



## **Bunbury City Council**

### **Notice of Meeting & Agenda 9 June 2009**



**City of Bunbury**  
4 Stephen Street  
Bunbury WA 6230  
Western Australia

*Correspondence to:*  
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## GLOSSARY OF ABBREVIATED TERMS

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

## GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
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 Notice of Meeting

TO: Council Members

The next Ordinary Meeting of the Bunbury City Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on **Tuesday, 9 June 2009** at 6.00pm.

Greg Trevaskis  
**Chief Executive Officer**  
(Date of Issue: 4/06/2009)

### Agenda 9 June 2009

**NOTE:** The recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the meeting.

#### *Council Members:*

His Worship the Mayor, Mr D Smith  
Deputy Mayor - Councillor Stephen Craddock  
Councillor Judy Jones  
Councillor Wayne Major  
Councillor Shane Rooney  
Councillor Alfred Leigh  
Councillor Brendan Kelly  
Councillor Helen Punch  
Councillor Noel Whittle  
Councillor Ross Slater  
Councillor Michelle Steck  
Councillor Juliet Harrop  
Councillor Derek Spencer

- 1. Declaration of Opening by the Mayor**
- 2. Record of Attendance, Apologies and Leave of Absence**

Cr H Punch - Leave of Absence 6 May to 15 June 2009 (inclusive)

### 3. Responses to Public Questions Taken 'On Notice' at the Previous Council Meeting

At the Council Meeting held 19 May 2009, questions were asked during Public Question Time that could not be answered during the meeting. A copy of the questions and the written responses forwarded to the questioner is provided below for public information:

Vanessa McDougall of 114 South West Highway, Bunbury

*Question 1: Mrs McDougall requested the publication dates and the details of the newspapers that the Nenke Way Structure Plan was advertised.*

Response 1: Manager, Development Services will provide written advice to Ms McDougall.

Officer Advice 1: The Nenke Way Structure Plan (and its associated Scheme Amendment No. 31) was advertised three times in the Bunbury Mail, City Update Section. The dates of advertising were 22 April, 6 May and 20 May 2009.

*Question 2: Ms McDougall queried the width of the proposed road and wanted to know the minimum road reserve permitted under legislation as the road will twist and turn.*

Response 2: Executive Manager City Development advised that the width of the road will be 14 metres which is the WAPC requirement. He will provide Ms McDougall with a copy of the WAPC Standards for roads and pavements.

Officer Advice 2: Legislation: Section 169 of the *Town Planning and Development Act 2005* provides that the WAPC may fix the standards of road construction. Guidance on road reserve widths comes from the WAPC policy titled "Liveable Neighbourhoods" - WAPC October 2007.

We have interpreted Nenke Way as proposed on the draft structure plan to be an "Access Street D" (Element 2, p5 Liveable Neighbourhoods). An Access Street D is indicated as having a reserve width of 14.2 metres. Nevertheless it has often been experienced that a width of 14 metres has been considered acceptable by the WAPC in special circumstances such as this one where a lesser than standard reserve width is deemed necessary to minimise impacts on existing properties. Currently standard "Access Streets" are constructed with a reserve width of 15 or 16 metres. Twisting and turning of the road will not affect the reserve width.



*Question 3 Ms McDougall stated that at the recent (Nenke Way Public Meeting on last week). The residents were advised that everyone had been notified of the meeting date/time by telephone. She would like to know how many people were actually contacted in this way as there is some dispute.*

Response 3: Mayor advised this information would be provided in writing.

Officer Advice 3: In regard to contacting people by telephone our records indicate as follows:

- Twenty-three (23) contact names relate to the affected Nenke Way properties via Council's Intramaps Property Information System. Note that there are some owners with multiple properties.
- Seventeen (17) phone numbers were found via the White Pages Telephone Directory.
- Of the six contacts that could not be found by phone, one was found and contacted by email, which left five unable to be contacted.
- Five of those contacted by phone were not available and phone messages were left letting them know details of the meeting time and location. None of the five made return calls.
- Ten of those contacted said they would attend the meeting.
- Two of those contacted said they would not be attending the meeting.

#### **4. 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.
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**5. Questions on Notice from Council Members (No Discussion Permitted)**

Nil.

**6. Confirmation of Previous Minutes**

The minutes of the Council Meeting held 19 May 2009, have been circulated.

**Recommendation**

The minutes of the Council Meeting held 19 May 2009, be confirmed as a true and accurate record.

**7. Disclosures of Interest Under the Local Government Act 1995**

Members should fill in <i>Disclosure of Interest</i> forms for items in which they have a financial, proximity or impartiality interest and forward these to the Mayor <u>before</u> the meeting commences.
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**8. Announcements by the Mayor (No Discussion Permitted)**

At the time of printing there were no Mayoral Announcements.

## **9. Chief Executive Officer Reports/Discussion Topics**

### **9.1 Request for Leave of Absence - Councillor Derek Spencer**

<b>File Ref:</b>	A00215
<b>Applicant/Proponent:</b>	Councillor Derek Spencer
<b>Author:</b>	Greg Trevaskis, Chief Executive Officer
<b>Executive:</b>	Greg Trevaskis, Chief Executive Officer

#### **Summary/Background**

Councillor Spencer requests leave of absence from the Council Meeting of 30 June 2009.

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 consecutive ordinary meetings of the Council.

#### **Recommendation**

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Derek Spencer is granted leave of absence from the Council Meeting scheduled for 30 June 2009.

## 9.2 Appointment of CEO Performance Review Panel and Annual Performance Appraisal 2008/2009 - Chief Executive Officer

<b>File Ref:</b>	A01984
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Greg Trevaskis, Chief Executive Officer
<b>Executive:</b>	Greg Trevaskis, Chief Executive Officer

### Application

In accordance with Section 5.38 of the Local Government Act 1995, the Council is required to review the Chief Executive Officer's performance on an annual basis. The employment contract for the Chief Executive Officer also requires that the review be carried out between May and July each year.

To assist in this task, the Council is requested to appoint a Performance Review Panel to undertake the review together with the assistance of a mutually agreed facilitator. The panel will report to the Council.

The 2007/08 CEO Performance Review Panel consisted of His Worship the Mayor and the Deputy Mayor (Panel Chairman) together with Councillors Worthington and Steck.

### Recommendation

1. Council appoints the CEO Performance Review Panel for 2008/2009, membership to consist of:
  - 1.1 His Worship the Mayor - Mr David Smith
  - 1.2 Deputy Mayor - Councillor Stephen Craddock
  - 1.3 Cr \_\_\_\_\_
  - 1.4 Cr \_\_\_\_\_ (to be nominated by the CEO)
2. The 2007/08 CEO Performance Review Report to be finalised no later than 31 August 2009.

**Note: An absolute majority vote is required for point 1. above.**

**9.3 Proposed Scheme Amendment - Lot 100 and Lots 7, 8 & 9 Wimbridge Road, Bunbury**

<b>File Ref:</b>	A00398
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Gary Fitzgerald, Manager Development Services
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

A full report and recommendation concerning a proposal to amend Town Planning Scheme No. 7 will be presented to Council for consideration.

The proposal includes rezoning Lots 100, 7, 8 and 9 Wimbridge Road from "Primary Distributor Road" to "Industry", "Development Zone Industry" and "Access Road".

**10. Reception of Formal Petitions and Memorials**

**11. Reception of Reports and Recommendations from the Council  
(Standing) Committee Meeting held 2 June 2009**

Standing Order 16.1.1 permits the Council to adopt the Committee Recommendations listed in Section 11 of this agenda *"en bloc"*.

**At the meeting, councillors to identify any items requiring individual attention.**

## 11.1 Federal and State Grant-Funded Projects - Delegation of Authority to Determine Tenders

<b>File Ref:</b>	A03696
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Stewart Parkinson, Project Manager
<b>Executive:</b>	Greg Trevaskis, Chief Executive Officer

### Summary

Projects funded as part of the Federal's Government's *'Economic Stimulus Package'* and the State Government's *'Royalties for Regions'* program require fast-tracking of the project design phase so that construction can commence in the near future.

Completion of the design and tendering phase of these projects can only be achieved within the required time frame by delegating authority to Council Officers to determine the outcome of the tenders.

### Background

Council has recently been granted funding from the Federal Government through its *'Community Infrastructure Program'* and the State Government through its *'Royalties for Regions Program'* to complete a number of projects within the City. These projects include:

- Hay Park Athletics Track
- Hay Park Soccer Pitch Upgrade
- Cobblestone Street Car Park Upgrade

The funding agreements require construction for these projects to commence in six months. This is a strict requirement. To achieve this, the appointment of design consultants, reference group consultation, concept design, detailed design, site investigation, construction tender documentation, tender advertising and contractor/supplier selection all have to be completed within the allotted six months. This is a limited time frame that is approximately half of the normal duration for such projects. Accordingly, the duration allowed for these activities needs to be minimised.

The most effective way to minimise the duration of the design and tendering phase of these projects would be for the Council to delegate its authority to the Chief Executive Officer to determine the outcome of tenders. At least three tenders (worth more than \$100,000) are anticipated for the above projects. The standard Council approval process takes four to nine weeks per tender. By delegating authority to the Chief Executive Officer, a significant saving in time per tender is possible.

### Strategic and/or Regional Outcomes

Failure to commence construction by the due date runs the risk of losing the grant and hence losing the proposed facility.

### **Community Consultation**

Reference groups or community stakeholders will have input into the design.

### **Councillor/Officer Consultation**

Various officers will be given the opportunity to comment on the design.

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

Undesirable financial consequences will occur if the grant funds are withdrawn from the City by the funding providers.

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

Commencing construction by the due date will fulfil the intent of the funding agreements, that is, to provide an economic stimulus within six months.

### **Council Policy Compliance**

There is no Council Policy applicable for this proposal

### **Legislative Compliance**

Section 5.42 of the Local Government Act 1995, permits the Council to delegate to the Chief Executive Officer any of its powers, or, the discharge of any of its duties except for those powers or duties that require an 'absolute majority' decision of the Council.

The Department of Local Government has been consulted and has confirmed that the Council can delegate its authority to the Chief Executive Officer to determine the outcome of tenders associated with the Federal Government Community Infrastructure Program and the State Government Royalties for Regions Funding awarded in 2008/2009.

The tenders will be advertised in accordance with appropriate legislation and an evaluation panel will still be established to make recommendations to the Chief Executive Officer.

### **Delegation of Authority**

The Chief Executive Officer does not currently have this delegated authority

### **Relevant Precedents**

There are no recent or relevant precedents.



### **Options**

There are no other practical options available for completion of the design phase of these projects within the due dates should the Council aim to meet the grant conditions and create quality facilities.

### **Conclusion**

It is proposed that the Council delegate its authority to the Chief Executive Officer to determine tender outcomes for projects funded under the Federal Government Community Infrastructure Program and the State Government Royalties for Regions Program in order to significantly increase the City's ability to meet the grant conditions.

### **Recommendation**

1. Delegated authority be granted to the Chief Executive Officer to determine the outcome of tenders associated with projects funded under the Federal Government Community Infrastructure Program and the State Government Royalties for Regions Program awarded in 2008/2009.
2. The Chief Executive Officer to report monthly to the Council on the progress of projects funded by the Federal Government Community Infrastructure Program and the State Government Royalties for Regions Funding, including information on any tenders determined.

### **Outcome - Council Committee Meeting 2 June 2009**

The recommendation (as printed) was moved Deputy Mayor Craddock, seconded Cr Spencer.

During discussion, the following points were raised:

- The motion needs to specify the projects involved.
- The Mayor sought assurance that the proposed design of the car parking area (and associated paths) for the Cobblestone Street Car Park Upgrade would be referred to Council for comment before tenders are called. The Chief Executive Officer confirmed that this will be done by way of the monthly reports to the Council.

The suggested amendment to the motion was agreed to by the mover and seconder and incorporated into their motion.

The (amended) motion was put to the vote and adopted to become the committee's recommendation on this issue.

**Committee Recommendation**

- 1. Delegated authority be granted to the Chief Executive Officer to determine the outcome of tenders associated with the following projects funded under the Federal Government Community Infrastructure Program and the State Government Royalties for Regions Program awarded in 2008/2009:**
  - 1.1 Hay Park Athletics Track**
  - 1.2 Hay Park Soccer Pitch Upgrade**
  - 1.3 Cobblestone Street Car Park Upgrade**
  
- 2. The Chief Executive Officer to report monthly to the Council on the progress of projects funded by the Federal Government Community Infrastructure Program and the State Government Royalties for Regions Funding, including information on any tenders determined.**

**Note: An absolute majority vote (to delegate authority) will be required at the Council Meeting.**

**11.2 Petition - Request for Permanent Reduction in Council Rates for Dwellings in the Woodstock West (Retirement) Village, 146 Strickland Street, Bunbury**

<b>File Ref:</b>	A00509
<b>Applicant/Proponent:</b>	Residents' Committee - Woodstock West Village
<b>Author:</b>	John Beaton, Manager Administration & Property Services
<b>Executive:</b>	<i>If adopted refer to:</i> Ken Weary, Executive Manager Corporate Services

**Background**

The Residents' Committee of the Woodstock West Village in Strickland Street, Bunbury, has submitted a letter and petition containing 112 signatures requesting the Council to grant: *"a permanent reduction in property rates for all dwellings located within Woodstock West (Retirement) Village."*

The covering letter from the petitioners and a copy of the petition are **attached** at Appendix 2.

**Executive Comments**

As the determination of the General Rate each year (and any special rating considerations) underpins drafting of the City's annual budget, it is recommended that the petition be referred to the next 2009/2010 annual budget discussion workshop for consideration.

**Options**

The Council has a number of options under Section 9.4 of the City's Standing Orders. These options are:

- (a) The petition be accepted; or
- (b) The petition NOT be accepted; or
- (c) The petition be accepted and referred to a committee (*or discussion forum*) for consideration and report; or
- (d) The petition be accepted and dealt with by the full Council.

**Recommendation**

The petition requesting a permanent reduction in property rates for all dwellings located within the Woodstock West (Retirement) Village, be accepted and referred to the next budget workshop for consideration by councillors and officers in conjunction with determination of the 2009/2010 Annual Budget.

**Outcome - Council Committee Meeting 2 June 2009**

Part (c) listed under "Options" in the report, was moved Cr Major, seconded Deputy Mayor Craddock.

The motion was put to the vote and adopted to become the committee's recommendation on this issue.

**Committee Recommendation**

**The petition requesting a permanent reduction in property rates for all dwellings located within the Woodstock West (Retirement) Village, be accepted and referred to a committee (or discussion forum) for consideration and report**

### 11.3 Petition Protesting Against Development of Crown Reserve 28304 Located at Wellington Location 4995 (No. 9) Forster Street, Bunbury

<b>File Ref:</b>	F00101
<b>Applicant/Proponent:</b>	Bernard Bischoff on behalf of Forster/Mervyn Street Residents
<b>Author:</b>	Not applicable
<b>Executive:</b>	<i>If adopted refer to:</i> Geoff Klem, Executive Manager City Development

#### Application

At the Council Committee Meeting on 2 June 2009, the Deputy Mayor - Cr S Craddock, tabled a letter and petition containing 23 signatures stating that:

*"We, the undersigned residents who live in the vicinity of the Forster/Mervyn Street Reserve and we, who use and enjoy the reserve for a variety of reasons, petition the Bunbury City Council to NOT approve the development application by Citygate Properties Pty Ltd that would allow the wetland/drainage pond to be built over and destroyed.*

*We strongly object to the proposal as it will further diminish the residential amenity of the area which is already suffering from the lack of a proper buffer zone between residential and light industrial zoning. The pond, though small in comparison with the wide-spread wetlands of the past, is not only a valuable landscape element of the reserve but also a refuge and attraction for frogs as well as water and wading birds like cormorants, egrets, grey herons, night herons, spoonbills, ibis and ducks, which have also been breeding there."*

A copy of the letter and petition is **attached** at Appendix 9.

