

## Bunbury City Council

### Minutes 29 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 29 April 2014.

### **Minutes 29 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. The Mayor wished to acknowledge the presence of a number of school students and their parents in the public gallery.

#### **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 announced that he was very delighted to represent the community at the ANZAC day memorial dawn service and the late morning service. It was a credit to the Bunbury branch of the RSL and on the quality and dignity of the way they conducted both services. The guest speaker was outstanding and the Mayor was delighted to hear varying reports from members of the public who attended, especially for the dawn service in particular. There were estimates of more than 2000 people at the service which was terrific and the City is looking forward to assisting the RSL with their 2015 big event.

## 4. Attendance

Present:

<b>Council Members:</b>	
Presiding Member	Mayor G Brennan
Deputy Presiding Member	Deputy Mayor Cr B Kelly
Members	Councillor J Hayward
	Councillor B McCleary
	Councillor J Miguel
	Councillor S Morris
	Councillor N McNeill
	Councillor D Prosser
	Councillor M Steck ( <i>arrived at 5.32pm</i> )
	Councillor K Steele
	Councillor W Giles
	Councillor M Cook
<b>Executive Leadership Team (Non-Voting)</b>	
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 Karaszkewych
Director Works and Services	Mr P Harris
<b>Council Officers (Non-Voting)</b>	
Media and Communications Officer	Ms L Gallo
Executive Assistant to the CEO	Ms F Quinn
Council Meeting Support Officer	Ms J Pezzaniti
<b>Others (Non-Voting)</b>	
Members of the Public	10 (approximately)
Members of the Press	2

### 4.1 Apologies

Nil

### 4.2 Approved Leave of Absence

Councillor Jones requested leave of absence from all Council-related business from 28 April 2014 to 4 May 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 Jones is granted leave of absence from all Council-related business from 28 April 2014 to 4 May 2014 inclusive.

**Outcome – Council Meeting 29 April 2014**

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

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

**Council Decision 134/14**

*Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Jones is granted leave of absence from all Council-related business from 28 April 2014 to 4 May 2014 inclusive.*

CARRIED

12 votes "for" / nil votes "against"



## 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 29 April 2014

Cr McCleary declared an impartiality interest for item 10.2.3 titled “2015/16 State Budget Projects” as she is a committee member of the Museum Fundraising Committee (Community Group). Cr McCleary will remain in the chambers for the discussion and vote on each 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**

### **Mr 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: I refer to the Mayors press release in relation to the refurbishment of the Plaza Shopping Centre and ask:-*  
*(i) When did the proprietors of the centre first approach Council in relation to this project?*  
*(ii) Will the expansion include the Council owned Child Health Centre and Councils parking area and if so what arrangements have been made to integrate a replacement Child Health Centre in the redevelopment?*

Response: (i) Initial approaches go back to 2008 with further discussions from mid 2012. These continued until mid 2013 and up to recently and will continue to occur.  
(ii) Nothing formal has been proposed at this stage and until we get a formal proposition Council won't have considered that.

*Question 2: I refer to the item on the Agenda relating to a Council submission for projects in the 2015-2016 State Budget and ask does that imply that no Council submission had been made by Council or the local State MPs for the 2014-2015 State Budget which is due to be released on the 7th May in relation to all the Council projects previously included in the SWDC and Regional Development Australia Regional Infrastructure Plans nor those included in the State Planning Commissions Framework list of priorities for Greater Bunbury and the South West.*

Response: No it does not imply that. There have been projects put forward.

*Question 3: Given the Premiers repeated statements that Bunbury cannot achieve its destiny as the second city of WA without changes in the boundaries of the four local governments in greater Bunbury, has the Council Executive completed a comprehensive report on the merits and implications of such changes and the advantages and disadvantages to the ratepayers of all four LGAs and to the regional economy, and has the Mayor and executive started preparing a submission to the Local Government Advisory Board seeking the kind of changes suggested by the Premier.*

Response: Several reports have been prepared for the previous Council. The current Council has not considered this matter. Nothing has been requested of Executive staff at this point.

### **Ross Slater of 4/167 Ocean Drive, Bunbury**

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

*Question 1: Is Council aware of the misleading information provided to the public in its review of Council Representation paper where on page 2, wards are mentioned on 6*

*occasions and page 5's factors to be considered, refer to wards in the Act, a system disbanded by the City in 2004?*

Response: The discussion paper merely provides some historical context and references to the relevant sections of the Local Government Act 1995. Based on that The document is not considered to be misleading at all.

*Question 2: Is Council aware of the misquote of section 2.17 of the L.G. Act 1995 on page 3 of its paper where (1) a and b should have been stated instead of (2) a and b. The reason being it gives different figures in either one as the incorrect figures have been used.*

Response: The discussion paper only references section 2.17 of the Act and does not specify any sub clauses as suggested.

*Question 3: Is it Councils intention to amend the incorrect and misleading information provided to the public in its original review of Councillor Representation Discussion Paper and seek public comment for another 30 days, or leave it be?*

Response: That is a decision for Council to make in considering the report presented tonight.

## **6.2 Responses to Public Questions Taken ‘On Notice’**

At the Council Meeting held 15 April, a question was asked during Public Question Time that could not be answered during the meeting. A copy of the question and the written response provided by the Chief Executive Officer, forwarded to the questioner following the meeting is provided below for public information:

### **Mrs Joan Birkett, 22 Wollaston Crescent, Bunbury**

Mrs Birkett asked the following question in relation to Not for Profit developments.

**Question 2:** I would like the Council to say how the three sites investigated on Wittenoom Street were evaluated with regard to the suitability for Not For Profit offices. Was the only criteria applied that they had to be large enough to include all the NFP groups together on the one site, or is the lottery house and the Council prepared to split up the groups? South’s car park would appear to fit the bill there is a further site I feel should have been considered, the corner of Ocean Drive and Washington Avenue. This site is open ground opposite the Maidens Reserve and practically treeless. Carey park was mentioned as ideal as a number of NFP groups find clients there. This particular site is close to such an area and would appear to have no foreseeable dangerous road hazards or be seen to be taking away a neighbourhood park. Did Council officers consider this site?

**Response:** 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.

Following Council’s resolutions of 4 February 2014, Council Officers undertook investigations for the former SSAC Site which involved identification and assessment of twenty-five (25) alternative sites for the development. These twenty-five (25) alternative sites were then further refined to ten (10) sites. Alternate 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 was included as an attachment to Council Agenda of 1 April 2014. This site was then endorsed for investigation as the preferred site by Council following key agencies providing information to the City.

## **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 15 April 2014 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the Bunbury City Council held 15 April 2014 be confirmed as a true and accurate record.

#### **Outcome – Council Meeting 29 April 2014**

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

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

#### **Council Decision 135/14**

***The minutes of the Ordinary meeting of the Bunbury City Council held 15 April 2014 be confirmed as a true and accurate record.***

CARRIED

12 votes "for" / nil votes "against"

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

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various
<b>Attachments:</b>	Appendix MTBN-1 – Youth Advisory Council Committee Minutes 12.02.14 Appendix MTBN-2 - Community Access Committee Minutes 4.04.14

#### Summary

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

1. Title: Youth Advisory Council Committee Minutes 12.02.14  
Author: April Byrne, Community Development Officer  
Appendix: MTBN-1
2. Title: Community Access Committee Minutes 4.04.14  
Author: Isabelle Evans, Community Development Officer  
Appendix: MTBN-2

#### Council Committee Recommendation

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

1. Youth Advisory Council Committee Minutes 12.02.14
2. Community Access Committee Minutes 4.04.14

#### **Outcome – Council Meeting 29 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 136/14**

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

- 1. Youth Advisory Council Committee Minutes 12.02.14**
- 2. Community Access Committee Minutes 4.04.14**

CARRIED

12 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 Ross Slater of 4/167 Ocean Drive**

Mr Slater requested to address Item 10.2.2 titled “*Review of Elected Member Representation – Proposed Reduction of Councillor Numbers*”.

#### **Mr David Smith of 8 Picton Crescent**

Mr Smith requested to address Item 10.2.3 titled “*2015/16 State Budget Projects*”.

#### **Mr David Barton of West Busselton representing CinefestOZ**

Mr Barton requested to address Item 10.3.1 titled “*CinefestOZ 2014 Request for Support*”.

#### **Council Decision 137/14**

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

- ***Mr Ross Slater relating to Item 10.2.2 titled “Review of Elected Member Representation – Proposed Reduction of Councillor Numbers” and allows a period of up to 10 minutes to present to Council.***
- ***Mr David Smith relating to item 10.2.3 titled “2015/16 State Budget Projects” and allows a period of up to 10 minutes to present to Council.***
- ***Mr David Barton relating to item 10.3.1 titled “CinefestOZ 2014 Request for Support” 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 10.2.1, 10.3.2, 10.4.1, 10.4.2, 10.4.3, 10.5.1 and 10.6.2.

Items 10.2.2, 10.2.3, 10.3.1, 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 Cook, seconded Cr Hayward.



## 10. Reports

### 10.1 Release of Confidential Report (was listed as item 10.2.1 of the Council Agenda)

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

#### Summary

The purpose of this report is for Council to consider releasing for public inspection a confidential report that was previously presented to Council. A copy of the information has been distributed to the Councillors separately.

#### Executive Recommendation

That Council, pursuant to section 5.95(7) of the *Local Government Act 1995*, resolves that report item 15.1.3 from the Ordinary Council Meeting held 12 February 2013 entitled *Appointments to the Bunbury Regional Arts Management Board (BRAMB)* and the associated attachment is no longer considered to be confidential, and that a copy of the report and associated attachment be made available for public inspection.

#### Background

At the Ordinary Council Meeting held on 12 February 2013, a confidential report (the report) was provided to Council for consideration at item 15.1.3. The report was titled "*Appointments to Bunbury Regional Arts Management Board (BRAMB)*" and also contained a confidential attachment, being a previous confidential item provided to Council on 22 January 2013 on the same topic. The report was originally marked as confidential under the provisions of section 5.23(2)(b) of the *Local Government Act 1995*, as it contained information relating "*to the personal affairs of any person*".

The City received a Freedom of Information (FOI) application in August 2013, which *inter alia* requested access to a copy of the report. The application was initially refused on application and again at internal review, and has since been the subject of an external review by the Office of the Information Commissioner on request of the applicant (pursuant to the *Freedom of Information Act 1992*). As part of the external review, a conciliation meeting was held on 24 March 2014 between the City and the applicant.

Notwithstanding the provisions of the *Freedom of Information Act 1992*, the City indicated at the conciliation meeting that section 5.95(7) of the *Local Government Act 1995* makes provision for the Council to agree (by resolution) to make a report that has been previously prescribed as confidential available for public inspection. One of the outcomes of the conciliation meeting was that the City would seek Council direction in this regard.

#### Legislative Compliance

Section 5.95(7) of the *Local Government Act 1995* makes provision for the Council to agree (by resolution) to make a report that has been previously prescribed as confidential available for public inspection.

### **Officer Comments**

A considerable amount of time (14 months) has passed since the presentation of the report to Council in February 2013, with the matter of appointments made to the BRAMB Board now being long finalised. City officers have also spent a substantial amount of time and resources researching this matter and preparing relevant documentation since receiving the original FOI application in August 2013.

In this instance, it is recommended that Council give favourable consideration to the release of the report, which will help facilitate the finalisation of the outstanding FOI application, and meet the requirements of the external review process being undertaken by the Office of the Information Commissioner.

### **Councillor/Officer Consultation**

This report is presented direct to Council for consideration.

