



Bunbury City Council

Minutes (*unconfirmed*) 21 May 2013

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Table of Contents

Item No	Subject	Page
1.	Declaration of Opening / Announcements of Visitors	1
2.	Disclaimer.....	1
3.	Announcements from the Presiding Member	1
4.	Attendance	2
4.1	Apologies.....	2
4.2	Approved Leave of Absence	2
5.	Declaration of Interest.....	3
6.	Public Question Time.....	4
6.1	Responses to Public Questions Taken 'On Notice'	4
6.2	Public Question Time.....	4
7.	Confirmation of Previous Minutes and other Meetings under Clause 19.1	5
7.1	Minutes	5
7.1.1	Minutes – Council Meeting.....	5
7.1.2	Minutes – Council Advisory Committees and Working/Project Groups.....	6
8.	Presentations.....	8
8.1	Petitions.....	8
8.2	Presentations.....	8
8.3	Deputations.....	8
8.4	Council Delegates' Reports.....	8
8.5	Conference Delegates' Reports	8
9.	Method of Dealing with Agenda Business.....	8
10.	Reports.....	9
10.1	Art Collection Policy (was listed as item 10.1.1 on the meeting agenda)	9
10.2	Appointment of New Member to the Bunbury Wildlife Park Committee (was listed as item 10.1.3 on the meeting agenda).....	14
10.3	South West Sports Centre Masterplan (was listed as item 10.2.1 on the meeting agenda)	16
10.4	Community Funding Policy (was listed as item 10.2.2 on the meeting agenda) ...	22
10.5	State Library of Western Australia – Regional Model 2013/14 (was listed as item 10.3.3 on the meeting agenda)	24
10.6	T-QUAL Application for Bunbury Museum Detailed Designs (was listed as item 10.3.4 on the meeting agenda)	27
10.7	Schedule of Accounts Paid for the Period 1 to 30 April 2013 (was listed as item 10.4.1 on the meeting agenda)	29
10.8	Financial Management Report for the Period Ending 30 April 2013 (was listed as item 10.4.2 on the meeting agenda).....	30
10.9	Hang Gliding Association of WA – Proposed Licence to Utilise Portion of Ocean Drive Road Reserve for Take-Off/Landing Area (was listed as item 10.4.4 on the meeting agenda).....	35
10.10	Bunbury Aged Persons Housing Collective – Amendments to Constitution (was listed as item 10.4.5 on the meeting agenda).....	39

Table of Contents

Item No	Subject	Page
10.11	Proposed Amendment from Privately Owned Lots to Gazetted Road, Lots 98, 99 and 100 Higgins Street, South Bunbury on Plan 3227, Volume 2727 Folio 860 (was listed as item 10.4.7 on the meeting agenda).....	42
10.12	Ranger Authorisation Mark Gaffney (was listed as item 10.5.6 on the meeting agenda)	45
10.13	Proposed Various Works to Implement Noise Management Plan – Lot 27 and Lot: 26 (No.12 and No.24) Claughton Way Glen Iris (was listed as item 10.5.7 on the meeting agenda).....	48
10.14	Petition – Request for Installation of Traffic Control Signals at the Intersection of Dobson Road and South West Highway (Northern End) (was listed as item 10.6.1 on the meeting agenda)	55
10.15	Petition Report – Modify Intersection at Hennessy and Sandridge Roads (was listed as item 10.6.2 on the meeting agenda).....	59
10.16	Proposed Licence Agreement to Rear of Bunbury Rowing Club for Boat Trailer Storage, Portion of Road Reserve Cobblestone Drive, Bunbury (was listed as item 10.4.6 on the meeting agenda)	62
10.17	City of Bunbury Walkability Study – Pedestrian Crossing Infrastructure Analysis Endorsement (was listed as item 10.1.2 on the meeting agenda)	66
10.18	Australian Regional Tourism Network Conference (was listed as item 10.3.1 on the meeting agenda).....	69
10.19	City of Bunbury Tourism Brand (was listed as item 10.3.2 on the meeting agenda)	72
10.20	Proposed Increase in Property Rates for the 2013/14 Budget (was listed as item 10.4.3 on the meeting agenda)	75
10.21	Final Approval of Proposed Draft Koombana North Structure Plan (was listed as item 10.5.1 on the meeting agenda).....	78
10.22	Draft Local Planning Policy: Signage and Advertising Devices (was listed as item 10.5.2 on the meeting agenda)	85
10.23	Proposed Tuart Brook Local Structure Plan (draft) – Approval for Public Advertising (was listed as item 10.5.3 on the meeting agenda)	88
10.24	Petition to Rescind Development Approval for Respite Centre, 18 Morrissey Street Bunbury (was listed as item 10.5.4 on the meeting agenda)	95
10.25	Proposed Skate Park, Shelter and Landscaping – LOT: 5716 (DP: P18815, RN: 43606) Vittoria Road Vittoria (was listed as item 10.5.5 on the meeting agenda) .	99
10.26	Endorsement of Final Draft Withers Urban Renewal Strategy (was listed as item 10.5.8 on the meeting agenda)	107
10.27	Request to Change Billboard Advertisement: Lot 100 (121) King Road, Bunbury (was listed as item 10.5.9 on the meeting agenda)	117
10.28	Proposed Road Closure for a Portion of Vittoria Road, Glen Iris (was listed as item 10.6.3 on the meeting agenda)	120
10.29	Petition Report – Picton Road Alterations (was listed as item 10.6.4 on the meeting agenda)	122
11.	Applications for Leave of Absence	126
12.	Motions on Notice	126
12.1	Motion on Notice – Business Improvement Districts.....	126
13.	Questions on Notice	127
13.1	Response to Previous Questions from Members taken on Notice.....	127

Table of Contents

Item No	Subject	Page
13.2	Questions from Members.....	127
14.	New Business of an Urgent Nature Introduced by Decision of the Meeting.....	128
14.1	Tender for Remedial Works to Leschenault Inlet Seawall, Stirling Street Bunbury – RFQ 1213-00036	128
15.	Meeting Closed to Public	131
15.1	Matters for which the Meeting may be Closed.....	131
15.1.1	Peron Naturaliste Partnership – Coastal Adaptation Decision Pathways Report	131
15.1.2	Confidential – Request for Reimbursement to Mr Jeff Peirce for PR-1816 Contribute to Publication of South West Armed Services Personnel	133
15.2	Public Reading of Resolutions that may be made Public.....	134
16.	Closure.....	134

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

GLOSSARY OF ABBREVIATED TERMS

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



Bunbury City Council Minutes

Minutes of an Ordinary meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street Bunbury held on Tuesday 21 May 2013.

Minutes 21 May 2013

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

1. Declaration of Opening / Announcements of Visitors

The meeting was declared open by His Worship the Mayor Mr David Smith at 6.00pm.

2. Disclaimer

NOTE: WHERE A RECORDING OR LIVE STREAMING OF A MEETING IS TO TAKE PLACE, THE PRESIDING MEMBER WILL ADVISE THOSE PRESENT THAT SUCH ACTION WILL BE OCCURRING.

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

3. Announcements from the Presiding Member

The Mayor announced that on Thursday 16 May 2013 he attended a sponsorship recognition breakfast for the South West Academy of Sport. He was presented with a glass vase as recognition of the City's sponsorship.

The Mayor announced that he received a certificate of appreciation from the Leukaemia Foundation for the City's continued support.

The Mayor announced that he met today with a delegation of Tourism Representatives from the Zhejiang province in China. This was the first delegation of Chinese tourism representatives to the South West.

The Mayor announced that he attended a meeting in Mandurah with the other local government authorities to view a report from the Peron Naturaliste Partnership and signed a new Memorandum of Understanding. If any of the Councillors would like more information

on what was discussed at that meeting, he would be more than happy to inform them at a later date.

4. Attendance

Present:

Council Members:	
Presiding Member	His Worship the Mayor, Mr D Smith
Deputy Presiding Member	Deputy Mayor Cr S Craddock
Members	Councillor J Jones
	Councillor D Prosser
	Councillor A Leigh
	Councillor M Steck
	Councillor K Steele
	Councillor B Kelly
	Councillor N McNeill
	Councillor M Cook
Councillor S Morris	
Executive Leadership Team (Non-Voting):	
Chief Executive Officer	Mr A Brien
Director Community and Customer Services	Ms S Addison-Brown
Director Corporate Services	Mr W Wright
Acting Director Planning and Development Services	Mr J Kowal
Director Works and Services	Mr P Harris
Council Officers (Non-Voting):	
Manager Development Assessment and Building Certification	Mr G Fitzgerald
Team Leader Sustainability and Integrated Land Use Planning	Mr K Storey
Senior Strategic Planning Officer	Mrs A Jank
Planning Officer	Mr A Pick
Compliance Officer	Mr P Morrison
Acting Media and Communications Officer	Ms L Wiseman
Administration Officer Corporate	Ms N Hribar
Others (Non-Voting):	
Members of the Public	20
Members of the Press	1

4.1 Apologies

Councillor Ross Slater was an apology for the meeting.

4.2 Approved Leave of Absence

Nil

5. Declaration of Interest

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

Cr Cook declared an impartiality interest in the item titled *'Petition Report – Request for Installation of Traffic Control Signals at the Intersection of Dodson Road and South West Highway (Northern End)'* as he is a member of the Morrissey Homestead board who lodged the original petition. He has elected to remain in the chambers, participate in the discussion and vote on the matter.

Cr Jones declared an impartiality interest in the item titled *'Bunbury Aged Persons Housing Collective – Amendments to Constitution'* as she is a member of the Bunbury Aged Person Housing Collective board. She has elected to remain in the chambers, participate in the discussion and vote on the matter.

Cr Jones declared an impartiality interest in the item titled *'Proposed Tuart Brook Structure Plan (draft) – Approval for Advertising'* as she is a member of the Aqwest Board. She has elected to remain in the chambers, participate in the discussion and vote on the matter.

Cr Jones declared an impartiality interest in the item titled *'Petition to Rescind Development Approval for Respite Centre, 18 Morrissey Street Bunbury'* as she is a neighbour of Activ accommodation. She has elected to remain in the chambers, participate in the discussion and vote on the matter.

Cr Jones declared an impartiality interest in the item titled *'Confidential – Request for Reimbursement to Mr Jeff Peirce for PR-1816 Contribute to Publication of South West Armed Services Personnel'* as she is a member of the Bunbury Cemetery Board of which Mr Peirce is an employee. She has elected to remain in the chambers, participate in the discussion and vote on the matter.

The Mayor declared an impartiality interest in the item titled *'Art Collection Policy'* as his wife is the chairperson for the Art Collection Management Committee. He has elected to remain in the chambers, participate in the discussion and vote on the matter.

Cr Steck declared a proximity interest in the item titled *'Proposed Licence Agreement to Rear of Bunbury Rowing Club for Boat Trailer Storage, Portion of Road Reserve, Cobblestone Drive, Bunbury'* as her partners provides an annual award to the club. She has elected to remain in the chambers, participate in the discussion and vote on the matter.

Cr Kelly declared an impartiality interest in the item titled *'Appointment of New Member to the Bunbury Wildlife Park Committee'* as his partner is the nominated appointee. He has elected to remain in the chambers, participate in the discussion and vote on the matter.

Cr Prosser declared an impartiality interest in the item titled *'Proposed Licence Agreement to Rear of Bunbury Rowing Club for Boat Trailer Storage, Portion of Road Reserve, Cobblestone Drive, Bunbury'* as he is a member of the Rowing Club. He has elected to remain in the chambers, participate in the discussion and vote on the matter.

6. Public Question Time

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

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

6.1 Responses to Public Questions Taken 'On Notice'

Nil

6.2 Public Question Time

Mr Glen Willetts, 40 Wilkerson Way Withers

Mr Willetts asked a question in regards to the Endorsement of the Final Draft of the Withers Urban Renewal Strategy.