#### Forster/Mervyn Street Reserve - Land Details (Reserve 28304)

Reserve 28304 (0.3182 ha) is a Crown Reserve vested in the care and control of the City of Bunbury for the purpose of "Public Recreation". It is located at Wellington Location 4995 (No. 9) Forster Street, Bunbury. The City does not have the right to lease this land which is reserved for "Parks and Recreation" under Town Planning Scheme No. 7.

#### Options

When dealing with petitions, the Council has a number of options under Section 9.4 of the City's Standing Orders. These options are:

- (a) The petition be accepted; or
- (b) The petition NOT be accepted; or

- (c) The petition be accepted and referred to a committee for consideration and report; or
- (d) The petition be accepted and dealt with by the full Council.

**Outcome - Council Committee Meeting 2 June 2009**

Part (c) under clause 9.4 of the Standing Orders was moved Cr Major, seconded Deputy Mayor Craddock.

During discussion, the following points were raised:

- The Manager Development Services advised that the City is currently considering a Development Application received from Citygate Properties Pty Ltd for development of that portion of its land at Lot 107 (No. 42) Strickland Street, Bunbury, that contains a drain sump. The drain sump in question is located on Lot 107 (freehold land) and is not part of the adjoining Reserve 28304. There are no plans to develop any part of Reserve 28304.
- In response to a question, the Manager Development Services confirmed that Citygate's application has been with the City for some time as there were various matters to be resolved between the owner and the City. Standard practice for this type of application is that it is assessed (and approved/refused) by the City Development Division using the delegated authority of the Council.
- The mover and seconder of the motion agreed to amend the wording to clarify that the "committee" being referred to in this instance, is the Council (Standing) Committee.

The motion (as amended) was put to the vote and adopted to become the committee's recommendation on this issue.

**NOTE: A memorandum concerning this matter is being prepared and will be tabled at the Council Meeting.**

**Committee Recommendation**

**Pursuant to Standing Order 9.4, the petition objecting to development of Crown Reserve 28304 located at Wellington Location 4995 (No. 9) Forster Street, Bunbury; be accepted and referred to the Council (Standing) Committee for consideration and a report.**

#### 11.4 Public Transport Authority Request to Lease Portion of Lot 5 Carmody Place and Lot 2 Blair Street - Bunbury Bus Station Upgrade

<b>File Ref:</b>	F00049
<b>Applicant/Proponent:</b>	Peter Jones (Contract Manager), Public Transport Authority & Gary Merritt (Service Development Manager), Public Transport Authority
<b>Author:</b>	John Beaton, Manager Administration & Property Services
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

##### Application

The Public Transport Authority (PTA) has applied to lease for a term of ten (10) years, the following portions of City of Bunbury freehold land at Lot 2 Blair Street and Lot 5 Carmody Place, including:

- hardstand area(s) used by the Bunbury Bus Station;
- undercroft of the verandah along the western side of the Old Railway Station building, and;
- vehicular access laneway located between the hardstand parking area and Symmons Street.

In return for the lease, the PTA will provide the necessary funding to the City to upgrade the leased land to bring these sections of the Bunbury Bus Station in line with current legislative disabled access and safety requirements.

A site map showing the Old Railway Station Complex is **attached** at Appendix 1. On the map, areas subject of the lease are identified in orange and green.

The two tourist/caravan parking bays located on the proposed lease area will be retained for the sole use of tourists for a period of five years from the date of commencement of the lease, or (if the Visitor Centre is relocated during the term of the lease) the bays will be released to the PTA.

##### Background

###### Land Details

The areas to be subject of the lease are located on:

- Portion of former Bunbury Lot 678 being Lot 5 Carmody Place on Diagram 71676 (Certificate of Title Volume 1764 Folio 155)
- Portion of Lot 2 Blair Street - parking and laneway to Symmons Street (Certificate of Title Volume 1764 Folio 154)

### History of the Existing Bus Station

In the 1980s, the Council agreed to give an undertaking to the State Government that it would establish a bus station and bus parking area in Bunbury on the basis that the City would not be involved in any ongoing arrangements for financial support of the bus service, and; offer a peppercorn rental over the use of the hardstand areas surrounding the bus station for the duration of time that the site is used for this purpose.

It was decided to locate the bus station at the (decommissioned) Old Railway Station Building and the City received a government grant of \$100,000 to upgrade the premises and provide a lease to Bunbury City Transit over a portion of the building.

Lot 5 Carmody Place is Council-owned freehold land. It comprises the Old Railway Station building (a heritage building listed on the City of Bunbury Municipal Inventory and National Trust Register) and hardstand areas used for parking and vehicle/pedestrian movements.

The heritage building is shared by three entities:

1. Bunbury Bus Station (83 sq.m) - the City leases this to Veolia Transport WA Pty Ltd which operates the local bus service and South West Coach Lines. The leased area is used for the purpose of an office, reception area and drivers rest room. The lease expires 30 June 2010 with the option to renew the lease for a further two years.
2. Coffee Lounge (60 sq.m) - the City leases this to Deborah Henderson and Marion Gibson for the purpose of a coffee lounge or tea rooms. The lease expires on 30 June 2011.
3. City of Bunbury Visitor Centre (occupies the remainder of the building).

### Details of Proposal

The Bus Station site is in need of an upgrade so that it complies with current disabled access legislative requirements and safety standards. The PTA proposes to fully fund this upgrade (estimate cost \$289,000) provided it is successful in its lease application.

The proposed Scope of Works is being independently assessed by a Quantity Surveyor to ensure the funding to be provided by the PTA will be sufficient to cover the cost of the project. The Scope of Works includes:

- Bitumen resurfacing
- Installation of bus stands (design suitable for use by the disabled)
- New Kerbing
- New Paving
- Lighting
- Provision of a new CCTV security system



- Shelters
- Landscaping
- Improved pedestrian access from Wellington Street to the Graham Bricknell Memorial Music Shell and clearly marked pedestrian routes throughout the bus station.
- Two existing tourist/caravan parking bays on-site to be clearly signed/marked

All works are to comply with the City's engineering requirements including the City of Bunbury Disability Access and Inclusion Plan 2007-2012 (and any associated policies) made under the State Government's Disability Services Act 1993.

It is proposed that subject to Council's approval to grant the lease, the Chief Executive Officer and City Engineer be authorised to verify the costings to ensure there is no financial burden placed on the City. The works are to commence no later than nine months from the date of commencement of the lease.

The PTA states that the funding is a "one off" opportunity to contribute to the upgrade (in return for the City granting the PTA a lease) and it has also requested that if the City were to consider disposing of the subject area at any time in the future, the PTA is to be given 'First Right of Refusal' to purchase the land at market value.

It should be noted that if granted, the lease would not affect the existing rights and privileges of the coffee lounge or City of Bunbury Visitor Centre which are co-located within the Old Railway Station building on Lot 5 Carmody Place.

#### **Proposed Lease Details - Portions Lot 2 Blair Street and Lot 5 Carmody Place**

Lessee Name:	Public Transport Authority
Lease Area ( <i>approx.</i> 3,477 sq.m):	Portions of Lot 2 Blair Street and Lot 5 Carmody Place comprising hardstand areas, the undercroft of the verandah along the western side of the Old Railway Station Building, and, the laneway that runs between the hardstand areas and Symmons Street - as shaded orange and green on the site plan.
Permitted Use:	Bus Station
Lease Term:	Ten (10) years.
Commencement Date:	12 June 2009
Expiry Date:	11 June 2019
Purpose of Lease:	Upgrade (and maintenance) of the Bunbury Bus Station
Annual Rental:	An initial payment of \$289,000 for the first year of the lease (for upgrade of the bus station) followed by a peppercorn lease for the balance of the lease term.
Outgoings:	To be the responsibility of the Lessee
Document Preparation:	The Lessee to pay the full cost of lease document preparation and registration.
Insurance:	The Lessee to maintain Public Risk Insurance and General Insurance policies over the leased area. Public liability is to be set at \$10(M) for any one claim.
Special Conditions:	1. The Scope of Works is subject to further verification by the City of Bunbury Chief Executive Officer and City Engineer.

	<ol style="list-style-type: none"><li>2. Once the Scope of Works is fully verified, the City of Bunbury is to undertake the works - such works to comply with the <i>City of Bunbury Disability Access and Inclusion Plan 2007-2012</i> (and its associated Policy) made under the Disability Services Act 1993.</li><li>3. Following completion of the upgrade, the areas subject of the lease to be maintained by the PTA under the terms of the lease agreement.</li><li>4. The lease is to make provision for the PTA to have 'First Right of Refusal' to purchase the lease area (at market value) throughout the term of the lease.</li></ol>
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### **Strategic and/or Regional Outcomes**

The proposal complies with Council's 2007-2012 Strategic Plan, Strategy 2.4 which states that, the City "*will develop a Property Strategy that benefits the City's residents, businesses, community and sporting organisations*", and Strategy 3.2 which states: "*Develop and maintain an integrated and sustainable approach to transport with reference to road hierarchy, traffic management, public transport, cycleways and dual-use paths.*"

### **Community Consultation**

There is no requirement for the City to undertake community consultation or advertise its intention to lease the land as the City will be leasing the land to another statutory authority - Regulation 30(2)(c)(i) of the Local Government (Functions & General) Regulations 1996.

### **Councillor/Officer Consultation**

Mr Peter Jones (Contract Manager - Public Transport Authority) and Mr Gary Merritt (Service Development Manager - Transperth) attended the Briefing Session on 26 May 2009 to provide attendees with an overview of the PTA's proposal. They advised that the PTA is keen for the upgrade to the Bus Station to take place for the following reasons:

- Significant population growth in the Greater Bunbury region in recent years has meant an increased demand in the need for public transport.
- The PTA needs to secure a site for the Bunbury Bus Station (both in the short and long term). Any site to be considered must be large enough to cater for existing and future service expansion.
- The existing Bunbury Bus Station site is well located but needs to be upgraded to comply with legislative requirements for disabled access and public safety.

- Operational safety issues at the site (pedestrian and vehicle conflicts) need to be resolved.
- Installation of CCTV at the site is expected to improve personal security of staff and patrons at the site.

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

In the 1980s, the Council decided to locate the bus station at the (decommissioned) Old Railway Station Building and the City received a government grant of \$100,000 to upgrade the premises and provide a lease to Bunbury City Transit over a portion of the building.

The PTA will fully fund the proposed upgrade to the Bus Station by way of a one-off payment of \$289,000 to cover the first year of lease rental. Following this initial payment, annual rental for the remainder of the lease term will be on a peppercorn basis. The PTA will be responsible for the management and ongoing maintenance of the lease area for the duration of the lease.

The PTA will be responsible for the full cost of lease document preparation and registration and any advertising required in connection with the new leasing arrangement.

The PTA has requested that should the Council decide to dispose of any portion of the lease site in the future, the PTA be given 'First Right of Refusal' to purchase the property at market value.

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

#### *Economic Issues*

As indicated by the applicant's representatives at the Briefing Session on 26 May 2009, the Greater Bunbury Region has experienced significant population growth in recent years which has resulted in an increased demand for public transport services.

The PTA needs to secure a site for the Bunbury Bus Station in the short term and (to cater for future service expansion) also needs to identify a suitable site for the long term.

#### *Social Issues*

The popularity of local bus services is expected to increase in line with the anticipated challenging economic times ahead. The proposal will improve disabled access to the bus station and provide improved security and safety for patrons.

### Environmental Issues

Clause 1.3 of the draft lease document provided by the PTA states: *"The Bunbury City Council makes no warranties or representations concerning the existence or non-existence of contamination, pollution or environmental harm on the relevant land. The tenant (PTA) relies on its own investigations concerning the existence or non-existence of contamination, pollution or environmental harm on the relevant land."*

Clause 1.2(4) of the draft lease states: *"The tenant (PTA) must not cause or allow pollution, contamination or environmental harm to occur in, on or under the relevant land and if any of those do occur the tenant must minimise and remediate any resultant damage and harm to the reasonable satisfaction of the Bunbury City Council."*

### Heritage Issues

The Old Railway Station Building is listed on the City of Bunbury Municipal Inventory and National Trust Register. The current leases (and use) of the building do not conflict with its heritage classification.

### **Council Policy Compliance**

There is currently no Council policy concerning leasing of Council buildings.

### **Legislative Compliance**

Lease of the premises will comply with Section 3.58 of the Local Government Act 1995, except that there will be no requirement to undertake public advertising as the City will be leasing the land to another statutory authority - Regulation 30(2)(c)(i) of the Local Government (Functions & General) Regulations 1996 refers.

### **Delegation of Authority**

The Chief Executive Officer has the delegated authority of the Council to negotiate the terms of an application for a lease provided the settled term and conditions are presented to Council for approval before documentation is finalised.

### **Relevant Precedents**

Portion of Lot 5 Carmody Place has been utilised as a Bus Station and hardstand area (for bus and patron parking) continually since 1986.

### **Options**

#### Option 1

Per the recommendation listed in this report.

### Option 2

The Public Transport Authority to be advised that its application to lease portions of City of Bunbury freehold land at Lot 2 Blair Street and Lot 5 Carmody Place, Bunbury, for the purpose of upgrading the Bunbury Bus Station, is refused.

### **Conclusion**

The Bunbury Bus Station is an important component of the local economy and provides a vital service to members of the community without access to private transport.

The Bus Station site is in need of an upgrade so that it complies with current legislative disabled access and safety requirements. The PTA proposes to fully fund this upgrade (estimate cost \$289,000) provided it is successful in its application for a peppercorn lease.

If granted, the lease would not affect the existing rights and privileges of the coffee lounge or City of Bunbury Visitor Centre which are co-located on Lot 5 Carmody Place.

The City Engineer has commissioned an independent amount assessment of the Scope of Works to ensure the City is indemnified against any costs associated with the Bus Station upgrade.

The PTA will cover all costs associated with preparation and registration of the lease and will be responsible for maintenance of the lease area (currently maintained by the City of Bunbury) for the duration of the lease.

### **Recommendation**

The Council agrees to lease portions of Council-owned land at Lot 2 Blair Street and Lot 5 Carmody Place, Bunbury, to the Public Transport Authority for a ten (10) year term for the purpose of upgrade (and upkeep) of the Bunbury Bus Station utility areas, based on the lease conditions as stipulated in the report, and, the following:

1. The Bunbury Transport Authority to make a one-off payment to the City of Bunbury to fully-fund the cost of the Bunbury Bus Station Upgrade Project at the date of commencement of the lease.
2. The Chief Executive Officer and City Engineer are authorised to ensure the Scope of Works is within the estimated costs for the project and that the proposed bus station upgrade will place no financial impost on the City of Bunbury.
3. The lease is not to affect the existing rights and privileges of the coffee lounge or City of Bunbury Visitor Centre co-located with the bus station office within the Old Railway Station Complex on Lot 5 Carmody Place, Bunbury.

### **Outcome - Council Committee Meeting 2 June 2009**

Mr Peter Jones (Contract Manager - Public Transport Authority) and Mr Gary Merritt (Service Development Manager - Transperth) responded to questions from committee members. Some of the issues raised were:

- The facilities constructed as part of the proposed works will be covered by a warranty and there will be no ongoing maintenance costs to the City once the warranty expires.
- The lessee will ensure that the lease site is cleaned and tidied on a regular basis at no cost to the City.
- In response to the suggestion that the ten-year lease term may be excessive and a five-year term (with a renewal option of a further five years) might be more suitable, Messrs Jones and Merritt advised that the State Government is making a significant investment in this project and any lesser term will not be accepted.
- The upgrade must be completed within nine months.
- The term 'bus storage' relates to bus layovers between trips on a particular day and buses will not be stored at the premises overnight.
- The Chief Executive Officer confirmed that the City Vision Strategy notes this site as being dedicated to the provision of a bus service.

The recommendation (as printed) was moved Cr Major, seconded Cr Spencer.

The motion was put to the vote and adopted to become the committee's recommendation on this issue - see overleaf.