### **Council Policy Compliance**

Not applicable

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

Nil

### **Outcome – Council Meeting 29 April 2014**

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

#### **Council Decision 138/14**

*That Council, pursuant to section 5.95(7) of the Local Government Act 1995, resolves that report item 15.1.3 from the Ordinary Council Meeting held 12 February 2013 entitled Appointments to the Bunbury Regional Arts Management Board (BRAMB) and the associated attachment is no longer considered to be confidential, and that a copy of the report and associated attachment be made available for public inspection.*

CARRIED

12 votes "for" / nil votes "against"

**10.2 BREC Grand Opening Celebrations 2014 – Request for Support** (was listed as item 10.1.1 of the Council Agenda)

<b>Applicant/Proponent:</b>	
<b>Author:</b>	Stephanie Addison-Brown, Director Community Development
<b>Executive:</b>	Stephanie Addison-Brown, Director Community Development
<b>Attachments:</b>	Appendix DCD-3 – BREC Grand Opening 2014 - Program of events Appendix DCD-4 – BREC Grand Opening 2014 – Budget breakdown

**Summary**

In July 2014, the Bunbury Regional Entertainment Centre (BREC) is due to formally reopen following a multimillion dollar expansion and refurbishment. A month of activities has been planned by BREC (see Appendix DCD-3) to showcase the new facility as part of their ‘grand opening celebrations’. On 12 April 2014, the City has received a request from BREC to provide a financial contribution of \$12,000 to support the launch activities which would enable free and low cost performances to be offered to the broader community.

At the Bunbury Event Coordination Group (BECG) meeting held 16 April 2014, the group resolved the following:

*The Bunbury Event Coordination Group agree to support the proposal for BREC’s Grand Opening Month Celebrations in July with a cash contribution of \$12,000, with a condition that the City of Bunbury Events Team and members of the Bunbury Event Coordination Group be involved in the PR, media and sponsorship strategy for the event.*

**Executive Recommendation (based on advice from the Bunbury Event Coordination Group)**

That Council agrees to contribute \$12,000 in the 2013/14 financial year to support the BREC’s grand opening celebrations and activities in July 2014 subject to the City of Bunbury Events Team and members of the Bunbury Event Coordination Group be involved in the PR, media and sponsorship strategy for the event.

**Background**

The BREC has recently undergone major expansion and refurbishment and is due to formally reopen in July 2014. The new facility offers significant additional space including ‘The Cube’ theatre and several function and meeting rooms. The facility is now well positioned to offer a significant increase in events, shows, programs, activities and functions for the Bunbury and South West community.

The grand opening celebrations have been planned to run over a whole month to attract members of the broader community to view and enjoy the new facility with a range of shows and workshops. The intent is to focus on accessibility for the whole community with free and low cost events over the month.

BREC estimates that over 3700 people will take part in the opening celebrations over the month of July and all of these participants will attend for free or very low cost. The aim is to bring as many people through during the month of July with free guided tours, workshops and performances. BREC’s goal is not only for people to attend as spectators, but to get involved and participate through workshops and performance opportunities. BREC is seeking contributions from the City of Bunbury, Healthway, LotteryWest, Alcoa and other local shires (see Appendix DCD-4).

### **Council Policy Compliance**

Nil

### **Legislative Compliance**

Nil

### **Financial and Budgetary Implications**

This request was not budgeted in the 2013/14 or 2014/15 financial years. Should Council wish to support the BREC's request, it is proposed that \$12,000 is allocated this financial year to enable BREC to book and confirm performers in advance of the celebrations.

### **Officer Comments**

The reopening of BREC is a significant event in Bunbury's calendar and it is important that as many people as possible tour the new facility to raise awareness throughout the Bunbury and South West community as well as further afield. BREC has expressed a wish to engage with the broader community in a low cost manner which should avoid any sense of elitism and encourage people who may not have been to BREC before to engage and participate.

BREC has advised that if it doesn't receive the funding from the City and other potential funding providers, it will need to significantly reduce the scope of the celebration month and potentially not run the proposed low-cost concert with Katie Noonan (or similar).

### **Community Consultation**

The Bunbury Event Coordination Group considered this request at their meeting on Wednesday 16 April 2014. The group resolved:

*The Bunbury Event Coordination Group agree to support the proposal for BREC's Grand Opening Month Celebrations in July with a cash contribution of \$12,000, with a condition that the City of Bunbury Events Team and members of the Bunbury Event Coordination Group be involved in the PR, media and sponsorship strategy for the event.*

### **Councillor/Officer Consultation**

The Manager of BREC approached the Director Community Development and Team Leader Events to request a contribution on 12 April 2014. The officers took the request to the Bunbury Event Coordination Group for consideration on Wednesday 16 April 2014.

**Outcome – Council Meeting 29 April 2014**

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

**Council Decision 139/14**

*That Council agrees to contribute \$12,000 in the 2013/14 financial year to support the BREC's grand opening celebrations and activities in July 2014 subject to the City of Bunbury Events Team and members of the Bunbury Event Coordination Group be involved in the PR, media and sponsorship strategy for the event.*

CARRIED

12 votes "for" / nil votes "against"

**10.3 Quarterly Report – Councillor Discretionary Funds Report** (was listed as item 10.4.1 of the Council Agenda)

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

**Summary**

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

**Executive Recommendation**

That Council receives the quarterly report for the period 1 January to 31 March relating to Councillor Discretionary Funds expenditure.

**Background**

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

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

**Council Policy Compliance**

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

**Legislative Compliance**

There is no legislative compliance applicable to this matter.

**Officer Comments**

The following table outlines the Councillor Discretionary Fund made for the period 1 January to 31 March 2014:

<b>Councillor</b>	<b>Recipient</b>	<b>Purpose</b>	<b>Value</b>
B McCleary	Intown Lunch Centre	Assist the centre with their Back to School program	\$200
B McCleary	Bunbury Surf Life Saving	Assisting the Club with fund raising to produce a history book	\$300
B McCleary	Probus South Bunbury	Donation	\$200
W Giles	SW Womens Health and Information Centre	Donation to the centre to assist with the provision of services	\$2,000
K Steele	Andrew Frazer Designs	Donation Re.Discover Art Project	\$250

J Hayward	Andrew Frazer Designs	Donation Re.Discover Art Project	\$500
M Cook	Bunbury Multicultural Group	Assist with the Celebration of Chinese New Years	\$200
M Cook	Bunbury Surf Life Saving Club	200 Club Sponsorship for 2013/14	\$200
M Cook	Probus South Bunbury	Donation	\$250
M Cook	SW Wind and Jazz Orchestra's	Assisting the Orchestra's to purchase new music	\$250
M Cook	Phyllis Barnes	Assistance with the printing of Bunbury History Book	\$350
M Cook	SW Women's Health and Information Centre	Assistance with the provision of services	\$250
M Cook	Art Partners (Enable SW)	Assistance with the purchase of art consumables	\$250
N McNeill	Chef's Long Table Luncheon Committee	Assist with the costs of the movie night for the volunteers	\$500

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

There are no financial or budget implications as the money allocated has been included in the Council's 2013/14 Budget.

#### **Community Consultation**

There is no community consultation required for this matter.

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

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

#### **Outcome – Council Meeting 29 April 2014**

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

#### **Council Decision 140/14**

***That Council receives the quarterly report for the period 1 January to 31 March relating to Councillor Discretionary Funds expenditure.***

CARRIED

12 votes "for" / nil votes "against"

**10.4 Schedule of Accounts Paid for the Period 1 March 2014 to 31 March 2014** *(was listed as item 10.4.2 of the Council Agenda)*

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

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 March 2014 to 31 March 2014 has been issued to elected members and is **attached** at Appendix DCS-1. The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$5,145,977.80
2. Advance Account – payments totalling \$3,919,468.09
3. Trust Account – payments totalling \$21,815.21
4. Visitor Information Centre Trust Account – payments totalling \$18,883.50
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$176,430.88
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$136,716.70

**Executive Recommendation**

The Schedule of Accounts Paid for the period 1 March 2014 to 31 March 2014 be received.

**Outcome – Council Meeting 29 April 2014**

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

**Council Decision 141/14**

***The Schedule of Accounts Paid for the period 1 March 2014 to 31 March 2014 be received.***

CARRIED

12 votes "for" / nil votes "against"



**10.5 Financial Management Report for the Period Ending 31 March 2014** (was listed as item 10.4.3 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Wayne Wright, Director Corporate Services
<b>Attachments:</b>	Appendix DCS-2 – Statement of Comprehensive Income Appendix DCS-3 – Statement of Financial Activity Appendix DCS-4 - Statement of Net Current Assets Appendix DCS-5 – Balance Sheet Appendix DCS-6 - Capital Works Expenditure Summary

**Summary**

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

1. Statement of Comprehensive Income (**attached** at Appendix DCS-2)  
Actual Financial Performance to 31 March 2014
  - Actual operating income of \$45.10M is \$60K more than the year-to-date budgeted income of \$45.04M (refer explanation within the report).
  - Actual operating expenditure of \$30.6M is \$0.98M less than the year-to-date budgeted expenditure of \$31.58M (refer explanation within the report).
  - Actual operating surplus of \$14.5M is \$1.04M more than the year-to-date budgeted operating surplus of \$13.46M (refer explanation within the report).

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 \$25M includes:		
- Cash and Investments	\$22.13M	\$11.40M
- Rates	\$1.49M	\$0.22M
- Other Current Assets	\$1.38M	\$2.20M
• Current Liabilities of \$6.55M includes:		
- Trade and Other Payables	\$2.13M	\$5.40M
- Annual Leave and LSL Provisions	\$2.97M	\$3.46M
• Working Capital (Current Assets less Current Liabilities)	\$18.46M	\$3.02M
• Equity (Total Assets less Total Liabilities)	\$433.64M	\$415.14M

3. Capital Works (**attached** at Appendix DCS-6)
  - Actual capital works of \$14.43M is \$6.98M less than the year-to-date budgeted capital works of \$21.41M (refer explanation on next page).

### **Executive Recommendation**

The Financial Management Report for the period ending 31 March 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-2)
- Statement of Financial Activity (**attached** at Appendix DCS-3)
- Statement of Net Current Assets (**attached** at Appendix DCS-4)
- 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.

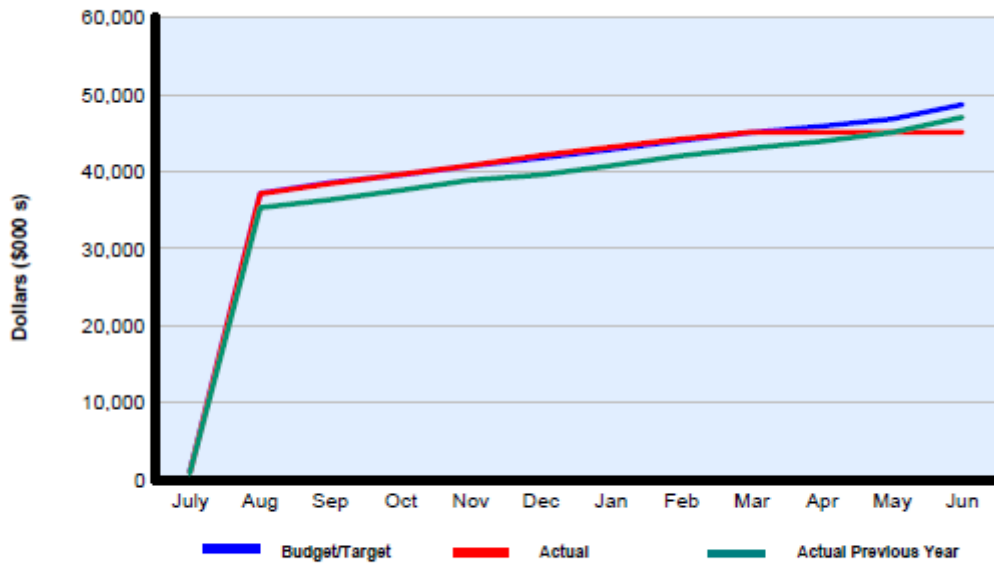
### **Legislative Compliance**

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-3) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

### **Officer Comments**

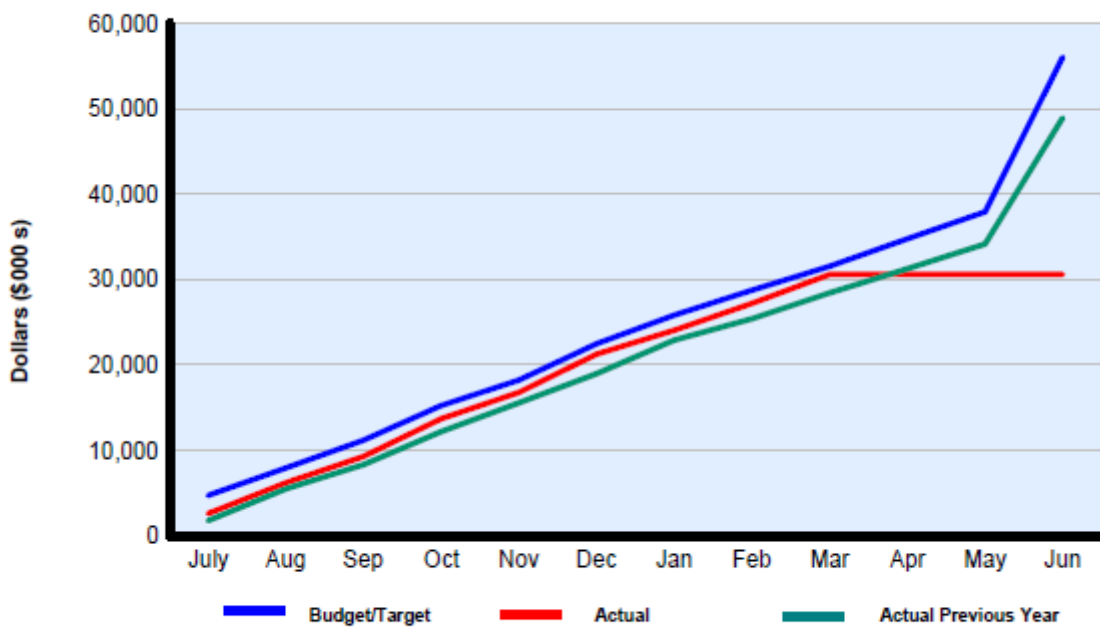
The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.