Question: Can the recommendation be amended to include "with the submissions attached" in point 2?

Response: Chief Executive Officer – We can certainly add something to that effect to the recommendation. I will work up some wording and get it added to the recommendation in time for the discussion on that item.

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

7.1 Minutes

7.1.1 Minutes – Council Meeting

The minutes of the Ordinary meeting of the Bunbury City Council held 16 April 2013 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 16 April 2013 be confirmed as a true and accurate record.

Outcome – Council Meeting 21 May 2013

Prior to the meeting the Chief Executive Officer tabled a memorandum containing advice received from the Department of Local Government in regards to an amendment to be made to the minutes of the Council meeting held 16 April 2013. In accordance with the advice received the recommendation has been amended to read as follows:

“The minutes of the Ordinary meeting of the Bunbury City Council held 16 April 2013 be confirmed as a true and accurate record with the following amendment:

“15.1.2 Moved Cr Steck - That Council authorise the CEO to compile a report indicating possible options for Council to consider in regards to media reporting from the Office of Mayor to establish reporting guidelines.

The motion was lapsed for want of a seconder.”

The recommendation (as amended) was moved Deputy Mayor Cr Craddock, seconded Cr Cook.

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

Council Decision 116/13

The minutes of the Ordinary meeting of the Bunbury City Council held 16 April 2013 be confirmed as a true and accurate record with the following amendment:

“15.1.2 Moved Cr Steck - That Council authorise the CEO to compile a report indicating possible options for Council to consider in regards to media reporting from the Office of Mayor to establish reporting guidelines.

The motion was lapsed for want of a seconder.”

CARRIED

11 votes “for” / nil votes “against”

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Appendix MTBN-1 , MTBN-2 , MTBN-3 , MTBN-4 , MTBN-5

Council Committee Recommendation

The following Advisory Committee Meeting Minutes listed in the report, be accepted and noted:

1. Title: Minutes – Policy Review and Development (Standing) Committee meeting (26/03/2013)
Author: Greg Golinski, Manager Corporate Performance
Appendix: [MTBN-1](#)
2. Title: Minutes – Youth Advisory Council meeting (03/04/2013)
Author: April ten Brinke, Community Development Officer
Appendix: [MTBN-2](#)
3. Title: Minutes – Bunbury Region RoadWise Committee meeting (03/04/2013)
Author: Jason Gick, Manager Engineering
Appendix: [MTBN-3](#)
4. Title: Minutes – City of Bunbury Art Collection Management Committee meeting (08/04/2013)
Author: Caroline Lunel, Art Registrar/Curator
Appendix: [MTBN-4](#)
5. Title: Minutes – Asset Management Committee meeting (29/04/2013)
Author: Greg Golinski, Manager Corporate Performance
Appendix: [MTBN-5](#)

Outcome – Council Committee Meeting 14 May 2013

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

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

Outcome – Council Meeting 21 May 2013

The recommendation (as printed) from the Council Committee was moved Cr Leigh, seconded Cr Steele.

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

Council Decision 117/13

The following Advisory Committee Meeting Minutes listed in the report, be accepted and noted:

- 1. Title: *Minutes – Policy Review and Development (Standing) Committee meeting (26/03/2013)***
- 2. Title: *Minutes – Youth Advisory Council meeting (03/04/2013)***
- 3. Title: *Minutes – Bunbury Region RoadWise Committee meeting (03/04/2013)***
- 4. Title: *Minutes – City of Bunbury Art Collection Management Committee meeting (08/04/2013)***
- 5. Title: *Minutes – Asset Management Committee meeting (29/04/2013)***

CARRIED

11 votes “for” / nil votes “against”

8. Presentations

8.1 *Petitions*

Nil

8.2 *Presentations*

Nil

8.3 *Deputations*

Nil

8.4 *Council Delegates' Reports*

Nil

8.5 *Conference Delegates' Reports*

Nil

9. Method of Dealing with Agenda Business

Standing Order 5.5 permits the Council to adopt the recommendations “by exception” (en bloc). The Mayor put the matters listed in section 10 to be “adopted by exception” to the vote.

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for items 10.1.1, 10.1.3, 10.2.1, 10.2.2, 10.3.3, 10.3.4, 10.4.1, 10.4.2, 10.4.4, 10.4.7, 10.5.6, 10.5.7, 10.6.1, 10.6.2 and 10.4.6.

Items 10.1.2, 10.3.1, 10.3.2, 10.4.3, 10.5.1, 10.5.2, 10.5.3, 10.5.4, 10.5.5, 10.5.8, 10.5.9, 10.6.3 and 10.6.4 of the meeting agenda were then discussed and voted on separately and in the order they appeared on the agenda. The items voted “by exception” are listed first.

Cr Steele requested that her vote against item 10.4.6 be recorded.

10. Reports

10.1 **Art Collection Policy** (was listed as item 10.1.1 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Art Collection Management Committee
Author:	Stephanie Addison Brown, Director Community and Customer Services
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix ADV-1 , ADV-2 , ADV-3

Summary

The purpose of this report is for Council to consider adopting a policy position relating to the City's Art Collection.

Council Committee Recommendation

That Council adopt the new policy "City of Bunbury Art Collection Policy" as presented at Appendix ADV-1.

Background

The Art Collection Management Committee was formally established as a Committee of Council on 6 March 2007.

Since the establishment of this this Committee on 6 March 2007, there has not been any formal policy position adopted by Council around the procurement, disposal, storage and/or exhibition of artworks, although it is acknowledged that the Committee did have in place policies and procedures prior to being formalised as a committee of Council. The purpose of this report is for Council to consider adopting a policy that will formalise these processes.

The following statement is an extract from the minutes of the Art Collection Management Committee meeting of 12 November 2012, relating to the endorsement of a draft policy around Art Collection:

"The Arts Registrar/Curator presented a draft of the amended Art Collection Policy for discussion. Further amendments have been made to finalise the document and a report will be prepared seeking endorsement by Council.

*Moved: Helena Sahn
Seconded: Cr. Murray Cook
Motion Carried"*

Additionally, there were some subsequent minor amendments made by the Chairperson in liaison with the then Team Leader Arts and Culture, documented through an email trail of 19 – 21 November 2012.

Once these amendments were incorporated, the "Policy" was to then be referred to the Policy Review and Development Committee for consideration, in line with that Committee's terms of reference.

Council adopted a new policy framework on 25 September 2012, which refers to Council policy being underpinned by corporate guidelines. Policies were intended to be a short “statement of intent”, supported (where necessary) by a corporate guideline that outlined further detail around how the policy would be implemented.

Prior to the Arts Collection Committee’s policy being presented to the Policy and Review development Committee, it was reformatted by the Team Leader Corporate Administration and the Arts Registrar/Curator to reflect the Council’s adopted policy framework.

At the Art Collection Committee meeting held in February 2013, the following was advised and noted in the minutes:

“The Curator informed the Committee that the Art Collection Policy is being transposed onto a new format before it will go up to Council.”

There was no request for the reformatted policy to be brought back to the Art Collection Committee for further review or consideration.

The policy was duly presented to the Policy Review and Development (Standing) Committee, with a recommendation that the Policy be adopted by Council. A copy of the proposed Policy is **attached** at Appendix [ADV-1](#).

Council Policy Compliance

This report recommends the introduction of a new Council Policy.

Legislative Compliance

Local Government Act 1995 and associated regulations.

Officer Comments

The Committee and Chairperson have addressed matters relating to this policy regularly. Below are noted following Committee meeting dates where the policy was discussed by the Committee at their meeting, with relevant extracts in italic:

- 16/4/2012 – DISCUSSION
- 14/5/2012 – DISCUSSION
*“8.3 Acquisition and de-accessioning policy”
Committee members are encouraged to check existing Art Collection policy as well as the Curatorial Policy and provide comments for review and to be emailed to Margy Timmermans. This is to be further discussed in the next meeting, with a possible special meeting to follow.*
- 25/6/2012 – DISCUSSION
*“8.2 Acquisition and de-accessioning policy”
The committee discussed the need to review the Acquisition Policy and the criteria to purchase artworks including lending of artwork.*
- 31/7/2012 – DISCUSSION AND REVIEW
*“7.2 Art Collection Committee Guidelines Review”
The Art Collection reviewed the guidelines and in particular the Delegation of Authority to purchase artworks which will be detailed as part of the review*

of the City of Bunbury Art Collection policy – Acquisition and De-acquisition of artworks for which a special meeting will be held in the near future.

- o *Amended Art Collection Committee Guidelines*

Moved: Helena Sahn

Seconded: Rosemary Nicholson

Carried

Note: Mr Jack Dyson, Team Leader Corporate Administration attended this meeting to provide Governance advice on the policy review.

- 8/10/2012 - CURATOR PRESENTED DRAFT POLICY

“8.1 Art Collection Policy”

The Arts Registrar/Curator presented a draft of the updated Art Collection Policy for discussion. Amendments are being made to finalise the document for the next City of Bunbury Art Collection committee meeting.

- 2/11/2012 - CURATOR PRESENTED AMENDED DRAFT POLICY

“8.1 Arts Collection Policy

The Arts Registrar/Curator presented a draft of the amended Art Collection Policy for discussion. Further amendments have been made to finalise the document and a report will be prepared seeking endorsement by Council.

Moved: Helena Sahn

Seconded: Cr Murray Cook

Motion Carried

- 10/12/2012 - CURATOR ADVISED POLICY WAS GOING TO COUNCIL FOR ENDORSEMENT

“10.3.1 Art Collection policy update”

The Arts Registrar/Curator informed the Committee that the Art Collection Policy is waiting to go through Council

- 10/12/2012 - CURATOR ADVISED POLICY IS TO BE IN NEW FORMAT

“10.3 Art Collection Policy update”

The Curator informed the Committee that the Art Collection Policy is being transposed onto a new format before it will go up to Council.

In addition there was email discussion between the Chairpersons and the Team Leader Arts and Culture to finalise the proposed policy which was approved by the Chairperson on 22 November 2012 (refer to **attached** Appendix [ADV-2](#) – Email trail of 19-22 November 2012).

Concern was raised at the Council Committee and full Council meeting (9 and 16 April 2013) in relation to the proposed policy and Deductible Gift Recipient (“DGR”) status. Confirmation of status was received on the afternoon of the 16 April 2013 and an email was sent to all Councillors and the Chairperson on Friday 19 April 2013 with supporting documentation from the Australian Taxation Office (refer to **attached** Appendix [ADV-3](#) – Email re DGR and CGP status).

Analysis of Financial and Budget Implications

The introduction of this policy will not have any impact on council's financial or budgetary processes.

Community Consultation

There is no need for community consultation on this matter.

Councillor/Officer Consultation

Members of the City of Bunbury Art Collection and Policy Committees and Council officers have been regularly consulted in the development of the attached policy.

The Director of Community and Customer Services approached the Chairperson and Councillor Representatives of the Committee on Friday 19 April:

“To meet to discuss any concerns or queries you might still have about the Art Collection Policy, gifting status, delegation to the CEO or any other matter relating to the Art Collection Committee”

The Director Community and Customer Services met with the Chairperson, the Deputy Chairperson and the two (2) Councillor representatives on Monday, 13 May 2013 during which time clarification was provided to the Chairperson in relation to the following:

- a) Council's decision not to endorse the proposed delegation to the Committee
- b) Reiteration of the confirmation of the gifting status as provided in April 2013
- c) The reason for the format required by the Policy Committee for the Art Collection Policy (two linked documents which reference each other – the 'Policy' and the 'Guidelines'). The Chairperson was assured these would necessarily be read in conjunction with each other and that a typo on the Policy noted by the group would be rectified in time for the Council (Standing) Committee to be held on Tuesday 14 May 2013.