**Committee Recommendation**

**The Council agrees to lease portions of Council-owned land at Lot 2 Blair Street and Lot 5 Carmody Place, Bunbury, to the Public Transport Authority for a ten (10) year term for the purpose of upgrade (and upkeep) of the Bunbury Bus Station utility areas, based on the lease conditions as stipulated in the report, and, the following:**

- 1. The Bunbury Transport Authority to make a one-off payment to the City of Bunbury to fully-fund the cost of the Bunbury Bus Station Upgrade Project at the date of commencement of the lease.**
- 2. The Chief Executive Officer and City Engineer are authorised to ensure the Scope of Works is within the estimated costs for the project and that the proposed bus station upgrade will place no financial impost on the City of Bunbury.**
- 3. The lease is not to affect the existing rights and privileges of the coffee lounge or City of Bunbury Visitor Centre co-located with the bus station office within the Old Railway Station Complex on Lot 5 Carmody Place, Bunbury.**

**11.5 Sanctuary Golf Course, Lot 105 Intersection Old Coast Road and Australind Bypass, Bunbury - Proposed Scheme Amendment to Add 'Residential Unrestricted Use' to Special Use Zone 34**

<b>File Ref:</b>	A00398
<b>Applicant/Proponent:</b>	Thompson McRobert Edgeloe (on behalf of Azuna Pty Ltd)
<b>Author:</b>	Sam McNeilly, Senior Planner - Statutory
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

Thompson McRobert Edgeloe (TME) acting on behalf of Azuna Pty Ltd (owner of the Sanctuary Golf Resort) has lodged an application to amend the current Town Planning Scheme No. 7 (TPS 7). A location plan is contained in the report circulated to members **under separate cover**.

TME advises that, in terms of the objective of the Scheme Amendment, *“Azuna Pty Ltd is seeking the approval of Council, endorsement of the WAPC, and approval of the Hon Minister for Planning to a modification to the City of Bunbury Town Planning Scheme No. 7 which will facilitate the next stage of development of the Sanctuary Golf Resort.”*

The proposal is to action a Scheme Amendment to TPS 7 whereby the construction of permanent residential accommodation (currently only motel/short-stay residential accommodation) is permitted on the site. This would be permitted on strata lot 40 (7,281 sq.m) which is contained on Lot 105 Old Coast Road Certificate of Title 1937-304 (the "Sanctuary Golf Resort") in addition to additional short-stay residential units.

The proposal by TME is for 64 new short-stay residential units (currently there are 38 short-stay existing residential units on the site) and 12 built strata permanent residential apartments/townhouses. It is estimated that the construction value of the new development would be in the order of \$12M.

Development Services Officers consider that the proposed development has reached a stage sufficient to allow the matter to be submitted to Council for consideration and direction.

**Background**

Council previously considered this matter at its meeting on 29 May 2001 - copy of Development Services report to Council, along with Council's decision is contained in the report circulated to members **under separate cover**.

Council then determined to support a similar Town Planning Scheme Amendment (TPSA) with support for permanent occupancy up to 50% of the total accommodation complement. This TSPA was not supported by the Minister.

The City has been involved in detailed discussions with the applicant on the matter over the last number of months.



The Sanctuary Golf Resort currently consists principally of an 18 hole golf course, a clubhouse and associated golfing facilities, conference facilities, a restaurant, a bar, tennis courts, parking, maintenance assets, residential lots fronting the golf course and 38 strata titled short-stay resort style units incorporating a swimming pool and terrace adjacent to the main resort facilities.

Strata Lot 40 is the currently undeveloped portion of the short stay accommodation component of the Sanctuary Golf Resort. To date 38 short-stay accommodation units have been developed and are incorporated in a strata scheme which was initially developed in 1998.

TME has advised that Strata Lot 40, which is a sub-lot of Lot 105 Old Coast Road Certificate of Title 1937–304 has previously been planned as an extension to the existing accommodation already developed at the Resort, and that services planning for connection to water, sewerage, drainage, power, telecommunications and gas has already been provided for as part of a more comprehensive strata development. TME also advises that the availability of services is not expected to place any limitations on development of the site.

Ownership of Lot 105 and the associated Strata Lots and the Golf Course is as listed on the data in the report circulated to members **under separate cover**.

The broad details of the existing development can be best appreciated from an aerial photo supplied by TME (refer to report provided **under separate cover**).

### **Proposal**

TME advises that, in terms of the objective of the Scheme Amendment, *“Azuna Pty Ltd is seeking the approval of Council, endorsement of the WAPC, and approval of the Hon Minister for Planning to a modification to the City of Bunbury Town Planning Scheme No. 7 which will facilitate the next stage of development of the Sanctuary Golf Resort.”*

The proposal is to action a Scheme Amendment to TPS 7 whereby the construction of permanent residential accommodation (currently only motel/short-stay residential accommodation) is permitted on the site. This would be permitted on strata lot 40 (7,281 sq.m) which is contained on Lot 105 Old Coast Road Certificate of Title 1937-304 (the "Sanctuary Golf Resort") in addition to additional short-stay residential units.

Under the current legislation, Council’s determination is final, at this stage of the process, in respect of any proposal for an Amendment to its Scheme; there is no right of appeal by the applicant. It also needs to be noted that should Council determine to “initiate” the proposed Scheme Amendment, and the matter proceeds to public advertising, (after consideration by the Department of Environment), then, should Council determine not to further support the Scheme Amendment, the matter can be considered by the Minister irrespective of Council’s second, post-advertising, determination.

The proposal is best described by reference to the submitted data marked "020609" which provides plans, elevations and various views relating to the proposed development - a copy is provided in the report circulated to members **under separate cover**.

The design concept by TME provides principally for: 64 new short stay units (32 dual key); 71 new car-parking spaces for the short stay units; 6 new visitor car-parking spaces for the permanent residential development; and 12 new built-strata permanent residential apartments/townhouses.

The following criteria are considered relevant in terms of properly considering the matter, and in terms of Council determining as to whether it will, or will not, agree to initiate the proposed Scheme Amendment.

#### Land-use

The land is currently zoned Special Use zone 34 - "Sanctuary Resort Development" in the current Town Planning Scheme (TPS 7). The adjoining and integral golf course is currently designated "Parks and Recreation" in TPS 7.

In terms of the Greater Bunbury Region Scheme (GBRS), Lot 105 (containing the building complex) is zoned "urban", and the juxtaposed, and integral, 18 hole golf course is zoned "Private Recreation".

Currently, TPS 7 does not permit the use of the land for permanent residential living accommodation; only short-stay residential living accommodation is permitted.

On broad principle therefore, in terms of land-use, it is considered that residential accommodation per se would be in order in respect of TPS 7 and the GBRS, subject to the matter of satisfying Council in respect of the tenure and type of accommodation. As TME has indicated, the subject land has been ear-marked for residential type development and services have been provided for this possible eventuality.

#### Tourism Planning Taskforce Report

Four key points from the Tourism Planning Taskforce Report (TPTR) which are considered to be relevant in terms of this report are set out as follows:

- A maximum of 25% of residential units in a non-strategic tourist development is permitted to be used for permanent residential accommodation; reference also the DPI Tourist Accommodation Strata Title Guidelines issued by the South West Region Planning Committee.
- All accommodation units are required to be designed primarily for tourism occupation and to form part of an integrated complex;
- Design differentiation between tourism, and "residential no-occupancy restriction units within a development shall be limited to that required to accommodate the various components of the tourist market; and,

- The short-stay component part of any such development should be located on the “best part” of the site.

It is considered, that for the purposes of considering the Scheme Amendment, TME has generally addressed such considerations satisfactorily in its planning report.

In terms of a point made in the TPTR to the effect that any short stay component part of any such development should be located on the “best part” of the site, it is noted that a value judgement has to be made in this instance. TME has made a design compromise in the circumstances which is considered by Development Services to be correct. TME’s design is such that the new short stay units are located close to the existing 38 units and in such a way as to close the quadrangle which was previously only partly created. Furthermore the location of such units is, relatively, ideal, in that they are located close to the existing communal facilities.

The area set aside for the 12 permanent residential units is located in such a way that the units are, whilst forming an integral part of the overall development complex, marginally removed, which in turn allows for benefits in terms of land-use and noise separation.

#### Tourism WA Submission

The tourist sector of the State and National economies have increased in importance over the years. It has been seen to be sufficiently important for the State to initiate a re-consideration of the matter of permanent residential accommodation on tourist sites in WA (in the form of the TPTR). The State has obviously therefore determined that the Tourist sector of the economy requires a specific level of support in the new more globalised economy.

Arguably, direction, in terms of policy, has been given by the State, and a logical follow-through is seen to be in order in terms of consideration of the current proposal before Council.

Tourism WA (TWA) has advised that it is supportive of the location and footprint of the permanent residential component as proposed in the Scheme Amendment.

On a point of detail however Tourism West Australia has taken a particular position in respect of a recommendation to the proponent from an industry consultancy firm, Jewel Hospitality. Jewel Hospitality (hired by the proponent) has advised the proponent that the residential units may be able to be used for short stay (as well as for permanent occupation). TWA has recommended not supporting such a recommendation for the reason that conflicts can arise when mixing residents and short stay visitors in grouped and multiple dwellings. TWA recommends therefore that Jewel Hospitality’s recommendation not be accepted in terms of Council’s final determination on the matter.

Development Services has noted that there is, in effect, a conflict between the latter-noted recommendation by TWA and the broad determination by the State in respect of the provisions of the Tourism Planning Taskforce Report. There does not appear to be any provision in the TPTR which would prohibit or recommend prohibiting the exclusion of short-stay accommodation being provided within the permanent stay units. It is suggested therefore, in this instance, that it may be preferable to allow the development to proceed as is, and to then allow the Strata Company (as the relevant legal entity, and “owner” so to speak) to determine as to whether short-stay accommodation should be allowed within the permanent stay accommodation units.

TWA has also made recommendations for inclusion on any proposed Management Statement, and in terms of future strata titling (TWA’s submission is included in the report issued to members under separate cover), and such recommendations are as indicated in the Report Recommendation.

Development Services therefore concurs with TWA’s position except in respect of the matter of its recommendation to the City regarding the use of permanent accommodation for short-stay accommodation.

#### General Efficacy of the Proposed Development

The matter of the Liveable Neighbourhoods Policy (LNP) is relevant to the matter at hand. This policy document has been adopted by the Western Australian Planning Commission and operates as a development policy or code to facilitate the development of sustainable communities. In summary, the key tenets of the LNP are: the provision of “walkable neighbourhoods” (i.e. to minimise car-dependence); to ensure active street/land-use interfaces; the provision of a variety of lot sizes and housing types; and to maximise land efficiency.

The Resort facility in question does not “fit”, so to speak, within an established Neighbourhood area in terms of the provisions of the LNP, nor does it constitute a neighbourhood (per se) on its own. In effect it is a unique and stand-alone resort facility with a completely different and unique raison d’être to that of a residential neighbourhood. The position of Development Services is therefore that, in effect, the provisions of the LNP do not apply precisely in this instance because of the uniqueness of the facility from a social and demographic perspective.

Arguably, therefore, TME’s position in respect of the LNP, vis-à-vis the matter at hand, is supportable to the effect that whilst a neighbourhood centre per se is not currently within easy reach in terms of the provisions of the LNP, the Resort facility provides a high level of servicing to the current (and future inhabitants) of the development in the form of recreational facilities such as an 18 hole golf course, a swimming pool, a restaurant, a tennis court and bar facilities, etc.

The City’s earlier discussions with TME at the time of the original submission of the application in respect of the matter also touched on the linkage between the 18-hole Golf Course and the resort facility building complex. The City’s original position was that any future Management Statement should reflect the critical linkage between the resort building complex and the golf course. Development Services took the position that the existence of the residential accommodation complex was premised and dependent on, the creation of and existence of the 18-hole golf course.

Initially, Development Services requested TME to submit any relevant documentation which might outline the historical basis on which the original development was established – i.e. relating to any State agreements, etc. TME was also requested to advise if the currently proposed development would breach and (if this is the case) to what extent, any previously agreed position taken by the State authorities when the land was originally rezoned. TME has been unable to provide any data in this regard.

Essentially Development Services was concerned that, over time, the owner of the complex may propose to develop the golf course land for, for example, regular residential development. Development Services considered that on the basis that there could be support from Council in respect of the development proposition at hand (i.e. the provision for permanent residential development), the proponent should give some level of guarantee that the Golf Course would not be carved up for development in the future.

In terms of early exploratory discussions with TME on the matter, Development Services pointed out to TME that a comparison should be made with the Pelican Point development. Council will recall that this Scheme Amendment was approved about a decade or so ago, and it went ahead (over ten years ago) on the specific premise that a significant resort facility (this was presumably intended as a social focal point in the development) would be provided for on the Collie River riverfront.

Notwithstanding all the approvals, this potential node of development has been whittled away, incrementally, (albeit with all the necessary approvals from the local government and the State) over a number of years to such a stage that it (the Special Use zone) has been extinguished completely, and with the result that there is now no social focal point within the residential neighbourhood as originally planned. The point is made that it is a central planning principle that neighbourhoods should, in fact, contain a central social/commercial focal point.

The concern of Development Services was that the same could happen essentially in terms of the matter at hand and that the proponent could gain a significant benefit from Council in terms of an approval, yet in the short to medium term propose, (after having benefited, so to speak, from Council's "approval" to the Scheme Amendment), subsequently propose to dispense with all or part of the Golf course.

TME advised Development Services (at the time of early discussions on the matter) however that it would be practically difficult to add any such commitment (to guarantee the longer term life of the gold course) to a Management Statement relating solely to the area subject of the strata-titling (lot 105).

#### Use-classes

TME has suggested that the Scheme be amended such that three additional use-classes (dwelling house, attached dwelling and "residential unrestricted use") be added to the current list of permitted uses on the subject land. Development Services considers, conversely, that only one additional use-class, viz. "residential unrestricted use" needs to be added to achieve the intended result.

### Road Buffer Considerations

TME has provided data stating that buffer distances (in accordance with South West Region Planning Committee practice) from the Old Coast Road and the Australind Bypass are acceptable (see Plan marked "Buffer Considerations" in the report circulated **under separate cover**). TME has also indicated that buffer distances from the future services corridor (running beside the juxtaposed railway line) and the future Port Access Road are acceptable relative to South Western Region Planning Committee practice.

It should be noted however that the applicant has not supplied any specific scientific data in this respect and it is therefore suggested that the applicant be required to submit (as part of the future DAP) an acoustic report from a suitably qualified consultant experienced in this field of work to prove up that the buffer distances from the Old Coast Road, the Australind Bypass and the Port rail track and the future adjoining Port Access Road will be sufficient in terms of contemporary environmental standards and to the satisfaction of Council (and if this is not the case, then to propose mitigating measures).

### Car Parking and Traffic Management

The matter of car-parking and traffic management will be considered in detail when TME submits a Detailed Area Plan (refer Report Recommendation).

### Planning Bulletin No. 83 – Planning for Tourism

Planning Bulletin No. 83 – Planning for Tourism sets out the interim policy of the Western Australian Planning Commission (WAPC) in terms of implementing the recommendations of the Tourism Planning Taskforce Report (TPTR).

Essentially this latter report was a State initiative aimed at tackling the issue of moves, over the last number of years, by the development industry to establish part of the complement of accommodation in tourist developments as permanent residential accommodation. Development Services considers that some level of permanent residential accommodation in tourist developments would be beneficial in terms of residential mix from a social perspective, and in terms of benefiting the tourism industry in terms making the industry more competitive, and financially viable in a more globalised market.

Planning Bulletin 83 states that tourist sites identified as "non-strategic" may accommodate up to 25% (of the number of units and developable land) as permanent residential accommodation.

The City has proceeded to prepare a new Local Planning Policy (LPP) to address the matter of tourism planning. Whilst this documentation was in draft form at the stage of writing of this report, it is sufficiently detailed to be able to establish the City's position in respect of the matter at hand. The land in question, as far as the new LPP is concerned, is not considered as a strategic site, and on that basis, it is considered that it would be in order for the City to consider, and support, the proponent's proposal to have a level of permanent residential development in the Sanctuary Golf Resort development complex. It is considered that the proposed upper limit of 25% limit can be supported.

In conclusion, it is considered that the planning report by TME is generally in order and that the proposed Scheme Amendment is generally sufficient to allow the matter to proceed to the next stage of consideration in terms of public overview.

