

Council (Standing) Committee

Notice of Meeting & Agenda 21 July 2009

Terms of Reference

1. To review reports and recommendations submitted for consideration by the Council and (where appropriate) make alternative recommendations to those recommendations listed in the reports.
2. To request additional information necessary to assist members of the Council in making decisions.
3. To ensure recommendations made to the Council do not contravene appropriate legislation or the City's policies, local laws and strategic plans.



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Table of Contents

Item No	Subject	Page
1.	Declaration of Opening by the Presiding Member	1
2.	Record of Attendance, Apologies and Leave of Absence	1
3.	Responses to Public Questions Taken 'On Notice' at the Previous Council Committee Meeting	2
4.	Public Questions Concerning Matters Listed for Discussion at this Meeting.....	2
5.	Questions on Notice from Committee Members (No Discussion Permitted)	2
6.	Confirmation of Previous Minutes	2
7.	Disclosures of Interest Under the Local Government Act 1995.....	2
8.	Announcements by the Presiding Member (No Discussion Permitted).....	3
9.	Chief Executive Officer Reports/Discussion Topics.....	3
9.1	Request for Leave of Absence – Councillor Noel Whittle.....	3
10.	Reception of Formal Petitions and Memorials	3
11.	Reception of Reports and Recommendations from Officers & Advisory Committees	4
11.1	Tender - Plumbing & Gas Services to Council Infrastructure RFT 2009/ 2010-02	4
11.2	Proposed Closure of Remnant Road Reserve on Casuarina Drive and Amalgamation	8
11.3	Proposed Transfer of Responsibility for Portion of Estuary Drive to Main Roads Western Australia	11
11.4	Endorsement of Appointments to Bunbury Regional Theatre Inc.....	13
11.5	Proposed Allocations under Community Funding Policy	16
11.6	Bunbury Regional Art Galleries \$1 Million Dollar Upgrade Change to Scope of Works	19
11.7	Application to Lease Reserve 29731 (Lot 495) Xavier Street, Carey Park - Churches of Christ Homes and Community Services Inc. (t/as Bethanie Group Inc.)	24
11.8	Woodstock West Rating Petition.....	31

Table of Contents

Item No	Subject	Page
11.9	Proposed Draft Nenke Way Structure Plan & Scheme Amendment 31 – Closure of Public Advertising Period	35
11.10	Financial Statements – Preliminary 30 June 2009.....	47
11.11	Advisory Committee and/or Project Control Group Minutes to be Noted at the Council Committee Meeting	48
12.	Motions on Notice	49
13.	Urgent Business (With Approval of Majority of Members Present as Permitted Under Standing Order 5.1.13).....	49
14.	Items to be Noted or Endorsed	49
14.1	Items to be Noted (No Discussion) at the Council Committee Meeting.....	49
14.2	Items to be Endorsed (No Discussion) at the Council Committee Meeting	50
15.	Confidential Business as Stipulated Under Section 5.23(2) of the Local Government Act 1995.....	50
16.	Close of Meeting	50

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

Council (Standing) Committee Notice of Meeting

TO: Council Committee Members

The next Ordinary Meeting of the Council (Standing) Committee will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on **Tuesday, 21 July 2009** at 6.00pm.

Greg Trevaskis
Chief Executive Officer
(Date of Issue: 16 July 2009)

Agenda 21 July 2009

Members of the public to note that recommendations made by this committee are not final and will be subject to adoption (or otherwise) at a future meeting of the Bunbury City Council.

Council Committee Members:

His Worship the Mayor, Mr D Smith - **Presiding Member**
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 Presiding Member**

- 2. Record of Attendance, Apologies and Leave of Absence**

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

Nil

4. Public Questions Concerning Matters Listed for Discussion at this Meeting

Members of the public please note, that:

- (1) Questions are to be brief, to the point and MUST relate to an item listed in this agenda.
- (2) If your question requires research or cannot be answered at the meeting, it will be taken 'on notice' and you will receive a written response.
- (3) Only a 'summary' of your question (and any responses provided) will be printed in the meeting minutes.

5. Questions on Notice from Committee Members (No Discussion Permitted)

6. Confirmation of Previous Minutes

The minutes of the Council (Standing) Committee Meeting held 23 June 2009, have been circulated.

Recommendation

The minutes of the Council (Standing) Committee Meeting held 23 June 2009, be confirmed as a true and accurate record.

7. Disclosures of Interest Under the Local Government Act 1995

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

8. Announcements by the Presiding Member (No Discussion Permitted)

9. Chief Executive Officer Reports/Discussion Topics

9.1 Request for Leave of Absence – Councillor Noel Whittle

File Ref:	A00215
Applicant/Proponent:	Councillor Noel Whittle
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary/Background

Councillor Noel Whittle requests leave of absence from all Council-related business on 11 August 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 Noel Whittle is granted leave of absence from all Council-related business on 11 August 2009.

10. Reception of Formal Petitions and Memorials

11. Reception of Reports and Recommendations from Officers & Advisory Committees

11.1 Tender - Plumbing & Gas Services to Council Infrastructure RFT 2009/ 2010-02

File Ref:	A03768
Applicant/Proponent:	Internal Report
Author:	Mark Robson, Contract Coordinator
Executive:	Michael Scott, Executive Manager City Services

Summary

Council has invited suitably qualified and experienced companies to tender for the supply of labour, materials, plant and equipment necessary to undertake plumbing and gas works associated with maintenance and minor works to Council buildings and infrastructure, as the current contract is nearing its expiry date.

The Contract shall be in force for the period of one (1) year with the option to extend two (2) further years and is subject to the Principals discretion and performance of the contractor.

Background

Tender documents were prepared and advertised in *The West Australian* on 17 June 2009 and in the *South Western Times* on 18 June 2009. The tender called for a "Schedule of Rates" from qualified and licensed plumbing and gas contractors.

Tenders closed at 3:00pm on Thursday, 2 July 2009. The City's Contract Coordinator and Senior Engineer, Design and Development opened the tender box.

A total of four interested companies had requested the tender documents. By closing, two tenders had been received, as follows.

1. Mainline Plumbing – 144 Forrest Ave, Bunbury WA 6230
2. Andel Plumbing and Gasfitting - 10 George Street, Bunbury WA 6230

An evaluation panel comprising the City's Contract Coordinator and Fleet Officer assessed the responses on 8 and 9 July 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 tendering? | Yes/ No |
| c) | Compliance with (and completion of) the price schedule: | Yes/ No |
| d) | Compliance with the Offer Form. | Yes/ No |

Qualitative Criteria

The following Qualitative Criteria were used to assess the tender:

	Weighting
a) Availability of Staff ie: normal hours, emergency& after hours	5
b) Skills and experience of key personnel	4
c) Methodology (understanding of the requirements)	3
d) Contractor's resources to fulfil the requirements of this contract (expertise, labour, plant, etc)	5
e) Safety requirements	2

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, in continuing to maintain and service its building, assets and infrastructure.

Community Consultation

Community consultation was not carried out during this process.

Councillor/Officer Consultation

The tender specifications were developed in consultation with staff involved in the daily maintenance operations and the City's Contract Co-ordinator.

Analysis of Financial and Budget Implications

Funding for the service contained in this tender is provided from Councils general operations budget.

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

The total cost of this contract is unknown but due to collating of data from the past contracts it may exceed \$100,000 over the term of this contract. Therefore 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 dealt with all tenders previously called.

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 both respondents the recommend tenderer is Mainline Plumbing (ABN 36 066 310 950) as this 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 2009/2010-02 for the general plumbing & gas services for maintenance and minor works to Council buildings and infrastructure, the Council resolves to:

1. Accept the tendered Schedule of Rates submitted by Mainline Plumbing (ABN 36 066 310 950).
2. Record details of the successful tender in the City of Bunbury Tender Register.

11.2 Proposed Closure of Remnant Road Reserve on Casuarina Drive and Amalgamation

File Ref:	R00592-02
Applicant/Proponent:	Alcock Brown-Neaves Group
Author:	Jason Gick City Engineer
Executive:	Michael Scott Executive Manager City Services

Summary

On the 12 May 2009 the City of Bunbury received correspondence from Alcock Brown-Neaves Group (ABN) **attached** at Appendix 1 requesting that the remnant road reserve, approximately 13.4m², be closed under Section 58 of the Land Administration Act 1997 and amalgamated into the adjoining Lot 28.

The closure of the redundant road reserve will align the lot and road boundary. The road reserve is not required for the ongoing use of Casuarina Drive. It previously formed part of a truncation for Wollaston Street prior to its closure.

Background

The Applicant is proposing to submit a development application incorporating 70 residential apartments, 3,644.5sqm of office space and associated parking over 4 lots. A small portion of the subject site, adjacent to Lots 28 and 56 is affected by a remnant road reserve on its eastern boundary. The proposed building line is set back from the affected land however balconies extend over the remnant road reserve area.

In order to create a regular shaped lot and allow for usable balcony space it is requested the remnant portion of road reserve be closed and amalgamated into the adjoining lot.

Strategic and/or Regional Outcomes

There are no strategic or regional outcomes to consider.

Community Consultation

Advertising was placed in the Public Notice section of the South Western Times on 4 June 2009. The closing date for submissions was 9 July 2009. There were no submissions received.