At the same meeting, the Chairperson provided the Director Community and Customer Services with the following documents which she felt demonstrated that the Committee had previously had a policy in place:

- i.) 1998 City of Bunbury Collections Committee Mission Statement and Acquisition Policy
- ii.) 2002 Art Collection Business Plan
- iii.) 2003 Art Collection Committee Business Plan

Councillors will note that these documents were in place when the Committee was an independent body prior to formally becoming a Committee of Council in 2007.

Outcome – Council Committee Meeting 14 May 2013

The Mayor declared an impartiality interest in this matter (see section 5). He remained in the chambers, participated in the discussion and voted on the matter.

Director Community and Customer Services tabled a memo for the Councillors information of a change to the agenda item. The changes were made to the Officers comments section

updating the Councillors of the discussions held with the Chairperson of the Art Collection Management Committee. The agenda item has been amended to reflect that discussion.

The recommendation (as printed) from the Advisory Committee was moved Cr Cook, seconded Cr Leigh.

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

Outcome – Council Meeting 21 May 2013

The Mayor declared an impartiality interest in this matter (see section 5). He remained in the chambers and voted on the matter.

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

Council Decision 118/13

That Council adopt the new policy "City of Bunbury Art Collection Policy" as presented at Appendix ADV-1.

CARRIED

11 votes "for" / nil votes "against"

10.2 Appointment of New Member to the Bunbury Wildlife Park Committee (was listed as item 10.1.3 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Kristina Knight, Manager Bunbury Wildlife Park
Executive:	Stephanie Addison-Brown, Director Community and Customer Services
Attachments:	Confidential Report CRUSC-5

Summary

It is proposed to appoint Sharon Gear as a Community Representative on the Bunbury Wildlife Park Committee as moved at the Bunbury Wildlife Park Committee meeting 6 May 2013. The position became available after the resignation of Dr Coral Pepper.

Advertising for a replacement community representative was completed in March with one (1) nomination received from Sharon Gear. Nominations were due for discussion at the March meeting; however this meeting was cancelled due to a lack of quorum.

“Committee Decision:

Sharon Gear be appointed to the Bunbury Wildlife Park Advisory Committee as a Community Representative.

Moved: Sarah Henderson Seconded: Michael Morgan
MOTION CARRIED”

Council Committee Recommendation

That Council endorse the appointment of Sharon Gear as a community representative of Bunbury Wildlife Park Committee.

Background

The Bunbury Wildlife Park Committee was appointed by Council to:

1. Provide advice and expertise to assist with the future growth of the Bunbury Wildlife Park into a significant tourism attraction around its core service areas of:
 - a) A quality native animal interaction experience to the community and visitors
 - b) A café serving light refreshments to the Big Swamp precinct
 - c) Quality merchandise and souvenirs
2. Provide feedback on strategic marketing, development and business plans.

Membership of the committee is currently:

Committee Members (voting):

- Cr Ross Slater, City of Bunbury
- Cr Karen Steele, City of Bunbury
- Cr Neville McNeill, City of Bunbury
- Cr Michelle Steck, City of Bunbury
- David Kerr, Dolphin Discovery Centre
- Amanda Yip, Community Representative
- Sarah Henderson, Community Representative

- Michael Morgan, Community Representative
- Chris Tate, Community Representative
- Vacant, Community Representative

Ex-officio Members (non-voting):

- Stephanie Addison-Brown, City of Bunbury Director Community and Customer Services
- Kristina Knight, City of Bunbury Wildlife Park Manager
- Pia Courtis, Department of Environment and Conservation
- Mark Exeter, South West Development Commission
- Dee Smith, City of Bunbury Team Leader Marketing Events and Tourism

Short Summary of Sharon Gear

Sharon is a high school Home Economics teacher with a keen interest in the environment, photography and gardening. She has been working as a volunteer in the Bunbury Wildlife Park for the past eighteen (18) months. A copy of her confidential application (Confidential Report [CRUSC-5](#)) has been circulated to Councillors **under separate cover**.

Officer Comments

The request is the result of a motion carried at the meeting 6 May 2013.

Delegation of Authority

The Chief Executive Officer does not have delegated authority to approve the recommendations contained in this report.

Outcome – Council Committee Meeting 14 May 2013

The recommendation (as printed) from the Advisory Committee was moved Cr Leigh, seconded Cr Jones.

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

Outcome – Council Meeting 21 May 2013

Cr Kelly declared an impartiality interest in this matter (see section 5). He remained in the chambers and voted on the matter.

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

Council Decision 119/13

That Council endorse the appointment of Sharon Gear as a community representative of Bunbury Wildlife Park Committee.

CARRIED

11 votes "for" / nil votes "against"

10.3 South West Sports Centre Masterplan (was listed as item 10.2.1 on the meeting agenda)

File Ref:	A05216
Applicant/Proponent:	Internal
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-1 , CEO-2 , CEO-3

Summary

The purpose of this report is to inform Council of the process and status of the South West Sports Centre Masterplan project.

Council Committee Recommendation

1. That Council note the South West Sports Centre Masterplan progress report; and
2. That the South West Sports Centre Masterplan be advertised for public comment and a further report be brought back to Council by August 2013.

Executive Recommendation

That Council:

1. Note the South West Sports Centre Masterplan progress report, and
2. Note that a further report will be provided following assessment against the Regional Report currently being prepared by the Department of Sport and Recreation.

Background

At the Ordinary Meeting of Council held on the 8th February 2011, Council decided (16/11):

- “1. Council refer to consideration in the 2011/12 Budget, \$60,000 to undertake a Feasibility Study and Cost Analysis to enable preparation of a South West Sports Centre Masterplan to provide improvements to the Centre including the following stages:

Stage 1

- Improve access, traffic flows, car parking and external presentation of the centre.
- Revitalise the Aquatic Centre with Aqua Play facilities
- Revitalise the Dry Centre by refurbishing poor performance spaces (squash courts) with multi-use activity spaces and gymnasium.

Stages 2 & 3

- Additional indoor multipurpose courts
- New 25 metre by 33 metre outdoor pool with diving platform and twin slide tower.

Stage 4

- Eco athlete’s village and affordable short stay accommodation.

2. Council investigate innovative financing options for Stages 1 to 4.”

In a Memorandum to the Mayor and Councillors dated 14 December 2011, the Director of Strategic Integration advised that a revised Study Brief had been prepared (**attached** at Appendix [CEO-1](#)) and that a Request for Quotation RFQ 2011 2012-28 would be advertised on Wednesday, 14 December 2011 and the submission period would conclude on 27 January 2012. A Project Management Group was established and the Group has met eleven (11) times over the past twelve (12) months for eight (8) meetings and three (3) workshops.

Sixty requests for information were made. This resulted in a total of eleven (11) submissions being made for this Request for Quote. A Panel comprising the Director of Community and Customer Services, the Acting Manager of the South West Sports Centre, the Operations Manager, a Senior Project Officer and the Director Strategic Integration analysed the submissions and shortlisted three (3) submissions. Presentations were made to the Panel at the offices of WALGA and following assessment and checking of references, Davis Langdon was awarded the contract.

In a memo to the Mayor and Councillors dated 11 April 2012, it was advised that the project methodology and program had been finalised and Mr David Lanfear of Davis Langdon was to present to Council the full project program at a Briefing on 1 May 2012.

Following community and stakeholder consultation, a final draft report has been prepared. It is considered appropriate to wait for the Department of Sport and recreation report to be completed prior to further public consultation.

Council Policy Compliance

The project is consistent with the following Council Policies:

- Council Policy DWS-4 Provide Diverse Range of Activities and Facilities for Residents and Visitors states:
“To enhance the quality of life for visitors and residents of Bunbury through the provision of a diverse range of high quality and cost effective recreational; activities and/or facilities.”
- Council Policy DCS-4 Integrated Planning states:
“Council is committed to achieving best practice and legislative compliance in its Integrated Planning performance in which activities and services delivered by the City of Bunbury are aligned with community expectations and objectives.”

Legislative Compliance

There are no significant Legislative requirements relevant to this project. Liaison and referral to the WA Planning Commission will be required at the development stage as the land is reserved for Regional Open Space under the Greater Bunbury Region Scheme.

Officer Comments

The South West Sports Centre (SWSC) is a local and regional community sport and recreation facility which has evolved from the “dry” facilities constructed in 1979 to the current complex which includes the swimming pools and fitness gymnasium that was constructed in 2001. It is centrally located in the Hay Park site which is 120.5462 hectares in size and the entire area is reserved for Regional Open Space under the Greater Bunbury Region Scheme.

The Vision for the centre is:

“To be the regional hub of the Hay Park sports grounds and provide a diverse and affordable range of quality sport, recreation and healthy lifestyle opportunities to all members of the local and regional communities.”

The City of Bunbury is not experiencing significant population growth rates and the demographic profile of the City is showing a growing number of persons in the retirement and older age groups. Because of the relatively high population growth rates in the neighbouring local government areas, the South West Sports Centre is experiencing strong demand for its existing programs and for new programs to cater for the increased demand in sport and leisure from within the city (particular in the area of leisure activities) and in the adjoining region.

The proposed facility improvements are designed to meet the projected increasing and changing demand and at the same time improve the ability of the centre to generate an enhanced income stream. In this regard, the draft plan includes an upgraded and expanded café, gymnasium, commercial/office areas and group fitness facilities.

An important adjunct to the SWSC Masterplan is the planning associated with the surrounding Hay Park. Significant progress has been made in accurately defining existing facilities and recent developments and preparing plans to improve access and parking to support the centre’s upgrading. It is proposed that the current work in progress be provided as a technical reference when the Masterplan is advertised to provide clear context for the centre.

Chief Executive Officer Comments

The development of the SWSC Masterplan has highlighted the long term vision for the Centre as well as the short term options.

Whilst it was originally intended to clearly identify the timeframes and phasing for each stage, a further review has identified that due to funding constraints a better approach is to identify planning precincts that can be better aligned to grant finding programs and Department of Sport and Recreation (DSR) requirements.

This will allow staff a greater opportunity to access funds for the various stages in line with changing priorities at State and Federal levels. This approach also provides scope for lobbying by Council in more affordable components, all linked to the overall Masterplan.

The current version of the Masterplan has not yet been amended to reflect this approach as it would be inconsistent with the Term of Reference, however should Council be supportive of the approach, and the amendments will be requested.

Once the final version of the Masterplan is completed, an assessment against the Regional priorities will be undertaken and then a proposal will be prepared to take to the State Government for consideration of funding the major regional components.

In recent discussions with DSR, it has been indicated that there is likely to be a slowdown in funding from Royalties for Regions for sport and recreational facilities.

DSR have also indicated that they have recommenced work on a Community Facilities Strategy and would welcome the provision of Local Government ten (10) year plans with proposed costs etc.

Once finalised, the SWSC Master Plan will be provided to DSR for information/consideration of inclusion in long term planning and funding considerations.

Analysis of Financial and Budget Implications

Attached at Appendices [CEO-2](#) and [CEO-3](#) are “Detailed Costing’s” and the “Executive Summary” which outline the proposed phasing of the re-development of the centre and focus on the dry facilities and as a first stage the construction of a new three (3) court sports hall in the vacant area adjoining the existing squash courts.

The cost of this development and associated improvements has been assessed as costing \$17.5 million (ex GST) with subsequent stages in the dry facilities area totally approximately \$38 million.

Although the project brief required recommendations for external works (e.g. parking and access) this is being covered comprehensively through a separate, but fully integrated project for the entire Hay park complex.

The development costs are clearly beyond the capacity of the City to fund and for the project to proceed to construction, there will need to be a substantial contribution from the State and/or the Commonwealth governments.

To progress this project to a “shovel ready” status, a proposal is currently before Council to fund the detailed design of the finally endorsed plan for Phase 1 of the dry operations (PR-2587). The cost for this work is estimated at \$417,000 spread over two years with \$203,000 in 2014/15 and the balance in the following financial year.