### **Strategic Outcomes**

It is considered that the broad direction of the City's current Strategic Plan would not be compromised by supporting the proposed development.

### **Community Consultation**

Community consultation will result as part of the process of the Scheme Amendment if Council determines to support the initiation of the proposed Scheme Amendment, and subject to the EPA determining the matter from an environmental perspective.

### **Applicant Consultation**

In order to progress the matter, discussions have been undertaken with the applicant and his planning consultant on a number of occasions.

### **Councillor/Officer Consultation**

The various issues relating to this matter have been broadly canvassed at staff level within Development Services with a view to achieving a corporate approach to the decision making process.

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

It is considered that there would be no adverse impact on the Municipal Budget as a result of the Scheme Amendment being approved.

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

#### **Economic**

It is considered that the proposed development would provide significant economic benefits to the City as it proceeds to take up its second-city status in the State.

### Social

It is considered that there would not be any adverse social impact(s) should the development proceed. In effect it is also considered that with the provision of a portion of the residential development in the Sanctuary Golf Course Resort being able to be utilised for permanent residential development, social benefits would accrue in terms of providing demographic social mix and in terms providing a greater level of housing choice.

### Environmental

It is considered that relevant environmental issues include the matter of buffers to the Australind Bypass, the Old Coast Road and the railway and new Port Access Road as detailed above.

### Heritage

There are no heritage issues to consider.

### **Council Policy Compliance**

It is considered that the proposed development generally complies with relevant Policies.

### **Legislative Compliance**

Legislative requirements relating to the Local Government Act 1995, the Planning and Development Act 2005, or any other Act, Local Law or Regulations have been complied with in the processes leading up to the finalisation of this item. It should be noted additionally that the proposed activity will be required to comply with the requirements of the Health Act 1911 and the City of Bunbury Health Local Laws 2001.

### **Delegation of Authority**

Delegation of authority is not applicable in this case; it is Council's prerogative as to whether it wishes to initiate, or not consider initiating, a Scheme Amendment proposal.

### **Relevant Precedents**

Council previously considered this matter at its meeting on 29 May 2001 - a copy of the report to that meeting and the Council's decision, is contained in the report circulated to members under separate cover.

At that time, the Council decided to support a similar TPSA with support for permanent occupancy up to 50% of the total accommodation complement. This TSPA was not supported by the Minister.



## **Options**

### Option 1

Per the recommendation contained in this report.

### Option 2

Should Council decide against granting support for the initiation of the proposed Scheme Amendment, a suggested format for such action would be:

*"Council, under the Planning and Development Act 2005, advises Thompson McRobert Edgeloe that in response to its communication of 8 April 2009 (regarding the Sanctuary Golf Course Resort - Lot 105 Australind Bypass, Bunbury), the Council is not prepared to initiate a Scheme Amendment to allow an amendment to the current Town Planning Scheme to allow a "dwelling house", "attached dwelling and "residential unrestricted use" as special use(s) in Special Use Zone 34 and as generally set out in the TME Planning Report dated April 2009 as the Council (.... reasons as determined by Council as part of its deliberations on this matter to be inserted at this point)."*

## **Conclusion**

Development Services Officers consider that the proposed Town Planning Scheme Amendment has reached a stage sufficient to allow the matter to be submitted to Council for consideration and direction.

The view is taken by Development Services that the planning report by TME is generally in order and that the proposal has been well thought-out in terms of layout and linkages to the existing development, the Golf Course, and relationship to the other adjoining land-uses and infrastructure.

Development Services has set out its principal concern, which is considered to be reasonable in the circumstances, in respect of the possibility of the proponent gaining Council's approval in respect of the proposed development (which is currently outside the provisions of the current Town Planning, and discretionary in respect of the provisions of the State's recently released Tourism Planning Taskforce Report, and ideally subject to the formal approval of a LPP for Tourism), without providing any reasonable quid pro quo. However Development Services considers that in fact Council could consider this further should the developer or any future owner wish to develop the Golf Course by way of a further Scheme Amendment.

Other points of detail are subject of recommendation to Council and as set out in the Report Recommendation for consideration.

Pure land-use considerations are seen to be broadly in order. It is suggested therefore that the matter be allowed to proceed to the next stage of consideration by Council. Should Council determine to allow the initiation of the proposed Scheme Amendment, this action will result (after consideration by the Environmental Protection Authority) in allowing public advertising to proceed.

### **Recommendation**

Council, under the Planning and Development Act 2005, advises Thompson McRobert Edgeloe in response to its communication dated 8 April 2009 (regarding the Sanctuary Golf Course Resort on Lot 105 Australind Bypass, Bunbury) that the Council is prepared to initiate a Scheme Amendment to allow an amendment to Town Planning Scheme No. 7 to allow "residential unrestricted use" as an additional Special Use to the currently permitted use(s) in Special Use Zone 34, in line with the TME Planning Report dated April 2009, subject to the following parameters:

1. The applicant amending the currently submitted Scheme Amendment documentation (prior to forwarding same to EPA) to take account of a positive determination by Council.
2. The submission of a Detailed Area Plan for consideration to prove matters such as car-parking, plot ratio, building height, site coverage, design parameters, and other relevant matters, all to be to the satisfaction of the City's Manager of Development Services. The Plan is to include a traffic management plan, the brief of which and the details of which are to the satisfaction of the City Engineer, and; is to be approved by the City prior to the issuance of any grant of planning approval by the City's Development Services Division. It is noted that notwithstanding that the applicant has supplied indicative visual details of the proposed development in the form of elevations, no commitment is given by Council at this stage that such visual format will ultimately be acceptable.
3. The proponent submitting for consideration an acoustic report prepared by a suitably qualified and experienced (to the satisfaction of the City) acoustic engineer to prove that the buffer distances proposed by the applicant in respect of the Old Coast Road, the Australind Bypass and the future Port Access and associated Port railway are acceptable in respect of contemporary environmental standards. Such Acoustic report is to be to the satisfaction of the Manager of Development Services.
4. The applicant submitting (concurrently with the submission of a Detailed Area Plan) a draft Management Statement to be to the satisfaction of the City, and ultimately the WA Planning Commission. Such Management Statement is to be subject of a grant of approval from the City prior to the issuance of planning approval in respect of the construction of the proposed development.
5. The required Draft Management Statement is to include provisions proposed by Tourism WA as indicated in its letter to the City dated 9 February 2009.
6. Concurrent with the required Detailed Area Plan, the applicant is required to submit a Traffic Management Plan (the brief and content to be to the satisfaction of the City Engineer), along with evidence from Main Roads WA that such authority has no objection to the proposed development in terms impact(s), if any, on the road traffic network.

7. The proponent demonstrating as to how it intends to plan for pedestrian and cycle path access to, from and within the development to the satisfaction of the City in accordance with WAPC Guidelines and Planning Policies including, Policy No. 1.5 – Bicycle Planning; Liveable Neighbourhoods (Element 2 – Movement Networks (Pedestrian and Cycle)) and Austroads Guidelines and the appropriate Australian Standards all to the satisfaction of the City Engineer. The data submitted will comply with WAPC Transport Assessment Guidelines For Developments, which (with respect to cycling and pedestrians) requires, as a minimum: the assessment of cycle routes to any major attractions within 1,200 metres (5-minutes cycle) of the boundaries of the subdivision; pedestrian routes to the nearest bus stop (for all routes passing through, or within 400 metres of the boundaries of the subdivision); pedestrian routes to any major attractions within 400 metres (5-minutes cycle) of the boundaries of the subdivision.
8. In terms of administrative correctness, TME is requested to amend the currently submitted documentation in the following manner:
  - 8.1 Remove any reference to the terms “*dwelling house*” and “*attached dwelling*”.
  - 8.2 Paragraph 3 of the “Conditions” section of the draft amendment data – remove reference to the word “*plan*” which is superfluous in terms of the intended meaning.
  - 8.3 Paragraph 6 of the “Conditions” section of the draft amendment data – add the following words after the word “units”: “*and any other relevant matter to the satisfaction of the City*”.

#### **Outcome - Council Committee Meeting 2 June 2009**

The Manager Development Services tabled a memorandum for the information of committee members - a copy is **attached** at Appendix 10. The memorandum contained changes to the introductory paragraph of the officer's recommendation and the addition of an additional paragraph (point 8.4) to define the term “*Unrestricted Residential Accommodation*”. It was explained that these changes are recommended in line with uses that are equally important in terms of the tourism function of the subject land.

Ms Kristy Richardson, TME Consultants (on behalf of the owner) outlined the proposal for the information of committee members and clarified that she was in agreement with changes proposed to the recommendation by the Manager Development Services.

The Manager Development Services responded to some questions from committee members before the recommendation (as amended) was moved Cr Spencer, seconded Cr Major.

The motion was put to the vote and adopted to become the committee's recommendation on this issue.

#### **Committee Recommendation**

**In relation to Lot 105 at the intersection of Old Coast Road and Australind Bypass ("Sanctuary Golf Course") the Council, under the Planning and Development Act 2005, advises Thompson McRobert Edgeloe (the applicant) that the Council is prepared to initiate a Scheme Amendment to Town Planning Scheme No. 7 to include additional uses such as Multiple Dwelling / Unrestricted Residential Accommodation (URA), Grouped Dwelling / URA, Single House / URA to Schedule 2 Special Use No. 34 site, subject to the following parameters:**

- 1. The applicant amending the currently submitted Scheme Amendment documentation (prior to forwarding same to EPA) to take account of a positive determination by Council.**
- 2. The submission of a Detailed Area Plan for consideration to prove matters such as car-parking, plot ratio, building height, site coverage, design parameters, and other relevant matters, all to be to the satisfaction of the City's Manager of Development Services.**

**The Plan is to include a traffic management plan, the brief of which and the details of which are to the satisfaction of the City Engineer, and; is to be approved by the City prior to the issuance of any grant of planning approval by the City's Development Services Division.**

**It is noted that notwithstanding that the applicant has supplied indicative visual details of the proposed development in the form of elevations, no commitment is given by Council at this stage that such visual format will ultimately be acceptable.**

- 3. The proponent submitting for consideration an acoustic report prepared by a suitably qualified and experienced (to the satisfaction of the City) acoustic engineer to prove that the buffer distances proposed by the applicant in respect of the Old Coast Road, the Australind Bypass and the future Port Access and associated Port railway are acceptable in respect of contemporary environmental standards. Such Acoustic report is to be to the satisfaction of the Manager of Development Services.**
- 4. The applicant submitting (concurrently with the submission of a Detailed Area Plan) a draft Management Statement to be to the satisfaction of the City, and ultimately the WA Planning Commission. Such Management Statement is to be subject of a grant of approval from the City prior to the issuance of planning approval in respect of the construction of the proposed development.**

- 5. The required Draft Management Statement is to include provisions proposed by Tourism WA as indicated in its letter to the City dated 9 February 2009.**
- 6. Concurrent with the required Detailed Area Plan, the applicant is required to submit a Traffic Management Plan (the brief and content to be to the satisfaction of the City Engineer), along with evidence from Main Roads WA that such authority has no objection to the proposed development in terms impact(s), if any, on the road traffic network.**
- 7. The proponent demonstrating as to how it intends to plan for pedestrian and cycle path access to, from and within the development to the satisfaction of the City in accordance with WAPC Guidelines and Planning Policies including, Policy No. 1.5 – Bicycle Planning; Liveable Neighbourhoods (Element 2 – Movement Networks (Pedestrian and Cycle)) and Austroads Guidelines and the appropriate Australian Standards all to the satisfaction of the City Engineer. The data submitted will comply with WAPC Transport Assessment Guidelines For Developments, which (with respect to cycling and pedestrians) requires, as a minimum: the assessment of cycle routes to any major attractions within 1,200 metres (5-minutes cycle) of the boundaries of the subdivision; pedestrian routes to the nearest bus stop (for all routes passing through, or within 400 metres of the boundaries of the subdivision); pedestrian routes to any major attractions within 400 metres (5-minutes cycle) of the boundaries of the subdivision.**
- 8. In terms of administrative correctness, TME is requested to amend the currently submitted documentation in the following manner:**
  - 8.1 Remove any reference to the terms “dwelling house” and “attached dwelling”.**
  - 8.2 Paragraph 3 of the “Conditions” section of the draft amendment data – remove reference to the word “plan” which is superfluous in terms of the intended meaning.**
  - 8.3 Paragraph 6 of the “Conditions” section of the draft amendment data – add the following words after the word “units”: “and any other relevant matter to the satisfaction of the City”.**
  - 8.4 The definition: "Unrestricted Residential Accommodation" means a dwelling or dwellings (either single, grouped or multiple) that may be occupied permanently as a residential dwelling or temporarily for short-stay accommodation.**

## 11.6 Extended Trading Permit Application Sections 60 & 76 - The Reef Hotel, 12 Victoria Street, Bunbury

<b>File Ref:</b>	P10184
<b>Applicant/Proponent:</b>	Toucan Pty Ltd (t/as The Reef Hotel)
<b>Author:</b>	Sarah Upton, Manager Health
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

### Summary

An application has been received from the Department of Racing, Gaming and Liquor seeking any objection or intervention from the City of Bunbury for the renewal of the Extended Trading Permit (ongoing hours) with a variation of an additional half an hour to trading on Friday nights at The Reef Hotel located at 12 Victoria Street, Bunbury.

The hours of extension sought are Thursdays 12.00 midnight until 1.00am the following day, and Fridays and Saturdays 12.00 midnight until 2.00am.

The Department of Racing Gaming and Liquor has previously approved the Extended Trading Permit (14 June 2007) for Thursday midnight to 1.00am, Friday midnight to 1.30am and Saturday midnight to 2.00am. This current approval will expire on 14 June 2009.

The City's Manager of Health and Executive Manager of City Development have delegated authority to approve extended trading permits except in the instance of a new application. As this proposal includes the addition of an extra half an hour to the original application, it is considered as a new application. Work Procedure 16.8 "Liquor Licensing" requires that the application be referred to Council for determination.

### Background

Delegation 1.5 "Liquor Licensing Extended Trading Permits" in the City of Bunbury Delegations Register (adopted 3 July 2007 Decision No. 130/07) grants the City's Manager of Health and Executive Manager of City Development the authority to approve applications except in the case of a first time request for an Extended Trading Permit (ETP).

The Reef Hotel has previously applied for a number of one-off ETP's but is now seeking an additional half an hour permanent extension.

The City has not objected to the granting of one-off extended trading permits for The Reef Hotel on Sundays over long weekends. The City's Environmental Health Services staff are not aware of any other issues under the provisions of the Health Act 1911 and subsidiary regulations occurring with the operation of the premises during the hours or in the areas of extended trade. The City has not received any recent noise complaints directly associated with the Reef Hotel.

Although there is some anti-social behaviour associated with this area of the CBD area on weekends, the City is unaware if the anti-social behaviour is directly associated with the Reef Hotel. The Bunbury Alcohol Accord and Community Safety Crime Prevention Plan are investigating strategies to assist in reducing anti-social behaviour.

The Department of Racing, Gaming and Liquor has advised that, if the application is approved, a permit will be issued for a variable period of time. At the conclusion of this period, the premises will be required to re-apply for the ETP and the application will again be referred to the City for comment.

The Department has advised that Council can make recommendations for the licence to be issued for a certain period of time. Previous ETP applications for these premises were previously issued for a period of two years.

### **Strategic and/or Regional Outcomes**

Provision for the development of a Community Safety and Crime Prevention Plan was included in the City's 2007-2012 Strategic Plan. The plan highlighted the need for the development of a Bunbury Alcohol Accord Committee (BAAC), which has been achieved. The aim of the Bunbury Alcohol Accord is to contribute to a reduction in crime, violence, anti-social behaviour and other significant impacts associated with the consumption of alcohol in Bunbury.