As required under Section 58 of the Land Administration Act 1997, all service providers have been notified. There were no objections received.

Councillor/Officer Consultation

The City's Executive has considered the proposal and there were no objections.

Analysis of Financial and Budget Implications

There will be no detrimental effect on the City's Annual Budget.

Economic, Social, Environmental and Heritage Issues

There will be no economic, social, environmental or heritage implications for the City of Bunbury.

Council Policy Compliance

No Council policy applies.

Legislative Compliance

Council has complied with the Land Administration Act 1997 (Section 58). All service providers have commented that they have no objection to the proposal. There are no statutory voting requirements for this item.

Council is required to indemnify the Department of Planning and Infrastructure – Land Asset Management Services, against all costs associated with the closure. Subsequently, a similar indemnity has been obtained from the Proponent in favour of the City.

Delegation of Authority

The Department of Land Information and Land Asset Management Services requires the consent of Council.

Relevant Precedents

No recent precedents have been found.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council does NOT support the request.

Conclusion

The City of Bunbury is now requested by way of a formal Council decision to endorse the closure of the remnant road reserve in support to the Proponent's application to the Department of Planning and Infrastructure.

The Proponents have indemnified the City against all costs arising from the closure of the remnant road reserve.

Recommendation

Pursuant to the provisions of Section 58 of the Land Administration Act 1997 and having given the prescribed notice Council resolves to:

1. Approve the proposed closure of the remnant road reserve as shown in the location plan **attached** at Appendix 2 and its amalgamation into the adjoining Lot.
2. Indemnify the Department of Planning and Infrastructure against all costs associated with the closure and amalgamation, having received a like indemnity from the Applicant.

11.3 Proposed Transfer of Responsibility for Portion of Estuary Drive to Main Roads Western Australia

File Ref:	R00804
Applicant/Proponent:	Main Roads Western Australia
Author:	Jason Gick City Engineer
Executive:	Michael Scott Executive Manager City Services

Summary

On the 1 July 2009 the City of Bunbury received correspondence from Main Roads Western Australia (MRWA) **attached** at Appendix 3 requesting in-principle agreement from the City to endorse the transfer of control of a portion of Estuary Drive to MRWA.

The proposed portion of Estuary Drive to come under the control of MRWA forms a logical link from the Port Access Road to the Bunbury Port. The exact sections of the proposed transfer of responsibility are shown **attached** at Appendix 4.

Once Council endorsement has been received MRWA will seek Department of Treasury and Finance (DTF) approval for the transfer to proceed.

Background

MRWA's Corporate Executive has approved the Port Access Road currently under construction being proclaimed as a highway. The proclamation proposal includes the existing roundabout at the intersection of Estuary Drive and Leschenault Drive, the new roundabout currently under construction and the portion of Estuary Drive between the two roundabouts. MRWA is seeking in-principle agreement from the City of Bunbury to transfer responsibility for the road to MRWA.

The offer from MRWA to take responsibility for the road is subject to DTF approval and the road being in a satisfactory condition.

Strategic and/or Regional Outcomes

There are no strategic or regional outcomes to consider.

Community Consultation

Any required community consultation will be undertaken by MRWA.

Councillor/Officer Consultation

The City's Executive has considered the proposal and has no objections.

Analysis of Financial and Budget Implications

There will be no detrimental effect on the City's Annual Budget. Ongoing road maintenance will be at the cost of MRWA

Economic, Social, Environmental and Heritage Issues

There will be no economic, social, environmental or heritage implications for the City of Bunbury.

Council Policy Compliance

No Council policy applies.

Legislative Compliance

Provisions of the Main Roads Act apply. Section 13 states that '*On the recommendation of the Commissioner the Governor may by proclamation declare that any section or part of a road shall be a highway or main road*'.

Delegation of Authority

Approval required from the Department of Treasury and Finance.

Relevant Precedents

No recent precedents have been found.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council does NOT support the request.

Conclusion

The City of Bunbury is now requested by way of a formal Council decision to endorse the MRWA'S offer to take control for a portion of Estuary Drive.

Recommendation

Council endorse the proposal to transfer the following portions of Estuary Drive to the responsibility of Main Roads Western Australia:

1. The circulating carriageway at the existing roundabout at the intersection of Estuary Drive and Leschenault Drive.
2. The new roundabout currently under construction at the intersection of Estuary Drive and the Port Access road. The limit of responsibility on the northern leg of the intersection to be around the north end of the splitter island. The exact location for the limit of responsibility to be agreed on site when construction is completed.
3. The portion of Estuary Drive between the two roundabouts.

11.4 Endorsement of Appointments to Bunbury Regional Theatre Inc.

File Ref:	A00170-05
Applicant/Proponent:	Internal Report
Author:	Dom Marzano, Executive Manager City Life
Executive:	Dom Marzano, Executive Manager City Life

Summary

It is proposed that Council endorse the appointment of the following person(s) to the Bunbury Regional Theatre Inc.

Mr Michel Greenhalgh
Mr Richard Dall
Ms Dana Trtica
Mr Ray Frisina

Background

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

The Bunbury Regional Theatre Inc is an independent, not-for-profit community organisation charged with management of the Bunbury Regional Entertainment Centre. The Management Board is comprised of interested members of the community with a commitment to the performing arts.

The City of Bunbury contributes funding for operation of the Bunbury Regional Entertainment Centre. Accordingly, the Bunbury Regional Theatre Inc. constitution permits at least one (1) sitting Bunbury City Councillor to be a member of its Management Board. The Constitution also requires all appointments to the Board to be endorsed by the Council.

Councillor Stephen Craddock currently represents the Bunbury City Council on the Board. Four (4) Board positions become vacant on 1 July 2009. The Bunbury Regional Theatre Inc. has advised that it called for nominations to fill these vacancies via advertisements in the press on 6, 7, 13 and 14 May 2009. It received nominations from its four (4) retiring Board members plus a community member, Ms Laurel Fotakis. Due to ill health, Ms Fotakis was not able to meet with the Review Panel and her nomination lapsed.

Accordingly, the Bunbury Regional Theatre Inc. now requests that the following retiring members be re-appointed to the Board for a 2 year term.

- Mr Michel Greenhalgh
- Mr Richard Dall
- Ms Dana Trtica
- Mr Ray Frisina

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 City's representation on Boards of Management and endorsement of appointments to same, is compliant with this objective.

Community Consultation

The Bunbury Regional Theatre Inc called for nominations for membership of the Board via public notices in the print media on 6, 7, 13 and 14 May 2009.

Councillor/Officer Consultation

Councillors representing the City of Bunbury on the Board are:

- Deputy Mayor- Councillor Stephen Craddock

Analysis of Financial and Budget Implications

Appointment of members to the Board will have no effect on the City's existing budget for the Bunbury Regional Entertainment Centre which is a City of Bunbury asset.

Economic, Social, Environmental and Heritage Issues

The proposal ensures interested community members with relevant experience, have the opportunity to involve themselves in (and contribute to) the Bunbury Regional Entertainment Centre, thereby promoting community ownership of the Centre and encouraging commitment to community life.

Council Policy Compliance

There is no Council Policy in relation to this matter.

Legislative Compliance

The constitution of the Bunbury Regional Theatre Inc requires Council endorsement of appointments to its Board of Management.

Delegation of Authority

The Chief Executive Office has no delegated authority on this issue.

Relevant Precedents

Council endorses the appointment of members to the Bunbury Theatre Inc Board on an annual basis. Appointment of Board members was last endorsed by the Council on 29 July 2008.

Options

Option 1

As per the recommendation as listed in this report

Option 2

Council may elect not to endorse any (or all) of the recommended appointments and request the Bunbury Regional Theatre Inc to review its recommendation and/or recall for nominations.

Recommendation

Pursuant to the constitution of the Bunbury Regional Theatre Incorporated, the City of Bunbury endorses appointment of the following members to the Theatre's Board of Management for the terms as stated:

Re-appointment of the following members for 2 year terms (to expire 30 June 2011):

1. Mr Michel Greenhalgh
2. Mr Richard Dall
3. Ms Dana Trtica
4. Mr Ray Frisina

11.5 Proposed Allocations under Community Funding Policy

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

Summary

In order to improve the process by which community groups apply for Council funding for a range of purposes, the City of Bunbury has adopted a Community Funding Policy on 9 June 2009. This policy is **attached** at Appendix 5.

As required by the Policy, the Community Funding Assessment Panel has met on several occasions to consider the applications. The Panel's recommendations for Council approval and the Community Budget Submission register are **attached** at Appendix 6. A total of \$200,843.00 (including in-kind Council Services) has been allocated to community groups through this process

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/events and to provide corporate sponsorship which will enhance the corporate image of the City.

The Community Funding Policy is designed to make the application process a transparent and equitable one for all applicants.

On the 1, 7, 14 and 15 of July 2009, applications were considered in detail by an assessment panel comprising both elected members and staff as appointed by Council at its meeting on 9 June 2009:

- 2.1 *Presiding Member of the City Promotions Committee: Deputy Mayor Stephen Craddock*
- 2.2 *Elected Member Representative: Councillor Derek Spencer*
- 2.3 *Executive Manager City Life*
- 2.4 *City Life Division Staff Representative: Manager Economic & Social Development*

Strategic and/or Regional Outcomes

This policy directly addresses Strategy 6.2 of the City's Strategic Plan - "Community participation, partnership and support". One of the deliverables in this section is to "develop a grants and sponsorship policy".

