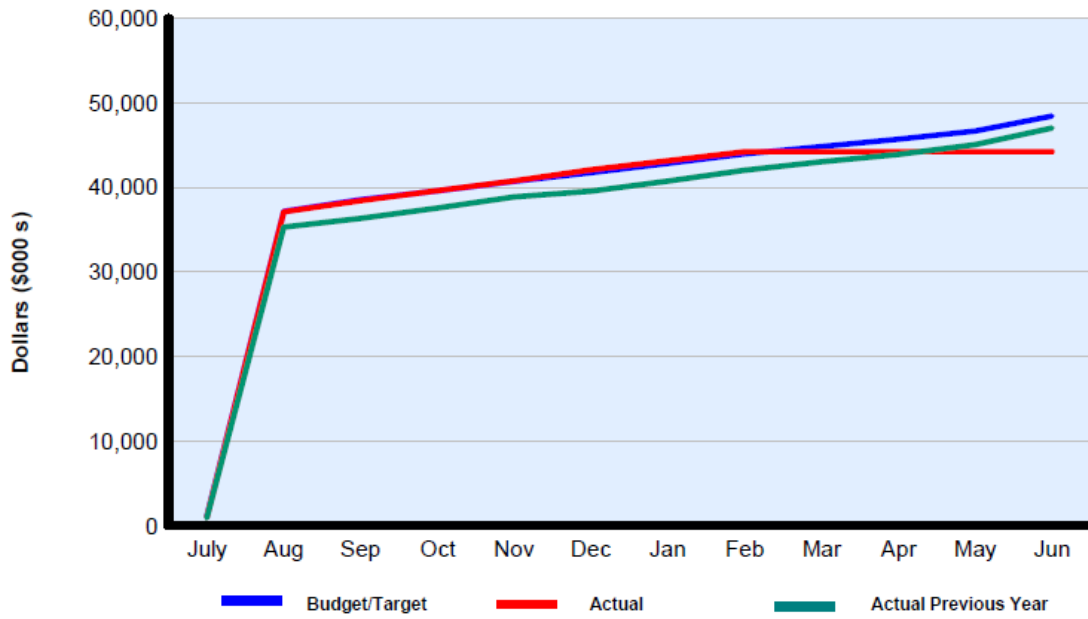
Legislative Compliance

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix DCS-4) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

Officer Comments

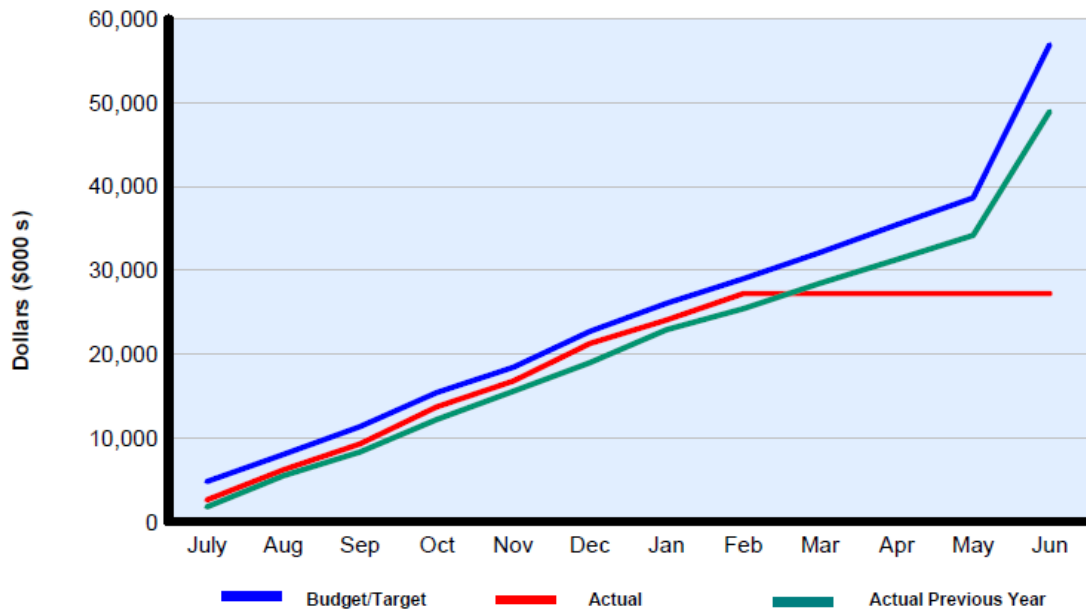
The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.

Operating income (\$000's)



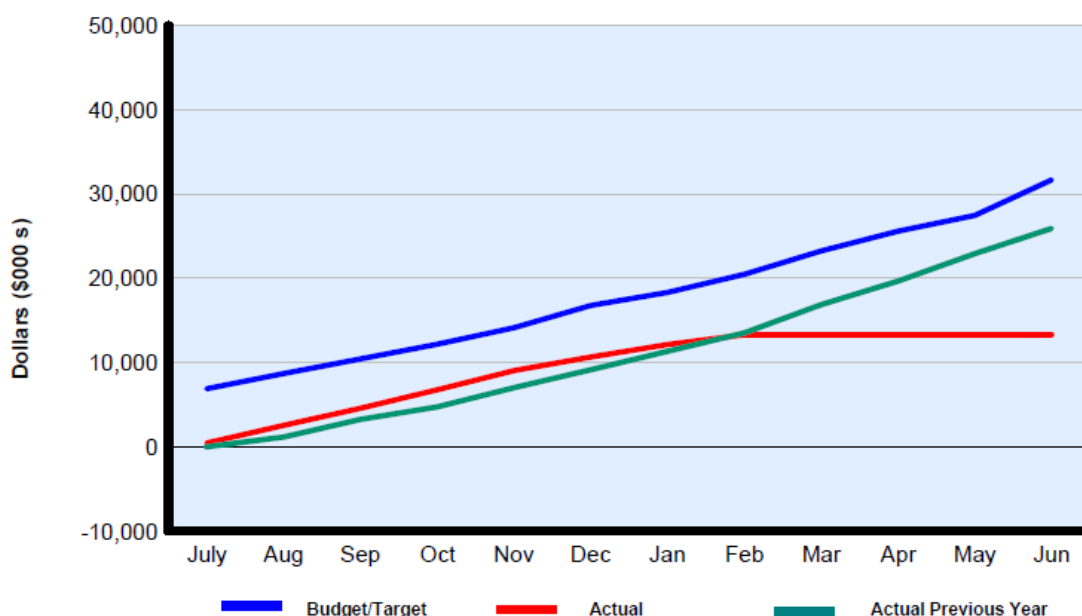
Note: Operating income includes: rates, fees and charges,
 There is a favourable actual to budget-to-date variance of \$259K.
 The draft February 2014 Budget Review forecast includes additional income of \$210K.

Operating expenditure (\$000's)



Note: Actual operating expenditure \$1.78M under the year-to-date budget due to Materials and Contracts under budget by \$1.64M.
 The February Budget Review is forecasting a reduction in operating expenditure of \$918K.

Capital Expenditure (\$ 000's)



Note: The capital expenditure variance to the end of February 2014 of \$7.16M is due to the delay in commencement or progress of various projects as reported in the monthly Capital Works Expenditure Summary Report to Council.

The draft February 2014 Budget Review proposes to decrease capital expenditure in 2013/14 by \$3.98M of which \$4.30M is deferring PR-1021 'Construct Hay Park South multi sports pavilion' to 2014/15.