Community Consultation

On Saturday, 12 May 2012, Davis Langdon, South West Sports Centre staff and City of Bunbury staff hosted a community consultation event at the South West Sports Centre. The Director Strategic Integration liaised with both radio stations and the newspapers in the build-up to the event. There was a great deal of media coverage encouraging people to attend the event. Activ Foundation set up a barbecue at the front of the South West Sports Centre and provided food and drink throughout the event.

All these things combined to provide a casual, relaxed but festive event which the community felt comfortable bringing their children to whilst they provided comment on their vision for the South West Sports Centre. Although the event was scheduled to occur between the hours of 12:00 noon and 3:00pm, the project team were available to answer enquiries and receive submissions from 11:00am through to 4:00pm.

Further, copies of the survey were also available from the Administration Building, both Libraries, the Visitor Information Centre and the South West Sports Centre. Further consultation was undertaken through the haveyoursay website.

Key stakeholders such as sporting clubs, the Department of Sport and Recreation and planners were consulted in face-to-face interviews and through forums conducted at the South West Sports Centre.

Councillor/Officer Consultation

There have been eight (8) formal meetings of the Project Management Group and three (3) workshops. Further information is provided weekly in the weekly ELT Updates.

The Consultant addressed the Council on 1 May 2012 to give an overview of the process.

Strategic Relevance

Although no reference was made to policy alignment in the February 2011 report to Council, the currently endorsed Strategic Plan (which was relevant at the time of the report) includes Strategic Objective 4 which is to “Implement City Vision.”

City Vision contains a Social Objective which states:

“Promote and facilitate sport and recreational activities for all age groups and ensure that facilities and access are appropriate for each type of user.”

The Strategy to give effect to the Objective is:

“Department of Sport and Recreation in partnership with local governments and the community prepare regional and local plans that address public liability, access, participation and facilities.”

The supporting text for the above Objective and Strategy states:

“.....These facilities (Hay Park) cater for neighbourhood, district and regional users. A review of the adequacy of these facilities given the high regional population growth rate and the capacity of the responsible authority to improve and maintain those facilities are key issue for consideration.”

The project development is consistent with the above policy direction.

Economic, Social, Environmental and Heritage Issues

Economic

The economic impact of an upgraded sports centre is expected to be in the construction phases, the increased opportunities for commercial uses, expansion of revenue raising activities and the reinforcement of Bunbury as an attractive place to visit and to live and work.

Social

Social issues could be expected to emerge if sporting and leisure facilities are not keeping pace with demand in terms of the type and the size and quality of the facilities. Although health and well-being is not always easy to measure, mental health, obesity, diabetes, social isolation and alienation are issue areas that are gaining prominence in today's society. Appropriate, high quality and affordable facilities and programs can make a positive contribution to healthier communities.

Environmental

There are no known environmental issues. The centre does abut an important conservation area and there is potential to develop some low key activities that focus on the areas environmental attributes.

The centre also has installed a major energy saving device (solar heating) and any re-development should embrace sustainability principles.

Heritage

There are no known heritage issues.

Outcome – Council Committee Meeting 14 May 2013

The Executive recommendation was moved Cr Steele, seconded Cr Morris with the following amendment:

Replace point 2 with the following:

“2. That the South West Sports Centre Masterplan be advertised for public comment and a further report be brought back to Council by August 2013.”

The Mayor put the motion (as amended) to the vote and was adopted to become the Committee’s recommendation on the matter.

Outcome – Council Meeting 21 May 2013

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Council (Standing) Committee or Executive was moved Cr Cook, seconded Cr Leigh and adopted (‘en bloc’) to become the Council’s decision on the matter.

Council Decision 120/13

- 1. That Council note the South West Sports Centre Masterplan progress report; and**
- 2. That the South West Sports Centre Masterplan be advertised for public comment and a further report be brought back to Council by August 2013.**

CARRIED

11 votes “for” / nil votes “against”

10.4 Community Funding Policy (was listed as item 10.2.2 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Lucy Wiseman, Grants Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-4

Summary

The purpose of this report is for Council to consider adopting a revised Community Funding Policy.

Council Committee Recommendation

Council adopt Council Policy: Community Funding as presented at Appendix CEO-4.

Background

The draft Community Funding Policy was endorsed by the Policy Review and Development (standing) Committee on 29 January 2013.

At the Council Committee meeting on 26 February 2013, the Community Funding Policy was referred back to the Policy Review and Development Committee (the Committee) for further consideration.

The Committee considered this Policy further at its meeting on 7 May 2013, however due to the lack of a quorum, no Committee recommendation was formulated, although changes to the Policy were discussed at length. It was also suggested by those Members present that the revised draft Policy is to be put straight to the next Council Committee meeting for consideration.

Council Policy Compliance

This matter relates to the proposed draft Community Funding Policy.

Officer Comments

The proposed draft Policy and associated Corporate Guideline are **attached** at Appendix [CEO-4](#).

The proposed community funding policy aims to provide a transparent and fair framework by which all financial requests to Council are considered through a clearly communicated process. The Policy was assessed and redrafted as a result of extensive research into other LGA's funding policies, with consideration to the requirements of the City of Bunbury community groups, and internal consultation with relevant City of Bunbury Directors and Officers.

To enable a fair and consistent approach through which Council determines its financial support to community groups, it is essential that all avenues for requesting funding are detailed under one Policy. This will ensure every community group has available to them all of the required information and equal opportunity to request funding.

This Policy supports a range of requests from one-off to multi-year funding, and details the two key means by which Council can and does allocate funding. This has resulted in a draft Policy that is inclusive, clear and equitable while allowing for a majority of projects and groups to be able to be supported.

Analysis of Financial and Budget Implications

Requests through the competitive community funding policy is currently capped at \$100,000 per annum.

Outcome – Council Committee Meeting 14 May 2013

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

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

Outcome – Council Meeting 21 May 2013

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

Council Decision 121/13

Council adopt Council Policy: Community Funding as presented at Appendix CEO-4.

CARRIED

11 votes "for" / nil votes "against"

10.5 State Library of Western Australia – Regional Model 2013/14 (was listed as item 10.3.3 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Erin Findlay, Manager Libraries and Learning
Executive:	Stephanie Addison Brown, Director Community and Customer Services
Attachments:	Confidential Report CRUSC-4

Summary

In 2012/13 the Bunbury Library Service was the Regional Library for the South West region. At its meeting of 26 June 2012 Council resolved to undertake the role in accordance with Schedule C of the State Library of Western Australia Regional Model for a period of 12 months (*Council Decision 188/12*).

The City of Bunbury must consider and determine its continued commitment to the Regional model for 2013/14 for another 12 months.

Council Committee Recommendation

That Council support the signing of Schedule C of the Regional Model Agreement to continue as the Regional Library for the South West Region for 2013/14.

Background

In 2007 the State Library of WA in conjunction with WALGA launched a review of the WA public library system. The outcomes of this review were vast but included redeveloping and enhancing the Regional Model.

The main focus of this redevelopment was:

- For Regional Libraries to take on a leadership role, as opposed to their previous operational support role, and
- To take a business planning approach to delivery of regional support services, including development of annual regional Activity Plans, coordinated by the appropriate Regional Library on behalf of participating LGA libraries.

In 2012/13 the City of Bunbury agreed to continue as the Regional Library for the South West through signing Schedule C of the Regional Model Agreement. This was a twelve (12) month commitment with an opportunity to review its ongoing viability.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

The impact of regional duties on the library service in 2012/13 was minimal.

The leadership role that the library undertakes as the Regional Library is a role of high importance and one that would need to be sought regardless of a formal structure. It provides a position of strength when negotiating with the State Library and larger metropolitan library services.

At this stage all current Regional LGAs are prepared to resign Schedule C and continue as Regional Libraries for 2013/14.

Analysis of Financial and Budget Implications

In the 2012/13 the funding model consisted of a cost sharing arrangements between The State Library, The City of Bunbury and regional LGAs in an annual region-specific fully costed Activity Plan.

Elements of the Activity Plan included:

- Visits;
- Training; and
- Support services provided by the Regional Library to participating LGAs.

The Activity Plan cost for 2012/13 for the City of Bunbury was \$5,600 per annum for salaries shared across the various library professionals. In turn the State Library contributed \$14,248.

The funding model for 2013/14 will be the same as the previous year. The approximate contributions will be:

- State Library \$18,440.
- City of Bunbury \$5,800 (salaries shared across the various library professionals)
- Participating LGAs \$3,700.

In order to make the model more beneficial for the City of Bunbury, value added activities have been added to the 2013/14 Activity Plan (circulated as Confidential Report [CRUSC-4 under separate cover](#)). These include frontline training for South West Library Staff and a technology business case.

Community Consultation

Not applicable

Delegation of Authority

There is no delegation of authority pertaining to this item.

Relevant Precedents

Council Decision 188/12

“That Council support the signing of Schedule C of the Regional Model Agreement to continue as the Regional Library for the South West Region for 2012/13 and to share costs of a region specific Activity Plan.”

Outcome – Council Committee Meeting 14 May 2013

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

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

Outcome – Council Meeting 21 May 2013

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

Council Decision 122/13

That Council support the signing of Schedule C of the Regional Model Agreement to continue as the Regional Library for the South West Region for 2013/14.

CARRIED

11 votes "for" / nil votes "against"

10.6 T-QUAL Application for Bunbury Museum Detailed Designs (*was listed as item 10.3.4 on the meeting agenda*)

File Ref:	A04506
Applicant/Proponent:	Internal
Author:	Lauretta Davies, Museum Curator
Executive:	Stephanie Addison Brown, Director Community and Customer Services
Attachments:	Nil

Summary

Council is requested to endorse a Letter of Commitment to support a T-QUAL grant application to assist with costs for preparation of detailed designs for the Bunbury Museum.

Council Committee Recommendation

That Council endorse a Letter of Commitment for \$100,000 to match a T-QUAL grant application for funds to assist the Bunbury Museum design phase.

Background

Discussions regarding the 2013-2014 Budget have included allocating \$200,000 for item PR-3199 “Prepare detailed drawings for Paisley Centre museum building modifications and exhibition fit out 13/14”.

A grant application to the next T-QUAL funding round, administered by the Federal Department of Resources, Energy and Tourism, requests half of this cost, that is \$100,000, towards the cost of detailed designs for exhibition fit out and lighting.

This application requires a Letter of Commitment from the Chief Executive Officer detailing the project, the source of matching cash, and a commitment that the matching cash will be directed to the funded project (if the application is successful).

Council Policy Compliance

There is no Council Policy applicable to this item.

Legislative Compliance

Not applicable to this item

Officer Comments

If successful, this T-QUAL grant application will ensure a high standard of expert design for the exhibition and lighting components of the Bunbury Museum, providing a dynamic and highly engaging tourist attraction for the City as well as a cultural heritage resource for the community.

Analysis of Financial and Budget Implications

If successful, this grant application would provide half of the estimated \$200,000 cost of preparing detailed design drawings and costing's requested in PR-3199, significantly alleviating the costs to the City.

Community Consultation

Letters of Support have been sought and provided by the Visitor Centre Association, Goomburrup Aboriginal Corporation, and the City of Bunbury's Team Leader, Events, Marketing and Promotion. Council will note that the Museum Advisory Committee has been disbanded since it has met its terms of reference.

Councillor/Officer Consultation

Consultation regarding the appropriateness of a tourism-oriented grant for the Bunbury Museum, as well as advice and support, has been given by the Events, Tourism and Promotions team and the City's Grants Officer.

Outcome – Council Committee Meeting 14 May 2013

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

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

Outcome – Council Meeting 21 May 2013

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

Council Decision 123/13

That Council endorse a Letter of Commitment for \$100,000 to match a T-QUAL grant application for funds to assist the Bunbury Museum design phase.