### Operating income (\$000's)

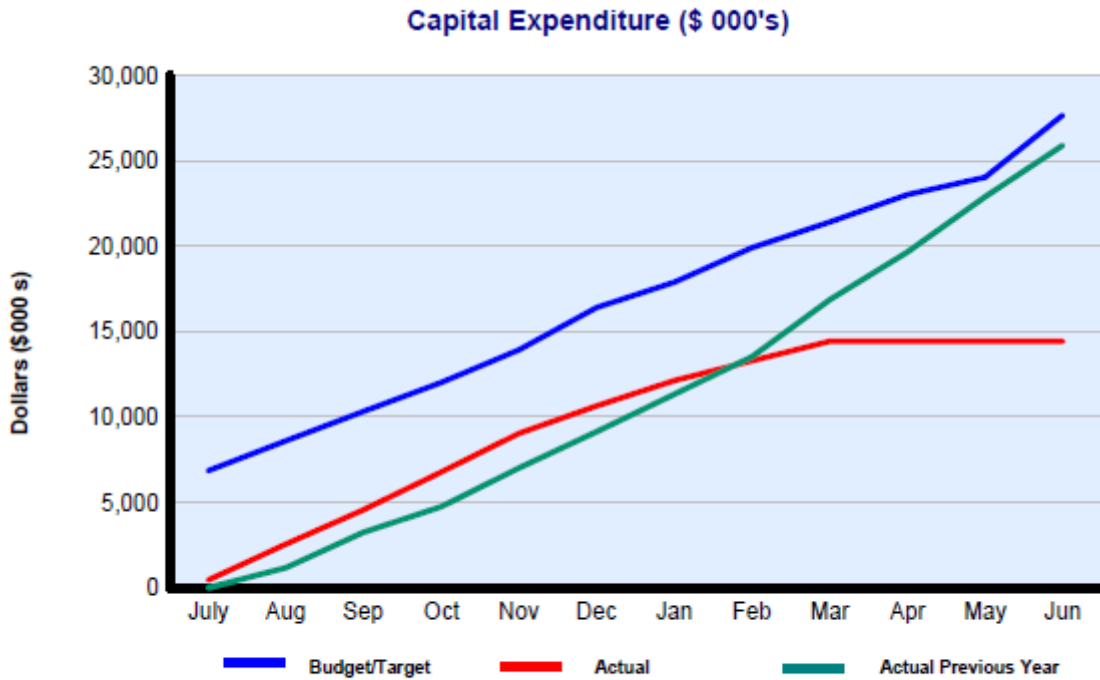


**Note:** Operating Income Includes: rates, fees and charges,  
 There is a favourable actual to budget-to-date variance of \$60K.

### Operating expenditure (\$000's)



**Note:** Actual operating expenditure \$985K under the year-to-date budget due to Materials and Contracts under budget by \$1.08M.



**Note:** The capital expenditure variance to the end of March 2014 of \$8.98M is due to the delay in commencement or progress of various projects as reported in the monthly Capital Works Expenditure Summary Report to Council.

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

Statement of Comprehensive Income	YTD Actual to YTD Budget Variance
<b>Operating Income</b>	
<b>Donation Income</b> – Bunbury Wildlife Park donation income is down \$6K on year to date budget. Overall operating income for Bunbury Wildlife Park is on budget.	\$6,126 84%
<b>Operating Expenditure</b>	
<b>Utilities (Sewerage Expense)</b> – There has been an increase in recoupable utilities, which has been matched with a corresponding increase in income.	(\$7,416) (23%)
<b>Non Operating Income and Expenditure</b>	
<b>Grants and Contributions for the Development of Assets</b> – 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 acquittal has now been prepared and submitted to the funding body with final payment of grant funds expected in April.  PR-1952 Renew Sykes boat ramp and jetty (\$278,204) – 56% of grant funds have been received. The balance is able to be claimed on	(\$827,019) (19%)

<p>completion of the project. The project is nearing completion.</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>PR-1114 Reseal road and repair kerbing Spencer Street (\$80,000) – Second 40% of grant funds cannot be received until expenditure of the first 40% has occurred.</p>	
<p><b>Proceeds Land Disposals</b> – Sale of land yet to occur. Settlement is due in April 2014.</p>	<p>(\$186,364) (47%)</p>
<p><b>Proceeds Plant and Vehicle Disposals</b> – Changeover of various plant and vehicles scheduled to be completed by end of March are yet to occur.</p>	<p>(\$191,887) (47%)</p>

Statement of Financial Activity	YTD Actual to YTD Budget Variance
<b>Operating Revenues</b>	
<p><b>Other Revenue</b> – 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 (\$19,607) – Favourable variance. This account will continue to be monitored on a monthly basis.</p> <p>Coordinate Rating (\$4,745) – Revenue associated with rate enquiries is greater than year-to-date budget.</p> <p>Undertake Fundraising Activities for Bunbury Museum (\$10,500) – Donation income has been received for the Bunbury Museum this amount is to be transferred to reserve.</p> <p>Collect hard waste (\$7,546) – Favourable variance. Sale of Scrap metals has increased and this account will continue to be monitored on a monthly basis.</p> <p>Employee contributions (\$5,904) – Increase in employee contributions.</p>	<p>\$52,067 21%</p>
<b>Operating Expenses</b>	
<p><b>Material and Contracts</b> – Actual expenditure is down on year-to-date budgeted expenditure as of 31 March 2014 over both base operating and operating project accounts. Variance relates to works that will be completed during 2013/14.</p>	<p>\$1,084,224 10%</p>
<b>Capital Revenues</b>	
<p><b>Grants and Contributions for the Development of Assets</b> – See explanation above included in the Statement of Comprehensive Income variances.</p>	<p>(\$827,019) (19%)</p>
<p><b>Proceeds on Disposal of Assets</b> – See explanation above included in the Statement of Comprehensive Income variances.</p>	<p>(\$378,251) (47%)</p>
<b>Capital Expenses</b>	
<p><b>Acquisition of Assets</b> – Variance due to delay in commencement or progress of various projects.</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.</p>	<p>\$6,978,556 32%</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 29 April 2014**

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

#### **Council Decision 142/14**

***The Financial Management Report for the period ending 31 March 2014 be received.***

CARRIED

12 votes "for" / nil votes "against"

**10.6 Scheme Amendment 72 – Modifying “Public Purposes Reserve – Special Uses” to “Development Zone – Residential” at Lot 312 Jeffrey Road, Glen Iris (was listed as item 10.5.1 of the Council Agenda)**

<b>File Ref:</b>	A05889
<b>Applicant/Proponent:</b>	City of Bunbury
<b>Author:</b>	Jana Joubert, Strategic Planning Officer Kelvin Storey, Team Leader Integrated Land Use Planning
<b>Executive:</b>	Bob Karaszewych, Director Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-1 – Scheme Amendment 72 Report Appendix DPDS-2 – Schedule of Submissions

### **Summary**

The City of Bunbury has been advised that the Western Australian Planning Commission has approved an amendment to the Greater Bunbury Region Scheme (GBRS 0031/57) that involves a change in the designation of Lot 312 Jeffrey Road, Glen Iris from regional “Public Purposes Reserve – Special Uses” (Glen Iris Relief Floodway (GIRF)) to regional “Urban Deferred Zone”. The amendment took effect on 21 March 2014, having been the date of publication in the *Government Gazette*.

The location and extent of GBRS regional reserves are identically captured within the City of Bunbury Town Planning Scheme No. 7 (TPS7). As such, in order to ensure on-going compatibility between the region and local planning schemes, any changes involving the release of all or part of a reserve in the region scheme needs to be reflected by an appropriate consequential amendment to the local planning scheme.

Scheme Amendment 72 to TPS7, therefore seeks to maintain consistency with the GBRS by amending the designation of the subject land as it currently appears on the Scheme Map from regional “Public Purpose Reserve – Special Uses” to local “Development Zone – Residential”, in keeping with the designation of adjacent zoned land.

The Scheme Amendment 72 report (incorporating the GBRS amendment document as supporting information) is attached at **Appendix DPDS-1**

### **Executive Recommendation**

That in accordance with section 124 of the *Planning and Development Act 2005*, Council resolves to:

1. Adopt Scheme Amendment 72 to the City of Bunbury Town Planning Scheme No. 7 in accordance with the Scheme Amendment 72 documentation; and
2. Refer the Scheme Amendment 72 documentation to the Western Australian Planning Commission seeking approval in accordance with the provisions of the *Town Planning Regulations 1967*.

### **Background**

Background to this amendment can be found in the Council Minutes dated 17 September 2013. The resolution, as follows (Decision No. 286/13):



1. *Initiate proposed Scheme Amendment 72 to the City of Bunbury Town Planning Scheme No.7 as detailed in the prepared Scheme Amendment Report involving deleting the “Public Purpose Reserve – Special Uses” at Lot 312 Jeffrey Road, Glen Iris and replacing this with “Development Zone – Residential”.*
2. *Refer proposed Scheme Amendment 72 documentation to the Environmental Protection Authority for approval to advertise for public comment.*
3. *Notify the Western Australian Planning Commission of Council’s decision to initiate proposed Scheme Amendment 72, and furnish the Commission with a copy of the scheme amending documentation prior to proceeding to public advertising.*
4. *Subject to the consent of the Environmental Protection Authority and a request to WAPC, publicly advertise proposed Scheme Amendment 72 for a period of not less than 21 days in accordance with regulation 25 (2) (j) (v) of the Town Planning Regulations 1967.*
5. *Following the public advertising of proposed Scheme Amendment 72, the scheme amending documentation, including any proposed modifications, along with any public submissions lodged with the City of Bunbury during the advertising period is to be returned to Council for further consideration.*

### **Strategic Relevance**

Uncertainty regarding the future status of the reserve/ relief floodway has effectively constrained any significant progress that would lead to the comprehensive development of this part of Moorlands. Subject to flooding risks being mitigated, the benefits of the proposed amendment are that it may assist in advancing a resolution of this issue and would enhance structure planning/ neighbourhood design outcomes for the remaining developable portions of Moorlands.

The partial removal of the regional floodway reservation inevitably results in land use implications upon the wider area that have yet to be fully investigated. The adopted region scheme amendment effectively defers critically important detailed investigations to the local structure planning stages, which by their nature, are statutorily limited in their scope of authority for resolving floodplain management and biodiversity conservation issues (i.e. local planning instruments are more concerned with urban design matters).

Specifically, should it be determined at a later stage that significantly constrained land should be included in a regional reserve (such as Regional Open Space), then the mechanisms to effect this would not be through the Local Planning Scheme or a local structure plan, but would inevitably necessitate another amendment to the Region Planning Scheme.

### **Council Policy Compliance**

The Glen Iris – Moorlands Local Area Plan: Study document adopted by Council on 16 December 2012 acknowledges the likelihood of the GIRF being rationalised, identifying the majority of the subject land potentially for future residential development.