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

Statement of Comprehensive Income	YTD Actual to YTD Budget Variance
Operating Expenditure	
Material and Contracts (Contract Employment Expense) – Contract employment expenses are higher than year-to-date budget estimates due to staff vacancies, workers compensation, employee leave, and using temporary agency staff in-lieu of contractors. The increase in contract employment expenses has been offset by savings contract labour and materials budgets.	(\$374,544) (818%)
Utilities (Gas Expense) – Cost of gas at the South West Sports Centre is currently \$16,620 greater than the year-to-date budget estimate. An end of year estimate has been calculated that will increase the current budget estimate by \$25,000. This revised estimate is included in the February 2014 Budget Review for Council consideration.	(\$16,280) (11%)
Non Operating Income and Expenditure	
Grants and Contributions for the Development of Assets – Year-to-date budgeted grant income for the following projects have not yet been received: PR-1444 Implement the Hands Oval Master Plan Stage 1 (\$335,001) – Grant funds will be received following acquittal of project works. The	(\$810,945) (21%)

<p>acquittal has now been prepared and submitted to the funding body with final payment of grant funds expected in March.</p> <p>PR-1952 Renew Sykes boat ramp and jetty (\$140,389) – 50% of grant funds have been received. The balance is able to be claimed on completion of the project. The project is nearing completion.</p> <p>PR-3146 Obtain and install an electrical generator for the Administration building to provide emergency power (\$130,000) – Project will no longer proceed as identified grant funding is no longer available. Income and expenditure estimates have been reduced and included in the February 2014 Budget Review.</p> <p>PR-1115 Reseal roads projects for Roads to Recovery 2013/14 (\$100,000) – The Roads to Recovery quarterly report has been submitted. Payment will be received in March for works performed to date totalling \$98,184.</p> <p>PR-3233 Install traffic control signals at the intersection of Blair Street and Mangles Street (\$144,000) – Second 40% of grant funds cannot be received until expenditure of the first 40% has occurred.</p>	
<p>Proceeds Plant and Vehicle Disposals – Changeover of various plant and vehicles scheduled to be completed by end of February are yet to occur.</p>	<p>(\$191,887) (47%)</p>

Statement of Financial Activity	YTD Actual to YTD Budget Variance
Operating Revenues	
<p>Contributions, Reimbursements and Donation – Increase in current year actual income is reflective of the following reimbursements being received in excess of the current year-to-date budget amount:</p> <p>Maintain Bores (\$28,826) – Reimbursement has been received from Main Roads WA for the Eelup Rotary Bunbury bore upgrade. A new income estimate is included in the February 2014 Budget Review that is offset by an increase in associated expenditure.</p> <p>Insurance (\$41,567) – Insurance claim reimbursement income for 2013/14 is now forecast to be \$84,424, an increase of \$25,000 on the current budget estimate. This new estimate is included in the February 2014 Budget Review.</p> <p>Workers Compensation (\$39,320) – Reimbursement of wages associated with workers compensation claims is currently in excess of year-to-date budget. An increase of \$25,000 on the current budget estimate is included in the February 2014 Budget Review.</p> <p>Property Utilities Recoupable (\$26,313) – Reimbursement of property utilities is currently in excess of year-to-date budget. An increase of \$25,000 on the current budget estimate is included in the</p>	<p>\$145,423 15%</p>

<p>February 2014 Budget Review.</p> <p>Maintain Playing Fields (\$9,843) – Reimbursement of costs associated with works required following events has been received. A new estimate of \$10,000 is included in the February 2014 Budget Review.</p>	
<p>Other Revenue – Increase in current year actual income is reflective of the following other revenue being received in excess of the current year-to-date budget amount:</p> <p>Undertake Private Works (\$21,012) – Favourable variance. This account will continue to be monitored on a monthly basis.</p> <p>Coordinate Rating (\$10,176) – Revenue associated with rate enquiries is greater than year-to-date budget. An increase of \$5,000 on the current budget estimate is included in the February 2014 Budget Review.</p> <p>Undertake Fundraising Activities for Bunbury Museum (\$5,000) – Donation income has been received for the Bunbury Museum this amount is included in the February 2014 Budget Review to be transferred to reserve.</p>	<p>\$36,425 16%</p>
<p>Operating Expenses</p>	
<p>Material and Contracts – Actual expenditure is down on year-to-date budgeted expenditure as of 28 February 2014 over both base operating and operating project accounts. Review of base operating and project budgets has identified possible savings of \$896K that are included in the February 2014 Budget Review for Council consideration. Remaining variance relates to works that will be completed during 2013/14.</p>	<p>\$1,643,324 16%</p>
<p>Capital Revenues</p>	
<p>Grants and Contributions for the Development of Assets – See explanation above included in the Statement of Comprehensive Income variances.</p>	<p>(\$810,945) (21%)</p>
<p>Proceeds on Disposal of Assets – See explanation above included in the Statement of Comprehensive Income variances.</p>	<p>(\$191,887) (47%)</p>
<p>Capital Expenses</p>	
<p>Acquisition of Assets – Variance due to delay in commencement or progress of various projects. This variance includes projects carried forward from 2012/13 (\$1.67M) that are yet to be completed and the expansion of the Bunbury Regional Entertainment Centre (\$1.64M).</p> <p>The Capital Expenditure Report included at Appendix DCS-6 provides details of all projects and the expenditure progress versus year-to-date estimates for the project. Projects have been reviewed and a reduction in expenditure requirements of \$3.99M is included in the February 2014 Budget Review.</p>	<p>\$7,165,010 17%</p>

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 1 April 2014

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

Council Decision 107/14

The Financial Management Report for the period ending 28 February 2014 be received.

CARRIED

11 votes "for" / 0 votes "against"

10.4 Youth Arts Festival and 3D Street Artwork proposal by YAC Committee (was listed as item 10.1.1 of the Council Agenda)

Applicant/Proponent:	Committee Report
Author:	Deanna Sullivan, Team Leader Community Development
Executive:	Stephanie Addison-Brown, Director Community Development
Attachments:	NIL

Summary

During recent Youth Advisory Council (YAC) Committee meetings held in early 2014, the idea of having a Youth Art Festival and 3D Street Artwork in the City of Bunbury was raised and discussed. The YAC developed a recommendation for Council to consider in this regard.

Advisory Committee Recommendation

That Council provide funds of \$50,000 in the 2014/2015 budget for the YAC Committee to be able to deliver a Youth Arts Festival and 3D Street Artwork in the City of Bunbury.

Chief Executive Officer Alternate Recommendation

That Council note the Advisory Committee recommendation and refer the matter to budget deliberations and the Bunbury Event Coordination Group.

Background

At the YAC Meeting on the 12 of February 2014, a proposal for the YAC Committee to deliver a 3D Street Artwork in the City of Bunbury and the potential this could have in Bunbury was raised by Cr Morris and discussed by the YAC members.

At the next YAC meeting on the 12 of March 2014, local artist Andrew Frazer attended to discuss the proposal in more detail and provide advice and guidance from an artist's point of view.

Committee members present were:

- Sean Smith – Youth Mayor.
- Jack Manoni – Deputy Youth Mayor
- Ebony Hribar – Committee member
- Nikeisha Cain – Committee member
- Councillor Jaysen Miguel
- Councillor Sam Morris

Through further discussions, it was suggested that the 3D Street Artwork project might be expanded into a Youth Arts Festival with the view of it being a more community focussed project. It was proposed that this festival might involve local schools, TAFE, youth, local art organisations and various agencies.

At the end of the discussions, Junior Mayor Sean Smith motioned that Council allocate \$50,000 in the 2014/2015 budget toward a Youth Arts Festival / 3D Street Artwork in the City of Bunbury. This was supported unanimously by the YAC members present (including Councillor representatives).

Council Policy Compliance

Nil

Legislative Compliance

Nil

Financial and Budgetary Implications

There is currently no allocation in the draft 2014/15 budget to undertake this project. Funds would need to be reallocated from another area of the budget to accommodate the request which will be at Council's discretion. In addition, it is suggested that external funding would also need to be sought from grants, sponsorship and other avenues to minimise the cost to Council.

Street artist Andrew Frazer suggested the street art component of the project might cost in the vicinity of \$30,000.