### **Community Consultation**

The Department of Racing, Gaming and Liquor requires the applicant to publicly advertise the lodgement of the application for fourteen (14) days, submit a public interest assessment (refer to the report circulated under separate cover) undertake a letter drop to residents and businesses within a 200 metre radius of the premises giving notice of the application and the intended manner of trade, and serve notice of the application and intended manner of trade on all: schools and educational institutions; hospitals; hospices; aged care facilities; any drug and alcohol treatment centres; any short term accommodation or refuges for young people; child care centres; churches; any local government authority; and any local police stations, which may be situated in the specified locality of the proposed premises.

The application is also being considered by, the South West Population Health Unit (SWPHU), the Drug and Alcohol Office (DAO) and the Police Service for comment. The following responses have been received:

1. In a study conducted by Chikritzhs and Stockwell (2002) extended trading hours (opening to 1am mostly on week-ends) and levels of community violence corresponded with new opening and closing times. There was consensus that as trading hours increased the levels of violence increased. The results showed an increase of 70 % in assault data following the introduction of extended trading hours. In numbers this equates to approximately 79 assaults per year in Perth.

Population and targeted surveys appear to suggest that heavy drinkers are more likely to take advantage of extended trading hours. Analysis of the South West data for assault shows that assaults within the Bunbury Health District have increased with the number of increased extended trading hours permit approvals. (SWPHU – courtesy of report “Impact of Alcohol on the Population of Western Australia”, January 2008).

2. Assault related presentations to the Emergency Department at Bunbury Hospital have shown an ongoing annual increase since 1999/2000. The substantial annual increase of 8.5%, 16% and 21% since 2004/05 coincides with the increase in extended trading for Liquor Licensing within the City of Bunbury. In 2004/05 there was one extended trading hours permit in operation, this increased to three in 2005/06 and then four in 2006/07. Further extension to liquor licensing trading hours may positively impact further on the number of presentations. (SWPHU – courtesy of report “Impact of Alcohol on the Population of Western Australia”, January 2008).
3. The Drug and Alcohol Office on behalf of the office of the Executive Director Public Health is currently investigating the application given existing alcohol-related harm in the locality and the extension of hours sought. (DAO)
4. The Police Service advised that they will not be supporting the application and are intending to object to the application. (Police)

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

This matter has been reviewed by the City’s Development Coordination Unit consisting of staff members from Engineering, Planning, Building, Health and Parks.

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

There are no known adverse financial and budget implications in relation to this application.

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

There are no known economic, environmental or heritage issues relating to this application, however, consideration needs to be given to the well documented negative social impacts of alcohol on the community.

#### **Council Policy Compliance**

Work Procedure 16.8 Liquor Licensing requires new applications for Extended Trading Permits to be referred to Council for determination.

#### **Legislative Compliance**

Legislative requirements relating to the Local Government Act 1995 and any other Act, Local Law or Regulation have been complied with in the process leading up to the finalisation of this report.



### **Delegation of Authority**

There is no delegated authority to approve a new application for an Extended Trading Permit.

### **Relevant Precedents**

Other licensed premises within the City of Bunbury (e.g. Trafalgars, Fitzgerald's) have been granted ongoing ETP's for extended hours with no objection being made by Council.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

1. Council objects to the application for Extended Trading Permit for ongoing extension of hours Thursday from 12.00am midnight until 1.00am the following day, and Friday and Saturday from 12.00am midnight to 2.00am the following day.
2. Manager Health writes to the Department of Racing, Gaming and Liquor advising of Council's objection to the ETP and the grounds for objection.

### **Conclusion**

The City is not aware of the Reef Hotel having a history of adverse issues in relation to the sale and consumption of alcohol on their premises. Previous ETP's have been supported in the past for long weekends.

The City will be provided another opportunity to comment on the ETP application at the conclusion of the permit period.

### **Recommendation**

1. Council supports the application from The Reef Hotel for an Extended Trading Permit for ongoing extension of hours on Thursdays from 12.00 midnight to 1.00am the following day, and; on Fridays and Saturdays from 12.00 midnight to 2.00am the following day.
2. The City's Manager of Health to write to the Department of Racing, Gaming and Liquor advising that the Council has no objection to the above subject to the following:
  - 2.1 Compliance with the Environmental Protection (Noise) Regulations 1997.
  - 2.2 Amplified music is not permitted in the area known as the "Back Reef".

- 2.3 Compliance with the Health (Public Buildings) Regulations 1992.
- 2.4 The number of patrons on the premises at any one time is not to exceed the maximum accommodation number as stipulated in the Certificate of Approval issued in accordance with the Health (Public Buildings) Regulations 1992.
- 2.5 Compliance with the Health (Food Hygiene) Regulations 1993.
- 2.6 The Extended Trading Permit to be issued for a period of 12 months only.

### **Outcome - Council Committee Meeting 2 June 2009**

The Manager Health tabled a memorandum clarifying the role of the Bunbury Alcohol Accord Committee (BAAC) and stressed that its role is to improve communication between licensees and governing authorities such as the Police and Local Government in order to help fight crime and anti-social behaviour associated with the consumption of liquor. It is not the role of the BAAC to assess, provide comment on or object/approve liquor licence applications (includes extended trading permits) as there are already statutory/regulatory controls in place enforced by government departments. A copy of the memorandum is **attached** at Appendix 11.

The Manager Health responded to questions from committee members before the recommendation (as printed) was moved Cr Spencer, seconded Cr Major.

The motion was put to the vote and adopted to become the committee's recommendation on this issue. Votes were recorded as follows:

For: Deputy Mayor S Craddock, and; Crs W Major, B Kelly, N Whittle & D Spencer.  
Against: Mayor D Smith, and; Crs J Jones, S Rooney & R Slater.

#### **Committee Recommendation**

- 1. Council supports the application from The Reef Hotel for an Extended Trading Permit for ongoing extension of hours on Thursdays from 12.00 midnight to 1.00am the following day, and; on Fridays and Saturdays from 12.00 midnight to 2.00am the following day.**
- 2. The City's Manager of Health to write to the Department of Racing, Gaming and Liquor advising that the Council has no objection to the above subject to the following:**
  - 2.1 Compliance with the Environmental Protection (Noise) Regulations 1997.**
  - 2.2 Amplified music is not permitted in the area known as the "Back Reef".**

- 2.3 Compliance with the Health (Public Buildings) Regulations 1992.**
- 2.4 The number of patrons on the premises at any one time is not to exceed the maximum accommodation number as stipulated in the Certificate of Approval issued in accordance with the Health (Public Buildings) Regulations 1992.**
- 2.5 Compliance with the Health (Food Hygiene) Regulations 1993.**
- 2.6 The Extended Trading Permit to be issued for a period of 12 months only.**

### 11.7 City of Bunbury 'Healthy Clubs Scheme' - Small Equipment Grants

<b>File Ref:</b>	A03462
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Callan Hatchman, Sports Club Development Officer
<b>Executive:</b>	Domenic Marzano, Executive Manager City Life

#### Summary

The 'Healthy Clubs Scheme' is an incentive funded by the City of Bunbury that encourages sports and recreation clubs to provide the City with information about sporting club activities within its municipality on an annual basis

The Council is requested to endorse approval of the following seven applications received for the Healthy Clubs Scheme Small Equipment Grant:

Club Name	Amount Sought	Purpose	Healthy Club Checklist received	Club Development workshops attended
South West Phoenix Football Club	\$500	Purchase soccer balls.	Yes	Community Leaders Program, Responsible Service Alcohol
Bunbury Rowing Club	\$500	4 Sets of Novice Blades	Yes	Sponsorship, Volunteer Recruitment.
Bunbury Triathlon Club	\$500	Traffic Management Signs	Yes	Community Leaders Program, Responsible Service Alcohol
South Bunbury Cricket Club	\$500	Pads, Balls, Stumps & Helmets	Yes	Sponsorship, Planning
Carey park Football Club	\$500	T-Zone VT7 machine	Yes	Community Leaders Program, Responsible Service Alcohol
Bunbury Surf Lifesaving Club	\$500	Spinal Traps, First Aid Supplies, Oxy Viva Air Bags, Rescue Tubes	Yes	Volunteer Recruitment, Responsible Service Alcohol
Bunbury Archery Club	\$350	Junior training bows x 2	Yes	Sponsorship, Responsible Service Alcohol

#### Background

The 'Healthy Clubs Scheme' information is captured in a Healthy Club Checklist. The benefits of this scheme are:

- The Healthy Club Checklist provides the City with information on finances, membership and condition of the City asset that a club occupies or uses. This information is critical in assessing the viability and performance of clubs and to assist if required or where possible.
- The data enables recreational services to be measured in quantitative and qualitative terms for reporting on the outcomes of implementation of the City of Bunbury Recreation Plan.

A small equipment grant of up to \$500 per club (provided on a matching funds basis) was implemented to encourage clubs to fill out a Healthy Club Checklist. Clubs were required to fill out the checklist and attend two club development workshops before their application would be approved.

### **Strategic and/or Regional Outcomes**

The Healthy Clubs Scheme is consistent with the aims and goals within the City of Bunbury Strategic Plan 2007-2012 and objectives and recommendations of the City Vision Strategy (2007), both of which support the Bunbury Recreation (Implementation) Plan.

### **Community Consultation**

No community consultation is required.

### **Councillor/Officer Consultation**

The recommended applications have been endorsed by the Recreation Project Control Group.

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

Financial implications have already been budgeted for in the 2008/09 budget endorsed by Council.

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

No immediate economic, social, environmental and heritage issues have been identified.

### **Council Policy Compliance**

Not Applicable.

### **Legislative Compliance**

The proposal does not contravene any legislative requirements.

### **Delegation of Authority**

There is no relevant delegation of authority in respect of this proposal.

### **Relevant Precedents**

There are no known relevant precedents for Council's consideration.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

Council refuses the submitted applications for small equipment grants under its Healthy Clubs Scheme.

### **Conclusion**

The City of Bunbury Healthy Clubs Scheme is a valuable tool in engaging and rewarding local sporting groups. The City of Bunbury's Club Development Officer has received valuable information on how local sporting groups are being managed and this will assist the City in better catering for the needs of local sporting clubs in the future.

### **Recommendation**

Council endorses the following applications for small equipment grants under its Healthy Clubs Scheme:

1. South West Phoenix Football Club (\$500) - purchase of soccer balls
2. Bunbury Rowing Club (\$500) - purchase of four sets of novice blades
3. Bunbury Triathlon Club (\$500) - installation of traffic management signs
4. South Bunbury Cricket Club (\$500) - purchase of pads, balls, stumps and helmets.
5. Carey Park Football Club (\$500) - purchase of T-zone VT7 machine
6. Bunbury Surf Lifesaving Club (\$500) - purchase of spinal traps, first aid supplies, oxy viva air bags, rescue tubes
7. Bunbury Archery Club (\$350) - purchase of junior training bows

### **Outcome - Council Committee Meeting 2 June 2009**

Cr Major left the meeting at 7.28pm to attend to another commitment. He did not return to the meeting and was not present for any discussion or the vote on this item.

Deputy Mayor Craddock left the meeting during discussion and was absent for the vote.

The City's Sport & Recreation Club Development Officer responded to questions from committee members.

The recommendation (as printed) was moved Cr Spencer, seconded Deputy Mayor Craddock.

The motion was put to the vote and adopted to become the committee's recommendation on this issue.

**Committee Recommendation**

**Council endorses the following applications for small equipment grants under its Healthy Clubs Scheme:**

- 1. South West Phoenix Football Club (\$500) - purchase of soccer balls**
- 2. Bunbury Rowing Club (\$500) - purchase of four sets of novice blades**
- 3. Bunbury Triathlon Club (\$500) - installation of traffic management signs**
- 4. South Bunbury Cricket Club (\$500) - purchase of pads, balls, stumps and helmets.**
- 5. Carey Park Football Club (\$500) - purchase of T-zone VT7 machine**
- 6. Bunbury Surf Lifesaving Club (\$500) - purchase of spinal traps, first aid supplies, oxy viva air bags, rescue tubes**
- 7. Bunbury Archery Club (\$350) - purchase of junior training bows**

## 11.8 Proposed Community Funding Policy

<b>File Ref:</b>	A01327
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jackie Massey, Manager Economic & Social Development
<b>Executive:</b>	Domenic Marzano, Executive Manager City Life

### Summary

In order to enhance the process by which community groups apply for Council funding for a range of purposes, City Life has prepared a Community Funding Policy. This policy is **attached** at Appendix 6.

The intention is to make the application process a transparent and equitable one for all community groups. At its meeting on 20 April 2009, the City Promotions Committee recommended to Council that the policy (then entitled "*Policy on Provision of Sponsorship – Financial Assistance to Community Groups*") be approved. Since that meeting, in consultation with the Presiding Member of the City Promotions Committee, an application package has been prepared which sets out the policy information in a user-friendly manner for community members. A copy of the package is **attached** at Appendix 7. The policy itself has been renamed the Community Funding Policy and has been revised to make it easier to read. Both documents have been endorsed via circulation to the City Promotions Committee.

### Background

Every year community groups seek support from Council through the annual budget process for a range of purposes including assistance to help provide community services, to support community/cultural projects and events and to provide corporate sponsorship which will enhance the corporate image of the City. However, to date there have been no guidelines outlining the purpose of the grants, the eligibility criteria and the process to be followed for assessment of applications and the allocation of funds.

City Life has prepared the "Community Funding Policy" based on research into policies used by other local government authorities. It is designed to make the application process a transparent and equitable one for all community groups.

An application package provides community members with a user-friendly version of the policy. All applicants will be required to complete a standard application form and to submit an acquittal report once their project/event is completed.

Adoption of the policy will mean that applications will be considered in detail by an assessment panel comprising both elected members and staff, with recommendations being submitted by this panel to Council for endorsement. Council will be asked as part of the budget process to allocate a pool of funding for the purpose of providing assistance in terms of the policy. This funding will be recommended for allocation by the assessment panel over two applications rounds (March and September each year).



Council considered a first draft of this policy at its meeting on 16 December 2008. and made the following decision:

Council Decision 240/08

1. *The Sponsorship and Donation Policy be referred to the City Promotions Committee for comment and returned to Council for further consideration in the second round of Council Meetings in 2009.*
2. *The appointment of an assessment panel to take place at this time.*

After the Council Meeting on 16 December 2008, the City Promotions Committee reviewed the draft policy and proposed some minor amendments relating to categories and eligibility provisions which have been incorporated into the document.

At its meeting on 20 April 2009, the committee recommended that the revised policy be approved by Council. The policy was originally listed for discussion on the Council Committee agenda of 12 May 2009 but was withdrawn to allow more time for consideration of user-friendly documentation for community members.

Through circulation to the City Promotions Committee (dated 22 May 2009) the policy has been further revised (including a new name "Community Funding Policy") with an emphasis on readability. An application package setting out the main policy provisions in a user-friendly manner has been prepared.

**Strategic and/or Regional Outcomes**

This proposed policy directly addresses Strategy 6.2 of the City's Strategic Plan where under the heading "Community participation, partnership and support", one of the deliverables is to "*develop a grants and sponsorship policy*".

**Community Consultation**

Community groups frequently request details of the application process for Council grants. Adoption of this policy and the supporting application forms will enable City of Bunbury staff to meet this need.

**Councillor/Officer Consultation**

The City Promotions Committee has reviewed this draft policy. Feedback has also been sought from staff in several divisions.

**Analysis of Financial and Budget Implications**

There are no budgetary implications resulting from this proposal. A funding pool from which allocations to community groups will be made, will be approved by Council as part of the Council's annual budget process. This is similar to the current process whereby Council approves funding for individual applications as part of its annual budget process.

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

Support for community groups, services and events is an important way by which the City sustains and enhances the social environment for Bunbury's residents and visitors.

### **Council Policy Compliance**

There is no Council policy in relation to this matter.

### **Legislative Compliance**

Not applicable.

### **Delegation of Authority**

The Chief Executive Officer does not have delegated authority in this matter.

### **Relevant Precedents**

There are no relevant precedents to consider.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

Council refers the draft policy titled "Community Funding Policy" back to the City Promotions Committee for further consideration.

### **Conclusion**

The proposed Community Funding Policy, together with the associated application package, will make the application process by which community groups seek financial support from Council more transparent and equitable. There is a clear requirement from the community for more guidance in this area as evidenced by frequent requests to City Life for information.