### **Legislative Compliance**

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

Should Council resolve to finally adopt the scheme amendment, the documentation together with the schedule of submissions and Council’s resolution is to be referred to the WAPC for its

endorsement and to the Minister for Planning for final approval and gazettal.

### **Officer Comments**

The primary purpose of Scheme Amendment 72 is to ensure on-going consistency with the zoning designations of an amended GBRS (Amendment Number 0031/57), which has been approved by the Minister for Planning and gazetted on 21 March 2014. The justification for the region scheme amendment is provided within the supporting document prepared by the Department of Planning which is captured as part of the Scheme Amendment 72 report.

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

The scheme amendment procedure has no associated budgetary impact other than advertising costs.

### **Community Consultation**

Scheme Amendment 72 was publicly advertised for a period of 42 days. Of the seven submissions received, four were from other Government departments/ agencies and three submissions have been received from private land owners.

The concerns raised and advice given by both the EPA and Western Power will be required to be satisfactorily addressed during the structure planning phase and as part of the development application process.

The comments submitted appear together with an officer's response within the Schedule of Submissions attached at **Appendix DPDS-2**.

### **Outcome – Council Meeting 29 April 2014**

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

#### **Council Decision 143/14**

***That in accordance with section 124 of the Planning and Development Act 2005, Council resolves to:***

- 1. Adopt Scheme Amendment 72 to the City of Bunbury Town Planning Scheme No. 7 in accordance with the Scheme Amendment 72 documentation; and***
- 2. Refer the Scheme Amendment 72 documentation to the Western Australian Planning Commission seeking approval in accordance with the provisions of the Town Planning Regulations 1967.***

CARRIED

12 votes "for" / nil votes "against"

**10.7 Decisions from Withers Advisory Committee Meeting 11.04.14** (was listed as item 10.6.2 of the Council Agenda)

<b>File Ref:</b>	A05937
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Phil Harris, Director Works and Services
<b>Executive:</b>	Phil Harris, Director Works and Services
<b>Attachments:</b>	Nil

**Summary**

This report details the decisions made at the Withers Advisory Committee Meeting 11 April 2014 and request for approval to transfer \$135,000 from the Withers Reserve to complete the projects endorsed by the Withers Advisory Committee.

**Executive Recommendation**

1. That Council note the following decisions made under delegation at the Withers Advisory Committee Meeting 11 April 2014.

*WAC Decision 21/14*

1. That the committee approve the installation of CCTV in :-
  - a. Uplink from Library to Stephen Street Office \$50,583 ex. GST
  - b. Zone one (Red) on DWS 8 at a cost of \$64,833 ex. GST
  - c. Zone two (Purple) on DWS 8 at a cost of \$58,558 ex. GST
  - d. Zone three (Blue) on DWS 8 at a cost of \$46,170 ex. GST
  - e. Zone four (Yellow) on DWS 8 at a cost of \$55,493 ex. GST
2. Endorse the transfer of \$75,000 from the Withers Reserve to the CCTV project.
3. Request officers continue to seek grant funding to supplement and accelerate the extension of the CCTV network in the Withers area.
4. The additional \$75,000 is subject to confirmation of external funding.

*WAC 22/14*

*That the committee approve:-*

1. The installation of the permanent fencing to the closed public access ways up to a maximum of \$40,000 ex GST.
2. That Council approve the transfer to \$135,000 from the Withers Reserve of which \$75,000 for CCTV is subject to confirmation of external funding.

**Background**

Council Decision 34/14 gave delegated authority to the Withers Advisory Committee. The delegation was restricted in part by

- a. Any actions which require an absolute majority of Council cannot be actioned by the Committee.
- c. A report is to be provided to Council outlining any decision made under delegation

This report details the decisions made under delegation.

Any expenditure from the Withers Reserve is required to be endorsed by Council. The total value of projects endorsed by the Withers Advisory Committee at the meeting on 11 April 2014 is \$135,000. The Withers Action Plan has an annual allocation of \$300,000. This report requests that Council approve the transfer of \$135,000 from the Withers Reserve. At Council Meeting held on 18 March 2014 transfer of \$129,000 from the Withers Reserve as endorsed (Council Decision 99/14). Total funds transferred from the Withers Reserve will be \$264,000 leaving a balance of \$121,813.

### **Council Policy Compliance**

Not applicable

### **Legislative Compliance**

Section 5.16 of the *Local Government Act 1995* allows delegation to committees and section 5.17 (1) (c) (l) allows delegation to committees comprising of elected members and other persons (Community Members) for the proper management of Local Government property.

### **Officer Comments**

At the Council meeting of 1 April 2014 a figure of \$130,860 was advised as the estimated cost to fence the five public access ways (PAW) and provide security fencing along two PAWs that will have increased usage as a result of the closure of the PAWs. Quotes were requested from local suppliers based on design drawing that were only produced after Council approved the PAW closure and advice that an alternate fencing product was available. The total length of fencing was reduced by approximately 50% based on the design requirements and discussions with adjoining property owners. This has resulted in significant cost savings. The estimated cost is now \$40,000. The original amount for the closure of PAWs for the 13/14 year was \$20,000 therefore an increase of \$20,000 will be required from the Withers Reserve to fund the closures.

The Withers Advisory Committee has endorsed \$40,000 for CCTV installation previously; however as the project details had not been confirmed by the WAC a request to transfer these funds from the Withers Reserve had not been made. At the meeting held on 11 April 2014 a further \$75,000, subject to the confirmation of external funding was endorsed by the WAC. Council is requested to endorse the transfer of \$115,000 for the CCTV installation so that if the external funding is received the project can commence immediately. Recent upgrades to Des Ugle Park have been vandalised including graffiti and removal of reticulation. In the case of the removal of the reticulation a local resident was abused after asking the vandals to stop. It is believed that the installation of CCTV will protect the recent work Council has done in the area as well as adding to the security of the community. The quotes for CCTV are for either the entire system or a staged installation. If the external funding is confirmed the entire system could be installed and would result in a savings of approx. \$60,000.

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

The projects approved under delegation are from the Withers priorities.

PR-3435 Close Laneways	\$ 20,000
Increase of \$20,000 from Council Decision 99/14	
PR-3618 Install CCTV	\$115,000
\$40,000 approved by WAC	
\$75,000 subject to confirmation of external funding	

Total \$135,000

This will require a transfer of \$135,000 from the Withers Reserve.

### **Community Consultation**

The Withers Advisory Committee plays an active role in the community consultation.

### **Councillor/Officer Consultation**

Not Applicable

### **Outcome – Council Meeting 29 April 2014**

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

#### **Council Decision 144/14**

**1. That Council note the following decisions made under delegation at the Withers Advisory Committee Meeting 11 April 2014.**

#### **WAC Decision 21/14**

- 1. That the committee approve the installation of CCTV in :-**
  - a. Uplink from Library to Stephen Street Office \$50,583 ex. GST**
  - b. Zone one (Red) on DWS 8 at a cost of \$64,833 ex. GST**
  - c. Zone two (Purple) on DWS 8 at a cost of \$58,558 ex. GST**
  - d. Zone three (Blue) on DWS 8 at a cost of \$46,170 ex. GST**
  - e. Zone four (Yellow) on DWS 8 at a cost of \$55,493 ex. GST**
- 2. Endorse the transfer of \$75,000 from the Withers Reserve to the CCTV project.**
- 3. Request officers continue to seek grant funding to supplement and accelerate the extension of the CCTV network in the Withers area.**
- 4. The additional \$75,000 is subject to confirmation of external funding.**

#### **WAC 22/14**

**That the committee approve:-**

- 1. The installation of the permanent fencing to the closed public access ways up to a maximum of \$40,000 ex GST.**
- 2. That Council approve the transfer to \$135,000 from the Withers Reserve of which \$75,000 for CCTV is subject to confirmation of external funding.**

CARRIED

12 votes "for" / nil votes "against"

**10.8 Review of Elected Member Representation – Proposed Reduction of Councillor Numbers** (*was listed as item 10.2.2 of the Council Agenda*)

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Greg Golinski, Manager Corporate Performance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-1 – Summary of Submissions Received Appendix CEO-2 – Results of Online Surveys

**Summary**

At the Meeting of 4 March 2014, Council Resolved (Decision 67/14)

1. *Council endorse the undertaking of community consultation to obtain views on the following:*
  - a) *Pursuant to section 2.18(3) and clause 5(b) of schedule 2.2 of the Local Government Act 1995, advise the Local Government Advisory Board of its intention to reduce the number of Elected Members from twelve (12) to eight (8).*
  - b) *Withdraw two (2) Elected Members positions at each of the 2015 and 2017 ordinary local government elections, bringing the total Elected Member representation down to 8 Councillors plus the Mayor by 2017.*
  - c) *The reduction be progressed as a minor matter pursuant to clause 5(b) of Schedule 2.2 of the Local Government Act 1995.*
  
2. *Following the consultation period of 30 days, a further report be prepared for Council consideration at the Ordinary meeting of 29 April 2014.*

The purpose of this report is for Council to now consider the submissions following public consultation on the proposed reduction in the number of City of Bunbury Elected Members and make a recommendation going forward. The Executive recommendation provided is based on the previous direction of Council and incorporates a new point four in relation to the issue of local representation. It is considered that the survey results are statistically invalid, therefore the recommendation moving forward is to proceed with a reduction of Elected Members to ten (10) positions at the 2015 Election in the first instance.

**Executive Recommendation**

That Council:

1. Advises the Local Government Advisory Board that pursuant to section 2.18(3) and Clause 5(b) of schedule 2.2 of the *Local Government Act 1995*, our intention to reduce the number of Elected Members from twelve (12) to eight (8).
2. Withdraws two (2) Elected Members positions at each of the 2015 and 2017 ordinary local government elections, bringing the total Elected Member representation down to eight (8) Councillors, plus the Mayor, by 2017.
3. Agrees the reduction be progressed as a minor matter, pursuant to Clause 5(b) of Schedule 2.2 of the *Local Government Act 1995*.

4. Authorises the CEO to initiate community consultation and research into the potential establishment of Community Panels or Precinct Committees based on geographic groupings of interest throughout the City

### **Background**

On 5 February 2009, the then Minister for Local Government (the Minister) announced strategies for local government reform based on a voluntary reduction in the number of individual Councils. Additionally, part of the reform agenda was that Councils' also reduce their Elected Member numbers to between six (6) and nine (9).

At the Ordinary Council meeting held on 29 September 2009, Council endorsed the City's submission to the Minister's local government reform agenda. Council decision 199/09 of that meeting endorsed that submission, with an amendment to include the words *"If there is no amalgamation in the greater Bunbury region, then the City of Bunbury would not agree to reduce the current number of Elected Members."*

Furthermore, at the Council Committee meeting held 9 April 2013, Cr Cook moved a Motion on Notice that the *"City of Bunbury advise the Minister for Local Government that it plans to reduce the number of Elected members from 13 to 9 from the date of the October 2013 local government election."* This motion was lost, 3 votes to 7.

Following Council Decision 67/14, extensive public consultation was undertaken for a period of 30 days with the discussion paper relating to the Elected Member Representation being placed on the City's website. In accordance with the Council decision, the submission period closed on 7 April 2014 with ten (10) submissions being received and a further 145 via online surveys. A summary of the submissions received are **attached** at Appendix CEO-1 and the summary of the online surveys are **attached** at Appendix CEO-2.

Schedule 2.2 of the *Local Government Act 1995* (the Act) sets out the process for a review of Elected Member representation.

In principle, Council has two options in this regard:

1. Retain the status quo and not seek to reduce the number of Elected Members; or
2. Agree to a reduction in Elected Member numbers over a defined period of time (numbers and time periods to be quantified).

Should Council agree in principle to a reduction in representation, the issues required to be addressed in this regard relate to:

- Issue 1: Should the proposed reduction be pending the results of a review of representation under clause 5(a) of Schedule 2.2?
- Issue 2: Should the proposal be dealt with as a minor matter under clause 5(b) of Schedule 2.2?
- Issue 3: How many positions should be withdrawn, and the timeframe to implement the proposal?