Officer Comments

Although the YAC Committee have motioned that Council provide \$50,000 to be able to deliver the Youth Arts Festival and 3D Street Artwork for the financial year 2014/2015, it must be noted that Council's new direction in regard to events (as decided in February 2014) is to facilitate and provide in kind support.

It is suggested that if Council wish to support this proposal, the project be referred to the Bunbury Event Coordination Group for consideration and to provide guidance to the YAC. At this point in time there is no formal business case or project scope drafted and the YAC would be reliant on support from staff in the Community Development team and the Events team to coordinate such a project. Particular economic and/or social objectives would need to be defined in the scope of the project.

Community Consultation

The YAC Committee were involved in discussions at two separate meetings regarding the proposed 3D Street Artwork and Youth Arts Festival and sought advice and input from street art expert, Andrew Frazer of Six Two Three Zero.

Councillor/Officer Consultation

Councillors Morris and Miguel were in attendance at the YAC meeting on 12 March 2014 and voted in favour of the YAC's recommendation. In addition, members of the Arts and Culture team and Community Development team were present during discussions.

Outcome – Council Meeting 1 April 2014

Mr Sean Smith of 3 Balliol Court addressed Council on this matter in support of the recommendation.

Cr McCleary moved, Cr Kelly seconded the alternate recommendation provided by the CEO being:

“That Council note the Advisory Committee recommendation and refer the matter to budget deliberations and the Bunbury Event Coordination Group.”

During discussion Cr McCleary requested the seconds permission to amend the motion to include the wording *“and request YAC develop a scope and project plan for the youth art project and festival including identification of possible sources of external funds with the support and guidance of the Bunbury Event Coordination Group and following the presentation of such project plan by the Youth Mayor to Council for consideration”*

Cr Kelly agreed to the addition.

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

Council Decision 108/14

That Council note the Advisory Committee recommendation and refer the matter to budget deliberations and the Bunbury Event Coordination Group and request YAC develop a scope and project plan for the youth art project and festival including identification of possible sources of external funds with the support and guidance of the Bunbury Event Coordination Group and following the presentation of such project plan by the Youth Mayor to Council for consideration.

CARRIED

11 votes “for” / nil votes “against”

10.5 Bunbury Regional Entertainment Centre Board – Councillor Representative *(was listed as item 10.2.1 of the Council Agenda)*

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

Summary

The purpose of this report is for Council to consider nominating a representative to the Board of the Bunbury Regional Entertainment Centre (BREC Board).

Executive Recommendation

That Council nominate Cr _____ as the City's representative on the Board of the Bunbury Regional Entertainment Centre.

Background

The Bunbury Regional Entertainment Centre is a City of Bunbury asset. It opened in 1990 and provides the people of Bunbury and the South West Region with the opportunity to view and participate in performances staged in a world-class facility.

The BREC Board comprises ten (10) members of the community with a commitment to the performing arts. Council's previous representative on this Board was the former Deputy Mayor Stephen Craddock. A letter has been received from the Chairman of the BREC Board requesting that a City Councillor be appointed as a BREC Board Member.

Legislative Compliance

N/A

Officer Comments

The BREC Board is not a committee of Council constituted under the Local Government Act, but rather an external body with Council representation. The constitution of the BREC Board provides for a Councillor to be a representative on that Board.

Councillor Murray Cook has previously expressed an interest in nominating for this position.

Councillor/Officer Consultation

Nil

Council Policy Compliance

N/A

Analysis of Financial and Budget Implications

Nil

Outcome – Council Meeting 1 April 2014

The Mayor called for nominations to the Board of the Bunbury Regional Entertainment Centre. Cr Kelly expressed his desire to nominate as the City's representative. No other nominations were received.

The recommendation was then moved Cr Hayward, 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 109/14

That Council nominate Cr Kelly as the City's representative on the Board of the Bunbury Regional Entertainment Centre.

CARRIED

8 votes "for" / 3 votes "against"

10.6 Not for Profit Accommodation – CBD Sites *(was listed as item 10.2.3 of the Council Agenda)*

Applicant/Proponent:	Internal
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-1 - Summary of NFP Sites

Summary

Following the decision to move the development of the Not For Profit Project from the Stirling Street Arts Centre site, the Council resolved for the CEO to identify alternative locations within the CBD in consultation with proposed users of the facility. This study has now been completed and a preferred site has been identified.

Following Council endorsement of the site, further consultation will be undertaken with user groups, LotteryWest, relevant government agencies and potential private sector investors.

Executive Recommendation

That Council:

1. Endorse Lot 4 68 Wittenoom Street (Gallery carpark) as the preferred location for a new Lottery House/Not for Profit building;
2. Authorise the CEO to commence the next stage of development of detailed concept plans in conjunction with user groups and LotteryWest;
3. Authorise the CEO to investigate potential business models for the development, construction and ownership of the building;

Background

At the Council Meeting held 4 February 2013 Council Resolved (Decision 32/14)

That Council:

1. Accept that the Street Arts Centre Site is not an acceptable site for the development of Not-for-Profit Development based on opposition from Stirling Street residents.
2. Authorise the CEO to investigate alternate land and design options in conjunction with Lotterywest and current and proposed Not-for-Profit User Groups for Council consideration.
3. Authorise the CEO to progress consultation with the SSAC users, the ROSS group and other interested stakeholders to develop an overall concept plan for the Stirling Street Arts Centre site on the needs of the current user groups and feedback from the ROSS Group and other stakeholders
4. Request that in relation to points 2 and 3 above, following investigation and consultation, the CEO prepare reports for consideration by Council.

Council Policy Compliance

Nil

Legislative Compliance

Nil

Financial and Budgetary Implications

Work undertaken to date in relation to the site analysis and development of the preliminary concepts has all be completed in-house.

In order to progress to the next stage of detailed concept plans there is funding currently allocated in the 2013/14 budget. Funding for construction of the building once all studies are complete will form the basis of a separate report.

Officer Comments

The development of the Not-for-Profit accommodation study identified a number of potential locations for the construction of a new Lottery House within Bunbury. The project has been ongoing for some time and various options for co-location have been explored and slowly discounted. The decision not to proceed with the Stirling Street Arts Centre Site had resulted in a complete redesign of the concept of a joint facility and leveraged funding.

The decision was made to move away from a joint facility and move to a purpose built facility within the CBD, preferable on land owned in freehold by Council.

Alternative sites owned by private sector were considered and all sites were progressively shortlisted down based on site constraints to three sites, these being:

- Lot 4 – 68 Wittenoom Street (Art Gallery car park) – Owned by City of Bunbury
- Lot 775 – 38 Wittenoom Street and Lot 123 – 36 Wittenoom Street (opposite the Lord Forrest) – Crown and private land
- Lot 100 – 9 Edward Street (Old Hospital site) – Private land

Of the final three shortlisted sites the preferred site is Lot 4, 68 Wittenoom Street (Gallery carpark). A summary of all the sites considered is **attached** at Appendix CEO-1.

A preliminary concept plan has been provided to Councillors under separate cover to outline the initial concepts and thinking behind the proposal. These preliminary design considerations were prepared primarily to test the site and ensure that an appropriate mix of uses could be achieved on the site.

The opportunity to integrate the Not-for-Profit facility with the existing BRAG and in turn obtain additional exhibition space is seen as a positive outcome and through the incorporation of some commercial or residential space will help to ensure the longer term financial viability of the project.

Community Consultation

Consultation has occurred with the key user groups from the current Lottery House following the decision to move away from the Stirling Street Arts Centre site.

Councillor/Officer Consultation

The Chief Executive Officer briefed Councillors on this proposal at an informal briefing session in early March and all relevant Council staff have been involved in the development of the initial concept plans distributed under separate cover.

Outcome – Council Meeting 1 April 2014

Mr David Smith of 8 Picton Crescent addressed Council on this matter.