Community Consultation

The application forms have been available on the City's website since the beginning of the year. Previous and prospective grant recipients have been invited to submit a completed application form. Assistance in applying for funds has been provided.

Councillor/Officer Consultation

As required by section 7 of the Policy, an internal report was prepared by staff for consideration by the Community Funding Assessment Panel. Staff comment was based on consultation from across the organisation.

As noted earlier the Community Funding Assessment Panel comprises of two elected members and two senior staff.

Analysis of Financial and Budget Implications

As a result of its annual budget discussions for 09/10, the total amount available for allocation through the Community Funding Policy is \$200,843.00 (including Council Services). As this amount does not provide sufficient funds to cover the September round of applications, a budget review request will be made at the appropriate time for additional resources.

Economic, Social, Environmental and Heritage Issues

Support for community groups, their services and events is one of the methods by which the City can develop social capital in the Greater Bunbury area.

Council Policy Compliance

The Community Funding Policy was adopted by Council at its meeting on 9 June 2009.

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

Council agrees to allocate funds under the Community Funding Policy as recommended by the Community Funding Assessment Panel.

Option 2

Council choose to vary the recommendations made by the Community Funding Assessment Panel for the allocation of funds under the Community Funding Policy

Conclusion

The adoption of the Community Funding Policy has provided a transparent and equitable process for the consideration of community requests for funding. In accordance with the Policy the Community Funding Assessment Panel has considered all applications in detail and has made recommendations to Council for approval.

A total of \$200,843.00 (including Council in-kind and services) has been allocated to community groups through this process. As this amount does not provide sufficient remaining funds to cover the September round of applications, a budget review request will be made at the appropriate time for an amount to be determined.

Recommendation

Council allocate funds under the Community Funding Policy as recommended by the Community Funding Assessment Panel

11.6 Bunbury Regional Art Galleries \$1 Million Dollar Upgrade Change to Scope of Works

File Ref:	A06240
Applicant/Proponent:	Internal Report
Author:	Domenic Marzano, Executive Manager City Life
Executive:	Domenic Marzano, Executive Manager City Life

Summary

The City of Bunbury together with the Bunbury Regional Arts Management Board (BRAMB) has been working towards the improvement of the existing Galleries' facility and the identification of long term options for the future of the Bunbury Regional Art Galleries (BRAG). To date, \$1 million has been secured from the State Government via the Department of Culture and the Arts (DCA) for upgrades to the existing building. Funding has also been obtained to conduct a feasibility study to investigate options for future expansions on the current site. Council has also committed to a replacement programme for the ageing air-conditioning systems at BRAG.

City officers and Heritage Architect Ian Molyneaux have progressed the project and now require Council permission to proceed with the works as design options 6 (**attached** at Appendix 7) is a significant departure from the original proposal although it will deliver enhanced outcomes.

Background

In October 2007, the City of Bunbury was informed by DCA that if the \$1 million state government commitment towards creation of a Bunbury Regional museum (provided to the City in 2001) was not allocated to a relevant initiative by 31 December 2007; those funds would be returned to the State Government Community Development Fund.

As no immediate source of funding for a museum could be identified, the Three-Waters Project Control Group recommended that the funds be reallocated toward the upgrade and improvement of BRAG, situated in Wittenoom Street, Bunbury.

A number of properties were presented by BRAMB and endorsed by the Three Waters Project Control Group. After further discussion with DCA, a letter was received from Minister for the Arts, Hon. Sheila McHale, MLA, requesting a proposal to improve access and exhibition space at BRAG. The priorities were then modified to suit the request. After submitting costings provided by a Quantity Surveyor to DCA, a further communication was received from the Department's Director of Cultural Development and Strategic Programs indicating the type of projects that would receive departmental support including:

- Installation of a dual purpose lift
- Refurbishment of foyer and entry areas
- Moveable walls to increase exhibition space
- Internet capacity in gallery spaces
- Improved studio and art workshop space.

Following consultation with the BRAMB on 27 November 2007, the DCA recommendations were further refined as follows

Installation of a dual purpose lift.....	\$448,328.00
Internet Arts Access Project.....	\$98,600.00
Refurbishment of Foyer/Hallway	\$97,138.00
Refurbish (and partly enclose) courtyard for exhibit of large objects/sculpture	\$134,498.00
Create storage area (south side) of building to maximize exhibition space	\$164,387.00

Note: The total cost is \$942,951.00. Costs were indicative and provided an allowance for escalation to December 2008.

On 6 December 2007, the DCA Director of Cultural Development and Strategic Programs was notified of the refined list and supported the items as outlined above. Council considered the issue on 18 December 2007.

Council Decision 265/07

PART A

The \$1million allocated to the City of Bunbury by the Department of Culture and the Arts in 2001 for the purpose of a museum, be re-allocated to the Bunbury Regional Art Galleries for use as follows:

<i>Install a dual-purpose lift</i>	<i>\$448,328.00</i>
<i>Internet Arts Access Project</i>	<i>\$98,600.00</i>
<i>Refurbish foyer/hallway</i>	<i>\$97,138.00</i>
<i>Refurbish and partly enclose courtyard for exhibit of large objects/sculpture</i>	<i>\$134,498.00</i>
<i>Replace wall (north side) to provide gated access</i>	<i>\$22,416.00</i>
<i>Create storage area (south side of building) to maximize exhibition space</i>	<i><u>\$164,387.00</u></i>
<i>Total:</i>	<i>\$965,367.00</i>

PART B

The Minister and the Department of Culture and the Arts be informed of the decision in Part A. above and requested to confirm that each of the items listed qualifies for re-allocation of the money available.

PART C

In the event that the quotations for the works listed in Part A. above are in excess of \$1million, the list is to be considered to be in order of priority and reduced accordingly.

Following this chain of events, the City of Bunbury pursued avenues to raise funds to undertake a feasibility study into the future potential of the current BRAG site.

The underlying aim of the Feasibility Study is to identify the opportunities, investment and benefits for expanding the galleries to include a range of additional facilities to service the growing needs of the regional community over the next two decades. The study should enable the City of Bunbury to make well informed strategic decisions in planning any expansion of the BRAG site.

The Feasibility Study fulfils the objectives set out in the BRAG Strategic Plan for development towards its Mission - 'To be recognised as the leader in the pursuit of excellence for visual arts in Bunbury and the South West' and Vision - 'To contribute to the lasting growth and viability of visual arts in the South West', by creating and promoting innovative opportunities to increase community interest, awareness and active participation in the arts, in various capacities, across the BRAG's client base.

In addition, the study will complement BRAG's Conservation Plan and create an all embracing development with the current upgrade project management plan.

Given that BRAMB has since confirmed their preference for a long term future on the current site, some concern has been raised that the existing budget for the feasibility study may be inadequate to satisfy all needs. An example of this is the undertaking of an architectural assessment of the existing building.

On 14 April 2009 (Council Decision 76/09) it was resolved that:

1. *Council proceed immediately with the expenditure of the remainder of the \$1 million at the Bunbury Regional Art Galleries as originally proposed with the exception of the refurbishment of the courtyard.*
2. *Permission to be sought from the Department of Culture and the Arts to transfer any residual funds not required for the upgrades to the existing building*, including in particular the courtyard refurbishment, to the bolstering of the feasibility study and the undertaking of an architectural assessment of the Bunbury Regional Art Galleries building.*

*(*NB Costs for the upgrade to the existing building are indicative only - they require updating to 2009 prices and do not include project management costs. The extent of residual funds available is therefore likely to be minimal notwithstanding the deletion of the courtyard refurbishment.)*

3. *Council proceed with the air-conditioning (climate control plant) replacement process.*

The request to divert and remaining funds into ensuring the feasibility study is adequate for the future needs of the BRAG was declined by DCA.

On 26 June 2009 the BRAG upgrade project reference group agreed that Option 6 was the best way forward.

Strategic and/or Regional Outcomes

This request complies with the City of Bunbury Strategic Plan 2007-2012, Strategy 6.3 which states 'Community planning and infrastructure achieves a city that is inclusive and accessible.' It relates specifically to the following deliverable – 'Community and cultural needs assessment.'

Community Consultation

BRAMB and the City Art Collection through the Curator Greg White and have been consulted. Feedback has also been received from other industry professionals.

Councillor/Officer Consultation

The Mayor, Councillor Helen Punch who is a member of the Bunbury Regional Arts Management Board, Chief Executive Officer, Project Manager, City Heritage Officer and City Arts Curator have been consulted.

Analysis of Financial and Budget Implications

The potential implication is that Council will be forced to return State Government funds if suitable work is not completed within the next twelve months.

Council has already agreed to consider \$15, 000 being sourced through the 2009/10 budget process to support the feasibility study.

Economic, Social, Environmental and Heritage Issues

Improvement of BRAG would increase community access to the arts and the City of Bunbury Art Collection, increase the local and regional visual arts community's access to quality facilities, improve the diversity of visual arts products in Bunbury and increase economic benefits to the community by creating a flexible space more attractive to the needs of cultural tourism. The proposed improvements would not affect the heritage status of the building and the feasibility study would highlight the commitment to preserving the important heritage value of the building while ensuring it optimally used for its current purpose as a functioning, peak regional art gallery.