Approval of this policy will enable the City Life Division to meet the needs of the community. It will also mean greater accountability as grantees are required to provide acquittal reports. Council will also benefit by being able to set the total pool of funding available as part of the budget process and by then receiving specific recommendations for allocation from the assessment panel at a subsequent meeting.

### **Recommendation**

1. Council adopts the Community Funding Policy.
2. Council appoints Cr \_\_\_\_\_ as the Council's representative on the Community Funding Assessment Panel, full membership of the panel (in terms of the policy) to be:
  - 2.1 Presiding Member of the City Promotions Committee (currently the Deputy Mayor - Councillor Stephen Craddock)
  - 2.2 Elected member representative (to be appointed by the Council)
  - 2.3 The City's Executive Manager of City Life (currently Dom Marzano)
  - 2.4 City Life Division staff member representative (with relevant expertise) – proposed: Jackie Massey

### **Outcome - Council Committee Meeting 2 June 2009**

The Presiding Member called for nominations to fill the 'elected member representative' position referred to in point 2. and 2.2 of the officer's recommendation - Cr Spencer was the sole nominee.

Cr Craddock (who had left during discussion of the previous item) returned to the meeting at this point in proceedings - 7.32pm.

The City's Manager Economic & Social Development together with the current Presiding Member of the City Promotions Committee (Deputy Mayor - Cr Craddock) and the City's Executive Manager City Life responded to questions from committee members concerning public consultation, the source of some policy contents and the timeframe for adoption of the policy.

The Chief Executive Officer confirmed that there will be an allocation made in the 2010/2011 budget for the new processes contained in the policy.

The recommendation (amended to include Cr Spencer as the nominee in point 2.2) was moved Deputy Mayor Craddock, seconded Cr Slater and adopted to become the committee's recommendation on this issue - see overleaf.

**Committee Recommendation**

- 1. Council adopts the Community Funding Policy.**
- 2. Full membership of the panel (in terms of the policy) to be:**
  - 2.1 Presiding Member of the City Promotions Committee**
  - 2.2 Elected Member Representative: Councillor Spencer**
  - 2.3 Executive Manager City Life**
  - 2.4 City Life Division Staff Representative: Manager Economic & Social Development**

## 11.9 Appointment of Community Members - Community Access Committee

<b>File Ref:</b>	A01145
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Adam Johnson, Community Development Officer
<b>Executive:</b>	Dom Marzano, Executive Manager City Life

### Summary

It is proposed to appoint the following as 'Community Representatives' on the Community Access Committee:

- Gerald O'Sullivan (Disability Services Commission)
- Andrew McLean (ACTIV Service Recipient)
- Ray Ladzinski (Advocacy South West)
- Peter Needham (Community Member with a disability)
- Ruth McCourt (Community Member - parent of a person with a disability)

The committee currently comprises Councillors Kelly and Harrop together with a solitary community representative, Ms Susan Wood. It is permitted to have up to seven community representatives. The committee's Terms of Reference are:

1. To advise Council on matters of access to buildings, facilities, services or information.
2. To monitor the implementation of the Disability Access and Inclusion Plan for City of Bunbury buildings, facilities, services and information.

### Background

The Community Access Committee (formerly known as the Disability Advisory Committee) has been established by the Council in response to the provisions of the WA Disability Services Act 1993. It advises the Council on matters of disabled access and monitors implementation of the Disability Access and Inclusion Plan 2007-2012 for City's buildings, facilities, services and information.

The committee was re-appointed by the Council on 27 November 2007 (following the last local government election).

This committee experienced a high number of resignations towards the middle of 2008 and advertised through community networks to attract new members. Five people have responded and have attended meetings to ensure that the subject matter and meeting format is of interest to them. All have applied to become committee members and each brings a valuable perspective to the committee.

Two applicants work as professionals in the field of disability. One applicant is a service recipient of ACTIV services, and attends with the assistance of a support worker. One applicant uses a wheelchair as his primary means of mobility, and the other has a daughter with a disability and a history of involvement in the industry. Each brings a unique perspective to the challenges faced by the committee.

### **Strategic and/or Regional Outcomes**

The City's Strategic Plan 2007-2012 states that the City's vision is: *"To enhance our community's pride in our City by demonstrating the pursuit of excellence by our leadership, advocacy, service delivery and facilities."* and one of the Plan's major objectives is to *"Develop Social Capital"* - having community representatives on council committees meet this objective.

### **Community Consultation**

All applicants responded to email and newspaper advertisements to fill vacancies on the committee.

### **Councillor/Officer Consultation**

All Councillors and staff members have met the applicants at meetings on more than one occasion, and have consented to the applications, as motioned in the meeting minutes.

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

The activities and objectives of advisory committees or project control groups correlate with the City's annual budget, annual programme of works or the City Vision Strategy and are resourced accordingly.

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

Not applicable - this is a nomination for appointment to an existing committee of the Council.

### **Council Policy Compliance**

The Terms of Reference for advisory committees or project control groups appointed by the Council do not contravene established Council policies.

Policy CEO7 (adopted by Council on 27 November 2007) sets out guidelines for establishment and operation of advisory committees.

### **Legislative Compliance**

Section 5.9(2) indicates that an advisory committee of the Council may comprise council members only, officers only, community members only or a combination of any of these.

Appointments to a committee of the Council (or any amendment to its terms of reference) must be by an absolute majority vote.

Tenure of committee membership is specified in Section 5.11 of the Local Government Act 1995.

### **Delegation of Authority**

Not applicable - the Chief Executive Officer has not been delegated the authority to appoint members to committees of council.

### **Relevant Precedents**

The Council regularly appoints members to (or updates membership of) its various committees.

### **Options**

No alternative option is provided.

### **Recommendation**

1. The following nominees be appointed as 'Community Representatives' on the Community Access Committee:
  - 1.1 Gerald O'Sullivan
  - 1.2 Andrew McLean
  - 1.3 Ray Ladzinski
  - 1.4 Peter Needham
  - 1.5 Ruth McCourt
2. Tenure of membership is to be as specified in Section 5.11 of the Local Government Act 1995.

### **Outcome - Council Committee Meeting 2 June 2009**

Cr Slater disclosed an impartiality interest as he is a close friend of one of the nominees. He elected to remain at the meeting to take part in the discussion and the vote on this matter.

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

The motion was put to the vote and adopted to become the committee's recommendation on this issue - see overleaf.

**Committee Recommendation**

- 1. The following nominees be appointed as 'Community Representatives' on the Community Access Committee:**
  - 1.1 Gerald O'Sullivan**
  - 1.2 Andrew McLean**
  - 1.3 Ray Ladzinski**
  - 1.4 Peter Needham**
  - 1.5 Ruth McCourt**
  
- 2. Tenure of membership is to be as specified in Section 5.11 of the Local Government Act 1995.**

**Note: An absolute majority vote will be required at the Council Meeting.**



### 11.10 Proposed Appointments to the Council's City Promotions Committee

<b>File Ref:</b>	A03402
<b>Applicant/Proponent:</b>	City Promotions Committee (Internal Report)
<b>Author:</b>	Nardine Walford-Jones, Events Officer
<b>Executive:</b>	Domenic Marzano, Executive Manager City Life

#### Summary

The members of the Council's City Promotions Committee met on 19 May 2009, when it was agreed to recommend to the Council that Chris Himing and Paul McBride be appointed to the committee as 'Community Representatives'.

The committee's Terms of Reference are as follows:

1. To act as an advisory committee to Council on special events, tourism and marketing matters.
2. To provide a source of advice and feedback to those responsible for delivering on Council's special events, tourism and marketing programs.
3. To liaise with the local tourism industry and the general community on issues, opportunities and tourist related activities within and surrounding Bunbury.
4. To explore possible funding opportunities through State and Federal agencies.

#### Background

The City Promotions Committee was appointed by the Council on 27 November 2007 to provide guidance and recommendations to assist the Council in discharging its duties. Membership of the committee is currently:

##### Committee members (voting)

Deputy Mayor - Cr Stephen Craddock  
Councillor Michelle Steck  
Councillor Noel Whittle  
Greg Trevaskis, City of Bunbury CEO  
Dom Marzano, Executive Manager City Life  
Jo O'Dea – Community Representative  
Allan Birrell – Chamber of Commerce and Industries CEO  
Graham Harvey – Bunbury Regional Entertainment Centre Manager  
Sonya Dye – Bunbury Regional Art Galleries Director

##### Ex-officio members (non-voting)

City of Bunbury Marketing Officer  
Bunbury Visitor Centre Manager

The committee members are supported by the following City Life staff members: Jackie Massey, Manager Economic & Social Development; Del Ambrosius, Communications Officer, and; Nardine Walford-Jones, Events Officer.

Council Decision 54/09 made on 24 March 2009, included the appointment of two additional Community Representatives (with voting rights) to the City Promotions Committee. Following this, nominations were invited through an advertisement placed in the City Update column (Bunbury Mail Newspaper) on 8 April 2009 and on the City's website. Five nominations were received, all of which were of a high standard. The two candidates recommended for appointment by the City Promotions Committee are:

- Chris Himing - who will bring extensive international experience in event management, fundraising and the cruise ship industry.
- Paul McBride - who is an active member of the community and fundraises for various not-for-profit organisations. He also has extensive media experience and is the former Chief of Staff of West Australian Regional Newspapers (incorporates South Western Times and the Bunbury Herald).

### **Strategic and/or Regional Outcomes**

The City's Strategic Plan 2007-2012 states that the City's vision is: *"To enhance our community's pride in our City by demonstrating the pursuit of excellence by our leadership, advocacy, service delivery and facilities."*

The Strategic Plan is based around six objectives – two of these are relevant to the recommendation in this report, they are:

1. Strengthen the City of Bunbury's governance and leadership
2. Develop social capital – having community representatives on council committees helps those committees derive a broader insight into public sentiment concerning the activities of the Council.

### **Community Consultation**

Nominations were invited through an advertisement placed in City Update column in the Bunbury Mail Newspaper on 8 April 2009 and on the City's website. Five nominations were received, all of which were of a high standard.

### **Councillor/Officer Consultation**

Consultation has occurred with councillors and City of Bunbury members of staff involved in the City Promotions Committee.

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

Not applicable.

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

Not applicable.

### **Council Policy Compliance**

Not applicable.

### **Legislative Compliance**

The appointment of community representatives as members of the Council's advisory committees is in compliance with Sections 5.9 & 5.10 of the Local Government Act 1995.

The Act requires appointment of members to a council committee to be by an absolute majority vote.

### **Delegation of Authority**

The Chief Executive Officer does not have delegated authority in this matter.

### **Relevant Precedents**

In addition to allocating councillors to its advisory committees, the Council also appoints the most relevant additional members (either voting or non-voting) which may include ex-officio members drawn from the City's staff or from other organisations.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

Per the recommendation listed in this report (with amendments as stated by members at the meeting).

#### Option 3

Mr Chris Himing and Mr Paul McBride be advised that their application to join the City Promotions Committee is declined.

### **Conclusion**

The recommendation from the City Promotions Committee is in line with Council Decision 54/09 made on 24 March 2009, to appoint two additional Community Representatives (with voting rights) to the committee.

### **Recommendation**

1. The following nominees be appointed as 'Community Representatives' (with voting rights) to the Council's City Promotions Committee:
  - 1.1 Chris Himing
  - 1.2 Paul McBride
2. Tenure of membership for both appointees is to be as stated in Section 5.11 of the Local Government Act 1995.

### **Outcome - Council Committee Meeting 2 June 2009**

The recommendation (as printed) was moved Deputy Mayor Craddock, seconded Cr Spencer.

The motion was put to the vote and adopted to become the committee's recommendation on this issue.

#### **Committee Recommendation**

1. **The following nominees be appointed as 'Community Representatives' (with voting rights) to the Council's City Promotions Committee:**
  - 1.1 **Chris Himing**
  - 1.2 **Paul McBride**
2. **Tenure of membership for both appointees is to be as stated in Section 5.11 of the Local Government Act 1995.**

**Note: An absolute majority vote will be required at the Council Meeting.**

### 11.11 Construction of Beach Viewing Platform at BP Beach, Casuarina Drive, Marlston Hill

<b>File Ref:</b>	A03667
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Stewart Parkinson, Project Manager City Services
<b>Executive:</b>	Michael Scott, Executive Manager City Services

#### Summary

Council proposed to construct a beach viewing platform at BP Beach using 'Royalties for Regions' grant funding of \$60,000.

The preferred concept plan was advertised for public comment with a submission period of two weeks. The submission period closed on 5 May 2009 and the issues raised now require Council consideration.

Consideration is also required for:

1. Location of the viewing platform
2. Leasing arrangements with the Bunbury Port Authority
3. Requirements for disabled access to the viewing platform

(Note: The Bunbury Port Authority has requested that the car park be included in the proposed viewing platform lease area.)

#### Background

The objectives for the viewing platform proposal are:

- To provide a platform in a convenient location in the vicinity of the BP Beach car park for the general public to view the beach/ocean.
- The platform must be located in an area not expected to be subject to wave damage during storms.
- It must be high enough to provide good views of the beach and wave conditions to the north through to the groyne.
- The platform is to be sufficiently convenient for surfers arriving by vehicle to quickly view the surf.
- The platform is to be attractive for use by recreational users of the Marlston Hill beach path
- The platform is to be of a construction similar to the new Scott Street platform at Back Beach.
- The project cost is to be under \$60,000

- Clearing of dune vegetation is to be minimized.
- The location of the viewing platform is to be acceptable to the Bunbury Port Authority.
- The platform shall be located in a position that does not impact detrimentally on the amenity of the nearby residents.

A copy of the preferred concept plan (and a map of position options) is **attached** at Appendix 3.

Five submissions were received by the close of the two-week public submission period and a summary of each submission (together with officer comments) is **attached** at Appendix 4.

A copy of a letter received from the Bunbury Port Authority is **attached** at Appendix 5.

#### **Strategic and/or Regional Outcomes**

Nil.

#### **Community Consultation**

Public comment was invited. The two-week submission period closed on 5 May 2009. Details of the submissions received are listed in the Schedule of Submissions.

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

The Chief Executive Officer and Executive Manager City Services were consulted in the preparation of this report to Council.

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

There will be operational costs associated with the proposed viewing platform and it will require regular maintenance. However, this expenditure is not expected to exceed normal budget allocations.

The Bunbury Port Authority requires a lease of the area including the car park which will be an additional maintenance cost to the City. It follows that the City would then receive public submissions for improvements to the car park (frequent grading or bituminising).

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

The viewing platform will enhance the visual and recreational amenity for recreational users of the area.

There are no environmental or heritage issues to consider.

### **Council Policy Compliance**

There is no Council Policy applicable to the proposal.

### **Legislative Compliance**

The Disability Discrimination Act 1992 Section 23(1) states that, it is unlawful to discriminate against another person on the grounds of another person's disability.

However, Section 23(2) of the same Act states that it is not unlawful to discriminate against a person on the basis of the person's disability if:

*"(b) The alteration to the premises to provide such access would impose unjustifiable hardship on the person who would have to provide that access."*

In this situation the expenditure of an estimated additional \$30,000 to provide disabled access to the viewing structure could be deemed "unjustifiable" when alternative viewing locations along the beach (better suited for the disabled) exist 800 metres to the south.

### **Delegation of Authority**

It is normal practice to refer significant objections to capital works proposals to the Council for a decision.

### **Relevant Precedents**

There are no relevant precedents to refer to.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

Build the platform at position 2.

#### Option 3

Build the platform at position 3.

#### Option 4

Re-design the platform for disabled access.

## **Conclusion**

It is anticipated that the viewing platform will be used mainly by persons engaged in recreational pursuits such as jogging, sight-seeing and surfing.

The proposal is not expected to materially change the level of public activity in the vicinity hence it will have a minor impact on the amenity of the area.

The Bunbury Port Authority requires a lease of the platform footprint and the car park area.