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

During discussion Cr Kelly requested the mover and seconder consider an additional point 4 to the motion being: *“4. Detailed concept plans are to include scoping of additional gallery space”*

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

Council Decision 110/14

Executive Recommendation

That Council:

- 1. Endorse Lot 4 68 Wittenoom Street (Gallery carpark) as the preferred location for a new Lottery House/Not for Profit building;***
- 2. Authorise the CEO to commence the next stage of development of detailed concept plans in conjunction with user groups and LotteryWest;***
- 3. Authorise the CEO to investigate potential business models for the development, construction and ownership of the building;***
- 4. Detailed concept plans are to include scoping of additional gallery space***

CARRIED

11 votes “for” / nil votes “against”

10.7 'Shore Lines' Writing for Performance Festival 2014 *(was listed as item 10.3.1 of the Council Agenda)*

Applicant/Proponent:	Internal
Author:	Stephanie Addison-Brown, Director Community Development
Executive:	Stephanie Addison-Brown, Director Community Development
Attachments:	Nil

Summary

In February 2014, Council made a decision to run only two events in house: Australia Day and Christmas Carnivale.

At the time of the decision, the Shore Lines (Writing for Performance) festival/event was already programmed to run in July 2014.

The Shore Lines Committee met with staff and later with the Mayor to request that the event programmed for July 2014 may still go ahead. During discussions it was noted that the event was already budgeted in this financial year and would not be an additional cost to Council. In addition, the Committee and staff have developed a revised scope for the event and can now run it at a significantly reduced cost.

It was also noted during discussions that the winners of the Shore Lines 'writing for performance' competition were expecting their work to be performed in Bunbury in July 2014 as part of the competition.

Executive Recommendation

That Council agrees to still run the programmed 2014 Shore Lines Writing for Performance event with a reduced budget of \$7,000 and notes that this will be the last year this event will be coordinated and funded by Council in house.

Background

Shore Lines is a quirky and creative festival comprising two main elements - a 'writing for performance' competition and a festival where winning pieces are performed.

The current Shore Lines festival writing competition was opened in July 2013 and the entries were judged in January 2014. Winners were announced in March 2014.

A panel from the South West Edith Cowan University Arts Program donated their time to assess about 100 pieces of work including songs, poetry, plays, monologues and performance prose.

It was noted that the quality of work this year was extremely high. Amongst the prize winners (yet to be announced) were entrants from all over Western Australia and from as far away as Victoria. It is exciting that this year's winner of the Open Section, who is still to be informed, is an up-and-coming Bunbury based writer.

Part of the prize, and the thing that sets Shorelines apart from other writing competitions, is the chance to have the winning pieces of work showcased through a public performance in Bunbury.

Opportunities like this are few and far between for poets and playwrights and in many ways more valuable than any monetary prize.

The performance component of the festival also gives all who entered a chance to see the winning works. It attracts writers and their family and friends from Perth and other parts of Western Australia to Bunbury for the weekend to watch the work performed. It boosts the local economy and adds vibrancy to the CBD in what is a very quiet time of the year for retailers and where there is little, if any, competition from other events.

By holding the festival in free, public venues in the CBD, it gives community members who may not ordinarily be exposed to arts and culture, the chance to enjoy it, in an informal, accessible and non-threatening environment.

Council Policy Compliance

Nil

Legislative Compliance

Nil

Financial and Budgetary Implications

The Shore Lines event had a budget of just over \$40,000 (including salaries) in the 2013/14 financial year. The Shore Lines Committee and Event Team staff have worked together to reduce the budget and scope of the event for July 2014 with the hope that the event may still go ahead as originally planned this year. The proposed revised budget is \$7,000 which is a significant reduction.

There is no budget allocation for Shore Lines in Council's draft 2014/15 budget as per the Council decision of February 2014 to no longer run this event in house.

Officer Comments

The Event Team and the Shore Lines Committee have worked collaboratively in the last year to develop an enhanced scope for the Shore Lines competition and festival to raise its profile. Given the writing component of the Shore Lines program took place only three months ago and winners are expecting their pieces to be performed in July, it makes sense to finish the Shore Lines program for this year as planned, especially given it has already been budgeted and costs have now been reduced significantly. The event has been pared back from a three day festival to a one day event to reduce costs. It is understood by all involved that Council will no longer underwrite this event into the future.

The Shore Lines Committee has advised that given the timeframe between the Council decision and the date of the proposed event, they was not sufficient time for them to establish themselves as an incorporated body or source alternate funds. The July event has received a grant from the South West Development Commission of \$4,200. With revision and scaling back of the festival plans, it is understood they will still award the festival \$2,000.

Allowing the event to continue this year will ensure that Shore Lines does not suffer damage to its reputation which has been built up over a period of twelve years.

The revised proposal for the 2014 Shore Lines event was discussed with the newly formed Bunbury Event Coordination Group on Monday 17 March and this group was highly supportive of the event still going ahead this year.

Community Consultation

The Shore Lines Committee were advised in February 2014 of Council's decision to no longer run the event. The Committee requested that Council consider finishing the current program given the writing component had been complete and the winners were expecting to have their pieces performed at the event in July 2014.

The Shore Lines Committee have worked with staff to propose an event with a reduced budget just to finalise the program for 2014. This event was already budgeted in the 2013/2014 financial year and the Shore Lines Committee have demonstrated they can run the event with significantly less funding than originally budgeted.

The Shore Lines Committee are currently looking at ways to continue with their competition and event themselves without being reliant on Council for funding and staff resources.

The revised proposal for the 2014 Shore Lines event was discussed with the newly formed Bunbury Event Coordination Group on Monday 17 March and this group was highly supportive of the event still going ahead this year.

Councillor/Officer Consultation

The Shore Lines Committee have met with the Mayor formally and other Councillors informally to discuss their proposal for the event to still take place in 2014.

Outcome – Council Meeting 1 April 2014

Ms Janice Mason of 4/136 Spencer Street addressed Council on this matter in support of the recommendation.

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 111/14

That Council agrees to still run the programmed 2014 Shore Lines Writing for Performance event with a reduced budget of \$7,000 and notes that this will be the last year this event will be coordinated and funded by Council in house.

CARRIED

11 votes "for" / nil votes "against"

10.8 Budget Review February 2014 (was listed as item 10.4.3 of the Council Agenda)

Applicant/Proponent:	Internal
Author:	David Ransom, Manager Finance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-2 – Budget Review February 2014 Appendix DCS-3 – Statement of Comprehensive Income Appendix DCS-4 – Statement of Financial Activity Appendix DCS-6 – Capital Works Expenditure Summary Appendix DCS-7 – Statement of Net Current Assets

Summary

Council adopted the 2013/14 Budget on 31 July 2013 and on 17 September 2013 Council amended the Budget to include 2012/13 projects not commenced or not completed to be carried forward into 2013/14. A budget review was conducted in October 2014 and amendments were adopted by Council on 26 November 2014. The current budget of \$77.4M comprises of \$31.7M capital works, \$1.4M debt reduction and \$44.3M in operating expenditure (excluding depreciation).

A further budget review has been completed as at 28 February 2014. Proposed changes to operating income and expenditure will decrease the Operating Deficit from \$8,500,282 to \$7,415,027, a decrease of \$1,085,255.

Capital Expenditure will decrease by \$3,985,621, mainly due to deferring \$4,297,319 for the construction of the Hay Park multi sports pavilion to 2014/15. Capital Income will decrease by \$2,924,737 of which \$2,748,657 relates to the Hay Park multi sports pavilion.

As a result of the above changes our estimated funds at 30 June 2014 will increase from a surplus of \$40,207 to a surplus of \$468,251.