CARRIED

11 votes "for" / nil votes "against"

10.7 Schedule of Accounts Paid for the Period 1 to 30 April 2013 (was listed as item 10.4.1 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-1

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 to 30 April 2013 is **attached** at Appendix [DCS-1](#). The schedule contains details of the following transactions:

1. Municipal Account - payments totalling \$6,600,704.28
2. Advance Account - payments totalling \$4,808,689.10
3. Trust Account - payments totalling \$40,780.24
4. Visitor Information Centre Trust Account - payments totalling \$20,552.30
5. Bunbury-Harvey Regional Council Municipal Account - payments totalling \$335,007.30
6. Bunbury-Harvey Regional Council Advance Account - payments totalling \$250,311.36

For Committee/Council Information Only.

Council Committee Recommendation

The Schedule of Accounts Paid for the period 1 to 30 April 2013 be received.

Outcome – Council Committee Meeting 14 May 2013

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

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

Outcome – Council Meeting 21 May 2013

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

Council Decision 124/13

The Schedule of Accounts Paid for the period 1 to 30 April 2013 be received.

CARRIED

11 votes "for" / nil votes "against"

10.8 Financial Management Report for the Period Ending 30 April 2013 (was listed as item 10.4.2 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-2 , DCS-3 , DCS-4 , DCS-5 , DCS-6

Summary

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

1. Statement of Comprehensive Income (**attached** at Appendix [DCS-2](#))
 Actual Financial Performance to 30 April 2013
 - Actual income of \$43.94M is \$80K more than the year-to-date budgeted income of \$43.86M.
 - Actual expenditure of \$30.75M is \$2.23M less than the year-to-date budgeted expenditure of \$32.98M (refer explanation on next page).
 - Actual operating surplus of \$13.19M is \$2.31M more than the year-to-date budgeted operating surplus of \$10.88M.

2. Financial forecasts to 30 June 2013
 - Forecast operating income and expenditure will decrease the operating deficit from \$4,975,852 (in the February budget review) to \$4,791,790, a decrease of \$184,062.
 - Forecast surplus funds at 30 June 2013 will increase from \$1,389,375 (in the February budget review) to \$1,711,826, an increase of \$322,451, which includes the \$184,062 savings above and carried forward projects to 2013/14.

3. Balance Sheet (**attached** at Appendix [DCS-4](#))
 Council's Year-to-date and Forecast balances are as follows:

	<u>Year-to-date</u>	<u>Forecast</u>
- Current Assets of \$29.5M includes:		
* Cash and Investments	\$27.8M	\$15.0M
* Rates	\$0.8M	\$0.6M
* Other Current Assets	\$0.9M	\$1.2M
- Current Liabilities of \$5.0M includes:		
* Trade and Other Payables	\$1.5M	\$4.7M
* Annual Leave and LSL Provisions	\$2.4M	\$2.9M
- Working Capital (Current Assets less Current Liabilities)	\$24.4M	\$7.6M
- Equity (Total Assets less Total Liabilities)	\$241.8M	\$228.1M

4. Capital Works (**attached** at Appendix [DCS-6](#))
 - Actual capital works of \$19.67M is \$9.71M less than the year-to-date budgeted capital works of \$29.38M, (refer explanation on next page).

Council Committee Recommendation

The Financial Management Report for the period ending 30 April 2013 be received.

Background

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

- Statement of Comprehensive Income (**attached** at Appendix [DCS-2](#))
- Statement of Financial Activity (**attached** at Appendix [DCS-3](#))
- Balance Sheet (**attached** at Appendix [DCS-4](#))
- Statement of Net Current Assets (**attached** at Appendix [DCS-5](#))
- Capital Works Expenditure Summary (**attached** at Appendix [DCS-6](#))

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

Council Policy Compliance

Not applicable.

Legislative Compliance

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix [DCS-3](#)) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

Officer Comments

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

Statement of Comprehensive Income	YTD Actual to Budget Variance
Operating Income	
Rates (Rates Interim Income) – Actual interim rating income is less than anticipated due to the unpredictable timing of development completion. The forecast income for interim rating income to 30 June 2013 has been decreased by \$26,923 to reflect the anticipated end of year income.	(\$18,219)
Operating Expenditure	
Material and Contracts (Equipment Lease or Hire Expense) – Leasing fees for the Victoria Street Carpark are \$14,128 greater than year to date budget due to the reimbursement of rates and other charges associated with the lease. This will be offset by a reduction in ‘contractors expense’ associated with this project. The forecast expenditure for equipment leases to 30 June 2013 has been increased by \$24,912 to reflect the anticipated end of year expenditure in this category.	(\$33,793)

Non-Operating Income and Expenditure	
<p>Grants and Contributions for the Development of Assets – Actual to year-to-date budget variation due to timing of receipt of grant revenue for capital projects including the following:</p> <p>PR-1952 Renew Sykes boat ramp and jetty (\$200,000) PR-1858 Upgrade Koombana beach toilet block (\$280,000) PR-1953 Replace Stirling St boat ramp and jetty (\$117,750) PR-1444 Implement Hands Oval Master Plan (\$881,276) PR-1259 Replace ablution block Hay Park (\$300,000) PR-1085 Various road reseal projects (\$229,079)</p> <p>This above income is still expected to be received during 2012/13. As a result there will be no impact on the end of year financial position in relation to these items.</p>	(\$1,965,745)
Statement of Financial Activity	YTD Actual to Budget Variance
Operating Expenses	
<p>Material and Contracts – Actual to year-to-date budget variation is mainly due to a timing difference over many budget line items as to when the expenditure will occur during 2012/13. The end of year expenditure forecast has been reduced by \$64,024 to reflect expenditure savings identified, this will be monitored on a monthly basis and new forecasts entered to provide revised end of year estimates to 30 June 2013.</p>	\$1,733,238
Capital Revenues	
<p>Grants and Contributions for the Development of Assets – See explanation above included in the Statement of Comprehensive Income variances.</p>	(\$1,965,745)
Capital Expenses	
<p>Acquisition of Assets – Variance due to delay in commencement or progress of various projects totalling \$9.32M which are forecast to be completed by 30 June 2013. These projects include:</p> <p>PR-1018 Deconstruct timber jetty and construct wharf PR-1077 Reseal Blair Street PR-1081 Widen and seal Minninup Road PR-1082 Reconstruct sections of King Road PR-1085 Reseal road projects PR-1101 Construct extension of Somerville Dr and intersection with Robertson Dr PR-1193 Modify traffic control signals phasing at intersection of Blair St and Strickland St Bunbury PR-1259 Replace ablution block Hay Park PR-1394 Upgrade and renovate Wildlife Park cafe and office building PR-1444 Implement the Hands Oval Master Plan - Stage 1 PR-1468 Renew and Upgrade path program PR-1593 Replace corporate heavy plant PR-1806 Purchase additional waste vehicles and plant PR-1858 Upgrade Koombana Beach toilet and kiosk</p>	\$9,707,141

<p>PR-1931 Design stormwater outflow Horseshoe Lake/ Stubbs Close / Preston River PR-1935 Upgrade, re-sleeve and improve drainage network PR-1952 Renew Sykes boat ramp and jetty PR-2123 Construct animal care facility PR-2365 Undertake extensions to Withers Library PR-2454 Replace pool dosing system at the South West Sports Centre PR-2480 Upgrade Cafe Strip (Victoria St) path network (Wellington St to Symmons St)</p> <p>The variance balance of \$386K is for the Glen Iris skate park project that will be carried forward to 2013/14. This will result in an increase in the cash position at year end that will be required to fund these projects in 2013/14.</p> <p>The progress of all projects will continue to be monitored and projects identified as continuing into 2013/14 will have end of year forecasts entered accordingly.</p>	
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Analysis of Financial and Budget Implications

This Financial Management Report on the financial performance of the City is provided for Councillors information and does not have any financial or budget implications.

Community Consultation

There is no requirement for community consultation on this report.

Councillor/Officer Consultation

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

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

Outcome – Council Committee Meeting 14 May 2013

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

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

Outcome – Council Meeting 21 May 2013

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

Council Decision 125/13

The Financial Management Report for the period ending 30 April 2013 be received.

CARRIED

11 votes “for” / nil votes “against”

10.9 Hang Gliding Association of WA – Proposed Licence to Utilise Portion of Ocean Drive Road Reserve for Take-Off/Landing Area (was listed as item 10.4.4 on the meeting agenda)

File Ref:	F00101-39
Applicant/Proponent:	Hang Gliding Association of WA
Author:	Jane Porter, Senior Property Officer
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-8

Summary

An application has been received from the Hang Gliding Association of WA (“applicant”) seeking council’s consent to accepting a Deed of Licence over portion of Ocean Drive Road Reserve Bunbury. A location plan is **attached** at Appendix [DCS-8](#)

Council Committee Recommendation

Council agrees to grant a Deed of Licence to the Hang Gliding Association of WA over Back Beach Ridge, Portion of Ocean Drive Road Reserve, South Bunbury adjacent to Mangles Street Carpark for a term of two (2) years subject to the terms and conditions as specified in the report, and the following:

1. The applicant to pay all costs associated with the lease application including document preparation.
2. Compliance with Civil Aviation Safety Authority (CASA) requirements/regulations.
3. No disturbance of the dune is to occur and if any does occur it is to be repaired at the Licensee’s expense.

Background

The applicant has been using the current site for the last two (2) years for hang gliding/paragliding operations and previously used the site for at least 30 years (since 1980) prior to a Licence being granted in June 2011. The take-off/landing area comprises an area of approximately 170m² and is situated on the Ocean Drive Road Reserve, adjacent to the Mangles Street Toilet Block and Carpark.

Current Licence Details

Commencement:	1 August 2012
Term:	One (1) year
Expiry Date:	31 July 2013
Rental:	\$500.00 plus GST annual licence fee
Outgoings:	Responsibility of the Lessee
Insurance:	The Lessee to maintain Public Risk and General Insurance Policies over the premises with Public Liability to be set at \$10(m)
Special Conditions:	(i) Compliance with Civil Aviation Safety Authority (CASA) requirements/regulations. (ii) Comply with the Local Government Act

	<p>1995 – Local Government and Public Property Local Law.</p> <p>(iii) There is to be no disturbance of the dunes and if any does occur it is to be repaired at the Licensee's expense AND the City may decide to revoke permission for the activity.</p> <p>(iv) The Hang Gliding Association of WA is to ensure the use of the Back Beach Site will only be permitted by persons holding appropriate current certification.</p> <p>(v) The Hang Gliding Association of WA implement appropriate safety rules to ensure safe use of the site.</p>
Document Preparation:	The applicant to pay full costs associated with the licence application including document preparation.

Proposed New Licence Details

Commencement:	1 August 2013
Term:	Two (2) years
Expiry Date:	31 July 2015
Rental:	\$500.00 plus GST annual licence fee
Outgoings:	Responsibility of the Lessee
Insurance:	The Lessee to maintain Public Risk and General Insurance Policies over the premises with Public Liability to be set at \$10(m)
Document Preparation:	The applicant to pay full costs associated with the licence application including document preparation.
Special Conditions:	<p>(i) Compliance with Civil Aviation Safety Authority (CASA) requirements/regulations.</p> <p>(ii) Comply with the Local Government Act 1995 – Local Government and Public Property Local Law.</p> <p>(iii) There is to be no disturbance of the dunes and if any does occur it is to be repaired at the Licensee's expense AND the City may decide to revoke permission for the activity.</p> <p>(iv) The Hang Gliding Association of WA is to ensure the use of the Back Beach Site will only be permitted by persons holding appropriate current certification.</p> <p>(v) The Hang Gliding Association of WA implement appropriate safety rules to ensure safe use of the site.</p>

Council Policy Compliance

There is no Council Policy applicable to this proposal.

Legislative Compliance

There is no Legislative Compliance applicable to this proposal.

Officer Comments

The Hang Gliding Association of WA have been flying on the Back Beach Ridge, Portion of Ocean Drive Road Reserve, Bunbury South adjacent to Mangles Street Toilet Block and Carpark since 1980. They have also had a trial Licence over the Road Reserve for the last two (2) years and there have been no reports of major injuries or incidents to pedestrians or vehicles in the vicinity or surrounding areas.