Council Policy Compliance

There is no Council policy directly related to this matter.

Legislative Compliance

Not applicable

Delegation of Authority

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

Relevant Precedents

Council provides funds through the five year plan and annual budget process for the purpose of improving City of Bunbury owned buildings through capital works.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council does not support design option 6 and the remaining funds are returned to the Department of Culture and the Arts.

Conclusion

This proposal presents an effective way forward to improve the current BRAG facilities without impacting on the heritage value of the building or the proposed feasibility study.

The BRAMB have committed to a long term future that incorporates the ongoing use of the current building. The expenditure of funds to secure such items as a lift, a feasibility study and a replacement air-conditioning system will be the first steps in refurbishing the current building for the long term and will improve the functionality of the building during the intervening period while plans for redevelopment of the site and creation of new facilities are developed.

Recommendation

1. Council proceed immediately with the expenditure of the \$1 million at the Bunbury Regional Art Galleries in accordance with design option 6.

11.7 Application to Lease Reserve 29731 (Lot 495) Xavier Street, Carey Park - Churches of Christ Homes and Community Services Inc. (t/as Bethanie Group Inc.)

File Ref:	P01189
Applicant/Proponent:	Churches of Christ Homes and Community Services Inc. (t/as Bethanie Group Inc.) - see <i>Confidential Report for Current Directorships</i>
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

Churches of Christ Homes and Community Services Inc. (trading as "Bethanie Group Inc.") is one of Western Australia's largest residential aged care organisations and a major provider of community care services. Its mission statement is *"To nurture, serve and care."*

An application has been received from Bethanie Group Inc. ("BGI") seeking to lease the former pre-primary school site on Reserve 29731 (Lot 495) Xavier Street, Bunbury, for a term of ten years (with a further five year option) for use as a community care (or adult day care) centre for provision of the following services: A site plan is **attached** at Appendix 8 showing the existing vacant building on-site.

- Home and Community Care ("HACC") Programs for elderly and disabled persons in the region.
- Interactive and social activities for those with diminished health capacity, the younger disabled and socially isolated clients.
- 'Well-being' programs for frail-aged and younger disabled clients
- Special programs for people with dementia-related disorders
- Support program (includes 'Maali Mob') for members of the local indigenous community

The BGI has confirmed that it has been successful in obtaining grant funding from the Health Department of WA (\$120,000) and Lotterywest (\$240,775) totalling \$360,775 to upgrade/refurbish the existing building on-site. The total cost of the project is anticipated to be \$430,000 and the additional funds required will be provided by BGI.

In addition to the funding stated above:

- a) the BGI has advised that it will act as Project Manager for the redevelopment project, and;
- b) the BGI will be required to cover the cost of furniture and fittings for the fit-out of the building.

Pursuant to Section 18 of the Land Administration Act 1997 the Department for Planning & Infrastructure has provided "in principle" approval for the proposal and has amended the permitted use of the site from "Pre Primary Centre" to "Adult Day Care and Community Centre."

Staff Occupancy

There would be three Assessors responsible for client assessment and oversight, two logistics staff to coordinate client visits and staff rosters, and a Manager.

Parking

There are currently 17 public car parking bays in front of the premises. This is sufficient for the projected client use. BGI propose to park its 'small' bus and up to two motor vehicles on the lease area after business hours.

An overview of BGI South West Community Services is **attached** at Appendix 9.

Background

In 2006/07 Expressions of Interest were invited from suitably qualified organisations to offer community benefit from the site. Two (2) submissions were received with BGI retaining its interest following the withdrawal of the other submitter due to the substantial capital investment required to refurbish the premises.

Land Details

Crown reserve 29731 (Lot 495) in Xavier Street, Carey Park, is held by the City of Bunbury under Management Order for the purpose of "Day Care and Community Centre" and the City has the power to lease the land for this purpose for a term up to twenty-one (21) years. The land is subject of Crown Land Title Vol. 3007, Fol. 676.

The land was previously used as a pre-primary centre until the Education Department of WA, relinquished its interest in the site.

Proposal "Bethanie Community Care" Centre, Xavier Street, Carey Park

The Bethanie Group Inc. has sent in the following submission in support of its application for lease of City-managed premises at Lot 495 Xavier Street, Carey Park:

"The Bethanie Group Community Care Team has been providing community based support services in the south west region for over 10 years. The services currently operated in this area provide a range of supports and direct care options which assist to maintain a large number of people in their own homes. Through our organisation's mission to assist those in need, the high majority of our clients are those with diminished health capacity, financially disadvantaged, younger disabled, socially isolated and those who are from culturally and linguistically diverse backgrounds.

The ability to lease the building at Xavier Street will enable us to provide a centrally located facility, which would be recognised and respected by the local community and would be easily accessible for all. Our team would be able to offer social activities and well-being programs at this site which would support frail-aged and

younger disabled clients to have access to an environment that could accommodate interactive groups. This building would also provide the capacity to provide programs in a secure location for people with dementia related disorders and enhancing their experience through the ability to access the external areas of this building. Our Bunbury team has recently commenced a program of support of the Indigenous Community which provides for a meeting place and 'yarn time' for the local community, this program would be greatly enhanced through location at the Xavier Street building.

Through the successful application to lease the Xavier Street building, we believe this will greatly improve our ability to expand the delivery of programs for many members of the local community and thus allow our organisation to continue to assist the frail and disadvantaged living in the south west region."

A copy of the concept drawings of the refurbishment are **attached** at Appendix 10. Subject to Council approval for the project, the BGI will submit a Development Application and Building Licence and obtain the necessary approvals.

Land Rationalisation & Acquisitions Committee Recommendation

The proposal was considered at the meeting of Council's Land Rationalisation & Acquisitions Committee held on 9 April 2009, where the following recommendation was made:

"The Land Rationalisation & Acquisitions Committee supports the proposal for the City of Bunbury to lease Reserve 29731 (Lot 495) Xavier Street, Carey Park, to Churches of Christ Homes (t/as "The Bethanie Group Inc.) subject to a representative from The Bethanie Group Inc. attending a councillor briefing session (on a date prior to consideration of the lease at a Council Meeting) to explain the types of programs that will be made available at the proposed centre and to respond to questions from councillors."

Councillor Consultation

Councillors were briefed concerning the status of this matter at the Briefing Session held on 14 July 2009 by representatives from the Bethanie Group Inc.

Background - Bethanie Group Inc.

Churches of Christ Homes and Community Services Inc. (trading as Bethanie Group Inc.) is a public benevolent institution that operates based on a strong Christian ethos placing emphasis on people being treated equally with dignity and respect. Its first aged care facility was established in 1954 and since this time it has grown to deliver a range of non-resident services provided either in client's homes or in special community day care facilities.

The BGI has been operating in Bunbury since September 1992 and until 2004, it provided Adult Day Care services from a private residence in Carey Park close to the Xavier Street site. Unfortunately, the property was sold and the services were relocated to Eaton. The re-establishment of the centre in Carey Park will provide a major community benefit to local residents in need and those from surrounding areas to the east and south of Bunbury.

Responsibility for the general operation, staff management and ongoing viability of the new community care centre in Xavier Street would be entrusted to a team of qualified personnel.

The BGI has advised that its residential and community-based aged care services are certified under ISO 9001-2000 and the organisation has attained the highest standard of accreditation in both ISO and the Aged Care Standards Accreditation ("ACSA").

Proposed Lease Details

Commencement Date:	From the date that refurbishment is complete.
Term:	Ten (10) years with an option to renew for a further five (5) years
Expiry Date:	10 years from the date of commencement.
Rental:	Annual rental to be based on the land lease rental valuation of \$5,200 (plus GST) per annum and indexed by CPI.
Rent Review:	Every three (3) years
Permitted Use:	Adult Day Care Centre
Land Area:	2,023 sq.m
Outgoings:	To be the responsibility of the Lessee
Insurance:	Lessee will be required to hold Public Liability Cover of \$10(M) and appropriate workers' compensation cover for the lease site (including the construction phase). The Lessee will also be required to maintain general insurance cover over the building and contents once completed.
Special Conditions:	Lessee will be required to obtain Development Application and Building Licence approvals to refurbish the building and meet other statutory requirements.
Preparation/Registration of Lease Documents:	The Lessee will be required to meet all costs associated with document preparation, registration, advertising and valuation assessments.

Strategic and/or Regional Outcomes

Strategic Outcome

This proposal can be linked to the City of Bunbury Strategic Plan 2007-2012 Strategic Direction 2.4 which states that the City will *"develop a property strategy that benefits the City's residents, businesses, community and sporting organisations"*.

Regional Outcome

The proposed community service centre will run Home and Community Care ("HACC") Programs for elderly and disabled persons in the region.

City Vision Strategy Outcomes

The granting of this lease will not contravene the goals listed in the City Vision Strategy.

Community Consultation

Pursuant to Regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 and subject to council granting the Lease, the City will give notice of intention to grant BGI a Lease for an initial term of ten (10) years with a further option of five (5) years and will be published in the City Focus column of the Bunbury Mail newspaper.

Subject to council's approval to grant the Lease, local residents will also be advised of council's decision.