## **Recommendation**

Further to the proposal to construct a beach viewing platform at BP Beach using 'Royalties for Regions' grant funding of \$60,000:

1. The preferred concept plan (i.e., platform located at position 1) be approved subject to deletion of the shade cloth cover from the specifications.
2. The Council authorises the Chief Executive Officer to commence lease negotiations with the Bunbury Port Authority.
3. Agreement is to be sought from the Bunbury Port Authority to permit installation of the beach viewing platform prior to finalisation of lease negotiations.

## **Outcome - Council Committee Meeting 2 June 2009**

The recommendation (as printed) was moved Cr Whittle, seconded Cr Spencer.

During discussion:

- The Executive Manager City Services confirmed that a litter bin will be provided as part of the project.
- The importance of providing disabled access to the site was debated by a number of councillors. Both Crs Rooney and Kelly indicated that they will move Option 4 if the motion moved by Crs Whittle and Spencer, is defeated.
- To resolve the issue of disabled access to the site, the mover and seconder accepted the addition of point 4. to the motion stating:

*"Council investigate means of providing access to a viewing platform by people with a disability and a source of funds for such a project."*

The motion (as amended) was put to the vote and adopted to become the committee's recommendation on this issue.



The votes were recorded as follows:

For: Mayor D Smith, Deputy Mayor S Craddock, and; Crs J Jones, N Whittle, R Slater & D Spencer.

Against: Crs S Rooney & B Kelly.

**Committee Recommendation**

**Further to the proposal to construct a beach viewing platform at BP Beach using 'Royalties for Regions' grant funding of \$60,000:**

- 1. The preferred concept plan (i.e., platform located at position 1) be approved subject to deletion of the shade cloth cover from the specifications.**
- 2. The Council authorises the Chief Executive Officer to commence lease negotiations with the Bunbury Port Authority.**
- 3. Agreement is to be sought from the Bunbury Port Authority to permit installation of the beach viewing platform prior to finalisation of lease negotiations.**
- 4. Council investigate means of providing access to a viewing platform by people with a disability and a source of funds for such a project.**

## 11.12 Council Endorsement of Appointments to the Bunbury Regional Arts Management Board Inc.

<b>File Ref:</b>	A00168
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Domenic Marzano, Executive Manager City Life
<b>Executive:</b>	Domenic Marzano, Executive Manager City Life

### Summary

The constitution of the Bunbury Regional Arts Management Board Inc. (BRAMB) which is the incorporated body responsible for management of the Bunbury Regional Art Galleries, affords the Bunbury City Council the right to approve all appointments to its Board.

The BRAMB oversees operation of the Bunbury Regional Art Galleries with the following specific aims:

- To provide leadership in the creation and promotion of innovative opportunities to increase community interest, awareness and active participation in the arts.
- To improve efficiency within the operations of the Bunbury Regional Art Galleries.
- To heighten employee commitment and sense of achievement.
- To exceed arts industry standards.
- To increase community support and satisfaction.
- To continually improve the scope and quality of exhibitions and programs.
- To develop and improve the funding base for the galleries.

Three (3) positions on the Board are currently vacant and the BRAMB requests that the Council consider endorsing the re-appointment of Leon Ridgeway, Alex Mickle and Carol Bryson as Board Members each for a two (2) year term expiring on 23 February 2011.

### Background

BRAMB manages the Bunbury Regional Arts Galleries (BRAG) based at the former Sisters of Mercy Convent - a City of Bunbury asset. The building was re-opened in 1987 after extensive renovation. Since this time period the galleries have provided the people of Bunbury and the South West Region with the opportunity to view and interact with all forms of the visual arts in a top class facility.

The galleries are managed by the BRAMB and membership of its Board is currently:

Councillor Helen Punch  
Leon Ridgeway (term expired)  
Domenic Marzano  
Sonya Dye  
Cathy Roads  
Pip Sawyer  
Margaret Perkins  
Tresslyn Smith  
Alex Mickle (term expired)  
Carol Bryson (term expired)

The BRAMB is an independent, not-for-profit community organisation and its Board is comprised of one (1) representative of the Bunbury City Council together with interested members of the community with a commitment to the visual arts.

The Board of Management currently has three (3) vacancies created due to the expiration of term of Leon Ridgeway, Alex Mickle and Carol Bryson. All have applied for re-appointment and as they were active members that contributed directly to a number of positive outcomes for the BRAG, the Board is keen to maintain their services. Accordingly, the Board (at its meeting on 23 February 2009) voted to re-appoint them for a further two (2) year term on the proviso that Bunbury City Council approval is obtained.

### **Strategic and/or Regional Outcomes**

The City's Strategic Plan 2007-2012 states that the City's vision is: *"To enhance our community's pride in our City by demonstrating the pursuit of excellence by our leadership, advocacy, service delivery and facilities."*

### **Community Consultation**

There has been no direct community consultation as this proposal is concerned with the re-appointment of Board members.

### **Councillor/Officer Consultation**

The members of the BRAMB unanimously support re-appointment of Leon Ridgeway, Alex Mickle and Carol Bryson.

The recommendation from the BRAMB has been discussed by the City's Executive Manager City Life and the Council's representative on the Board (Councillor Punch) both of whom support the proposal.

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

No expense will be incurred by the City and no change to the existing Budget is necessary.

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

Not applicable - the Council is only required to endorse re-appointment of members to an existing Board of Management.

### **Council Policy Compliance**

The proposal does not contravene any existing Council Policy.

### **Legislative Compliance**

The Board's constitution requires Council endorsement of all Board appointments.

Tenure of Board membership is as defined in the BRAMB's Constitution.

### **Delegation of Authority**

The Chief Executive Officer has no delegated authority in this regard.

### **Relevant Precedents**

The Council previously endorsed re-appointment of Leon Ridgeway on 30 May 2006 and endorsed the appointment of Alex Mickle and Carol Bryson on 6 March 2007.

### **Options**

#### Option 1

Per the recommendation as listed in this report.

#### Option 2

Council elects NOT to support the recommendation of the Bunbury Regional Arts Management Board Inc. to re-appoint Leon Ridgeway, Alex Mickle and Carol Bryson to the Board for a further two (2) year term.

### **Recommendation**

The Bunbury City Council endorses the re-appointment of the following members to the Bunbury Regional Arts Management Board Inc. for a term of two years expiring on 23 February 2011.

1. Mr Leon Ridgeway
2. Ms Carol Bryson
3. Mr Alex Mickle

### **Outcome - Council Committee Meeting 2 June 2009**

The Mayor requested an amendment to the officer's recommendation to include point 2. calling for endorsement by the Art Gallery of Western Australia - he indicated that this is required under the BRAMB Constitution.

The recommendation (as amended) was moved Deputy Mayor Craddock, seconded Cr Rooney and adopted to become the committee's recommendation on this issue.

**Post Meeting Note:** A letter endorsing the appointments to the Board was sent by the Director of the Art Gallery of WA (Stefano Carboni) to the Director of the Bunbury Regional Art Galleries (Sonya Dye) on 25 March 2009 - a copy of the letter is **attached** at Appendix 12 for councillor information.

#### **Committee Recommendation**

- 1. The Bunbury City Council endorses re-appointment of the following members to the Bunbury Regional Arts Management Board Inc. for a term of two years expiring on 23 February 2011.**
  - 2.1 Mr Leon Ridgeway**
  - 2.2 Ms Carol Bryson**
  - 2.3 Mr Alex Mickle**
- 2. The Bunbury City Council to seek written endorsement of these appointments from the Art Gallery of Western Australia.**

### 11.13 Bunbury Coastal Enhancement Project - Hungry Hollow Beach Access Steps

<b>File Ref:</b>	A02019
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Stewart Parkinson, Manager Projects (City Services)
<b>Executive:</b>	Michael Scott, Executive Manager City Services

#### Summary

The Bunbury Coastal Enhancement Project was completed a year ago and one task remains outstanding – modifications to the beach access steps at Hungry Hollow.

As the recommendation from the Coastal Enhancement Project Control Group (PCG) exceeds the remaining budget and the time required to deliver its recommendation does not comply with the funding provider's requirement for the grant to be expended by July 2009, the remaining funds could be lost.

#### Background

The beach access steps at Hungry Hollow were constructed in December 2007. It was found that wave action during storms occasionally washes away the sand at the base of the steps, rendering the beach inaccessible. In the 15 months since completion, the steps have been rendered inaccessible for about three months or twenty percent of the time. The steps are inspected daily by cleaning staff and are closed to the public in the event of a wash-out.

Funding of \$82,000 has been reserved to modify the steps so that they allow pedestrian access to the beach all year round. The PCG has discussed the issue for 15 months and examined 13 modification options.

The objectives of this project are:

- To provide year round access to the beach
- To ensure the steps remain safe for use by the public in all conditions.
- To complete the project within a timeframe acceptable to the funding provider (SWDC).

The following report (and recommendation) resulted from the last PCG meeting held on 6 April 2009:

#### "Node 5 Steps Extension

*Stewart Parkinson distributed a summary of all options generated to date (total of 12 options). Copy of summary is attached.*

*Only options 1 & 12 are within budget.*

1. *Stainless steel and long life planking stairs and landing, attached to the existing concrete west face (estimated cost \$80,000)*

12. *Install U shaped stainless steel bollards to vertical concrete face of west face at 1.2, centres, add warning sign. (Estimated cost – under \$30,000)*

*An email poll was conducted of PCG members regarding option 1 in March 2009. The outcome was that Option 1 was not accepted.*

*The preferred option in November 2008 was Option 11; however this option exceeded the budget.*

*Stewart Parkinson advised that the residual grant funding for this item (\$82,000) needs to be expended within 3 months to satisfy the funding provider – SWDC.*

*Cr Whittle tabled Option 13 – concrete landing at bottom step, flight of stairs to beach heading west with landing and steps change of direction to south. (See attached sketches).*

*Stewart Parkinson advised this option was probably similar in cost to the earlier preferred option 11 that is about \$120,000 - \$40,000 over budget.*

*Mayor Smith requested an estimate to finish the exposed concrete at the lower level of the Node 5 steps with an exposed aggregate treatment.*

*PCG recommendation:*

- That option 12 be rejected.*
- That option 13 be costed, and if over budget, then the additional required funding is sought by application to Council.*
- That an estimate be obtained to apply an exposed aggregate finish to any visible smooth concrete vertical surface on the modified steps.*

#### **Project Manager's Comment**

1. The Consulting Engineer's estimate for Options 11 & 13 is \$ 140,000 each.
2. The funding is available and design plans for Option 1 are currently ready to proceed. Option 1 will achieve the objectives.
3. If the Council is willing to expend a further \$58,000 on the project then Option 11 is considered the most suitable option at this price. It has less safety concerns in comparison with Option 13. However, as the outcome of the budget will not be known until August 2009, the funding provider will need to agree to the delay.

#### **Strategic and/or Regional Outcomes**

Nil

### **Community Consultation**

Consultation was undertaken at the project design phase (in 2005).

### **Councillor/Officer Consultation**

The Chief Executive Officer and the Executive Manager City Services were consulted

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

The staff recommendation will have no budget impact.

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

Providing year round access to the beach will improve the amenity of the development. There are no economic, environmental or heritage issues to consider.

### **Council Policy Compliance**

No Council Policy is applicable to this proposal.

### **Legislative Compliance**

Not applicable.

### **Delegation of Authority**

The Chief Executive Officer has authority to take action as the PCG has no delegated authority; however, the PCG was established to provide a mechanism for Councillor input in to the project.

### **Relevant Precedents**

There are no relevant precedents to consider.

### **Options**

#### Option 1

The Hungry Hollow Beach Access Steps associated with the Bunbury Coastal Enhancement Project be constructed using Option 1 or 12.

*Comment:* This is within budget.

#### Option 2

Council considers an allocation of an additional \$58,000 in its 2009/2010 budget to increase the Hungry Hollow Beach Access Steps Extension budget to \$140,000, in order to construct either Option 11 or 13.

*Comment:* Risk the loss of residual funding from the provider.



### **Conclusion**

Council can either proceed immediately with an option that is within budget or await the outcome of an additional funding bid in the 2009/2010 budget. This option comes with the risk of:

- The additional funding bid not being supported.
- The funding provider not accepting the 3-6 month delay and requiring a return of the residual funding.

### **Recommendation**

For Council's consideration

### **Outcome - Council Committee Meeting 2 June 2009**

Option 2 (as printed in the report but with the deletion of reference to project option 11) was moved Cr Whittle, seconded Cr Slater.

During discussion, a number of councillors objected to being committed to the expenditure of \$140,000 from the 2008/2009 budget on this particular project. The Mayor suggested that as an alternative, the City could call tenders for the project (using existing funds) and if necessary, allocate additional expenditure in its 2009/2010 budget. The mover and seconder agreed to amend their motion accordingly.

The motion (as amended) was put to the vote and adopted to become the committee's recommendation on this issue.

Cr Craddock requested that his vote "against" the committee's recommendation, be recorded.

#### **Committee Recommendation**

- 1. Council to call tenders for improvement of the Hungry Hollow Beach Access Steps Extension by constructing Option 13.**
- 2. Any additional funds required to be considered as part of the 2009/2010 Budget.**

**11.14 Tender for the Design, Installation and Commissioning of Approved Commercial Irrigation on Portion of Junior Football Pitch, Hay Park, Bunbury (RFT 2008/2009-10)**

<b>File Ref:</b>	A03732
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Mark Robson, Contract Coordinator
<b>Executive:</b>	Michael Scott, Executive Manager City Services

**Summary**

Council has invited experienced companies to tender for the design, installation and commissioning of an approved commercial irrigation system on an (approximately) 11 hectare portion of the Junior Football area at Hay Park, Bunbury.

At its meeting on 3 March 2009, the Council decided to proceed with this project as part of the State Government's 2009 "Royalties for Regions" program.

**Background**

Tender documents were prepared and advertised in *The West Australian* on 25 April 2009 and in the *South Western Times* on 23 April 2009.

Tenders closed at 3:00pm on Thursday, 14 May 2009. The City's Parks and Urban Design Coordinator and Contract Coordinator opened the tender box.

A total of eight interested companies had requested the tender documents during the submission period (representatives from three of these companies attended the mandatory site meeting on 30 April 2009). By closing, three tenders had been received, as follows.

1. Southern Irrigation & Pumping Pty Ltd, 6 Teede Street, Bunbury WA 6230
2. Total Eden, 1 Altona Street, Bibra Lake WA 6163
3. Custom Irrigation, 6 Fitzroy Street, Davenport WA 6230

An evaluation panel comprising the City's Parks and Urban Design Coordinator, Reticulation and Turf Supervisor and Contract Coordinator assessed the responses on 15 and 18 May 2009. The tenders were evaluated using the following criteria:

- Compliance
- Qualitative
- Price

**Compliance Criteria**

The following compliance criteria were used to assess the tender:

- |    |   |         |
|----|---|---------|
| a) | Will you be able to comply with the specifications?   | Yes/ No |
| b) | Compliance with the conditions of responding?   | Yes/ No |
| c) | Compliance with (and completion of) the price schedule:   | Yes/ No |
| d) | Do you have experience in the design, installation and commissioning of new irrigation systems? | Yes/ No |

### Qualitative Criteria

The following Qualitative Criteria were used to assess the tender:

	Weighting
a) Relevant knowledge and understanding of commercial irrigation and reticulation systems	5
b) Skills and experience of key personnel	5
c) Contractor's resources to fulfil the requirements of this project, i.e., expertise, labour, plant, etc.	3

### Price

Evaluation of the tender prices (and ranking) has been assessed but because the results are "commercial in confidence" details are listed in a Confidential Report that has been circulated to members under separate cover.

### **Strategic and/or Regional Outcomes**

Acceptance of the recommendation listed in this report is consistent with the City of Bunbury Strategic Plan 2007-2012 as it will enhance the City's playing fields and infrastructure.

### **Community Consultation**

Community consultation was not carried out during this process.

### **Councillor/Officer Consultation**

The tender specifications were developed in consultation with the City's Parks and Urban Design Coordinator and the Turf and Reticulation Supervisor - they were also involved in the tender evaluation process.

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

Per a Council Decision made 3 March 2009, funding for this project has been provided from the State Government's 2009 "Royalties for Regions" program.