There will be no disturbance of the sand dunes and if any does occur it is to be repaired at the Licensee's expense and the City may decide to revoke permission for the activity.

Analysis of Financial and Budget Implications

The applicant will be responsible for all costs associated with the preparation of documentation associated with the licence.

The annual licence fee is based on other Local Government fees currently charged for the same sporting activity.

Community Consultation

Not required.

Councillor/Officer Consultation

Manager Community Law, Safety and Emergency Management – Recommends the Hang Gliding Association Risk Management Plan be attached to the Licence.

Team Leader Integrated Land Use Planning – Recommends provided the activity represents a lawful use of the Reserve, which it does.

Team Leader Sustainability – Recommends a clause stating no disturbance to dunes or dune vegetation.

Outcome – Council Committee Meeting 14 May 2013

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

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

Outcome – Council Meeting 21 May 2013

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

Council Decision 126/13

Council agrees to grant a Deed of Licence to the Hang Gliding Association of WA over Back Beach Ridge, Portion of Ocean Drive Road Reserve, South Bunbury adjacent to Mangles Street Carpark for a term of two (2) years subject to the terms and conditions as specified in the report, and the following:

- 1. The applicant to pay all costs associated with the lease application including document preparation.***
- 2. Compliance with Civil Aviation Safety Authority (CASA) requirements/regulations.***
- 3. No disturbance of the dune is to occur and if any does occur it is to be repaired at the Licensee's expense.***

CARRIED

11 votes "for" / nil votes "against"

10.10 Bunbury Aged Persons Housing Collective – Amendments to Constitution (was listed as item 10.4.5 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Greg Golinski, Manager Corporate Performance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-9

Summary

The purpose of this report is for Council to consider endorsing amendments to the constitution of the Bunbury Aged Persons Housing Collective, which directly affect the City of Bunbury.

Council Committee Recommendation

That Council:

1. Endorse the amendments to the constitution of the Bunbury Aged Persons Housing Collective as presented at Appendix DCS-9.
2. Request the Chief Executive Officer to advise the Executive Officer of the Aged Persons Housing Collective accordingly.

Background

The Bunbury Aged Persons Housing Collective (the Collective) has recently contacted City Officers seeking feedback on proposed amendments to its constitution. The Collective wishes to seek the City's feedback in this regard as the proposed amendments directly impact the City of Bunbury.

The proposed amendments are outlined in full as **attached** at Appendix [DCS-9](#).

Council Policy Compliance

Not applicable.

Legislative Compliance

Not applicable

Officer Comments

The main changes to the constitution are summarised below:

1. Rule 6 – appoints a City of Bunbury member to the Association – being either the CEO or another employee as nominated by the City of Bunbury – at the City of Bunbury's discretion.

Comment: This proposed amendment effectively just reduces the City's representation from two people to one. No issue.

2. Rule 9 – the Board has been increased to 8 members, with one of those members being a permanent City of Bunbury member.
Comment: No issue.

3. Rule 12 – specifies the City of Bunbury member’s powers, including that it is a permanent member not elected to the Board. The City of Bunbury member does not have to attend meetings, but is to be kept informed of all notices, reports, etc. The City of Bunbury member can also vote at meetings either as a standard vote or by exercising its veto vote.

Comment: No issue.

4. Rule 14 – the City of Bunbury member is to be provided with information regarding potential new Board members prior to that person being voted onto the Board. The new Board member must also be of “good standing in the community”. The rules already provided for the new Board members to be “fit and proper persons”.

Comment: No issue.

5. Rule 24 – has been amended so the Treasurer must provide the City of Bunbury member with the Auditor’s Report for review (new rule 24(3)).

Comment: No issue.

6. Rule 41 – has been amended so that funds in excess of the Association’s daily running expenses are identified. Those excess amounts are to then be invested or banked into investments/accounts of which the City of Bunbury member approves and with the Association and City of Bunbury as joint signatories.

Comment: No issue.

It is suggested that the proposed changes to the constitution generally strengthen the City’s position in relation to the Board of the Bunbury Aged Persons Housing Collective, and it is subsequently recommended that the proposed amendments be endorsed by Council.

Analysis of Financial and Budget Implications

There is no financial or budgetary implications associated with this item.

Community/Officer Consultation

Not applicable

Outcome – Council Committee Meeting 14 May 2013

Cr Jones declared an impartiality interest in this matter (see Section 5). She remained in the chambers, participated in the discussion and voted on the matter.

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

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

Outcome – Council Meeting 21 May 2013

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

Council Decision 127/13

That Council:

- 1. Endorse the amendments to the constitution of the Bunbury Aged Persons Housing Collective as presented at Appendix DCS-9.***
- 2. Request the Chief Executive Officer to advise the Executive Officer of the Aged Persons Housing Collective accordingly.***

CARRIED

11 votes "for" / nil votes "against"

10.11 Proposed Amendment from Privately Owned Lots to Gazetted Road, Lots 98, 99 and 100 Higgins Street, South Bunbury on Plan 3227, Volume 2727 Folio 860 (was listed as item 10.4.7 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Department of Regional Development and Lands
Author:	Jane Porter, Senior Property Officer
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-13

Summary

The City of Bunbury was approached by the Department of Regional Development and Lands to amend three (3) parcels of land that form what is now known as 'Higgins Street' from privately owned land to a gazetted road. A location plan is **attached** at Appendix [DCS-13](#).

Council Committee Recommendation

Council agrees to amend the Certificate of Title for Lots 98, 99 and 100 Higgins Street from privately owned land to a gazetted road as recommended by the Department of Regional Development and Lands, subject to the terms and conditions as specified in the report, and the following:

1. Take all reasonable steps to give notice of the proposed amendment to the holder of the freehold land, the adjoining owners to the freehold land and all suppliers of public utility services to the freehold land under Section 52(3)(a) of the Land Administration Act 1997.
2. Advertising in accordance with the provisions of Section 52(3)b of the Land Administration Act 1997.

Background

The Department of Regional Development and Lands approached the City of Bunbury to have three (3) freehold lots that now form what is known as 'Higgins Street' amended to show as a gazetted road. The bituminised road was formed approximately fifty (50) years ago around 1960 and since then residents from Castle Street and Douglas Street have been using the bituminised road way to access their properties. It is also used by other local traffic as a through road between Forrest Avenue and Blair Street.

Since the issue was brought to the City's attention by the Department of Regional Development and Lands we have contacted all adjoining land owners, the Planning Commission of Western Australia and all public utility providers in writing, allowing thirty (30) days for any objection to be put to the City. We have received many phone calls from the adjoining land owners in response to our letters and have received no objections from any adjoining land owners, public utility providers or the Planning Commission of Western Australia.

In 1927 the registered owners, Benjamin and Doris Rosenstamin subdivided the land including the three (3) freehold lots that form Higgins Street. The original land owners have long since been deceased and the City has not been able to locate any beneficiary legally entitled to consent to the lots being transferred to State Lands.

Legislative Compliance

Sections 52(3)(a) and 52(3)(b) of the Land Administration Act 1997 apply to this item.

Officer Comments

The three (3) lots that now form 'Higgins Street' have been used by adjoining land owners since approximately 1960 when the three (3) lots were bituminised. Adjoining owners have since built their driveways as an access to their own properties and the road is used by other motorists as an access between Blair Street and Forrest Avenue.

The original owners are long deceased with no known living relatives and the Department of Regional Development and Lands has initiated the amendment so that 'Higgins Street' may continue to be used as a road.

No objections have been received by adjoining land owners, utility providers or the Planning Commission of Western Australia nor have there been any from internal departments at the City of Bunbury.

Analysis of Financial and Budget Implications

No financial or budget implications to the City of Bunbury.

Community Consultation

As per Section 52(3)(a) of the Land Administration Act 1997 all relevant parties were contacted in writing and invited to submit any objections to the proposed amendment within thirty (30) days. No objections were received.

Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

Councillor/Officer Consultation

Comment was sought from Strategic Integration and Planning and Development Services with neither department having any objections to the proposed amendment.

Outcome – Council Committee Meeting 14 May 2013

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

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

Outcome – Council Meeting 21 May 2013

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

Council Decision 128/13

Council agrees to amend the Certificate of Title for Lots 98, 99 and 100 Higgins Street from privately owned land to a gazetted road as recommended by the Department of Regional Development and Lands, subject to the terms and conditions as specified in the report, and the following:

- 1. Take all reasonable steps to give notice of the proposed amendment to the holder of the freehold land, the adjoining owners to the freehold land and all suppliers of public utility services to the freehold land under Section 52(3)(a) of the Land Administration Act 1997.***
- 2. Advertising in accordance with the provisions of Section 52(3)b of the Land Administration Act 1997.***

CARRIED

11 votes “for” / nil votes “against”

10.12 Ranger Authorisation Mark Gaffney (was listed as item 10.5.6 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Phil Avery, Team Leader Ranger Operations
Executive:	Bob Karaszekwych, Director Planning and Development Services,
Attachments:	Nil

Summary

Council Rangers/Fire Control Officers are required to be authorised by Council to enable them to perform their duties

Council Committee Recommendation

That Council:-

1. Appoints Mark Gaffney as an Authorised Officer and an Authorised Person in accordance with the following legislation from his commence of employment with the City of Bunbury – 21 February 2013:
 - 1.1 *Dog Act 1976*, *Dog Act Regulations*, *Dog (Restricted Breeds) Regulations (No. 2)* and *Dog Local Laws (as amended)*;
 - 1.2 *Local Government Act 1995*;
 - 1.3 *Local Government (Miscellaneous Provisions) Act 1995* as amended;
 - 1.4 *Litter Act 1979* and *Litter Regulations (as amended)*;
 - 1.5 *Control of Vehicles (Off-road Areas) Act 1978* and *Control of Vehicles (Off Road Areas) Regulations (as amended)*;
 - 1.6 The purpose of control and supervision of any of the Local Laws of the City of Bunbury Council;
 - 1.7 *Bush Fires Act 1954* and *Bush Fires Act Regulations (as amended)*;
 - 1.8 *Cat Act 2011* and *Cat 2012 Regulations*.
2. Appoints Mark Gaffney as:
 - 2.1 Registration Officer in accordance with the *Dog Act 1976*;
 - 2.2 Fire Control Officer in accordance with Section 38 and 59 of the *Bush Fires Act 1954 (as amended)*;
 - 2.3 Pound Keeper/Ranger pursuant to the provision of Part XX of the *Local Government (Miscellaneous Provisions) Act 1995*.

Background

Mark Gaffney commenced employment with the City of Bunbury as a Ranger/Fire Control Officer on 8 April 2013. This position requires that he be authorised in accordance with legislation, enabling him to administer and enforce the provisions of various legislation.

Council Policy Compliance

The Authorisation of Ranger/Fire control Officers is a standard requirement to allow the Officer to perform their duties.

Legislative Compliance

The aforementioned legislation requires that Council authorises staff who are employed for the purpose of exercising the powers as conferred under each statute.

Officer Comments

Not applicable

Analysis of Financial and Budget Implications

There are no known financial or budgetary implications related to this matter.