Councillor/Officer Consultation

As previously stated, councillors were briefed concerning the proposal at the Briefing Session on 14 July 2009.

The Council's Land Rationalisation & Acquisitions Committee considered the proposal at its meeting on 9 April 2009, where it agreed in principle to support the lease application subject to the proposal being presented to Council.

Analysis of Financial and Budget Implications

The BGI has confirmed that it has been successful in obtaining grant funding from the Health Department of WA (\$120,000) and Lotterywest (\$240,775) totalling \$360,775 to upgrade/refurbish the building on-site. Any additional funds required to complete the project will be provided by BGI.

In addition to the funding stated above:

- a) the BGI has advised it will act as Project Manager for the redevelopment project, and;
- b) the BGI will be responsible to cover the cost of furniture and fittings for the fit-out of the building.

The applicant is responsible to pay the full costs of documentation, registration, valuation assessment and advertising.

The Valuation Services Division of Landgate has confirmed an annual land lease rental of \$5,200 (plus GST) for the premises based on the current standard of the building on-site with the Lessee responsible for payment of all normal outgoings. It is proposed to levy a land lease rental for the term in lieu of the capital funding provided.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The proposal to utilise the site for a community care centre will provide employment opportunities for suitably qualified people in the Bunbury region.

Social Issues

As stated previously, the main purpose of the centre will be to prevent social isolation by encouraging HACC-eligible clients in the community to be actively involved in programs that foster self-worth and enhance quality of life. Activities at the centre will be tailored to meet the needs of individuals and support them in a group setting with skilled assistants providing opportunities for entertainment and companionship.

Environmental Issues

The proposed facility and associated activities will not conflict with the amenity of the area as the premises were previously used as a school and the surrounding reserve is used for passive recreation.

Heritage Issues

There are no known heritage issues to consider.

Council Policy Compliance

There is no Council policy concerning leasing of Council buildings.

Legislative Compliance

As previously stated, pursuant to Regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 and subject to council granting the Lease, the City will give notice of intention to grant BGI a Lease for an initial term of ten (10) years with a further option of five (5) years and will be published in the City Focus column of the Bunbury Mail newspaper.

Pursuant to Section 18 of the Land Administration Act 1997, the Department for Planning & Infrastructure (Minister for Lands) has given its 'in principle' approval for the proposal to lease the site for use as an adult day care centre.

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 terms and conditions are presented to Council for approval before documentation is finalised.

Relevant Precedents

The Council regularly considers the lease of Council-owned or controlled land to community or not-for-profit organisations.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Per the recommendation listed in this report (with any amendments as suggested by Council members)

Option 3

Council refuses the application by Churches of Christ Homes and Community Services Inc. (trading as Bethanie Group Inc.) to enter into a lease with the City over Reserve 29731 (Lot 495) Xavier Street, Bunbury.

Conclusion

The proposal to refurbish the building in Xavier Street for use as a community care centre will enhance the amenity of the surrounding residential area and provide a valuable resource for elderly, disabled and indigenous members of the community.

The proposal to enter into a lease agreement over the land does not conflict with the City's responsibilities to manage, care and control the reserve and the proposed refurbishment and operation of the centre will be government/self-funded so there will be no impost on the Council during the lease term.

Recommendation

Council agrees to grant a lease to Churches of Christ Homes & Community Services Inc. (trading as Bethanie Group Inc.) over Reserve 29731 (Lot 495) Xavier Street, Bunbury, subject to the terms and conditions as stated in this report to Council and the following:

1. The Chief Executive Officer to proceed with preparation of the lease documents and finalise the document subject to the approval of the Minister for Lands.
2. The applicant to pay all costs associated with the lease application including document preparation, registration and land valuations.
3. The applicant to obtain the necessary Development Application/Building Licence approvals prior to the refurbishment of the building to meet statutory requirements.
4. The applicant is to indemnify the City of Bunbury against any costs involved in the upgrade of the buildings on-site.

11.8 Woodstock West Rating Petition

File Ref:	A00509-24
Applicant/Proponent:	Woodstock West Residents Committee
Author:	David Whitfield – Finance/Administration Officer
Executive:	Ken Weary – Executive Manager Corporate Services

Summary

A petition has been received from the Woodstock West Residents Committee requesting that Council provide a 20% concession to the annual rates levy. The proposed total of rates to be raised for the 2009/2010 financial year is \$116,280 and the value of the requested concession of 20% would amount to \$23,256.

Background

The Woodstock West Retirement Village was approved by Council at its meeting of and occupancy of the first residential units commenced in 2007. The development includes 123 residential units, occupies a total area of 3.6 hectares and currently on the basis of the lodged petition, has approximately 167 residents.

Strategic and/or Regional Outcomes

The recommendation in this report maintains sound financial planning whilst maintaining solutions to social issues to achieve social cohesion and quality of life.

Community Consultation

Not required.

Councillor/Officer Consultation

This petition was presented to the Council Committee meeting of 2nd June 2009. Council decision 112/09 was as follows:

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

Officer consultation has been undertaken in the preparation of this report.

Analysis of Financial and Budget Implications

The reduction of rates totalling \$23,256 will reduce Councils budgeted revenue.

Economic, Social, Environmental and Heritage Issues

A number of factors can be considered in relation to this matter.

These include:

Small lot development with in the City:

The City in recent years has seen ongoing development of smaller lots through subdivisions and the issue of strata titles. The trend to smaller lot sizes and unit developments is set to continue with higher density scheme zonings being applied to an estimated 20-30% of the City's existing property base.

Examples of other high density developments include, but are not limited to:

Address/Locality	# Units or Lots in the Development	Overall Area of Development (Hectares)	Ratio: Units per Hectare**
7 Jetty Road Marlston Hill*	40	0.39	108.11
23 Casuarina Dr Marlston Hill*	40	0.37	108
18 Bonnefoi Blvd Marlston Hill*	45	0.45	100
130 Forrest Avenue Bunbury	50	0.57	87.72
1 Bonnefoi Blvd Marlston Hill*	69	0.99	69.7
37 Hayes Street Bunbury*	20	0.42	47.62
100 Forrest Avenue Bunbury	9	0.20	45
1 Stallard Place Withers*	48	1.20	40
146 Strickland St (Woodstock)	123	3.60	34.17
2 Rand Ct Withers*	40	1.21	33.06
180 Forrest Avenue Bunbury*	10	0.33	30.31
22 Hayes Street Bunbury*	39	1.41	27.66

*Note – Strata subdivisions are applicable and total lot sizes have been quoted.

**Note – Unit numbers and lot sizes extrapolated to a full hectare in size.

Further, Strata Properties pay a Strata Fee for amenities provided to residents which may include Swimming Pools, Gymnasium, Common Areas and Garden Care. Council Levy's a Specified Area Rate in the Marlston Hill Precinct for additional landscaping and garden care, and a further example is the Pelican Point Lakes Estate pay a private maintenance fee to the body corporate to service facilities within the Estate.

A recent count of rateable land parcels within the city with a lot size of less than 500 metres gives a total of 2366 lots which represent 21% of all current residential assessments within the City. Proposed 2009/10 rates on these properties will total \$2.24(M) inclusive of the Woodstock West development.

Aging Population:

Demographic studies show that an aging population will continue changing the population demographics within the City of Bunbury towards a higher percentage of persons aged 50+ and as a result there is likely to be increased demand for smaller unit style properties together with further retirement/lifestyle developments. As such

the overall proportion of these higher density developments will continue to grow against the number of existing “larger” residential properties which will continue to decline in number over time.

Currently within the City there are 2,349 pensioners, and 532 senior card holders paying rates on residential properties. Eligible Pensioners receive a 50% Government Subsidy towards their rates and senior card holders receive a 25% Government Subsidy towards their rates.

Provision of Rating Concessions:

The provision of subsidies/concessions to individuals is the traditional role of the State and Federal Governments and presently a pensioner rebate/concession on rates to the maximum value of 50% is already provided to eligible pensioners from these sources. The covering letter with the petition states that 90% of the residents of Woodstock West are already eligible for and currently receive this 50% State Government concession.

Historically rates and charges are levied on the premise that the amount of rates being raised ensured that rate groups/categories contribute an amount to the budget shortfall that is considered “fair and equitable”. The determination of an individuals’ rates within each category is then determined by the Gross Rental Valuation of the property as issued Landgate - Valuations Services.

Council may offer a concession in accordance with Section 6.47 of the Local Government Act 1995 which states;

“Subject to the Rates and Charges (Rebates and Deferrals) Act 1992, A local government may at the time of imposing a rate or service charge at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

**Absolute majority required.”*

Council Policy Compliance

There is no Council policy applicable to the proposal.

Legislative Compliance

The annual levying of rates and charges is in accordance with the Local Government Act 1995.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to undertake actions required by the recommendation listed in this report.

Relevant Precedents

Unaware of any relevant precedents.

Options

Option 1

That the petition from the residents of Woodstock West for a concession on rate charges with respect to the Woodstock West development be declined.

Option 2

That the petition from the residents of Woodstock West for a concession on rate charges with respect to the Woodstock West development be referred for inclusion in the 2009/10 budget.

Conclusion

Based on the information in this report and the changing demographics within Bunbury, the comparison to other existing high density developments, the trend towards smaller lot & unit sizes in general and the aging of the population it is recommended to Council that the application for a concession be declined.