### Comment – Issue 1

Clause 5(a) of Schedule 2.2 of the Act enables a local government to carry out a review of whether or not an order under section 2.18 of the Act should be made.

To undertake a review will require some time. The Act requires a public submission period of not less than six weeks, after which a report must be compiled and endorsed by Council, then sent to the Local Government Advisory Board for consideration.

Given that the City no longer has Ward representation, it is suggested that a formal review is unnecessary, as the only matter of contention is the ratio of Councillors to electors, with the other matters prescribed within Schedule 2.2 being irrelevant, namely: community of interest; demographics trends; physical and topographic features, and economic factors.

The City's current ratio of Elected Members to electors (excluding the Mayor) is 1:1773. A reduction to eight (8) Councillors would see this ratio change to 1:2660

#### Comment – Issue 2

Clause 5(b) of Schedule 2.2 of the Act enables a local government to propose to the Local Government Advisory Board that an order under section 2.18 of the Act should be made and progressed as a minor matter where public submissions need not be invited.

This approach forms part of the Executive Recommendation, and proposes that Council inform the Local Government Advisory Board of its intention to reduce Elected Member numbers and have the matter dealt with as a minor matter in accordance with Clause 5(b) of Schedule 2.2 of the Act.

This will only require an absolute majority resolution of Council, with no public consultation required. The Board will then consider the proposal and make a recommendation to the Minister.

It is also important to note that if the Board considers that the proposed reduction is not a minor matter, it will instruct the City to undertake a review as per Issue 2.

#### Comment – Issue 3

The Executive Recommendation proposes a total reduction of four (4) Councillors over two (2) ordinary elections (2015 and 2017). This would ensure that following the 2017 ordinary election, the Council would comprise four (4) members with two (2) year terms, and four (4) members with four (4) year terms.

In the event that Council wishes to reduce representation from twelve (12) Councillors to eight (8) at a single ordinary election (2015), then it is suggested that a complete spill of Councillor positions take place to facilitate immediate equilibrium in relation to length of terms.

It is possible that such a scenario could still be undertaken without a complete spill of positions, although equilibrium in relation to length of terms could not be obtained until 2017.

Point 4 of the recommendation will allow the CEO to initiate community consultation and research into the potential establishment of Community Panels or Precinct Committees based on geographic groupings of interest throughout the City.

The establishment of such panels or committees would incorporate more participatory decision making building on our household panels and other means of communicating with our community to seek community input to decision making. The Elected Council would then be in a position to focus on strategic matters and through the establishment of Community Panels/Precinct Committees across the City the Council has direct access to a resource at street level.



If these are established it is envisaged a time when budgets will be allocated to these bodies to expend on improvements at street level similar to our delegations to the Withers Advisory Committee. Examples include Swan, Fremantle, Vincent and on an international scale, Auckland, Vancouver and several cities in England. The DLGC has also researched this topic.

### **Council Policy Compliance**

There is no Council Policy applicable to this proposal.

### **Legislative Compliance**

Schedule 2.2 of the *Local Government Act 1995* sets out the process for a review of Elected Member representation.

The proposal will also be applicable to section 2.18(3) and Clause 5(b) of schedule 2.2 of the *Local Government Act 1995*, in which the City of Bunbury will advise the Local Government Advisory Board of its intention to reduce the number of Elected Members from twelve (12) to eight (8) if adopted.

It should also be noted that it is proposed that the reduction be progressed as a minor matter pursuant to Clause 5(b) of Schedule 2.2 of the Local Government Act 1995, if the proposal is adopted.

### **Officer Comments**

Whilst there has been significant advertising of the proposal and numerous opportunities for members of the public to have a say in relation to this matter, the level of responses to all avenues does not provide a statistically valid response from which to gauge overall public opinion in relation to the proposed changes. After fully considering the written submissions, it is not possible to summarise them in a simple format. Therefore, each of the submissions is provided as an attachment to this report in full. Overall the general thrust of the submissions is opposed to a reduction in the number of elected members based on the perception of a reduction in the level of representation. When looking at other local governments which have reduced the level of representatives this has not been the case, and whilst the same arguments were presented at the time it has not resulted in issues for the community at large. The arguments based around the lack of representation in local areas is addressed through the review of alternative arrangements such as community panels or precinct committees such as has been established in Withers as part of the Withers Urban Renewal Project. This allows a much greater level of involvement and decision making at the local level and is supported by the Councillors involved.

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

A reduction of four (4) Elected Member positions would facilitate annual operational savings of \$102,000 (sitting fees plus allowances) or in excess of \$1M over a ten (10) year period.

### **Community Consultation**

Whilst there was no statutory requirement, community consultation was sought to seek the views on the proposed reduction in the number of Elected Members.

Following Council Decision 67/14, extensive public consultation was undertaken for a period of 30 days with the discussion paper relating to the Elected Member representation being placed on the City's website

Public consultation regarding the review of councillor numbers was advertised on the City's website, with the main information is accessible via the notices tab on the homepage and included an overview, the Discussion Paper, submission information including a link to a Survey Monkey yes/no/comment poll. There was also a link in the news article <http://www.bunbury.wa.gov.au/Pages/Council-to-review-elected-member-representation.aspx> and information and link to the information on the first image slider on the homepage.

There was also updates posted via Social Media (Facebook and Twitter) and the information also appeared in the City Focus weekly column of the Bunbury Mail. Details of these are listed below:

Newspaper articles:

- 27 February: South Western Times; 12 March: Bunbury Mail; 13 March: South Western Times

City Focus:

- 12 March; 19 March; 26 March; 02 April

Facebook posts:

- 07 March; 26 March; 31 March; 07 April; 69 Shares of the Town Hall Social poll

Twitter posts:

- 18 March; 10 March

Email newsletters:

- 10 March (e-newsletter); 21 March (e-newsletter); 1 April (Household Panel); 4 April (e-newsletter – new subscribers since 21 March)

In accordance with the Council Decision, the submission period closed on 7 April 2014 with ten (10) submissions being received and a further 145 via the online surveys. A summary of the submissions received are **attached** at Appendix CEO-1 and the summary of the online surveys are **attached** at Appendix CEO-2.

### **Councillor/Officer Consultation**

The issue of Elected Member representation was discussed at the Ordinary Council Meeting of 4 March 2014.

The matter has also been raised with the previous elected Council as referenced within this report.

**Outcome – Council Meeting 29 April 2014**

Mr Ross Slater of 4/167 Ocean Drive addressed Council on this matter against the recommendation.

Cr Prosser then moved the procedural motion that the matter be adjourned until the Council meeting to be held on 13 May 2014. Cr Morris seconded the motion.

The Mayor put the motion to the vote with the result being 6 votes “for”, 6 votes “against”. The Mayor then used his casting vote in support of the procedural motion which was then adopted to become Council’s decision on the matter.

**Council Decision 145/14**

***Pursuant to Clause 11.1(b) of the City of Bunbury Standing Orders 2012, the debate on the matter be adjourned until the Council meeting to be held on 13 May 2014.***

CARRIED

7 votes “for” / 6 votes “against”

**10.9 2015/16 State Budget Projects** (was listed as item 10.2.3 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil.

**Summary**

The purpose of this report is for Council to consider a number of regional projects for which to agree on the development of business cases. The business cases are to be developed and presented for consideration in the 2015/16 (and future years) State budget and for Council to formally resolve to discontinue work on a number of historic projects.

With the preparation of business cases for the projects, it is felt that this will strengthen the City of Bunbury's position and will assist with convincing the State Government to consider seriously investing in the City of Bunbury, particularly for regional projects.

**Executive Recommendation**

- 1) That Council endorse the preparation of business cases and associated planning approvals to secure State Government funding of regional projects within the City of Bunbury to include, but not restricted to the following projects:
  - Leschenault Inlet Master Plan with priority for the water playground
  - Wildlife Park and accessible playground expansion
  - Power, water and sewerage infrastructure upgrades in the CBD and elsewhere to ensure orderly development of construction projects.
  - South West Sports Centre upgrades
  - Construction of NFP and cultural arts expansion
  - Regional Museum
  - Stirling Street Arts Centre conservation and expansion
  - Koombana Bay and Casuarina Bay land based projects, including, but not limited to the provision of public facilities (public toilets, accessible playgrounds with shade), waterwise landscaping, dual use pathways/promenades and associated infrastructure including power, water and sewerage.
  - BREC loan payout
  - Greater contribution to proposed sports pavilion
  - Funded studies for a regional art gallery, including potential locations and design.
  
- 2) That Council endorse that no further action be undertaken on the previously identified projects (as outlined below) and remove them from the list of Council projects in the long term planning framework:
  - Three Waters Centre (incorporating Visitor Information Centre, Regional Museum and Noongar Cultural Centre)
  - Bunbury Marina Precinct (noting this has now been superseded by the State Government Marine Facilities Alliance Group)

## **Background**

In support of the recommendation and projects listed, the Mayor has submitted the following:

“I believe there is a robust case to be made for State government funding of regional projects within the City of Bunbury rather than continue to rely on the Bunbury rate paying community to carry the increasingly onerous financial burden for regional facilities.

The rationale for this consideration includes acknowledgement that the Perth metropolitan area continues to grow at a rate that has placed and will increasingly place significant financial pressure on the State government and federal government to fund infrastructure to cope with a rapidly growing population. According to ABS (4.04.14) Perth metropolitan area is home to 78% of the State’s population and has grown by 3.5% over the 12 month period 2012/2013.

With Greater Bunbury located within a reasonable commuting distance of the metropolitan area and having a large variety of community infrastructure including world class medical, educational, sporting, entertainment and cultural facilities, it makes sound economic, environmental and social sense to support regional city growth as has occurred elsewhere in Australia (e.g. Queensland) and internationally. Bunbury also has the potential to be the first regional city to have a high capacity broadband of 1 gigabyte which will support existing users of internet technology ( e.g. Vue group) and will attract other enterprises that rely on high speed connectivity worldwide.

Whilst all projects have an economic dividend it is important to emphasise the need for cultural and public infrastructure to make what I believe our community should aspire to and that is to become WA’s most progressive and complete regional city. Numerous studies demonstrate that communities that are economically sustainable, have sound business community and political leadership, are creative and vibrant and culturally diverse will not only continue to satisfy existing residents and investors but will attract more residents, visitors and investors seeking such communities.

Subject to Council’s endorsement it is proposed to work seamlessly with the South West Development Commission and secure support from local Members of Parliament and ideally local governments of the Bunbury Wellington region to progress business cases for each project. We have a 9 month window of opportunity to prepare these business cases that must meet the aspirations contained within the draft South West Regional Blueprint.”

## **Council Policy Compliance**

There is no Council Policy applicable to this proposal.

## **Legislative Compliance**

Not applicable

## Officer Comments

The intent of the motion provided is to focus the strategic planning for major regional projects in the lead up to the State Government budget for 2015/16 and beyond. In order for the Council to be in a position to effectively lobby for funding for the regional projects there is a need to have robust business cases and appropriate approvals in place to enable the roll out of these projects when funding is achieved. To facilitate this process there will be a need to refocus internal resources over the next year to ensure that this can be achieved. During 2013/14 changes were made to the structure to create a position of Manager Corporate Projects which was supported by a Project Officer. It is envisaged that these roles will take on the task of coordination and oversight of the planning for the identified projects to get them to a shovel ready status along with appropriate business cases for presentation to Council and relevant government agencies.

Part of this process will involve working with the South West Development Commission on the development of the business cases and linking them to State initiatives where appropriate.