Community Consultation

Not applicable

Councillor/Officer Consultation

Not applicable

Outcome – Council Committee Meeting 14 May 2013

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

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

Outcome – Council Meeting 21 May 2013

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

Council Decision 129/13

That Council:-

- 1. *Appoints Mark Gaffney as an Authorised Officer and an Authorised Person in accordance with the following legislation from his commence of employment with the City of Bunbury – 21 February 2013:***
 - 1.1 *Dog Act 1976, Dog Act Regulations, Dog (Restricted Breeds) Regulations (No. 2) and Dog Local Laws (as amended);***
 - 1.2 *Local Government Act 1995;***
 - 1.3 *Local Government (Miscellaneous Provisions) Act 1995 as amended;***
 - 1.4 *Litter Act 1979 and Litter Regulations (as amended);***
 - 1.5 *Control of Vehicles (Off-road Areas) Act 1978 and Control of Vehicles (Off Road Areas) Regulations (as amended);***
 - 1.6 *The purpose of control and supervision of any of the Local Laws of the City of Bunbury Council;***
 - 1.7 *Bush Fires Act 1954 and Bush Fires Act Regulations (as amended);***
 - 1.8 *Cat Act 2011 and Cat 2012 Regulations.***
- 2. *Appoints Mark Gaffney as:***

- 2.1** *Registration Officer in accordance with the Dog Act 1976;*
- 2.2** *Fire Control Officer in accordance with Section 38 and 59 of the Bush Fires Act 1954 (as amended);*
- 2.3** *Pound Keeper/Ranger pursuant to the provision of Part XX of the Local Government (Miscellaneous Provisions) Act 1995.*

CARRIED

11 votes “for” / nil votes “against”

10.13 Proposed Various Works to Implement Noise Management Plan – Lot 27 and Lot: 26 (No.12 and No.24) Claughton Way Glen Iris (was listed as item 10.5.7 on the meeting agenda)

File Ref:	P11387-04
Applicant/Proponent:	MPM Development Consultants
Author:	G Fitzgerald, Manager Development Assessment and Building Certification
Executive:	Bob Karaszkewych, Director Planning and Development Services
Attachments:	Appendix DPDS-16 , DPDS-17 , DPDS-18 , DPDS-19 , DPDS-20

Summary

The proposed works (actions) development plan submitted by MPM Development Consultants is in accordance with the analysis and recommendation provided by the Acoustics expert (Lloyd George Acoustics). It is considered that the on-going noise problem associated with the operation of the Gateway Shell Service Station will be minimised as a result of proposed works (actions) under the current proposal; and therefore the development proposal can be supported.

Council Committee Recommendation

That Council, pursuant to the provisions of the *Planning and Development Act 2005* resolves to:

1. Approve the proposed development and associated development plan as part of the Noise Management Plan prepared by MPM Development Consultants – Lots 26 and 27 Claughton Way, Glen Iris (Shell Gateway) Application reference DA/2013/66 in accordance with Town Planning Scheme No.7, subject to applicable development conditions to the satisfaction of the City of Bunbury.
2. Advise both the applicant and submitters of the Council resolution.

Background

On 24 April 2012 the City issued a Preliminary Comments advice to MPM Development Consultants in relation to the proposed works on Lots 26 and 27 Claughton Way. The City's preliminary advice outlined development requirements to address the Noise Management Plan. The City's Preliminary Comments to the applicant dated 24 April 2012 is **attached** at Appendix [DPDS-16](#) is. One of the City's advice notes relates to compliance with the April 2012 Noise Management Plan. The applicant has prepared and submitted a proposal in line with the Noise Management Plan for consideration.

The works proposed to implement the Noise Management Plan, include the following:

- *Replacement and extension of fence and acoustic wall;*
- *Relocation of truck parking areas;*
- *Signage;*
- *New Bin Store; and*
- *Landscaping Plan.*

The development plan as submitted by the applicant is **attached** at Appendix [DPDS-17](#).

Council Policy Compliance

There is no specific Local Planning Policy (LPP), which directly relates to the current proposal.

Legislative Compliance

Clause 10.2.1(n) of Town Planning Scheme No. 7 provides the provision for the control of amenity of the locality. The proposed works (actions) are designed to maintain the amenity of the area by minimising noise from the on-going operations of the Shell Gateway Service Station impacting the immediate residential neighbourhood. Therefore, the proposed works (actions) are in accordance with the Scheme requirements.

Officer Comments

The proposed works (actions) development plan submitted by MPM Development Consultants addresses the Noise Management Plan prepared in connection with the operation of Shell Gateway Service Station. The main objective of the proposal is to undertake actions so as to reduce the potential for excessive noise impact to the immediate residential neighbourhood.

The current development proposal, which is informed by the Noise Management Plan, facilitates the implementation of the physical noise control measures - notably, masonry wall. The development proposal can be supported subject to applicable development conditions to the satisfaction of the City.

Noise Management Plan

The following are the physical noise control measures that are recommended by Lloyd George Acoustics in relation to the Shell Gateway site:

- *Provide a minimum of 2.2 metre high masonry (or approved equivalent) barrier to the R9 residence;*
- *Provide a minimum of 4.2 metre high barrier along the full extent of the southern boundary. Note the barrier can be a combination earth mound and wall on top, with the wall needing to be masonry or approved equivalent.*
- *Construct the 4.2 metre high wall in a structural way that in the future, a 'lean-to' type roof arrangement can be added where deemed necessary. The roof is to consist of sheet metal with 9mm thick compressed cement sheeting 150mm below the sheet metal and insulation in the cavity. The horizontal distance the roof is required to span will depend on the pitch of the roof and also required clearances for trucks.*

Other management measures to be incorporated/ considered are:

- *Clearer signs advising truck drivers that they cannot park along the southern boundary. This is to be monitored by staff via CCTV and staff are to be trained to observe these protocols and enforce, particularly during the night. An option for consideration would be to reduce the width of the rear lane so there is only room for a moving truck and no space for parking;*
- *Signage to truck drivers at the fuelling area advising that where they plan to remain on site for an extended period (i.e. for shower or food etc.), the truck is to be relocated to the north side of the service station. Note, the acceptability of this*

requirement will be dependent on current parking availability for trucks on the north side of the site and this may require further investigation.

Once this information is reviewed, it is recommended a more formal report be provided being a noise management plan to be used by management to instruct staff of their requirements.”

The Lloyd George Acoustic Analysis is **attached** at Appendix [DPDS-18](#).

Based on the recommendations provided by Lloyd George Acoustics as mentioned above, MPM Development Consultants has prepared the Noise Management Plan – Shell Gateway Service Station. The Noise Management Plan – Shell Gateway is **attached** at Appendix [DPDS-19](#). The Noise Management Plan recommends thirteen (13) possible actions to minimise noise caused by the operations of the Service Station. Out of the thirteen (13) recommended actions, the current development proposal achieves ten (10) of them in full (77%). Two (2) of the recommended actions can be categorised as “Achievable” (15.3%) and they can be incorporated as development conditions. It appears that one (1) recommended action which specifies updating the residents about noise management initiatives (A1) has, at the time of writing this report, not been completely achieved (7.7%), as the City is of the understanding submitters have not been informed of the plan prior to public advertising of the proposed development plan by the City.

In conclusion, it is considered that the proposed development works (actions) development plan achieves its goal as recommended by Lloyd George Acoustics.

The following Table 1 shows the list of actions (A) under the Noise Management Plan (April 2012) in comparison with the Development Plan submitted to the City that addresses the recommended actions under the Plan.

Table 1 - Noise Management and Mitigation Actions (April 2012)

Action No.	Description	Shell Gateway Development Application Plan Received on 27/02/2013
A1	Communicate an update of the progress of noise management initiatives to nearby land owners including notification of intended actions together with a timetable for implementation.	Not achieved – it appears that the applicant has not updated the progress of the noise management to the nearby landowners as can be witnessed from public consultation process.
A2	Replacement of the existing fence above the acoustic bund: <ol style="list-style-type: none"> 1. to achieve a combined minimum height of 4.2 metres; 2. to be constructed to a standard specified by an independent acoustic consultant; 3. to incorporate potential for additional angled roof as recommended in the Acoustic Analysis attached to this Noise Management Plan at 	<ol style="list-style-type: none"> 1. Achieved - the Development Proposal shows existing bund and associated vegetation and retaining wall to be removed (A2) and a minimum height 4.2m limestone block wall (A3). 2. Achieved - The proposed 4.2m high wall is in line with the Lloyd George Acoustics recommendation. 3. Not achieved - an additional angled roof not shown on the plan.

	Appendix 1.	
A3	Extend the existing fence and acoustic bund for the full extent of the southern boundary adjoining Claughton Way.	Achieved – the plan shows a minimum of 4.2m high limestone block wall to the full extent of the southern boundary adjoining Claughton Way.
A4	In conjunction with A2 (above), close the existing pedestrian access lane.	Achieved – the plan indicates the removal of and disposal of path, grab rails and pram ramp, reinstate kerb and backfill verge (A4 on the plan).
A5	In conjunction with A2, close the existing informal access on the eastern boundary.	Achieved – existing gate to be removed with fence and bund (A5 on the plan).
A6	Prevent trucks from being able to park and idle at the rear of the service station building by modifying the existing asphalt area to the south of the service station building to: <ol style="list-style-type: none"> 1. remove existing parking bays; and 2. reduce the carriageway width to provide for truck access only. 	<ol style="list-style-type: none"> 1. Achieved 2. Achieved – reduce the rear access width (A6 on the plan).
A7	Undertake additional landscaping on the north side of the acoustic bund/fence.	Achieved – new landscaping plan shown on the north side of wall.
A8	Relocate the truck parking area as indicated on Figure 15.	Achieved – the plan shows extended pavement and line-mark as indicated on Figure 15 (A8 on the plan).
A9	Provide additional noise attenuation structure adjacent (i.e. near to source) to relocated truck parking area.	Achievable - removal of existing fence subject to negotiation with adjoining landowner, wall to be installed on boundary if agreed (A2/A9/A11 on the plan).
A10	Improve signage generally including advising of “no parking/standing” areas, relocated truck parking/standing area and location of facilities.	Achieved – the proposal outlines signage.
A11	Replace existing fencing adjoining existing pedestrian access and along the rear boundaries of lots adjoining Lot 26 in accordance with the recommendations contained in the Acoustic Analysis at Appendix 1.	Achieved – the plan shows proposed limestone block walls in the order of 2.2m high near the residential lots and 4.2m high to the full extent of the southern boundary adjoining Claughton Way in accordance with the Acoustic Analysis at Appendix 1.
A12	As part of works to rear of building – identifying two loading/unloading bays specific for the service station operations.	Achieved – A12 on the plan – line-mark two delivery vehicle only bays.

A13	Noise management/awareness to be incorporated into all service station employee inductions.	Achievable – applicant will be required to address the requirement.
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It is considered that the proposed works, as shown on the development plan, satisfy the intent and objective of the Noise Management Plan – Shell Gateway Service Station, Bunbury (April 2012). The two (2) actions listed under the Noise Management Plan which are referred as “*Achievable*” can be addressed by development conditions on the approval. It is noted that the optional or deemed necessary recommendation to add a ‘lean-to’ type roof arrangement has not been considered under the current development plan.

The proposed development works (actions) can be considered as ancillary to the existing Service Station on site in terms of land use classification under the Scheme. The site is zoned “Service Station” under TPS 7 and the proposed works are ancillary to the main function of the existing development i.e. “Service Station”; and therefore it is in line with the Scheme.

In reference to the GBRs designation, the subject site comes under “Urban” zone and the proposed works do not conflict with the urban zoning designation under the Regional Scheme. The subject site also abuts a “Regional Road” reservation under the GBRs. The proposal was referred to the Main Roads in accordance with the GBRs requirements. Main Roads advised that it has no objection subject to retention of drainage on site. The applicant has demonstrated retention of drainage on site through the approved Stormwater Management Plan for the site.

It is recommended that Council approve the proposed works (actions) development plan submitted by MPM Development Consultants – Lots 26 and 27 Claughton Way, Glen Iris (Shell Gateway).

Analysis of Financial and Budget Implications

There are no financial or budget implications directly linked to the application. There is an amount of \$20,000 budgeted in the 2012/13 financial year for a dual use path to be constructed to link the current dual use path system in Ince Road, Glen Iris to the Shell Gateway Service Station for the safety and convenience of pedestrians requiring to access the Shell Gateway.

Community Consultation

The proposal was advertised from 20 March to 11 April 2013, in accordance with Scheme requirements. At the end of the public consultation period nine (9) submissions were received out of which four (4) submissions were from the Government Agencies and five (5) from the general public. Main Roads has advised that it has no objection so long as site drainage is being retained on site. The City has recently approved a Stormwater Management Plan, which addresses the retention of drainage on site. Other government agencies have pointed out issues in relation to the location of the walls relative to their infrastructure. The applicant has advised that they are in close contact with the relevant government agencies to address the issues raised.