Recommendation

That the petition from the residents of Woodstock West for a concession on rate charges with respect to the Woodstock West development be declined.

11.9 Proposed Draft Nenke Way Structure Plan & Scheme Amendment 31 – Closure of Public Advertising Period

File Ref:	A03624
Applicant/Proponent:	Internal Report
Author:	Thor Farnworth (Coordinator Strategic & Environmental Planning), Neville Dowling (Consulting Strategic Planner)
Executive:	Geoff Klem (Executive Manager City Development)

Summary

In accordance with Council's resolution made at its ordinary meeting on 24 March 2009 (Decision No. 52/09), public advertising of the proposed draft Nenke Way Structure Plan and associated Scheme Amendment 31 occurred from the 22nd of April up to and including the 12th of June 2009, with a landowner information session held on 14 May 2009 with participating landowners and other stakeholders at the City of Bunbury's Council function room. A copy of the proposed draft Structure Plan map, as modified in response to submissions, can be viewed at **Appendix 1 under separate cover** to this report. A copy of the proposed Scheme Amendment map, as modified in response to submissions, can be viewed at **Appendix 2 under separate cover** to this report.

A total of 23 written submissions were received (of which two were submitted after the closing date). Fifteen of the submissions were from residents/landowners/potential buyers within the Structure Plan area. Of the 15 landowner submissions, three landowners made two separate submissions each (i.e. there were 12 actual submitters). Eight of the 12 aforementioned landowners who made submissions were completely opposed to the Nenke Way Structure Plan proposal, principally in regard to the internal access road as indicated on the Structure Plan Map. Three of the landowners who made submissions expressed either qualified opposition or support for the proposal, subject to an increase in residential density coding and modifications to the road extension alignment. Seven submissions were from State Government agencies and one from a utility provider, all of which had little or no bearing on a decision to adopt the proposed draft Structure Plan.

The majority of submissions received from landowners rejected the proposed draft Structure Plan. The Nenke Way precinct area has been the subject of detailed research, public consultation, State Government agency liaison and review for the past two years. The outcome of this consultation and public advertising process is that there is no apparent consensus or support for the proposed draft Structure Plan at present. Further, that there is no definitive option for a structure plan that would be acceptable to the majority of existing residents and also be able to satisfy the requirements of the relevant State Government agencies.

The recommendation of this report is therefore to not adopt the proposed draft Nenke Way Structure Plan but to proceed with the final adoption of Scheme Amendment 31, which is to amend the City of Bunbury Town Planning Scheme No. 7 (TPS7) to include the subject area within a "Development Investigation Policy Area", whereby a finalised structure plan that is adopted by the City of Bunbury and endorsed by the Western Australian Planning Commission (WAPC) is required prior

to further development or subdividing of the land. If in the future landowners wish to pursue subdivision and development of their land they will need to engage a suitably qualified and experienced planning consultant to carry out the task of compiling a structure plan that will achieve both the support of the majority of landowners and satisfy State and Local Government requirements.

Background

Need for Structure Planning

In 2003 the City was advised by the WAPC that it would not grant further subdivision approval within the Nenke Way area until a structure plan was adopted by the Local Government and endorsed by the Commission (refer to **Appendix 3 under separate cover** to this report). The nature of the specific advice was stated accordingly:

“ADVICE

The subdivider is advised that the general area is in need of comprehensive planning to have regard to flood issues, land suitability assessment, overall road layout, traffic conflict with Picton Road (Primary Distributor Road) and other structure planning matters. Accordingly, the subdivider is advised that the Commission will not support a re-subdivision of the Strata Scheme for additional strata lots as it may have a prejudicial effect on future structure planning for the area. The subdivider is advised to liaise with the City of Bunbury on the structure planning process.”

“ADVICE TO THE CITY OF BUNBURY:

The City of Bunbury is advised that conditions recommended by Council which relate to further development, e.g. fill and drainage, have not been imposed as it could have prejudicial effect on future structure planning for the area. If the area is supported for further development due regard will need to be given to all standard structure planning issues and procedures as specified in Scheme No. 7.”

Based on further research and inquiry with the Department for Planning and Infrastructure (DPI) and other State Government agencies, the following key issues affecting the future of the Nenke Way precinct area were derived:

- Need for the local access road to be extended through the remaining properties of street address 102 to 144 South Western Highway.
- Need was identified by the DPI on behalf of Main Roads Western Australia (MRWA), at the outset of the Glen Iris - Moorlands Local Area Planning project. This need relates to:
 - facilitation of future upgrading of the South Western Highway;
 - minimisation of residential accessways/crossovers to a “Primary Regional Road Reserve”; and
 - maintenance of road safety and efficiency of the South Western Highway.

- Expectation that until extension to the Nenke Way road reserve has been reflected in an adopted structure plan and/or scheme amendment, no further subdivision of land may be permitted by the WAPC. Therefore, the City would hold in abeyance the approving of all existing (and any new) applications for planning approval or a building licence.
- Recommended that the Nenke Way road reserve be extended to link up with Dodson Road at its intersection with South Western Highway.

The implications of not providing structure planning guidance may potentially result in:

- Further unguided subdivision up to the maximum residential density code (or R-Code) of "R15", which would result in the creation of numerous battle-axe lots, of on average five to six grouped dwellings - accessed by relatively long narrow (i.e., 5 metre wide) access ways.
- The potential outcome of further unguided subdivision up to the maximum R-Code of "R15" will be the creation of numerous crossovers onto South Western Highway, in close proximity to the Robertson Drive intersection.
- The resulting dwelling density would place a significantly increased population within this location that would produce a significant increase in traffic movements on and off the Primary Regional Road, with associated potential for increased traffic hazard to local and through traffic.
- The implications for further subdivision have not been fully quantified with respect to "flood hazard". In spite of this, it is expected that any future subdivision pattern or density will be required to fill the land up to the height of the existing levee.

(Note: without upgrading of the levee to ensure its integrity against flood water scouring, the development potential of land will be constrained due to the requirement to set back habitable rooms by at least 20 metres from the toe of the levee.)

Benefits of Structure Planning

The principal benefit of implementing a structure plan for the Nenke Way precinct area would be to permit safer access/egress to infill development via an access road with a signalised intersection at a greater distance from the Robertson Drive/South Western Highway intersection than is presently provided for by the existing Nenke Way road reserve. A signalised four-way intersection would also have benefits for safer traffic movements onto and from Dodson Road.

Depending upon the final constructed alignment of any extension to Nenke Way, some benefits may also be accrued from increasing accessibility to the Preston River shoreline, which is included in the "Regional Open Space Reserve" under the Grater Bunbury Region Scheme (GBRS). Enhanced access arrangements would provide for both maintenance of flood mitigation works (levee bank) and increased passive recreational opportunities. However, it must be noted that the land included in the Regional Open Space Reserve is currently privately owned, and that it is anticipated that this land would ultimately be purchased by the State Government through a voluntary land acquisition programme administered by the WAPC.

Structure Planning Process

The proposed draft Nenke Way Structure Plan was compiled following ongoing consultation with State Government agencies and landholders since 2007. The associated Scheme Amendment 31 to TPS7, was also prepared in support of the proposed draft Structure Plan, which proposed an increase to the R-Code from “R15” to “R20” and the inclusion of the subject area into a “Development Investigation Policy Area” (DIPA). The purpose of the proposed Scheme Amendment was to facilitate the extension of the Nenke Way access road by providing landowners with the opportunity to offset the loss of land and costs associated with development in accordance with the Structure Plan, whilst also seeking to maintain a low density residential amenity. A more detailed rationale for the Scheme Amendment is outlined in the Local Planning Scheme Amendment Report and supporting Glen Iris – Moorlands Local Area Plan: Nenke Way Precinct - Road Options Analysis: Final Report (March 2009) document.

The proposed draft Structure Plan and associated Scheme Amendment was presented to Council at its ordinary meeting on 24 March 2009 for its consent to publicly advertise in accordance with clause 5.9.13 of the Scheme. The Glen Iris – Moorlands Local Area Plan: Nenke Way Precinct - Road Options Analysis: Final Report (March 2009) document which contains the background rationale for the plan was also circulated to members prior to the meeting of Council Committee on 17 March 2009.

The proposed draft Structure Plan and associated Scheme Amendment presented to Council Committee at its meeting on 17 March 2009 was drafted taking account of the following factors:

- The proposed road layout for the extension of Nenke Way providing for an alternative to lots having direct vehicle access to the South West Highway. Access then being via the internal access road which would have only two traffic conflict points onto South West Highway (Picton Road), that is, at the existing Nenke Way “T” intersection and at an intersection opposite Dodson Road where traffic lights would be utilised.
- The proposed road layout not requiring any demolition of existing dwellings.
- The proposed road layout being shorter in length than the other options and is therefore less costly to develop, particular in comparison to the options with a road along the northern boundary of the lots (i.e. along the levee bank).
- The proposed road layout reflecting the existing terrain, particularly in regard to the relief in vicinity of Lot 100 (street number 116) South Western Highway, which must be avoided in order to retain the existing house and avoid excessive changes to ground level (and consequential development costs).
- The eastern portion of the proposed road layout being set back to align with Dodson Road, which has the following advantages:
 - reduces road length and consequential development costs;
 - minimises tree removal within the environmentally sensitive area at the eastern end of the precinct; and

- provides a better alignment for an eventual traffic light controlled intersection at Dodson Road.
- The provision of a limestone trafficable pathway along the top of the levee bank in order to provide for:
 - separation of the Preston River conservation area and floodplain;
 - fire break;
 - public access (for pedestrian/cyclist) to the Regional Open Space Reserve area; and
 - emergency access route for vehicles.