The following supporting documents are **attached** at Appendix DCS-1 – DCS-7 for the period ending 28 February 2014:

- Budget Review February 2014	Appendix DCS-2
- Statement of Comprehensive Income	Appendix DCS-3
- Statement of Financial Activity	Appendix DCS-4
- Statement of Net Current Assets	Appendix DCS-7
- Capital Works Expenditure Summary	Appendix DCS-6

Executive Recommendation

1. Council adopt the February 2014 Budget Review with the following budget variations and amends the current budget accordingly:

Original Budget Surplus Closing Funds	\$0
Current Adopted Budget Surplus Closing Funds (After October 2014 Budget Review)	\$40,207

Operating Revenue:	
- Increase Rates	\$13,924
- Increase Grants and Subsidies	\$72,595
- Increase Contributions Reimbursements	\$77,455
- Increase Fees and Charges	\$94,960
- Decrease Interest Received	(\$28,124)
- Decrease Other Revenue	<u>(\$15,742)</u>
	\$215,068
Operating Expenses:	
- Increase Employee Costs	(\$52,360)
- Decrease Material and Contracts	\$847,823
- Decrease Utilities	\$28,413
- Decrease Other Expense	<u>\$46,311</u>
	\$870,187
Capital Revenue:	
- Decrease Grant/Contributions for Assets	(\$2,924,737)
- Increase Interest on Capital Grants	\$379
- Decrease Proceeds from Disposal of Assets	(\$210,000)
- Decrease Proceeds from New Loans	(\$1,406,682)
- Decrease Transfers from Restricted Cash	<u>(\$101,792)</u>
	(\$4,642,832)
Capital Expenditure:	
- Decrease Employee Costs	\$3,893
- Decrease in Materials and Contracts	\$3,971,633
- Decrease Cost Allocations	<u>\$10,095</u>
	\$3,985,621
Net Increase in Closing Funding Surplus from Budget Review	<u>\$428,044</u>
Revised Budget Surplus Closing Funds at 30 June 2014	\$468,251

(Note: The budget review includes a transfer of \$80,584 from PR-2580 'Prepare detailed design to improve the Leshenault Inlet Precinct 4 – Queens Gardens'; to PR-2578 'Prepare detailed design to improve the Leshenault Inlet Precinct 2 - Koombana South.' This is also covered under a separate agenda item by the Director Planning and Development Services and is therefore subject to Council endorsement of both agenda items.)

2. A new reserve, 'Bunbury Museum Heritage Centre' is created for the purpose of receipting fund raising donations and contributions for the fit out of this Centre.

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

Background

The Executive Leadership Team and Finance Staff have reviewed the 2013/14 Budget for the period ending 28 February 2014. Budget review items have been identified and supporting financial statements prepared incorporating year-to-date budget forecasts to 30 June 2014.

The February 2014 Budget Review is presented to Council for consideration.

Council Policy Compliance

Not applicable.

Legislative Compliance

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

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

**Absolute majority required.*

Within 30 days after Council has adopted the February 2014 Budget Review, a copy of the review and Council's decision will be provided to the Department of Local Government.

Officer Comments

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

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

Analysis of Financial and Budget Implications

The changes to operating income and expenditure will decrease the Operating Deficit from \$8,500,282 to \$7,415,027, a decrease of \$1,085,255 due to savings identified in the 2013/14 operating budget. Capital Expenditure will decreased by \$3,985,621 and Capital Income decreased by \$2,924,737.

As a result of the above changes the budgeted surplus funds at 30 June 2014 will increase by \$428,044 from \$40,207 to a surplus of \$468,251 as shown below:

Surplus from Budget Review Report (attached at DCS-2)	\$1,936,518
Less Decrease in Proceeds from New Loans:	
Loan 365 Hay Park multi sports pavilion (deferred to 2014/15)	(\$1,380,615)
Loan 368 Road Works (not required)	<u>(\$26,067)</u>
	(\$1,406,682)
Less Increase to Reserves:	
City of Bunbury General Parking	(\$52,865)
Environmental	(\$40,000)
City Arts Collection	(\$5,493)
Bunbury Museum Heritage Centre	(\$10,000)
Central Traffic Area (3)	(\$30,000)
Refuse Collection and Waste Minimisation	(\$33,484)

Road Upgrade Contributions	(\$122,728)
Withers (2013/14 annual allocation as per Council Resolution)	<u>(\$300,000)</u>
	(\$594,570)
Plus Decrease to Reserves:	
College Grove Subdivision	\$60,000
Ocean Drive Underground Power (Specified Area Rate)	\$18,368
Withers	<u>\$479,000</u>
	\$557,368
Less Increase in Unspent Grants and Loans	<u>(\$64,590)</u>
Increase in Closing Funds from February Budget Review	<u>\$428,044</u>

Details of the budget changes contained within this budget review are shown in the Budget Review February 2014 report **attached** at Appendix DCS-2 and the Financial Statements **attached** at Appendices DCS-3 – DCS-7.

Community Consultation

Not applicable

Councillor/Officer Consultation

The Executive Leadership Team have reviewed the February 2014 Budget Review.

Outcome – Council Meeting 1 April 2014

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

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

Council Decision 112/14	
1. Council adopt the February 2014 Budget Review with the following budget variations and amends the current budget accordingly:	
Original Budget Surplus Closing Funds	\$0
Current Adopted Budget Surplus Closing Funds (After October 2014 Budget Review)	\$40,207
Operating Revenue:	
- Increase Rates	\$13,924
- Increase Grants and Subsidies	\$72,595
- Increase Contributions Reimbursements	\$77,455
- Increase Fees and Charges	\$94,960
- Decrease Interest Received	(\$28,124)
- Decrease Other Revenue	(\$15,742)
	\$215,068

Operating Expenses:

- Increase Employee Costs	(\$52,360)
- Decrease Material and Contracts	\$847,823
- Decrease Utilities	\$28,413
- Decrease Other Expense	\$46,311
	\$870,187

Capital Revenue:

- Decrease Grant/Contributions for Assets	(\$2,924,737)
- Increase Interest on Capital Grants	\$379
- Decrease Proceeds from Disposal of Assets	(\$210,000)
- Decrease Proceeds from New Loans	(\$1,406,682)
- Decrease Transfers from Restricted Cash	(\$101,792)
	(\$4,642,832)

Capital Expenditure:

- Decrease Employee Costs	\$3,893
- Decrease in Materials and Contracts	\$3,971,633
- Decrease Cost Allocations	\$10,095
	\$3,985,621

Net Increase in Closing Funding Surplus from Budget Review

\$428,044

Revised Budget Surplus Closing Funds at 30 June 2014

\$468,251

(Note: The budget review includes a transfer of \$80,584 from PR-2580 'Prepare detailed design to improve the Leshenault Inlet Precinct 4 – Queens Gardens'; to PR-2578 'Prepare detailed design to improve the Leshenault Inlet Precinct 2 - Koombana South.' This is also covered under a separate agenda item by the Director Planning and Development Services and is therefore subject to Council endorsement of both agenda items.)

2. A new reserve, 'Bunbury Museum Heritage Centre' is created for the purpose of receipting fund raising donations and contributions for the fit out of this Centre.

CARRIED

11 votes "for" / nil votes "against"

**Note absolute majority vote obtained*

10.9 Draft Local Planning Policy: Signage and Advertisements (was listed as item 10.5.1 of the Council Agenda)

File Ref:	A04151
Applicant/Proponent:	City of Bunbury
Author:	Ann-Kristin Jank, Senior Strategic Planner
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-1 - BCCI Letter of Support Appendix DPDS-2 - Final Draft Local Planning Policy Appendix DPDS-3 - Signage and Advertisements Study Appendix DPDS-4 - Schedule of Submissions

Summary

Historically the City of Bunbury has regulated advertising and signage through the *Local Law Relating to Advertising Devices* (Local Law) and its associated Advertising Devices Policy (ADP). However, the findings of a report titled *Local Laws Regulating Signs and Advertising Devices* prepared by the Joint Standing Committee on Delegated Legislation in 2009, highlighted the need for local governments to move away from the use of local laws made under the *Local Government Act 1995*, to regulate signage on private property towards the use of the local planning policy framework under the *Planning and Development Act 2005*, as the most appropriate mechanism. Subsequently, in 2010 the Department of Local Government advised councils that in its opinion, signs and advertising devices on private property should be more appropriately administered under the *Planning and Development Act 2005* (i.e. by Local Planning Schemes and Local Planning Policies).