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

Local purchasing will assist the local economy

### **Council Policy Compliance**

The tender process complies with the requirements of the City's Work Procedure WP4.12 "Tender Procedure and Associated Legislation."

Council's CD2 "Purchasing - Local Preference Policy" was applied during evaluation of the tender but has not affected the outcome.

### **Legislative Compliance**

Advertising and processing of tenders was conducted in accordance with the Local Government (Function and General) Regulations 1996, Part 4 "Tenders for Providing Goods or Services".

### **Delegation of Authority**

As the total annual cost of this tender is expected to exceed \$100,000 it has been dealt with in accordance with Local Government (Functions and General) Regulations 1996 (Part 4 - Tenders for Providing Goods or Services).

### **Relevant Precedents**

At its meeting on 3 March 2009, the Council decided that this project would proceed and approved funding from its share of the State Government's 2009 "Royalties for Regions" program.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

Reject all tenders

*Comment: This is NOT supported by the Tender Evaluation Panel.*

### **Conclusion**

Based on the panel's evaluation of the tender documents submitted by all respondents the recommend tenderer is Southern Irrigation and Pumping Pty Ltd (ABN 72 008 761 475) as the company has provided the City with competitive prices, demonstrated its ability to provide quality products and services, and; its tender is considered to be the most advantageous tender to the City.

### **Recommendation**

With respect to Tender RFT 2008/2009-10 for the design, installation and commissioning of approved commercial irrigation on portion of the Junior Football Pitch at Hay Park, Bunbury, the Council resolves to:

1. Accept the tendered lump sum submitted by Southern Irrigation & Pumping Pty Ltd (ABN 72 008 761 475).
2. Record details of the successful tender in the City of Bunbury Tender Register.

### **Outcome - Council Committee Meeting 2 June 2009**

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

The motion was put to the vote and adopted to become the committee's recommendation on this issue.

#### **Committee Recommendation**

**With respect to Tender RFT 2008/2009-10 for the design, installation and commissioning of approved commercial irrigation on portion of the Junior Football Pitch at Hay Park, Bunbury, the Council resolves to:**

1. **Accept the tendered lump sum submitted by Southern Irrigation & Pumping Pty Ltd (ABN 72 008 761 475).**
2. **Record details of the successful tender in the City of Bunbury Tender Register.**

### 11.15 Tender for Supply of Pre-Mixed Concrete (RFT 2008/2009-11)

<b>File Ref:</b>	A03695
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Mark Robson, Contract Coordinator
<b>Executive:</b>	Michael Scott, Executive Manager City Services

#### Summary

The City has invited companies to tender for the annual supply of pre-mixed concrete products for various projects within Bunbury.

An estimate of the annual quantities required was included in the tender brief. The total prices requested for each item were based on the annual quantity estimate used for this tender (for assessment purposes only). Actual requirements will depend on the City of Bunbury Annual Works Program and budget allocations for the 2008/09 financial year.

#### Background

Tender documents were prepared and advertised in *The West Australian* on 15 April 2009 and the *South Western Times* on 16 April 2009.

Tenders closed at 3:00pm on Thursday, 7 May 2009. The Customer Service Officer and Contract Coordinator opened the tender box.

A total of two interested companies had requested the tender documents during the submission period and by closing, two tenders had been received, as follows.

1. Hanson Construction Materials Pty Ltd, PO Box 187, Victoria Park, 6100
2. Cemex Australia Pty Ltd, PO Box 60, Gelorup, 6230

An evaluation panel comprising Council's Operations Works Coordinator and the Contract Coordinator assessed the responses on 12 and 13 May 2009. The tenders were evaluated using the following criteria:

- Compliance
- Qualitative
- Price

#### Compliance Criteria

The following compliance criteria were used to assess the tender:

- |    |  |        |
|----|--|--------|
| a) | Compliance with specifications contained in the request?     | Yes/No |
| b) | Compliance with the conditions of tendering in this request? | Yes/No |
| c) | Compliance with the delivery date:                           | Yes/No |
| d) | Compliance with (and completion of) the price schedule:      | Yes/No |

### Qualitative Criteria

The following Qualitative Criteria were used to assess the tender:

	Weighting
a) Demonstrated experience in supply of similar goods	5
b) Respondents resources	4
c) A demonstrated understanding of the required tasks	4
d) Ability to provide required quantities by due date	4

### Price

Evaluation of the tender prices (and ranking) has been assessed but because the results are "commercial in confidence" details are listed in a Confidential Report that has been circulated to members **under separate cover**.

### **Strategic and/or Regional Outcomes**

Acceptance of the recommendation listed in this report is consistent with the City of Bunbury Strategic Plan 2007-2012 as it will enhance the City's road networks, paths and infrastructure.

### **Community Consultation**

Community consultation was not carried out during the tender evaluation process.

### **Councillor/Officer Consultation**

The tender's specifications were developed in consultation with Council's Operations Works Coordinator and Operations Manager.

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

Funding for this project was provided from the City of Bunbury Annual Works Program.

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

Local purchasing will assist the local economy.

### **Council Policy Compliance**

The tender process complies with the requirements of the City's Work Procedure WP4.12 "Tender Procedure and Associated Legislation."

Council's CD2 "Purchasing - Local Preference Policy" was applied during evaluation of the tender but has not affected the outcome.

### **Legislative Compliance**

Advertising and processing of tenders was conducted in accordance with the Local Government (Function and General) Regulations 1996, Part 4 "Tenders for Providing Goods or Services".

### **Delegation of Authority**

As the total annual cost of this tender is expected to exceed \$100,000 it has been dealt with in accordance with Local Government (Functions and General) Regulations 1996 (Part 4 - Tenders for Providing Goods or Services).

### **Relevant Precedents**

Council has previously considered and awarded similar contracts by tender.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

Reject all tenders.

*Comment: This is NOT supported by the Tender Evaluation Panel.*

### **Conclusion**

Based on the panels' evaluation of the tender documents submitted by both respondents the recommend tenderer is Hanson Construction Materials Pty Ltd (ABN 90 009 679 734) as the company has provided the City with competitive prices, demonstrated its ability to provide quality products and services, and; its tender is considered to be the most advantageous tender to the City.

### **Recommendation**

With respect to Tender RFT 2008/2009-11 for the supply of pre-mixed concrete, the Council resolves to:

1. Accept the Schedule of Rates submitted by Hanson Construction Materials Pty Ltd (ABN 90 009 679 734).
2. Record the successful tender price in the minutes of the Council Meeting to be held on 9 June 2009.



**Outcome - Council Committee Meeting 2 June 2009**

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

The motion was put to the vote and adopted to become the committee's recommendation on this issue.

**Committee Recommendation**

**With respect to Tender RFT 2008/2009-11 for the supply of pre-mixed concrete, the Council resolves to:**

- 1. Accept the Schedule of Rates submitted by Hanson Construction Materials Pty Ltd (ABN 90 009 679 734).**
- 2. Record the successful tender price in the minutes of the Council Meeting to be held on 9 June 2009.**

### 11.16 Advisory Committee and/or Project Control Group Minutes to be Noted at the Council Committee Meeting

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various

Committee Members to refer to the report circulated under separate cover.

#### Recommendation

The following Advisory Committee Meeting Minutes listed in the report circulated under separate cover, are noted for information only:

1. Title: Minutes - Bunbury Jiaxing Sister Cities Committee (14/05/2009)  
Author: Jaimee Earl, Executive Assistant to Mayor  
File: A01830
2. Title: Minutes - Meeting Review Working Group (5/05/2009)  
Author: Latasha Santostefano, Executive Assistant to CEO  
File: A00963
3. Title: Minutes - Depot Project Control Group (19/05/2009)  
Author: Michael Scott, Executive Manager City Services  
File: A00417
4. Title: Minutes - Community Access Committee (3/04/2009)  
Author: Adam Johnson, Community Development Officer  
File: A01145
5. Title: Minutes - Youth Advisory Council (6/05/2009)  
Author: Petch Folvig, Youth Projects Officer  
File: A00773
6. Title: Minutes - Bunbury-Setagaya Sister Cities Committee (18/03/2009 & 8/04/2009)  
Author: Jenelle Dunn, Cultural Development Officer  
File: A00443
7. Title: Minutes - Bunbury Airport Advisory Committee (14/05/2009)  
Author: Nigel Archibald, Airport Reporting Officer  
File: F00080

### **Outcome - Council Committee Meeting 2 June 2009**

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

The motion was put to the vote and adopted to become the committee's recommendation on this issue.

#### **Committee Recommendation**

The following Advisory Committee Meeting Minutes listed in the report circulated under separate cover, are noted for information only:

1.     **Title:       Minutes - Bunbury Jiaxing Sister Cities Committee  
                  (14/05/2009)**  
       **Author:   Jaimee Earl, Executive Assistant to Mayor**  
       **File:       A01830**
  
2.     **Title:       Minutes - Meeting Review Working Group (5/05/2009)**  
       **Author:   Latasha Santostefano, Executive Assistant to CEO**  
       **File:       A00963**
  
3.     **Title:       Minutes - Depot Project Control Group (19/05/2009)**  
       **Author:   Michael Scott, Executive Manager City Services**  
       **File:       A00417**
  
4.     **Title:       Minutes - Community Access Committee (3/04/2009)**  
       **Author:   Adam Johnson, Community Development Officer**  
       **File:       A01145**
  
5.     **Title:       Minutes - Youth Advisory Council (6/05/2009)**  
       **Author:   Petch Folvig, Youth Projects Officer**  
       **File:       A00773**
  
6.     **Title:       Minutes - Bunbury-Setagaya Sister Cities Committee  
                  (18/03/2009 & 8/04/2009)**  
       **Author:   Jenelle Dunn, Cultural Development Officer**  
       **File:       A00443**
  
7.     **Title:       Minutes - Bunbury Airport Advisory Committee (14/05/2009)**  
       **Author:   Nigel Archibald, Airport Reporting Officer**  
       **File:       F00080**

**11.17 Motion on Notice - Duck Pond on Reserve 43925, Corner Brittain Road and Underwood Street, Bunbury**

<b>File Ref:</b>	F00101
<b>Applicant/Proponent:</b>	Councillor Ross Slater
<b>Author:</b>	Councillor Ross Slater
<b>Executive:</b>	<i>If adopted refer to:</i> Michael Scott, Executive Manager City Services

Prior to the close of the meeting agenda, Cr Slater submitted a written motion, that:

- "1. Bunbury City Officers to provide the Council with a history of the 'duck pond' at the corner of Brittain Road and Underwood Street, and; offer suggestions for its possible improvement, upkeep or removal.*
- 2. As neighbouring residents wish to have the pond deepened (thus creating a year-round water venue for the now varied bird life) the Council to consider the submitted plan.*
- 3. The Carey Park Primary School to be approached to take part-ownership of the area and to work alongside elderly residents with the aim of cleaning and maintaining the area whilst reducing vandalism and bridging the possible generation gap."*

**Comments - Cr Slater**

In support of his motion, Cr Slater states:

*"Residents of Underwood Street contacted me and on meeting with their representatives, I discovered that years ago the City proceeded to excavate an area in preparation for creating a new road (Nielsen Grove) off Underwood Street. Subsequently, it was realised that Nielsen Grove needed to go in further south (to where it is now located) but, when moving construction gear, the City neglected to return the worksite to its original site thus allowing winter rains to fill the excavated hollow.*

*The rain-filled hollow attracted ducks who are quite happy frolicking there during winter but become distressed in dry summers (as the water dries up) and dodge traffic while waddling across the road to paddle in kiddies' play pools placed on front lawns by well-meaning residents.*

*Another summer phenomenon is the intermittent combustion of this area, attributed to youthful exuberance (and dampened by the elderly) before unprescribed burn-offs decimate Kinkella Park.*

*This area needs attention and could be greatly improved as was the area bounded by Carob Street, Constitution Street and Prince Philip Drive when South Bunbury Primary School and a mineral sands company took an interest. The idea of small retaining walls around storm drain pipes on the eastern and western sides would allow for the clearing and maintaining of surrounding scrub. This area has the potential to be an attractive photo stop for weddings and birthdays etc., while adding to the amenity of Kinkella."*

### **Executive Comments**

1. The location referred to is a drainage compensation basin designed to fill in winter and dry up in summer. As a compensation basin (built to standard) the sides are intentionally gradual and the depth none too great - the planting that has been undertaken on the surrounding reserve is intended to help stabilise the sides. Increasing the depth of the basin (thus steepening the sides) will create a hazard for children playing in the area and require the pond to be fenced.
2. The City's Parks Officers frequently deal with complaints about feral ducks living at the pond and the City has paid for their removal.
3. An upgrade to the amenity of the area was completed in 2006. The landscape upgrade included planting of seven trees, planting of 1,516 tube-stocks of various species of plants and installation of a picnic table with a paved base (some minor earthworks were associated with preparation of the beds for planting).
4. At other locations in Bunbury (e.g., Garvey Place) civic-minded community members have taken on ownership of their local park with assistance from the City's Parks Officers. The people in the area around Underwood Street and Brittain Road may be interested in doing the same. The City's Parks Coordinator can write to the Principal of Carey Park Primary School seeking his comments concerning "adoption" of the reserve and drainage pond at the corner of Brittain Road and Underwood Street.

### **Outcome - Council Committee Meeting 2 June 2009**

The motion on notice (as printed) was moved Cr Slater, seconded Cr Whittle.

Following some discussion, the motion was put to the vote and adopted to become the committee's recommendation on this issue.

**Committee Recommendation**

- 1. Bunbury City Officers to provide the Council with a history of the 'duck pond' at the corner of Brittain Road and Underwood Street, and; offer suggestions for its possible improvement, upkeep or removal.**
- 2. As neighbouring residents wish to have the pond deepened (thus creating a year-round water venue for the now varied bird life) the Council to consider the submitted plan.**
- 3. The Carey Park Primary School to be approached to take part-ownership of the area and to work alongside elderly residents with the aim of cleaning and maintaining the area whilst reducing vandalism and bridging the possible generation gap.**

**11.18 Items Noted (No Discussion) at the Council Committee Meeting Held on 2 June 2009**

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various

Committee Members to refer to the report circulated under separate cover.

**Recommendation**

The following items listed in the report circulated under separate cover, are noted for information only:

1. Title: Small Business Centre Bunbury-Wellington - Quarterly Report (January to March 2009)  
Author: Trevor Ayers, Economic Development Officer  
File: A00185
2. Title: Development Approvals - 1 to 30 April 2009  
Author: Gary Fitzgerald, Manager Development Services  
File: A00566
3. Title: Royalties for Regions Program 2008/2009 - Project Manager's Report No. 2 (14 May 2009)  
Author: Stewart Parkinson, Manager Projects (City Services)  
File: A03667

**Outcome - Council Committee Meeting 2 June 2009**

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

The motion was put to the vote and adopted to become the committee's recommendation on this issue.

**Committee Recommendation**

The following items listed in the report circulated under separate cover, are noted for information only:

1.     **Title:     Small Business Centre Bunbury-Wellington - Quarterly Report  
                  (January to March 2009)**  
       **Author:   Trevor Ayers, Economic Development Officer**  
       **File:     A00185**
  
2.     **Title:     Development Approvals - 1 to 30 April 2009**  
       **Author:   Gary Fitzgerald, Manager Development Services**  
       **File:     A00566**
  
3.     **Title:     Royalties for Regions Program 2008/2009 - Project Manager's  
                  Report No. 2 (14 May 2009)**  
       **Author:   Stewart Parkinson, Manager Projects (City Services)**  
       **File:     A03667**



**12. Motions on Notice**

Nil.

**13. Urgent Business** (*With Approval of Majority of Members Present as Permitted Under Standing Order 5.1.13*)

**14. Items to be Noted or Endorsed**

There are no new items for noting.

**15. Confidential Business as Stipulated Under Section 5.23(2) of the Local Government Act 1995**

NOTE: Pursuant to Standing Order 15.10, the following Procedural Motion needs to be moved if there are items to be discussed under this heading: *"The meeting exclude members of the public to permit Confidential Business (as defined by the Local Government Act 1995) to be discussed."*

**16. Close of Meeting**