Whilst there are some overlaps with the projects specified in the draft motion, staff have been undertaking a review of the Regional Blueprint and have identified a number of other areas where it is considered that there is some scope to look for additional funding through this process. The projects are:

- Construction of a decked public car park in the city centre in association with the LandCorp driven Marston Waterfront project.
- Prioritisation of the construction of the final stages of the Bunbury Outer Ring Road (alleviating future congestion of the Australind Bypass).
- Fast tracking establishment of the Preston River to Ocean Regional Park under the management of the Department of Parks and Wildlife.
- Upgrading the central bus station and the development of a northern and southern kiss-and-ride main bus terminal (i.e. located in the Eaton and Dalyellup activity centres and at the future fast train station east of Eaton).
- Estuary Drive realignment.
- College Grove Super Campus Precinct Plan formulation and expansion works (e.g. shared car parking and public transport stop) with associated environmental offset package.
- Relocation of port industry uses from the Outer Harbour (preferably to the Inner Harbour) and the development of a new marine orientated mixed use precinct in accordance with the Marine Alliance Master Plan.
- Land release and development of the Preston North Precinct Industrial Park.
- Construction of the South Western Highway (Picton Road) realignment.
- Development of the regional bike pathway network.
- Construction of sea wall defences and upgrades to the plug (to mitigate against sea level rise) along vulnerable sections of the Koombana Beach as part of any landscape upgrades.
- Preston River levee bank upgrading (and associated diversion) in order to provide 1 in 500 year flood mitigation.
- Wastewater recycling for industry and groundwater infiltration within the Bunbury Water Reserve public drinking water source area (including reuse for irrigation of regional parkland such as Hay Park).
- Flood Mitigation including Five Mile Brook.

The work that has already been completed over recent years in relation to the projects will be refined and updated to reflect current costs and planning requirements. There has also been work

undertaken in relation to a number of other major initiatives, such as the Three Waters Centre and Bunbury Marina Precinct.

Given the changes in proposed land uses and restrictions on sites and Council funding it is proposed that Council resolve not to pursue these projects. Given the time since work was undertaken it is not considered necessary to move a rescission motion, however, to ensure that there is a record of the decision, the proposed motion addressed and the cessation of work that has previously been undertaken on the specified projects. The work that has been completed will be used, where appropriate, and incorporated into new associated or aligned projects.

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

The proposal will assist the City when submitting projects to secure a substantial bid to the State Government budget for the 2015/16 financial year and beyond. If the projects are successful, this will enable a larger delivery of major projects within the region lessening the impact on the City of Bunbury budgets, and in turn, the ratepayers. During 2014/15 there will be costs associated with the compilation of planning approvals, design work and public consultation where appropriate. The costs will be identified through cost savings during the year and reported to Council through budget reviews. Where possible, all work will be undertaken in-house to minimise costs, however there will be some areas where specific expertise is not available or where specific works have to be undertaken externally to deliver the desired outcomes.

### **Community Consultation**

There has been no community consultation undertaken in relation to the preparation of this report, however preliminary discussion have been held with the Chief Executive Officer of the South West Development Commission as a key stakeholder in the process. As each of the individual projects progresses, consultation will be undertaken with the respective agencies and the broader community.

### **Councillor/Officer Consultation**

At the Ordinary Council Meeting of 1 April 2014, the Mayor advised to those present that he would be working with the CEO to develop a plan to be presented to Council for endorsement in the near future.

### **Outcome – Council Meeting 29 April 2014**

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

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

Cr Steele moved the Executive Recommendation with an amendment removing the reference to the Regional Museum in part (1) of the Recommendation. Cr Kelly seconded the amended recommendation.

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

#### **Council Decision 146/14**

**1) That Council endorse the preparation of business cases and associated planning approvals to secure State Government funding of regional projects within the City of Bunbury to include, but not restricted to the following projects:**

- **Leschenault Inlet Master Plan with priority for the water playground**
- **Wildlife Park and accessible playground expansion**
- **Power, water and sewerage infrastructure upgrades in the CBD and elsewhere to ensure orderly development of construction projects.**
- **South West Sports Centre upgrades**
- **Construction of NFP and cultural arts expansion**
- **Stirling Street Arts Centre conservation and expansion**
- **Koombana Bay and Casuarina Bay land based projects, including, but not limited to the provision of public facilities (public toilets, accessible playgrounds with shade), waterwise landscaping, dual use pathways/promenades and associated infrastructure including power, water and sewerage.**
- **BREC loan payout**
- **Greater contribution to proposed sports pavilion**
- **Funded studies for a regional art gallery, including potential locations and design.**

**2) That Council endorse that no further action be undertaken on the previously identified projects (as outlined below) and remove them from the list of Council projects in the long term planning framework:**

- **Three Waters Centre (incorporating Visitor Information Centre, Regional Museum and Noongar Cultural Centre)**
- **Bunbury Marina Precinct (noting this has now been superseded by the State Government Marine Facilities Alliance Group)**

CARRIED

12 votes "for" / nil votes "against"



**10.10 CinéfestOZ 2014 Request for Support** *(was listed as item 10.3.1 of the Council Agenda)*

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Stephanie Addison-Brown, Director Community Development
<b>Executive:</b>	Stephanie Addison-Brown, Director Community Development
<b>Attachments:</b>	Appendix DCD-1 – CinefestOZ Event Report 2013 Appendix DCD-2 – CinefestOZ Funding Application for 2014 Festival

**Summary**

Following the success of the CinéfestOZ launch event and associated activities held in Bunbury for the first time in August 2013, CinéfestOZ has submitted another application for funding for the 2014/15 financial year to enable them to hold another series of events and activities in Bunbury in August 2014.

Due to the fact the event is anticipated to take place in August 2014, the organisers have advised they need to know the outcome of their request this financial year in order to commit to their plans for Bunbury again this year.

At the Bunbury Event Coordination Group (BECG) meeting held 16 April 2014, the group resolved the following:

*The Bunbury Event Coordination Group agree to support the proposal for the 2014 Cinefest Oz event for Bunbury with a cash contribution of \$20,000 in sponsorship and \$15,000 of in-kind services, with a condition that the City of Bunbury Events Team and members of the Bunbury Event Coordination Group be involved in the PR, media and sponsorship strategy for the Bunbury component of the event.*

**Executive Recommendation** (based on advice from the Bunbury Event Coordination Group)

That Council agrees to contribute \$20,000 cash and \$15,000 in-kind support to CinéfestOZ to enable their program to take place in Bunbury in August 2014 subject to *the City of Bunbury Events Team and members of the Bunbury Event Coordination Group be involved in the PR, media and sponsorship strategy for the event.*

**Background**

CinéfestOZ is owned by Geographe French Australian Festivals Incorporated. It is a progressive, professionally operated body managed by a volunteer board.

CinéfestOZ is Western Australia's premiere destination film festival centred in the South West of WA, focusing on Australian and French film. The festival is located in regional WA and attracts culturally engaged visitors from the Perth metro market and throughout Australia. In 2013, CinéfestOZ festival screenings and events were introduced to the City of Bunbury as a result of interest from the Bunbury cultural, business and arts communities. Over four days of the festival in August 2013 CinéfestOZ offered a slate of great new feature films and shorts, a red carpet gala event at BREC, community screenings of documentaries and shorts and a stimulating and very well attended schools program. The Australian and Western Australian film industry as well as a diverse audience of film lovers embraced the festival as their own special event and attended in force.

Some significant achievements of CinéfestOZ include:

- Attendance has grown from 1800 in 2008 to over 15,000 in 2013, an increase of over 800%

- Screened 26 feature film premieres (mainly Australian) in 2013 including 3 world premieres. Held a total of 69 ticketed screenings, 128 free community screenings and 26 special events. The City of Bunbury hosted the WA Premiere screening of the Australian film *Mystery Road* with actor Jack Thompson in attendance on the red carpet at the Bunbury Regional Entertainment Centre.
- Attracted international film makers such as Fred Schepisi, David Wenham, Rachel Ward, Bryan Brown and Jack Thompson in support of the festival and the Australian film industry
- Helped create the film friendly environment that enabled 3 feature films to be made in the South West of WA and assisting at least a further three that are now in development.
- Established strong partnerships with government and sponsors who recognise the event and its value to community cultural growth, tourism and the film industry.
- Increased the profile of CinéfestOZ and the South West (including Bunbury) at a regional, national and state level through a successfully delivered marketing campaign. CinéfestOZ is seeking to build upon its first year introduction into the City of Bunbury community and apply for a further two years funding (ie 2014 and 2015 years).

An Event Report from the CinéfestOZ 2013 festival is **attached** at Appendix DCD-1.

City of Bunbury staff have been working with the South West Development Commission and other Councils and industry stakeholders on 'film friendly' strategies for the region as a result of the 2013 festival.

In the next three years, CinéfestOZ plans to evolve further to become one of the top three film festivals in Australia, increase the level of involvement of the Australia film industry and introduce Australia's richest feature film prize and awards. The CinéfestOZ Film Prize, at \$100,000, is Australia's richest film prize and is offered during the 2014 festival as part of a new three-year sponsorship arrangement with Eventscorp's Regional Events Program, which is funded by the Western Australian Government's Royalties for Regions.

#### **Council Policy Compliance**

Nil

#### **Legislative Compliance**

Nil

#### **Financial and Budgetary Implications**

CinéfestOZ 2014 is in the draft 2014/15 budget as a project (PR-3511). It is noted the project is currently listed for \$25,000 cash and \$25,000 in-kind support. Should Council resolve to adopt the BECG recommendation this would see a saving of \$5,000 cash and \$10,000 in-kind.

CinéfestOZ advised it has ATO endorsement as a Deductible Gift Recipient and is registered for GST.

#### **Officer Comments**

CinéfestOZ submitted a funding application in December 2013 requesting a two year funding commitment from Council (see Appendix DCD-2). In February 2014, Council has changed the way in which it supports events and CinéfestOZ will be referred to the newly formed Bunbury Event

Coordination Group (BECG) for future requests for funding which would be via applications to the City's new Events Grants Round.

However, the festival proposed for August 2014 requires a decision prior to the adoption of the budget and establishment of the Events Grants Round to enable CinéfestOZ to plan, prepare and promote their festival if it is to take place in Bunbury and as such, Council is requested to consider funding CinéfestOZ 2014 this financial year.

It may be noted that the BECG are fully supportive of the festival going ahead in August 2014 and believe it is an important addition to Bunbury's calendar of events, will enable a national showcase of the new BREC and build Bunbury's reputation as a major player in the South West region in terms of quality events and genuine support for creative people. This year will see the introduction of the richest film prize in Australia which should attract a lot of industry attention to the South West and see CinéfestOZ become an internationally influential festival.

CinéfestOZ has advised that should their request be unsuccessful they will not be able to hold their festival in Bunbury and will continue with their original focus on evolving the festival in Busselton and Margaret River.

It would be disappointing to see CinéfestOZ no longer continue in Bunbury after a successful inaugural festival in 2013, particularly when Bunbury has just renewed its focus on event attraction and is in the process of developing a creative city strategy. The last six months has seen a large effort to demonstrate that Bunbury is 'open for business' and that the City is serious about evolving quality events which create vibrancy and job opportunities.

### **Community Consultation**

The Bunbury Event Coordination Group considered this request at their meeting on Wednesday 16 April 2014 and were supportive of CinéfestOZ's application for cash and in-kind support. The group resolved:

*The Bunbury Event Coordination Group agree to support the proposal for the 2014 Cinefest Oz event for Bunbury with a cash contribution of \$20,000 in sponsorship and \$15,000 of in-kind services, with a condition that the City of Bunbury Events Team and members of the Bunbury Event Coordination Group be involved in the PR, media and sponsorship strategy for the Bunbury component of the event*

### **Councillor/Officer Consultation**

The Chairman of Geographe French Australian Festivals Incorporated, David Barton, and CinéfestOZ Manager, Malinda Nixon, met with the Mayor, Director Community Development and Team Leader Events early in 2014 to discuss their proposal for the August 2014 event.

**Outcome – Council Meeting 29 April 2014**

Mr David Barton of West Busselton addressed Council on this matter in support of the recommendation.

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

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

**Council Decision 147/14**

***That Council agrees to contribute \$20,000 cash and \$15,000 in-kind support to CinéfestOZ to enable their program to take place in Bunbury in August 2014 subject to the City of Bunbury Events Team and members of the Bunbury Event Coordination Group be involved in the PR, media and sponsorship strategy for the event.***

CARRIED

12 votes "for" / nil votes "against"

**10.11 Proposed Change of Use from ‘Showroom’ or ‘Office’ to ‘Shop’, LOT: 119 DP: 36374 #24 SPENCER STREET BUNBURY** *(was listed as item 10.5.2 of the Council Agenda)*

<b>File Ref:</b>	P08765-02
<b>Applicant/Proponent:</b>	MPM Development Consultants
<b>Author:</b>	Laura Sabitzer – Planning Officer
<b>Executive:</b>	Bob Karaszewych, Director Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-3 – Location Plans, No. 24 Spencer Street, Bunbury Appendix DPDS-4 – Development Plans, No. 24 Spencer Street, Bunbury Appendix DPDS-5 – MPM Consultants Applicant Covering Letter

**Summary**

The proposal is for the Change of Use of Tenancy 2 at Lot 119, No. 24 Spencer Street, Bunbury from a ‘Showroom’ or ‘Office’ use to a ‘Shop’ use. The purpose of the application is to enable the relocation of local business Rusticana from its existing CBD location to the above premises currently under construction.