In response to those findings and in order to support the development assessment process, a draft *Local Planning Policy: Signage and Advertisements* was prepared and publicly advertised for comment during July and August 2013, with two submissions being received. Feedback was also sought from the Bunbury Chamber of Commerce and Industries (BCCI) as requested by Council. A letter of support is **attached** Appendix DPDS-1.

After numerous meetings and workshops with the BCCI after the public advertising period, a number of significant changes have been made to the final draft of the proposed Local Planning Policy. Text highlighted in yellow in the draft Local Planning Policy outlines interpretations of comments and suggestions by the BCCI including the following:

- Additional purpose statement and objective for city centre;
- New Map 2 outlining City Centre Zone Signage Control Area and Central Business District Signage Control Area; and
- New development requirements for signage in the city centre, specifically unlimited sign face areas, consideration of third party signage, illuminated and animated signage.

The draft Local Planning Policy does not apply retrospectively, in that, existing compliant signage is not affected by this policy.

It is considered that those changes are significant and warrant re-advertising of the proposed final draft Local Planning Policy for 21 days, in accordance with the Scheme, prior to adoption.

The final draft Local Planning Policy, with modifications resulting from submissions and workshops with the BCCI, translates the intent and provisions of the Local Law and ADP into one Local Planning Policy for the regulation of signage and advertising under the Town Planning Scheme (the Scheme) where proposed on zoned land. A copy of the final draft Local Planning Policy is **attached** at Appendix DPDS-2.

Council resolved the following on 26 November 2013 (Council Decision 360/13):

Pursuant to Clause 11.1(b) of the City of Bunbury Standing Orders 2012, the debate on this matter be adjourned until the Council meeting to be held on 10 December 2013 to enable the Bunbury Chamber of Commerce and Industry to provide feedback from their members to Councillors.

Recommendation A

Pursuant to clause 11.6 of the City of Bunbury Standing Orders 2012, the debate be resumed in order for further discussion to be undertaken.

Executive Recommendation

That Council,

- 1. In accordance with Clause 2.3 of the City of Bunbury Town Planning Scheme No. 7, re-advertise the draft Local Planning Policy: Signage and Advertisements for public comment for a period of not less than 21 days.*
- 2. Reconsider the draft Local Planning Policy: Signage and Advertisements at the conclusion of the public advertising period.*

Background

Council resolved to advertise the initial draft Local Planning Policy on 11 June 2013 (Council Decision 161/13):

That Council,

- 1. In accordance with Clause 2.3 of the City of Bunbury Town Planning Scheme No. 7, advertise the draft Local Planning Policy: Signage and Advertising Devices for public comment for a period of not less than 42 days.*
- 2. Reconsider the draft Local Planning Policy: Signage and Advertising Devices at the conclusion of the public advertising period.*
- 3. Particularly refer the draft Local Planning Policy: Signage and Advertising Devices to the Chamber of Commerce and local sign writers for specific consultation.*

The draft Local Planning Policy was publicly advertised for an extended period of 56 days, from 3 July 2013 until 27 August 2013, with a total of two submissions having been received.

Council Policy Compliance

The procedure for making or amending a Local Planning Policy is set out under Clause 2.3 of the Scheme.

Legislative Compliance

In accordance with the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967*, Local Planning Policies are adopted under Part 2 of the Scheme. Local Planning Policies whilst not part of the Scheme, provide guidance in the preparation and assessment of applications for planning approval in relation to specific issues or a range of issues in a specific place.

Officer Comments

The proposed draft Local Planning Policy translates the former Local Law and ADP into one contemporary Local Planning Policy for the regulation of signage and advertising devices on zoned land and buildings.

The proposed draft Local Planning Policy provides a framework for defining various types of signage and the requirements for their development through the application for planning approval procedure. As such, it provides design standards for dimensions and sign face areas, and assessment criteria for determining the suitability of proposals relative to the land use zones in which they are proposed.

The proposed draft Local Planning Policy is supported by the accompanying *Signage and Advertisements Study*, which is **attached** at Appendix DPDS-3.

The study:

- outlines the underpinning principles and methodology behind the proposed draft Local Planning Policy and the former system of regulation under the *Local Government Act 1995*;
- details how the essential elements of the Local Law and ADP are reflected in the proposed draft Local Planning Policy and it outlines why other elements have been omitted; and
- with regard to later reviews, includes a number of recommendations for changes to the Scheme and the ADP.

Modifications to the initial draft Local Planning Policy, including the addition of Clause 8.15 - introducing the concept of 'Precinct Signage Plans' for lot(s) entailing numerous buildings and/or tenancies, resulting from an analysis of the submissions, have been outlined in the Schedule of Submissions **attached** at Appendix DPDS-4.

Analysis of Financial and Budget Implications

There are no known financial or budget implications resulting from the draft Local Planning Policy.

Community Consultation

The initial draft Local Planning Policy was advertised for an extended period of 56 days, from 3 July 2013 until 27 August 2013, including:

- the City of Bunbury website;
- public notices placed in a locally circulated newspaper;
- letters to local sign writers and the Bunbury Chamber of Commerce and Industries (BCCI); and
- public information sessions.

The initial draft Local Planning Policy and accompanying study have been distributed to local sign writers and the BCCI. One information session was held at the Council Administration Building on 5 July 2013 from 4pm until 6pm. Another information session was held at the BCCI premises on 8 August 2013, after the BCCI invited members in their newsletter to attend. Both sessions received positive feedback.

A total of two submissions were received. One submission fully supported the proposed draft Local Planning Policy. The other submission requested changes, which have been substantially incorporated into the final draft of the proposed Local Planning Policy, as outlined in the Schedule of Submissions.

With the benefit of the public advertising period, incorporating two information sessions and internal workshops with staff, some changes have been made to the initial draft Local Planning Policy.

After the public advertising period council officers attended several meetings and workshops with the BCCI in relation the draft Local Planning Policy resulting in significant changes, especially regarding signage within the city centre.

Councillor/Officer Consultation

Officers of the Planning and Development Services Directorate have participated in the preparation of the proposed draft Local Planning Policy. The Executive Leadership Team (ELT) has also been briefed on the formulation process and content of the proposed draft Local Planning Policy.

Outcome – Council Meeting 1 April 2014

The recommendation A (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 113/14

Pursuant to clause 11.6 of the City of Bunbury Standing Orders 2012, the debate be resumed in order for further discussion to be undertaken.

CARRIED

11 votes "for" / nil votes "against"

The Executive 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.

For ease of reference, council decision is listed overleaf.

Council Decision 114/14

That Council,

- 1. In accordance with Clause 2.3 of the City of Bunbury Town Planning Scheme No. 7, re-advertise the draft Local Planning Policy: Signage and Advertisements for public comment for a period of not less than 21 days.***
- 2. Reconsider the draft Local Planning Policy: Signage and Advertisements at the conclusion of the public advertising period.***

CARRIED

10 votes “for” / 1 vote “against”

Cr Steck requested that her vote “against” be recorded.

10.10 Leschenault Inlet Masterplan *(was listed as item 10.5.2 of the Council Agenda)*

File Ref:	A05205
Applicant/Proponent:	Internal
Author:	Bob Karaszewych, Director Planning and Development Services
Executive:	Bob Karaszewych, Director Planning and Development Services
Attachments:	Nil.

Summary

At the Council Meeting held 18 March 2014, Council resolved the following:

“Council Decision 95/14

Pursuant to clause 11.1(b) of the City of Bunbury Standing Orders the debate regarding the Leschenault Inlet Master Plan be adjourned until the Council meeting to be held 1 April 2014.”