At its meeting on 24 March 2009 the proposed draft Nenke Way Structure Plan and associated Scheme Amendment 31 was presented to Council. Council resolved (Decision No. 52/09) as follows:

- “1. Pursuant to the Planning and Development Act 2005 and clause 5.9.13 of the City of Bunbury Town Planning Scheme No. 7, Council officers to publicly advertise the proposed draft Nenke Way Structure Plan for a period of not less than 42 days.*
- 2. Pursuant to the Planning and Development Act 2005, Council to initiate a scheme amendment to the City of Bunbury Town Planning Scheme No. 7 to change the residential density code (R-Code) of the subject land from “R15” to “R20” and to incorporate the subject land within a “Development Investigation Policy Area” in order to facilitate subdivision in accordance with the proposed draft Nenke Way Structure Plan.*
- 3. An invitation be extended to all Nenke Way residents to attend an information/discussion session with Council Officers and interested councillors at a time, date and place to be advised early within the 42 day public advertising period.”*

Structure Planning Outcomes

As a result of analysing the submissions received during the public advertising period and comments made during the landowner information session - the recommendation is to not proceed with the adoption of the proposed draft Structure Plan at this point in time. Nevertheless, the issues and risks associated with unguided subdivision in the Nenke Way precinct remain, and consequently it is recommended that the Scheme Amendment, as modified, should proceed to final adoption. A copy of the proposed Scheme Amendment, modified to show the annotation of the Scheme Map by way of the subject area’s inclusion within a “Development Investigation Policy Area“, can be viewed at **Appendix 2 under separate cover** to this report.

It is important to note that the minor modification to the Scheme Amendment is to delete the proposed change of residential density code (or R-Code), leaving only the insertion of the “Development Investigation Policy Area” on the Scheme Map. The rationale for this modification is that the present R-code can remain in place until

such time as the ultimate density can be determined at a latter date through a structure planning exercise, which can then better respond to local conditions, landowner intentions and the final urban design of the precinct area. Nevertheless, the depiction of a "Development Investigation Policy Area" boundary around the subject area on the Scheme Map is still required in order to necessitate the finalisation of a structure plan in the future.

It is also important to note that supporting submissions received during the public advertising period requested an increase in the R-Code to R30 or R40, either for the entire site or for that land fronting the Preston River. Increasing the density to R30 or R40 along the northern boundary of the subject area is feasible, but would require an amendment to the Scheme corresponding to any adopted and endorsed structure plan. Medium density housing along the northern boundary of the subject area has merit given that the northern ends of the lots are adjacent to Regional Open Space reserved land along the Preston River. An increase in densities to R30 or R40 at the northern ends of the lots would partially satisfy the WAPC's own *Liveable Neighbourhoods* (October 2007) document, which is an operational policy of the Commission.

Notwithstanding the recommendation, a modified draft Nenke Way Structure Plan is presented for Council's consideration at **Appendix 1 under separate cover** to this report should Council resolve to progress with its implementation. It should be noted that the minor modification to the proposed draft Structure Plan is to include an additional text notation (Note 5), which makes reference to the presence of the Preston River Technology Park.

Strategic and/or Regional Outcomes

The proposed draft Nenke Way Structure Plan forms part of the Glen-Iris Moorlands Local Area Plan (LAP). The local area planning project is considered consistent with the aims and goals of Council's 2007-2012 Strategic Plan and the objectives and recommendations of the City Vision Strategy (2007). The aim of the proposed draft Structure Plan is to facilitate the orderly and proper planning of the subject land in accordance with the Scheme, *the Planning and Development Act 2005* and the State Planning Framework. As such, the implementation of the Structure Plan in accordance with its aims is expected to facilitate infill residential development whilst ensuring the safe and efficient functioning of the South Western Highway as part of the Primary Regional Roads network.

Community Consultation

Preliminary Consultation

In relation to the entire Glen Iris-Moorlands Local Area Plan study area (which includes Nenke Way), a Community Consultation Report was compiled for all three phases of engagement during the formulation of the LAP, and is contained within Appendices 1 to 3 of the Glen Iris-Moorlands Local Area Plan: Study document. Each phase was carried out at the end of a milestone, with the first phases occurring in November 2005 and then again in April 2007. The final phase occurred in March 2008.

With specific regard to the Nenke Way precinct, a landowner and stakeholder survey was carried out from 1 April 2008 through to 23 May 2008, with 13 of the 24 survey

forms posted out being completed and returned to the City using the enclosed reply-paid envelope. The landowner survey was accompanied by a self-addressed envelope for return survey responses and a copy of the "Glen Iris-Moorlands Local Area Plan: Nenke Way Precinct - Road Options Analysis Report for Consultation" (dated 28 March 2008) for the information of respondents. A site visit was also undertaken by staff of Development Services and Engineering Services on 7 March 2008 in order to gain an on-ground appreciation of the landform, physical conditions and potential constraints to development within the Nenke Way precinct area.

Land Owner Information Session

In accordance with Council's resolution (Decision No. 52/09 (3)), a landowner information session was held at Council's function room on 14 June 2009. The summary findings of the landowner information session are as follows:

- The majority of landowners object to the structure plan and see the internal access road as an imposition rather than as an opportunity.
- There remains the misconception amongst some landowners that the road, if shown on a structure plan will be built over their property without their permission.
- There were no viable clear alternatives presented other than for a road along the northern end of the lots on top of or near the levee bank. Further review of this option by the City in consultation with the DPI deemed that this option is not feasible in terms of:
 - it not improving the urban design and access issues of the long narrow lots;
 - the extensively long cul de sac required and the fill costs involved if the road is constructed; and
 - a road bend in the initial phase requiring a considerable amount of land from the property affected by the bend - causing a situation where one or two property owners are affected to a greater degree than those with the road along the rear (northern) end of the lots.
- Many of the landowners viewed the proposed internal road as follows:
 - a threat to their lifestyle, even if it was just shown on a structure plan map;
 - that it would take up too much space;
 - that because of the levy setback in many cases there would be no room for houses on the northern side of the road;
 - the costs of fill and road construction would be too expensive and subdivision or development would not be financially worthwhile;
- Other related issues that were raised included:
 - questions about 10% allocation of public open space;

- contributions to emergency vehicle access;
- allocation of land for medium density (i.e. R40) sites;
- restrictions regarding the road reserve area and its use prior to development of the lot;
- fears about compulsory land acquisition;
- queries regarding common access arrangements (i.e. shared driveways); and
- queries regarding claims for compensation.

Details of the questions, answers and recommendations of the landowner information session can be found at **Appendix 4 under separate cover** to this report. For the most part the queries and comments reflected the overriding viewpoint expressed in the submissions – that being the internal access road is not wanted by the majority of landowners/residents.

Submissions from Public Advertising

Public advertising of the proposed draft Nenke Way Structure Plan and associated Scheme Amendment 31 was for a period of 52 days - commencing on the 22nd of April and closing on the 12th June 2009. The schedule of submissions can be found at **Appendix 5 under separate cover** to this report. Copies of the submissions in their entirety are included in full at **Appendix 6 under separate cover** to this report.

Following close of advertising, a total of 23 written submissions were received (of which two were submitted after the closing date). Fifteen of the submissions were from residents/landowners/potential buyers within the Structure Plan area. Of the 15 landowner submissions, three landowners made two separate submissions each (i.e. there were 12 actual submitters). Eight of the 12 aforementioned landowners who made submissions were completely opposed to the Nenke Way Structure Plan proposal, principally in regard to the internal access road as indicated on the Structure Plan map.

Three of the landowners who made submissions expressed either qualified opposition or support for the proposal, subject to an increase in residential density coding and modifications to the road extension alignment.

One landowner submission was received from Broga Security Pty Ltd, which had no objection to the proposal and did not discuss its landholding of Lot 0, but instead commented on its land adjacent to the Nenke Way Structure Plan boundary. This land is referred to as the Preston River Technology Park, which is situated in the vicinity of Dodson Road and Olive Road to the south east of the subject area. The comments made related to the landowner's concerns that further infill residential development may conflict with or restrict development of the Preston River Technology Park site. It is acknowledged that the Preston River Technology Park has a bearing on the future of the Nenke Way residential area in relation to its potential to generate some off-site impacts (e.g. noise, traffic, visual amenity, etc.). Consequently, a minor modification to the proposed draft Structure Plan is to include

an additional text notation (Note 5), which makes reference to the presence of the Preston River Technology Park.

Seven submissions were from State Government agencies, which basically outline advice on their particular department's requirements if subdivision and development were to proceed. The only advice to assist in the decision of whether the Structure Plan as presented should be supported was that from MRWA which stated that:

"Main Roads has no preference on the road arrangement of Nenke Way within the future subdivision provided it caters for access to all lots created by the subdivision eliminating direct access to South Western Highway."