The application has been assessed against the provisions of the City of Bunbury Town Planning Scheme No.7 (the Scheme) and relevant Local Planning Policies. A ‘Shop’ is a more intensive use of the site and therefore requires additional provision of car bays than a ‘Showroom’ or ‘Office’ use.

The application proposes a car park shortfall to the minimum Scheme car parking requirements. Sufficient car parking should be provided on-site to service the needs of the land use(s). Consideration has been given to the relevant planning framework that allows for additional parking to be provide off-site and concessions to car parking standards in the ‘City Centre’ Zone. Taking into account the car park provided at the premises; the on-street parking in Wexford Lane; and the public car parks in the vicinity of the site, the approval of the car parking shortfall is deemed appropriate.

On balance, it is recommended that Council approves the application, subject to recommended conditions and accompanying advice notes.

**Executive Recommendation**

That Council:

1. Approve the development application for proposed change of use from ‘Showroom’ or ‘Office’ to ‘Shop’ at Tenancy 2, Lot 119 #24 Spencer Street, Bunbury (application reference DA/2014/65/1) in accordance with the City of Bunbury Town Planning Scheme No. 7, subject to the following conditions and advice notes:
  - a. At all times, the development the subject of this planning approval, must comply with the definition of “Shop” as contained in Schedule 1 of the City’s Local Planning Scheme.
  - b. All development shall be in accordance with the approved development plans (attached), which form part of this planning approval.
  - c. This planning approval will expire, if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or within any extended period of time for which the City of Bunbury has granted, prior written consent.

- d. The car park layout is to be amended as shown in red on the approved development plans to cater for a one-way car parking configuration in the front parking area. Before the development is commenced, an amended car parking plan shall be prepared in accordance with relevant Australian Standards, Ausroad Guidelines, and City of Bunbury requirements to the satisfaction of the City of Bunbury. Once plan(s) are approved, construction is to be in accordance with the approved plans and be completed before the development is occupied.
- e. Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage system.
- f. Goods or materials must not be permanently stored within the parking or landscaping area, or within access driveways.
- g. All verge areas shall be suitably grassed or planted and maintained at all times. The verge shall not be used for the purpose of parking or for overflow parking in the case of a common driveway being shared.
- h. Additional hardstand or gravel seal, other than the cross-over, will not be permitted on the verge. Any landscaping to the verge, other than lawn, requires an approved 'Verge Treatment Permit' in accordance with the City's QF214 'Verge Treatment Guidelines Forms'

Advice notes:

- a. Signage, additional to that shown on the approved plans, may require planning approval and/or a building permit to be issued prior to installation. Further information can be obtained from the City of Bunbury's Development Assessment and Building Certification Services on (08) 9792 7000.
- b. The City of Bunbury advises that the development the subject of this planning approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100 or (08) 9792 7000.
- c. The City of Bunbury advises that the development the subject of this planning approval must comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Unauthorised Discharge) Regulations 2004* in relation to discharge into the environment. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.
- d. The premises and equipment the subject of this planning approval is required to comply with clause 3.2.3 of the Australian Food Safety Standards.

Regardless of whether a building permit is required, application shall be made to the City of Bunbury's Environmental Health Services for assessment and approval prior to commencing development.

Two (2) sets of scaled plans (minimum 1:100) and specifications detailing the design and fit out shall be submitted to Environmental Health Services and shall include the following information:

- the use of each room/area;
- the structural finishes of walls, floors, ceilings, benches, shelves and other surfaces;
- the position and type of all fixtures, fittings and equipment;
- all sanitary conveniences, floor wastes/bucket traps/cleaner's sinks, grease traps, etc;
- waste storage and disposal areas;
- plans and specifications of the mechanical exhaust system if cooking is to take place in the food business;
- specifications of all cooking equipment (stoves, ovens, fryers, etc);
- elevations of food handling and storage areas; and
- details of the types of food being prepared or sold.

Please refer to the City of Bunbury's Requirements for the Establishment, Construction and Fit-Out of Food Premises available on the website at [www.bunbury.wa.gov.au](http://www.bunbury.wa.gov.au).

A final inspection of the premises will be required to be carried out by Environmental Health Services prior to commencing operation. Further information may be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.

- e. The development is defined as a "Food Business" under the *Food Act 2008*. The development must comply with the *Food Act 2008* and *Food Regulations 2009*. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100 or (08) 9792 7000.
  - f. The development the subject of this planning approval must comply with the requirements of the *Health Act 1911*.
  - g. The development the subject of this planning approval is required to comply with the City of Bunbury Health Local Laws 2001.
2. Advise the applicant of Council's decision.

### **Background**

A development application for a Change of Use from 'Showroom' or 'Office' to 'Shop' at Lot 119, #24 Spencer Street, Bunbury was received in March 2014. The building is currently under construction, with the development and the use of Tenancy 2 as a 'Showroom' or 'Office' use receiving planning approval in July 2013. Tenancy 2 is 495sq m in area and can be accessed from Spencer Street and Sampson Road. No changes to the approved building are proposed with this application.

The location plan and development plans are **attached** and can be viewed at Appendices DPDS-3 and DPDS-4.

The purpose of this application is to enable the relocation of local business Rusticana from its current location on Victoria Street, Bunbury to the subject location.

In February 2014, Council refused a development application for Change of Use application relating to the relocation of Rusticana to the Homemaker Centre. Refer to Council Decision 56/14 below. It is noted that this decision is currently being reviewed at the State Administrative Tribunal (SAT).

#### **Council Decision 56/14**

##### ***That Council resolves to:***

1. ***Refuse a development application for the proposed Change of Use of Tenancy 3D – Homemaker Centre at Lot 107, #42 Strickland Street, South Bunbury (application reference DA/2013/289/1) in accordance with City of Bunbury's Town Planning Scheme No. 7, for the following reasons:***
  - a. ***The proposal falls within the definition of 'Shop' as contained in Schedule 1 of the City of Bunbury's Town Planning Scheme No. 7. The use-class of 'Shop' is listed in Table No.1 – Zoning Table of the City of Bunbury's Town Planning Scheme No. 7, as an 'X' (Not Permitted) use in the Mixed Business Zone (refer to Advice Note a).***
  - b. ***The proposed development is contrary to the City of Bunbury Local Planning Strategy for Activity Centres and Neighbourhoods.***
  - c. ***The proposed development is contrary to the objectives Western Australian Planning Commission's Activity Centres for Greater Bunbury Policy and as such is not in accordance with Clause 10.2.1(e) of the City of Bunbury's Town Planning Scheme No. 7.***
  - d. ***The proposed development does not represent orderly and proper planning and as such is not in accordance with Clause 10.2.1(b) of the City of Bunbury's Town Planning Scheme No. 7.***

***Advice note:***

  - a. ***The City of Bunbury Town Planning Scheme No. 7 states, "The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme".***
2. ***Advise the applicant of Council's decision.***

In the proposed location (Lot 119 #24 Spencer Street, Bunbury) the use class of "Shop" is listed as a 'P' permitted use and is capable of approval. Whilst at the Homemaker Centre, the use class of "Shop" is an 'X' not permitted use and as such a "Shop" use, cannot be approved.

The applicant's justification for this proposal is **attached** at Appendix DPDS-5.

#### **Council Policy Compliance**

##### **Local Planning Policy 3.1: Access and Parking for Pedestrians, Bicycles and Vehicles (LPP 3.1)**

The proposed change of use to a "Shop" from an "Office" or "Showroom" use is a more intensive use of the premises and therefore requires additional car parking. The assessment of the additional car parking bays required, and the provisions relating to offsite parking, concession to car parking requirements in the City Centre Zone and cash in lieu parking are outlined. The applicable provisions of this policy are discussed in the Officers Comments, below.

##### **Local Planning Policy 4.1.4: Former St John of God hospital site (Special Use Zone 26) Design Guidelines (LPP: 4.1.4)**

The subject site falls within the former St John of God hospital site design guideline area and is in the Mixed Use Precinct. The majority of the relevant provisions relate to the built form and are not



applicable as the building has been approved. The proposed land use of “Shop” is permitted under LPP 4.14. It is considered that the proposal generally complies with this policy.

### **Legislative Compliance**

#### City of Bunbury Town Planning Scheme No. 7

The application has been assessed against the provisions of the City of Bunbury Town Planning Scheme No.7 (the Scheme). In particular, as the site is zoned ‘Special Use 26’ the specific provisions listed at ‘Schedule 2 – Special Use Zones’ is applicable.

The minimum car parking requirements for a “Shop” use, as per Table 2 of Scheme have been calculated, where it has been established that a car parking shortfall exists. This is discussed in the Officer Comments, below.

### **Officer Comments**

#### Land Use Classification

The site is zoned ‘Special Use 26’ in the Scheme, with the provisions specific to the zone outlined at ‘Schedule 2- Special Use Zones’. In relation to the permitted land uses in ‘Special Use Zone 26’ the Scheme states that, “*All permitted uses as detailed within the City Centre Zone, Zoning Table...*”. The Zoning Table (Table 1 of the Scheme) lists a “Shop” use, as a ‘P’ permitted use in the City Centre Zone. Therefore, the proposed land use at the subject site is capable of approval.

It is noted that the previous application for the relocation of Rusticana, the land use classification of the activity was a point of contention. Council determined that the activity fell within the Scheme’s definition of a “Shop” use. The applicant has since appealed the decision, with the matter yet to be finalised at the SAT.

#### Car parking

The site has been approved with 36 car bays on-site. These car bays are shared between Tenancy 1 (1002sqm and approved as ‘Showroom’ use) and the subject premises, Tenancy 2 (495sqm and previously approved as ‘Showroom’ or ‘Office’ use). 26 parking bays, including an accessible bay are located at the front of the building and are accessed from Spencer Street; and 10 parking bays and a service/delivery area are located at the rear of Tenancy 2 and are accessed from Sampson Road.

Refer to the development plans **attached** at Appendix DPDS-4.

The Scheme at clause 5.7.3.7 states,

*“When the use of any premises is changed to a use class that under the Scheme requires a greater number of parking bays, additional parking bays shall be provided to meet the requirements of the new use in accordance with the Scheme.*”

A ‘Shop’ use is a more intensive use of the land than an ‘Office’ or ‘Showroom’ use and therefore requires more parking bays under the Scheme. For a ‘Shop’ use the Scheme at Table 2 requires at minimum 1 bay per 20 sq m of net lettable area (nla). Tenancy 2 has 485.7 sq m of nla (floor area of 495 sq m less internal toilets). This equates to a minimum of 25 parking bays being required.

Tenancy 2 has access to 17 of the 36 parking bays onsite, with the remaining 19 bays designated for the ‘Showroom’ use at Tenancy 1. This means with the proposed change of use, there are 8 bays less than the minimum car parking requirement prescribed in the Scheme at Table 2.

As an 8 bay shortfall exists, Council is to exercise its discretion as to whether it approves the change of use application. The Scheme at clause 5.5 allows for the minimum car parking requirements to be varied providing that the non-compliance will not have adverse effect upon occupiers, users of the development, inhabitants of the locality or likely future development. In addition to the matters outlined at Clause 10.2 of the Scheme such as Local Planning Policies, the compatibility of a use with its setting, amenity and traffic.

In support of the proposal, the applicant has indicated that, *“a range of additional parking facilities are available within the immediate vicinity of the subject land including the 32 bay private car parking area previously developed off Wexford Lane and 5 on-street parking bays adjoining the subject land on Wexford Lane”*.

The Scheme and LPP 3.1 and 4.1.4 set out provisions which allow in certain circumstances for the minimum car parking requirements of Table 2 to be reduced, with consideration of scenarios such as off-site parking, public car park stations, access to public transport and cash-in-lieu of parking.