Recommendation A

Pursuant to clause 11.6 of the City of Bunbury Standing Orders 2012, the debate be resumed in order for further discussion to be undertaken.

Amended Executive Recommendation

That Council:

1. Supports an amendment to the Leschenault Inlet Masterplan, Precinct 3 - Bicentennial Square to incorporate a Heliport.
2. Publicly advertise the proposal and seek comment from appropriate aviation; safety; environmental; and maritime authorities, prior to any further consideration of the proposal.
3. Requests a report on any submissions received for the further consideration of Council.
4. Supports the Heliport as a project in the 2014/15 draft budget, for discussion purposes.
5. Advises that support for a Heliport in Precinct 3 of the Leschenault Inlet Masterplan shall preclude any structure being located in or on the waters of the Leschenault Inlet.

Background

The purpose of this report is to seek Council support to amend the Leschenault Inlet Masterplan (LIMP) adopted by Council on 11 June 2013, to incorporate a floating pontoon Heliport in Precinct 3 Bicentennial Square to accommodate emergency services; business visitation and tourism.

At the Council Meeting of 11 June 2013, Council resolved (Decision 165/13) to adopt the Leschenault Inlet Masterplan.

Council Decision 165/13

That Council resolves:

1. *To adopt the Leschenault Inlet Masterplan subject to:
(a) Recommendations as at Appendix CEO-1 being endorsed; and
(b) Actions as at Appendix CEO-1 being undertaken.*
2. *That a further report be provided to Council specifically focused on potential options and strategies for funding of any of the works identified on or before 30 July 2013.*
3. *A briefing package on the Masterplan be prepared to lobby both State and Federal Government for funds to help progress various stages of the Masterplan on or before 30 July 2013.*
4. *That submitters be advised.*

The current practice of periodic helicopter joy flights at Luciana Park is potentially short-lived given Council approval to establish a Water playground at Luciana Park commencing with landscape improvements, in the near future; and the latent development potential for land opposite the Dolphin Discovery Centre.

Council Policy Compliance

The Leschenault Inlet Masterplan is consistent with the following Council policies:

- A. Council Policy DWS-4 Provide Diverse Range of Activities and Facilities for Residents and Visitors states:
"To enhance the quality of life for visitors and residents of Bunbury through the provision of a diverse range of high quality and cost effective recreational; activities and or facilities."
- B. Council Policy DCS-4 Integrated Planning states:
"Council is committed to achieving best practice and legislative compliance in its Integrated Planning Performance in which activities and services delivered by the City of Bunbury are aligned with community expectations and objectives".
- C. Council Policy CEO-5 Economic Development states:
"To promote Greater Bunbury's regional advantage and support the necessary conditions for sustained investment, growth and employment generation."

Legislative Compliance

Under the *Planning and Development Act 2005* the Western Australian Planning Commission (WAPC) has responsibility for the administration of the Greater Bunbury Region Scheme (GBRS). As the majority of the Inlet is reserved for Regional Open Space under the GBRS, the WAPC through the Department of Planning has both endorsed the preparation of the Masterplan and participated in the planning process. In addition, the Ministerial Taskforce for the Waterfront project had endorsed the preparation of the Masterplan.

Officer Comments

The Masterplan has been designed to be implemented in manageable components over time, and this is expressed as Precincts. Precinct 3 – Bicentennial Square is partly zoned Regional Centre, and

partly reserved Regional Open Space and Other Regional Roads, and abuts the Waterways reservation. The proposed location of the proposed floating pontoon Heliport is upon Regional Open Space. Given that changes to the LIMP are on Regional Open Space and if Council wants it endorsed by the WAPC, then it would need to demonstrate that appropriate consultation has been undertaken.

Analysis of Financial and Budget Implications

The financial and budgetary impact of implementation of this proposal is estimated to be between \$35,000 - \$50,000 depending on the actual design and fittings associated with the floating pontoon Heliport. A Heliport suitable to accommodate the larger emergency services helicopter requires a landing platform of 6 metres by 6 metres square and is reflected in the above cost. The floating pontoon is adaptable for a range of other social and cultural activities.

Council could choose to receive revenue from landing and other uses on the basis of user pays.

Community Consultation

It is intended to prepare a consultation strategy should Council support the proposal.

Councillor/Officer Consultation

The Executive Leadership Team is aware and supports of the proposal.

Outcome – Council Meeting 1 April 2014

Cr Hayward declared an impartiality interest in this matter (see section 5) and remained in the chamber for the discussion and vote on the matter.

Recommendation A (as printed) was moved Cr Jones, seconded Cr Kelly. The Mayor put the motion to the vote and was adopted.

Council Decision 115/14

Pursuant to clause 11.6 of the City of Bunbury Standing Orders 2012, the debate be resumed in order for further discussion to be undertaken.

CARRIED
9 votes "for" / 2 votes "against"

The Mayor called for a mover and seconder of the Executive Recommendation. No elected member was in support of moving the recommendation therefore Cr Judy Jones moved the following alternate motion:

That Council:

"1. Seek comment from appropriate aviation, safety, environmental and maritime authorities regarding a proposal for a heliport within the Leschenault Inlet Masterplan and Central Business District

2. Pending advice received from the authorities in (1) publically advertise a proposal to incorporate a heliport into the Leschenault Inlet Masterplan and Central Business District

3. Requests a report on any submissions received for the further consideration of Council"

Cr Morris seconded the motion.

During discussion Cr Kelly requested the mover and seconder consider an additional point 4 to the motion being *"4. Any support for a Heliport within the Leschenault Inlet Masterplan shall preclude any structure being located in or on the waters of the Leschenault Inlet."*

Cr Jones did not wish to accept the addition. Cr Kelly then moved his amendment which was seconded by Cr Steele. The Mayor put Cr Kelly's amendment to the vote, which was adopted 9 votes "for" / 2 votes "against" to form part of the original motion.

Cr Hayward then requested Cr Jones and Cr Morris consider amending points 1 and 2 to include the wording "and Central Business District" at the end of each sentence. The mover and seconder agreed.

Cr Steele requested the Mayor consider taking votes on each point separately. The Mayor agreed.

The Mayor then put the matter to the vote with the following outcomes:

Point 1: Adopted 10 votes "for" / 1 vote "against" to form part of Councils decision on this matter.

Point 2: Adopted 8 votes "for" / 3 votes "against" to form part of Councils decision on this matter.

Point 3: Adopted unanimously (11 votes "for" / nil votes "against") to form part of Councils decision on this matter.

Point 4: Adopted 10 votes "for" / 1 vote "against" to form part of Councils decision on this matter.

For ease of reference Councils decision is listed below:

Council Decision 116/14

1. Seek comment from appropriate aviation, safety, environmental and maritime authorities regarding a proposal for a heliport within the Leschenault Inlet Masterplan and Central Business District

2. Pending advice received from the authorities in (1) publically advertise a proposal to incorporate a heliport into the Leschenault Inlet Masterplan and Central Business District

3. Requests a report on any submissions received for the further consideration of Council

4. Any support for a Heliport within the Leschenault Inlet Masterplan shall preclude any structure being located in or on the waters of the Leschenault Inlet.

CARRIED

10.11 Public Access Way Closures - Withers (was listed as item 10.6.1 of the Council Agenda)

File Ref:	SF/2535
Applicant/Proponent:	Withers Advisory Committee
Author:	Phil Harris, Director Works & Services
Executive:	Phil Harris, Director Works & Services
Attachments:	Appendix DWS-1 - Withers – Alternate for proposed closed laneways C, D, G and H Appendix DWS-2 - Aerial photos of laneways C, D, G, H and E

Summary

Council Decision 271/13 requested the Chief Executive Officer initiate action to commence the closure of the 10 Laneways (Public Access Ways) in the Withers area. Consultation with service providers and the public has been completed which will now allow closure of five (5) of the Public Access Ways.