One submission was received from the utility provider Telstra, which had no objection to the proposal, but made comment on a range of potential issues that may arise during the implementation of any structure planning exercise or subsequent subdivision and development of the area.

Overall the submissions received were similar to the outcomes of the preliminary community consultation exercises and the landowner information session held on the 14 June 2009.

Councillor/Officer Consultation

The Glen Iris-Moorlands Local Area Plan: Nenke Way Precinct - Road Options Analysis Final Report, which forms the basis of the proposed draft Structure Plan, was compiled by staff of City Development (Development Services - Strategic & Environmental Planning) with the assistance of City Services (Engineering Services).

The outcomes of the preliminary consultation process was reported to a Council briefing session on 26 August 2008, and then again at Council's committee meeting held on 17 March and Council's ordinary meeting held on 24 March 2009.

His Worship the Mayor and three other Councillors were in attendance at the landowner information session held on 14 May 2009 at the City of Bunbury's Council function room.

Analysis of Financial and Budget Implications

Under the proposed draft Structure Plan, the creation of the road reserve would be through the contribution of land as a condition of voluntary subdivision. The funding of the construction of the access road would be required through the fair apportionment of a cost sharing arrangement between the City and individual land owners through the making of a development contribution as a condition of subdivision.

As such the City of Bunbury is not fully responsible for road construction costs, and any other associated development costs, which are borne by each land owner if they wish to subdivide their land to permit further residential development. Nevertheless, with the access road's construction, the Local Government will be responsible for its ongoing maintenance as a public road reserve.

Economic, Social, Environmental and Heritage Issues

Environmental Issues

The subject land is in close proximity to the Preston River, with the eastern portion of the site being located within an "Environmentally Sensitive Area". Under the *Environmental Protection Act 1986* this area cannot be cleared of native vegetation.

On the basis of advice from the Department of Environment and Conservation (DEC) it is expected that exemptions to vegetation clearing will not apply. However, to confirm the extent of any permissible vegetation clearing - land owners are advised by a provision of the proposed draft Structure Plan text and a notation on the Structure Plan map to seek formal advice from the Department on this matter.

Any native vegetation, even outside of the Environmentally Sensitive Area, will require clearing permits from the DEC unless it is considered as an exemption under the relevant Act. If the location of the access road is approved by both the City of Bunbury and the WAPC as part of this structure plan, then vegetation clearing within the road reserve area will be exempted from requiring a clearing permit.

Social Issues

The eventual development of the Nenke Way precinct can reasonably be expected to have no negative social outcomes for the local community.

Heritage Issues

There are no known heritage issues within the study area.

Economic Issues

The creation of additional residential land can to a limited extent be expected to promote a positive net economic outcome for the local area and the City.

Legislative and Council Policy Compliance

Proposals to adopt, amend or rescind a local structure plan are to be undertaken in accordance with clause 5.9.13 of the Scheme. The proposed draft Structure Plan, if adopted would then be referred to the WAPC with a request for final endorsement. Nevertheless, if the recommendation of this report is to be followed, then the proposed Scheme Amendment 31 must be revised to rezone the land to "Development Zone – Residential" in order that for any further subdivision or development to occur an approved Structure Plan must be in place. This means that a new structure plan would need to be compiled by the landowners that wish to subdivide in accordance with the provisions of Section 5.9.13 of the Scheme.

Delegation of Authority

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

Relevant Precedents

The statutory components of the project includes the proposed local structure plans and scheme amendment, which are regulated under the heads of power conferred by the Local Planning Scheme (i.e. TPS7) and the *Planning and Development Act 2005*, respectively.

Options

Option 1

As per the recommendation listed in this report.

Option 2

Council adopts the proposed draft Structure Plan and Scheme Amendment, as modified, and forwards both the Structure Plan and Scheme Amendment documentation on to the WAPC for final endorsement and gazettal respectively.

Conclusion

The proposed draft Nenke Way Structure Plan and associated Scheme Amendment 31 were compiled as a logical and feasible approach to adequately dealing with the future subdivision and development of the Nenke Way precinct, given the WAPC's advice that no further subdivision or development approval would be granted until structure planning of the area has been resolved.

However, it can reasonably be determined that it is presently unfeasible to adopt and implement the proposed draft Structure Plan. This outcome can be deduced from the following considerations:

- The majority of submissions received during the public advertising period from private landowners were against the proposed Structure Plan and associated Scheme Amendment as advertised.
- The majority of landowners expressed a desire to not pursue subdivision and development of their land at this time or in the foreseeable future.
- The existence of private ownership of land included in the Regional Open Space Reserve under the GBRS that abuts the subject area to the north.
- The presence of the Water Corporation flood levee bank along the northern edge of the subject area, and the setback and fill requirements that relate to the presence of the Preston River floodplain which are State Government requirements now administered by the Department of Water.
- The number of landowners within the precinct with divergent values, needs and intentions for the future development/use of their land.
- The absence of a feasible alternative solution that would be acceptable to the State Government agencies, the majority of landowners and the local government that can reasonably be implemented (i.e. costs are reasonable).

Despite a considerable attempt, the City is unable to find a suitable solution for the Nenke Way precinct that is supported by the majority of landowners and accords with the requirements of the State Government. Consequently, it is recommended that the subject land be included within "Development Investigation Policy Area" under the Scheme, necessitating a finalised structure plan in order to guide subdivision and development. Given that the majority of landowners do not wish to pursue subdivision and development at this time, such a structure planning exercise should be compiled by the interested landowners through the use of a properly qualified and experienced planning consultancy.

Recommendation

1. Pursuant to the City of Bunbury Town Planning Scheme No. 7, Council resolves NOT to adopt the proposed draft Nenke Way Structure Plan as modified (Appendix 1 under separate cover to this report).
2. Pursuant to the Planning and Development Act 2005, Council resolves to finally adopt Scheme Amendment 31 to the City of Bunbury Town Planning Scheme No. 7, as modified, by annotating the Scheme Map to show the subject area within a "Development Investigation Policy Area" boundary (Appendix 2 under separate cover to this report).

11.10 Financial Statements – Preliminary 30 June 2009

File Ref:	A02838
Applicant/Proponent:	Internal Report
Author:	David Ransom, City Accountant
Executive:	Ken Weary, Executive Manager Corporate Services

Summary/Background

Preliminary Financial Statements for the period ending 30 June 2009, have been circulated to members **under separate cover**. The statements include the following:

- Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Statement of Financial Activity
- Statement of General Purpose Income
- Statement of Rating Information

The Financial Statements also contain a number of explanatory notes covering the following topics:

- Significant Accounting Policies
- Description of Programmes
- Net Current Assets
- Trade and Other Receivables
- Other Current Assets
- Trade and Other Payables
- Provisions
- Trust Funds
- Capital Expenditure
- Key Operating Expenditure & Income
- Loan Funds
- Reserve Funds
- Bunbury Timber Jetty
- Investment Funds

Recommendation

The Preliminary Financial Statements for the month of June 2009, be received.

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

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	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 – City Promotions Committee (20/04/2009)
Author: Ellen Pollard, Administrative Trainee
File: A03402
2. Title: Minutes – City Promotions Committee (18/05/2009)
Author: Ellen Pollard, Administrative Trainee
File: A03402
3. Title: Minutes – Community Access Committee (19/06/2009)
Author: Adam Johnson, Community Development Officer
File: A01145
4. Title: Minutes – Bunbury Environmental & Sustainability Advisory Committee (2/07/2009)
Author: Ben Deeley, Environmental Officer
File: A02445
5. Title: Minutes – Bunbury Setagaya Sister Cities Committee (17/06/2009)
Author: Jenell Dunn, Cultural Development Officer
File: A00443
6. Title: Minutes – Big Swamp Wildlife Park Advisory Committee (16/06/2009)
Author: Matt Scott, Acting Technical Officer Parks & Gardens
File: A00143-20
6. Title: Minutes – Bunbury Region RoadWise Committee 06/07/2009
Author: Myles, Bovell, Senior Engineering Technical Officer
File: R00692

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

14.1 Items to be Noted (No Discussion) at the Council Committee Meeting

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	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: Christmas Carnival 2008 (Event Operational Report)
Author: Nadine Walford-Jones, Events Officer
File: A01595-03
2. Title: Australian Day Celebrations & Fireworks Spectacular 2009 (Event Operational Report)
Author: Nadine Walford-Jones, Events Officer
File: A00426-06
3. Title: Viva Bunbury! (Event Operational Report)
Author: Nadine Walford-Jones, Events Officer
File: A02782
4. Title: Royalties for Regions Program 2008/2009 (Project Managers Report No. 3)
Author: Stewart Parkinson, Project Manager
File: A03667

5. Title: Building Application/Development Approvals
(1 June 2009 to 30 June 2009)
Author: Gary Fitzgerald, Manager Development Services
File: A00566
6. Title: Schedule of Accounts Paid (*Formerly known as "Accounts for Payment"*)for the Period 1 June to 30 June 2009
Author: David Ransom, City Accountant
File: Ken Weary, Executive Manager Corporate Services

14.2 Items to be Endorsed (No Discussion) at the Council Committee Meeting

There are no items recommended for endorsement.

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: <i>"The meeting exclude members of the public to permit Confidential Business (as defined by the Local Government Act 1995) to be discussed."</i>
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16. Close of Meeting