The Scheme and LPP 4.1.4 states that the provision of parking bays is not required for proposals of development or change of use with a gross leasable area (gla) of less than 500sqm in the City Centre Zone. The subject tenancy has a gla of 495sqm. Whilst it is acknowledged that the property is not technically in the City Centre Zone, it is deemed that Special Use 26 Zone has synergy with the Bunbury city centre for the following reasons:

- Schedule 2 at ‘Special Use 26’ indicates all land use as detailed in the City Centre Zone are permitted therefore representing synergy with this City Centre Zone. Specifically a ‘Shop’ is permitted in both zones.
- The site is within proximity of the Bunbury City Centre
- The 32 bay public car park (to be ceded to the City, in accordance with the conditions of the planning approval for Lot 100, #9 Edward Street) at the centre of the Special Use 26 Zone, the five (5) bay on-street parking in Wexford Lane and the existing angled public parking in Edward Street, mimics the situation in the Bunbury city centre where patrons of the uses such as Shops, Offices park in a public car park servicing an area and walk to the business.

It is considered that in this instance, due to the peculiarities of the Special Use 26 Zone that the approval of the car parking shortfall is acceptable and will not adversely impact users of the development, the locality or future development.

The City’s Engineering section has stated that as a “Shop” use it has a higher turnover of car bays than a ‘Showroom’ or ‘Office’ use that the front car parking area is to be reconfigured to allow for a one way configuration to improve the functionality and safety of the car park. The land owner has agreed to the revised car parking layout. It is recommended that condition (d) is imposed which requires that the front car park layout revised to the satisfaction of the City.

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

The proposal is to be located on private property, therefore poses no direct financial implications for the City.

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

### **Community Consultation**

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

### **Councillor/Officer Consultation**

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

### **Conclusion**

Local business Rusticana seeks to relocate to Tenancy 2 at Lot 119, No. 24 Spencer Street, Bunbury with the subject premises currently under construction. To enable this, the application has been received to change the approved uses of Tenancy 2 from a 'Showroom' or 'Office' use to a 'Shop' use.

A 'Shop' is a permitted use in the Special Use 26 Zone. This means that Council is able to approve the land use at the subject site. With the previous change of use application for the proposed relocation of Rusticana, the use of 'Shop' was not permitted in the 'Mixed Business' zoning of the Homemaker Centre and therefore was not capable of approval.

Notwithstanding, the change of use to a 'Shop' from an 'Office' or 'Showroom' use is a more intensive use of the premises and requires additional car parking. It has been established that the proposal results in a car parking shortfall of eight (8) bays to the minimum car parking requirements in Table 2 of the Scheme.

Whilst it is acknowledge that car park bays should be provided on-site, as discussed above, consideration has also been given to planning framework that allows for additional parking to be provide off-site and concessions to car parking standards in the City Centre Zone. Namely, LPP 3.1 that does not require car parking to be provided for a tenancy of 500sqm or less within the City Centre Zone. Although the subject site is not technically within this zone, in this instance, the subject site is within the Special Use 26 Zone that is in close proximity and has correlation with the city centre. Land uses permitted in the City Centre Zone (i.e. a Shop) are also permitted in Special Use Zone 26 Zone. Consideration has been given to the on-street parking bays in Wexford Lane and the public 32-bay car park in the centre of the Special Use 26 Zone area.

It is recommended that Council approve the change of use application, subject to the conditions and advice notes.

### **Outcome – Council Meeting 29 April 2014**

The City of Bunbury was contacted on 28 April 2014 by the applicant requesting a change in the Executive Recommendation of this item. The original proposal was for a Change of Use from 'Showroom' or 'Office,' to 'Shop'. The applicant is requesting that the application be changed to 'Showroom' or 'Office' or 'Shop' use. This required a change to point one (1) and point 1(a) of the Executive Recommendation.

The amended recommendation was moved Cr McCleary, seconded Cr Giles.

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

#### **Council Decision 148/14**

##### ***That Council resolves to:***

- 1. Approve the development application for proposed change of use from 'Showroom' or 'Office', to 'Showroom' or 'Office' or 'Shop' at Tenancy 2, Lot 119 #24 Spencer Street, Bunbury (application reference DA/2014/65/1) in accordance with the City of Bunbury Town Planning Scheme No. 7, subject to the following conditions and advice notes:***
  - a. At all times, the development the subject of this planning approval, must comply with the definition of "Showroom" or "Office" or "Shop" as contained in Schedule 1 of the City's Local Planning Scheme.***
  - b. All development shall be in accordance with the approved development plans (attached), which form part of this planning approval.***
  - c. This planning approval will expire, if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or within any extended period of time for which the City of Bunbury has granted, prior written consent.***
  - d. The car park layout is to be amended as shown in red on the approved development plans to cater for a one-way car parking configuration in the front parking area. Before the development is commenced, an amended car parking plan shall be prepared in accordance with relevant Australian Standards, Ausroad Guidelines, and City of Bunbury requirements to the satisfaction of the City of Bunbury. Once plan(s) are approved, construction is to be in accordance with the approved plans and be completed before the development is occupied.***
  - e. Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage system.***
  - f. Goods or materials must not be permanently stored within the parking or landscaping area, or within access driveways.***
  - g. All verge areas shall be suitably grassed or planted and maintained at all times. The verge shall not be used for the purpose of parking or for overflow parking in the case of a common driveway being shared.***

- h. Additional hardstand or gravel seal, other than the cross-over, will not be permitted on the verge. Any landscaping to the verge, other than lawn, requires an approved 'Verge Treatment Permit' in accordance with the City's QF214 'Verge Treatment Guidelines Forms'***

***Advice notes:***

- a. Signage, additional to that shown on the approved plans, may require planning approval and/or a building permit to be issued prior to installation. Further information can be obtained from the City of Bunbury's Development Assessment and Building Certification Services on (08) 9792 7000.***
- b. The City of Bunbury advises that the development the subject of this planning approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.***
- c. The City of Bunbury advises that the development the subject of this planning approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Unauthorised Discharge) Regulations 2004 in relation to discharge into the environment. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.***
- d. The premises and equipment the subject of this planning approval is required to comply with clause 3.2.3 of the Australian Food Safety Standards.***

***Regardless of whether a building permit is required, application shall be made to the City of Bunbury's Environmental Health Services for assessment and approval prior to commencing development.***

***Two (2) sets of scaled plans (minimum 1:100) and specifications detailing the design and fit out shall be submitted to Environmental Health Services and shall include the following information:***

- the use of each room/area;***
- the structural finishes of walls, floors, ceilings, benches, shelves and other surfaces;***
- the position and type of all fixtures, fittings and equipment;***
- all sanitary conveniences, floor wastes/bucket traps/cleaner's sinks, grease traps, etc;***
- waste storage and disposal areas;***
- plans and specifications of the mechanical exhaust system if cooking is to take place in the food business;***
- specifications of all cooking equipment (stoves, ovens, fryers, etc);***
- elevations of food handling and storage areas; and***
- details of the types of food being prepared or sold.***

***Please refer to the City of Bunbury's Requirements for the Establishment, Construction and Fit-Out of Food Premises available on the website at [www.bunbury.wa.gov.au](http://www.bunbury.wa.gov.au).***

***A final inspection of the premises will be required to be carried out by Environmental Health Services prior to commencing operation. Further information may be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.***

- e. The development is defined as a "Food Business" under the Food Act 2008. The development must comply with the Food Act 2008 and Food Regulations 2009. Further information can be***

***obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100 or (08) 9792 7000.***

***f. The development the subject of this planning approval must comply with the requirements of the Health Act 1911.***

***g. The development the subject of this planning approval is required to comply with the City of Bunbury Health Local Laws 2001.***

***2. Advise the applicant of Council's decision.***

CARRIED

12 votes "for" / nil votes "against"

Following the completion of the meeting, Cr Prosser declared a retrospective interest in this item as he is a beneficiary of a family trust that is linked to Scandas Pty Ltd. Cr Prosser did not become aware of Scandas Pty Ltd's involvement in this matter until after the fact.

**10.12 Withers Advisory Committee – Terms of Reference** *(was listed as item 10.6.1 of the Council Agenda)*

<b>File Ref:</b>	A05937
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Phil Harris, Director Works & Services
<b>Executive:</b>	Phil Harris, Director Works & Services
<b>Attachments:</b>	Nil

**Summary**

The Terms of Reference for the Withers Advisory Committee refer to an entity that does not exist. The Withers Community Reference Group was never established although the potential to establish the group was subject to discussion at the time when Council were involved in the Withers Urban Renewal Strategy development. The error requires Council approval to amend the Terms of Reference and as such a report was presented to Council on 18 March 2014. At the meeting held on 18 March 2014 Council resolved the following:-

*“Council Decision 98/14*

*Pursuant to clause 11.1(b) of the City of Bunbury Standing Orders the debate regarding the Withers Advisory Committee Terms of Reference be adjourned until the next Withers Advisory Committee Meeting”*

**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 approve the modified Terms of Reference for the Withers Advisory Committee:

1. To review and progress the Withers Action Plan.
2. Make priority recommendations to Council.
3. Receive information from Council, Withers Community and the Withers Action Group to assist decision making.
4. To provide stronger community relations in Withers

**Background**

The Terms of Reference for the Withers Advisory Committee was originally endorsed by Council as part of Council Decision 350/13 as follows:

1. To review and progress the Withers Action Plan.
2. Make priority recommendations to Council.
3. Receive information from Council and the Withers Community Reference Group to assist decision making.
4. To provide stronger community relations in Withers

A Withers Community Reference Group was originally proposed as part of the Withers Urban Renewal Strategy and considered during the development of the original Terms of Reference for the Withers Advisory Committee. With the formation of the Withers Advisory Committee, the composition of the Committee has representation from Withers Action Group, Withers Community members and Elected Members.

At the Withers Advisory Committee Meeting held on 11 April 2014 the committee endorsed the following Terms of Reference:-

*“WAC Decision 16/14*

- 1. To review and progress the Withers Action Plan.*
- 2. Make priority recommendations to Council.*
- 3. Receive information from Council, Withers Community and the Withers Action Group to assist decision making.*
- 4. To provide stronger community relations in Withers”*

#### **Council Policy Compliance**

Not Applicable

#### **Legislative Compliance**

Subdivision 2 of Division 2 of Part 5 of the Local Government Act 1995 deals with the establishment of committees.

#### **Officer Comments**

Council Decision 34/14 provides the Withers Advisory Committee with delegated Authority and as such the City of Bunbury Standing Orders are applicable. The meetings are open to the public with provision for Public Question time and access to the agenda and Minutes available on the City website.

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

Not Applicable

#### **Community Consultation**

Not Applicable

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

The requirement to amend the Terms of Reference have been discussed with Cr Haywood and senior City officers.



**Outcome – Council Meeting 29 April 2014**

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

**Council Decision 149/14**

***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

12 votes “for” / nil votes “against”

The Mayor then called for a mover and seconder of the Executive Recommendation. The recommendation (as printed) was moved Cr Miguel, seconded Cr Hayward.

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

**Council Decision 150/14**

***That Council approve the modified Terms of Reference for the Withers Advisory Committee:***

- 1. To review and progress the Withers Action Plan.***
- 2. Make priority recommendations to Council.***
- 3. Receive information from Council, Withers Community and the Withers Action Group to assist decision making.***
- 4. To provide stronger community relations in Withers***

CARRIED

12 votes “for” / nil votes “against”

## **11. Applications for Leave of Absence**

### **11.1 Request for Leave of Absence – Councillor Miguel**

At the meeting, Councillor Miguel requested leave of absence from all Council-related business from 11 May 2014 to 23 May 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.

Cr Prosser moved, Cr Hayward seconded *“Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Miguel is granted leave of absence from all Council-related business from 11 May 2014 to 23 May 2014 inclusive”*.

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

#### **Council Decision 151/14**

***Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Miguel is granted leave of absence from all Council-related business from 11 May 2014 to 23 May 2014 inclusive.***

CARRIED

12 votes “for” / nil votes “against”

**12. Motions on Notice**

Nil

**13. Questions on Notice**

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

Nil

**13.2 *Questions from Members***

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 6.26 pm.

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Confirmed this day 13 May 2014 to be a true and correct record of proceedings of the Bunbury City Council Meeting held 29 April 2014.

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