Executive Recommendation

That Council authorises the closure of the following Public Access Ways

1. Jacaranda Crescent to Whitley Place (Lot 604)
2. Jacaranda Crescent to Wilkerson Way (Lot 55 & 56)
3. Davenport Way to Open Space (Lot 623)
4. Littlefair Drive to Crews Court (Lot 157)
5. Whitley Place to Hudson Road (Lot 55)

Background

Council Decision 271/13 requires the Chief Executive Officer initiate action to commence the closure of the following laneways (Public Access Ways) in accordance with the request from the Withers Action Group

- a. Davenport Way to Jacaranda Crescent (Lot 624)
- b. Plowers Place to Moriarty Park (Lot 605)
- c. Jacaranda Crescent to Whitley Place (Lot 604)
- d. Jacaranda Crescent to Wilkerson Way (Lot 55 & 56)
- e. Whitley Place to Hudson Road (Lot 55)
- f. Whitley Place to Open Space (Lot 55)
- g. Davenport Way to Open Reserve (Lot 623)
- h. Littlefair Drive to Crews Court (Lot 157)
- i. Lockwood Crescent to Craven Court (Lot 55)
- j. Whatman Way to Littlefair Drive (Lot 156)

The process of closing a Public Access Way requires consultation with services providers (Western Power, Atco Gas, Aqwest and Water Corporation) and State Government departments (Department of Lands and WA Planning Commission). As a result of this consultation five (5) Public Access Ways have been identified that can be closed in the short term.

Withers Advisory Committee Decisions WAC 3/14 and 9/14 supported the closure of the Public Access Ways.

Appendix DWS-1 Withers – Alternate for proposed closed laneways C, D, G and H
Appendix DWS-2 Aerial photos of laneways C, D, G, H and E

Individual Public Access Way closure summary

Jacaranda Crescent to Whitley Place (C)

Alternate route: Jacaranda Crescent to Hudson Road path

Issues identified: The portion of Public Access Way (PAW) between number 12 & 14 Jacaranda Crescent contains City of Bunbury stormwater infrastructure and will require ongoing gated access for maintenance purposes. The Whitley Place end of the PAW forms part of City of Bunbury Reserve – Lot 5449

Cost of fencing and gates is estimated to be \$9,540

Jacaranda Crescent to Wilkerson Way (D)

Alternate route: Jacaranda Crescent to Davenport Way (A) or Jacaranda Crescent to Hudson Road path.

Issues Identified: Owners of properties adjacent to the PAW (A) have expressed concern in writing and attended the office on several occasions with concerns of increased pedestrian traffic resulting from the closure of this PAW (D). The property owner has requested the erection of barrier fencing to prevent the ongoing damage to his property and unauthorised entries.

Cost of fencing on adjacent properties on PAW (A) is estimated to be \$41,120

Cost of fencing of PAW (D) is estimated to be \$5,000

Davenport Way to Open Space (G)

Alternate route: Jacaranda Crescent to Davenport Way (A)

Issues Identified: This PAW connects to Open Space reserve with no connecting path network to either Hester Place or Poinciana Place. City of Bunbury stormwater infrastructure is located within the PAW and will require ongoing gated access for maintenance purposes. Fences can be erected at either end of this PAW to prevent pedestrian access.

Cost of fencing and gates is estimated to be \$9,450

Littlefair Drive to Crews Court (H)

Alternate route: via existing road networks

Issues Identified: This PAW has Aqwest water mains which require ongoing access. The PAW can only be closed by fencing with gates for access purposes.

Cost of fencing and gates is estimated to be \$9,450

Whitley Place to Hudson Road (E)

Alternative route: via Whitley Place to Reserve.

Issues Identified: This PAW has an ATCO gas main that requires termination. Existing solar lights will be relocated. Residents in the adjoining properties to PAW (F) have expressed concern at the potential concentration of pedestrian movements past their properties once PAW (E) is closed and have requested secure fencing and additional solar lighting be erected in this area.

Cost of fencing on adjacent properties on PAW (F) is estimated to be \$41,120.

Cost of fencing of PAW (E) is estimated to be \$5,000. The cost of the gas main termination is \$10,000.

Council Policy Compliance

Not Applicable

Legislative Compliance

Closure of Public Access Ways will be in accordance with Section 58 of the Land Administration Act 1997.

Officer Comments

The process of closing a large number of Public Access Ways in accordance with the relevant legislation and guidelines has been drawn out due to the number of stakeholders involved, identifying alternate pedestrian routes and assessing the risks associated with concentrating pedestrian movements through two main routes.

The closures will be implemented in the short term by fencing and gates wherever applicable. The disposal of Public Access Ways D and E will require further dealings with adjoining property owners and Department of Lands.

The remaining Public Access Ways will be dealt with progressively once these closures are finalised.

While the public consultation supported the closure of the Public Access Ways property owners adjacent to Public Access Ways that will have increased pedestrian movements expressed concerns at the impact on their properties requesting that the City take appropriate action to address these concerns. Follow up discussions based on the installation of security fencing and CCTV coverage was generally accepted.

Analysis of Financial and Budget Implications

All costs associated with this project are funded from the Withers Action Plan Reserve. The project currently has allocated funding of \$50,000 based on advertising and simple colour bond fencing. A quote provided to the City on 18 March 2014 indicates that a realistic cost to close the Public Access Ways and address concerns of property owners where pedestrians will be diverted through has increased to \$130,860. This estimate includes termination of services, fencing and installation of gated access where required by service providers.

Community Consultation

Two letter drops totalling more than 800 letters and maps were delivered to the people in the general areas around the Public Access Ways. A public meeting was held, Works and Services staff were available at the Withers Library to answer questions. The public consultation includes media

releases, City Focus, website and a display at the Withers Library. Public consultation closed on 13 March 2014 with 27 submissions received either by mail, Facebook or Town Hall Social Survey. Of the 27 responses only 10 were traceable as being Withers residents due to electronic media collection methods. Two objections to the closures were noted with one being from an unidentified respondent in Melbourne.

Works and Services staff were approached by a number of people with concerns about the alternate routes and the potential for increased anti-social behaviour in these areas.

Councillor/Officer Consultation

Council and the Executive team are aware of the Public Access Way closure proposal.

Outcome – Council Meeting 1 April 2014

Cr Jones declared an impartiality interest in this matter (see section 5) and remained in the chamber for the discussion and vote on the matter.

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

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

Council Decision 117/14

That Council authorises the closure of the following Public Access Ways

- 1. Jacaranda Crescent to Whitley Place (Lot 604)***
- 2. Jacaranda Crescent to Wilkerson Way (Lot 55 & 56)***
- 3. Davenport Way to Open Space (Lot 623)***
- 4. Littlefair Drive to Crews Court (Lot 157)***
- 5. Whitley Place to Hudson Road (Lot 55)***

CARRIED

11 votes "for" / nil votes "against"

11. Applications for Leave of Absence

11.1 Request for Leave of Absence – Councillor Steele

Applicant/Proponent:	Councillor Karen Steele
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary/Background

Councillor Steele requests leave of absence from all Council-related business from 8 April 2014 to 22 April 2014 inclusive.

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

Executive Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Steele is granted leave of absence from all Council-related business from 8 April 2014 to 22 April 2014 inclusive.

Outcome – Council Meeting 1 April 2014

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

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

Council Decision 118/14

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Steele is granted leave of absence from all Council-related business from 8 April 2014 to 22 April 2014 inclusive.

CARRIED

11 votes "for" / nil votes "against"

12. Motions on Notice

Nil

13. Questions on Notice

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

Nil

13.2 *Questions from Members*

Nil

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

Nil

15. Meeting Closed to Public

Nil

16. Closure

The meeting was declared closed at 6.39pm.