The major issues raised by the general public through the advertising process related to:

- All proposed walls to achieve 4.2m high
- Proposed walls to continue all the way along Lots 26 and 27
- Graffiti to be removed immediately
- Landscape areas to be provided

The schedule of submissions is **attached** at Appendix [DPDS-20](#).

The development plan indicates two (2) wall sections with different heights - 1) proposed 2.2m minimum height limestone block wall to the south-west immediately adjoining residential lots; and 2) proposed 4.2m minimum height limestone block wall to the south and the south-east behind the service station. The proposed wall heights and the extent of these walls are in accordance with the recommendation by Lloyd George Acoustics.

The applicant is currently studying the matter of anti-graffiti coating in relation to the wall facing Cloughton Street so as to address potential graffiti problems. It is considered that the graffiti problem will be addressed as required.

The current development plan indicates landscaping to the north of proposed walls. The proposed landscaping on site is adequate and can be supported. It should also be noted that the existing trees at the Cloughton Street side will be retained.

Councillor/Officer Consultation

The proposal has been discussed within Development Assessment staff and other divisional staff, prior to the finalisation of the report.

Delegation of Authority

Delegation of authority is not applicable in this case.

Relevant Precedents

There are no similar relevant precedents relative to the current proposal.

Outcome – Council Committee Meeting 14 May 2013

Mr Todd Patterson, 26 Cloughton Way Glen Iris, addressed the Council in favour of the recommendation. He expressed his concern over the height of the fence backing onto his property as this is where the truck rest bays are. There is a lot of noise coming from this bay as the trucks are left idling or the motors to the freezer trucks are still running. He would like to see the fence be at 4.2m high around his property.

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

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

Outcome – Council Meeting 21 May 2013

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

Council Decision 130/13

That Council, pursuant to the provisions of the Planning and Development Act 2005 resolves to:

- 1. Approve the proposed development and associated development plan as part of the Noise Management Plan prepared by MPM Development Consultants – Lots 26 and 27 Claughton Way, Glen Iris (Shell Gateway) Application reference DA/2013/66 in accordance with Town Planning Scheme No.7, subject to applicable development conditions to the satisfaction of the City of Bunbury.**
- 2. Advise both the applicant and submitters of the Council resolution.**

CARRIED

11 votes “for” / nil votes “against”

10.14 Petition – Request for Installation of Traffic Control Signals at the Intersection of Dobson Road and South West Highway (Northern End)
(was listed as item 10.6.1 on the meeting agenda)

File Ref:	R00128
Applicant/Proponent:	Internal Report
Author:	Alison Baker, Executive Assistant
Executive:	Phil Harris, Director Works and Services
Attachments:	Nil

Summary

At the Council Meeting held on the 16 April 2013, Council Decision 93/13 resolved:

Pursuant of Section 6.10 of the City of Bunbury Standing Orders, the Petition from Morrissey Homestead and others be accepted and referred to the relevant officer for a report.

Council Committee Recommendation

1. Council notes that officers from the City will continue to work with Main Roads Western Australia to address safety concerns at the intersection of Dodson Road and South West Highway.
2. Council commits to evaluate funding options to ensure the early installation of control lights at the intersection of Dodson Road and South West Highway (Picton Road)
3. That the evaluation includes the conversion of the intersection to four ways to help facilitate the development of Nenke Way.
4. That the developers of Nenke Way be asked to contribute an equivalent value from the savings achieved through not providing the temporary access road South of Dodson Road.

Executive Recommendation

Council notes that officers from the City will continue to work with Main Roads Western Australia to address safety concerns at the intersection of Dodson Road and South West Highway

Background

Councillor Cook presented a petition with 479 signatures from Morrissey Homestead requesting that council in conjunction with Main Roads WA and Hon. John Castrilli MLA install traffic control signals at the northern end of Dodson Road and South West Highway intersection to relieve the traffic congestion and make the area safer for all road users.

Council Policy Compliance

Not Applicable

Legislative Compliance

Not Applicable

Officer Comments

The South Western Highway is the responsibility of Main Roads WA while Dodson Road is under the care and control of the City of Bunbury with either party having the ability to initiate upgrade works.

A project to upgrade Dodson Road /South Western Highway intersection is identified in the City's forward capital works, subject to competing funding priorities. Main Roads WA Crash Analysis Reporting System utilises a Benefit Cost Ratio to confirm eligibility for meeting state and federal Black Spot Programs. The cost to upgrade the intersection to Traffic Control Signal standard with current recorded accident statistics do not meet either State or Federal criteria.

Officers from the City will continue to pursue funding options to upgrade the intersection through Regional Road Group and other special grants that may become available.

Analysis of Financial and Budget Implications

The financial implications of modifying the intersection to allow for the installation of Traffic Control Signals would be in excess of \$1.3 million without allowing for land acquisitions.

Community Consultation

The petition presented to council contained 479 signatures.

Councillor/Officer Consultation

The intersection has been the subject to discussion at Roadwise Committee meetings.

Outcome – Council Committee Meeting 14 May 2013

Cr Cook declared an impartiality interest in this matter (see section 5). He remained in the chambers, participated in the discussion and voted on the matter.

Ms Anne Mitchell, Manager of Morrissey Homestead, addressed the Committee. A summary of her address is as follows: *“Since the petition was lodged at Council we have received further signatures to the petition to bring the signatures up to 591. This has been an ongoing battle since the previous manager of Morrissey Homestead. It is something that seems to have slipped through the net. There is a lot of traffic on Picton Road further down and there is just as much on our corner. I don't think that the issue will go away with the opening of the bypass as has been noted. The design of the bypass and where it is is not going to affect it. I don't think this issue is going to be resolved with anything less than a big commitment from Council. I ask you for the safety of our clients and bear in mind that we use that access for buses, that we do ask you to escalate this into your plan.”*

Professor Adrian Egan, Chairperson of the Morrissey Homestead Board Inc., addressed the Committee. A summary of his address is as follows: *“The safety of this particular corner*

has been of some concern for quite some time. We have a duty of care to our clients and staff in relation to the safety of the traffic movements around the centre. The issue, I think, is going to escalate as the traffic from the industrial area to the South use Dodson Road increasingly and the way in which the traffic on Picton Road will increase regardless of the bypass going in. I would like to say that I would like to view the standards of the federal and state governments in relation to what constitutes a risk that is worth putting traffic lights in. I would not like to see any increase in the traffic accidents or a death to get the lights installed. I have to say it is urgent and is a requirement. We should act before there is a serious accident. I feel that I have a duty to myself and the staff that I do everything in my power to obey the traffic rules but unfortunately not everybody who uses that road obeys the rules.”

Cr Cook moved Cr McNeill seconded the following alternative recommendation:

- “1. Council notes that officers from the City will continue to work with Main Roads Western Australia to address safety concerns at the intersection of Dodson Road and South West Highway.*
- 2. Council commits to evaluate funding options to ensure the early installation of control lights at the intersection of Dodson Road and South West Highway (Picton Road)*
- 3. That the evaluation includes the conversion of the intersection to four ways to help facilitate the development of Nenke Way.*
- 4. That the developers of Nenke Way be asked to contribute an equivalent value from the savings achieved through not providing the temporary access road South of Dodson Road.”*

The Mayor put the motion to the vote in separate parts and the outcome was adopted to become the Committee’s recommendation on the matter.

- Point 1: 8 votes “for” / nil votes “against” CARRIED
- Point 2: 4 votes “for” / 4 votes “against”. The Mayor used his casting vote in favour of the motion CARRIED. It was requested that the votes be recorded as follows:
For: Mayor D Smith, Cr Cook, Cr McNeill, Cr Morris
Against: Cr Jones, Cr Leigh, Cr Steck, Cr Steele
- Point 3: 4 votes “for” / 4 votes “against”. The Mayor used his casting vote in favour of the motion CARRIED. It was requested that the votes be recorded as follows:
For: Mayor D Smith, Cr Cook, Cr McNeill, Cr Morris
Against: Cr Jones, Cr Leigh, Cr Steck, Cr Steele
- Point 4: 4 votes “for” / 4 votes “against”. The Mayor used his casting vote in favour of the motion CARRIED. It was requested that the votes be recorded as follows:
For: Mayor D Smith, Cr Cook, Cr McNeill, Cr Morris
Against: Cr Jones, Cr Leigh, Cr Steck, Cr Steele

Outcome – Council Meeting 21 May 2013

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Council (Standing) Committee or Executive was moved Cr Cook, seconded Cr Leigh and adopted (‘en bloc’) to become the Council’s decision on the matter.

Council Decision 131/13

- 1. Council notes that officers from the City will continue to work with Main Roads Western Australia to address safety concerns at the intersection of Dodson Road and South West Highway.**
- 2. Council commits to evaluate funding options to ensure the early installation of control lights at the intersection of Dodson Road and South West Highway (Picton Road)**
- 3. That the evaluation includes the conversion of the intersection to four ways to help facilitate the development of Nenke Way.**
- 4. That the developers of Nenke Way be asked to contribute an equivalent value from the savings achieved through not providing the temporary access road South of Dodson Road.**

CARRIED

11 votes “for” / nil votes “against”

10.15 Petition Report – Modify Intersection at Hennessey and Sandridge Roads (was listed as item 10.6.2 on the meeting agenda)

File Ref:	R00208; R00564-16
Applicant/Proponent:	Cr Steele on behalf of Dion Chester
Author:	Jason Gick, Manager Engineering
Executive:	Phil Harris, Director Works and Services
Attachments:	Nil

Summary

At the Council Meeting held on the 5 March 2013, Council Decision 49/13 resolved:

Pursuant of Section 6.10 of the City of Bunbury Standing Orders, the Petition presented by Cr Steele on behalf of Dion Chester be accepted and referred to the relevant officer for a report.

Council Committee Recommendation

It is recommended that the Council does not adopt the proposal to ban right turns from Hennessey Road into Sandridge Road to honour its State Blackspot Program.

Executive Recommendation

It is recommended that the Council adopt the proposal to ban right turns from Hennessey Road into Sandridge Road to honour its State Blackspot Program.

Background

The Sandridge Road / Hennessey Road intersection has been identified as a Blackspot eligible for State funding to address high frequency crashes. The intersection has a higher than average proportion of 'right angle / through' crashes some of which have required medical treatments. The proposal to ban right turns from Hennessey Road will remove all of these crashes from the road network crash profile.

The City has undertaken design of the proposal and traffic modelling of nearby intersections to determine the impact of the proposal. The design can be accommodated within the existing road reserve with very little impact on nearby properties. The traffic modelling has shown that there will be a marginal increase in waiting times at the Blair Street / Forrest Avenue intersection at peak periods. The traffic modelling has shown that there will be a moderate increase in waiting times at the Blair Street / Sandridge Road / Albert Road intersection at peak times.

The petition raised by Dion Chester opposes the proposal.

The background and merits of the proposal were presented to the Council for consideration at the 7 May 2013 Council Briefing Session.

Council Policy Compliance

Not Applicable

Legislative Compliance

Not Applicable

Officer Comments

The City is invited each year to submit its preferred Blackspot projects for consideration for both Federal and State Blackspot funding. The City has been successful in addressing three major signalised intersections in 2011/12 and three (3) minor signalised intersections in 2012/13. These projects specifically address high frequency, high impact crash sites.

This proposal is a relatively small road works project that will immediately address the highest frequency crashes at this site, and has been approved for State funding.

There are currently less than 2,000 vehicles per day making right turns at this location. These vehicles will need to either turn left onto Sandridge Road or take an alternative route away from the site.

Due to the proximity to the Blair Street / Forrest Avenue and Blair Street / Sandridge Road / Albert Road intersections, the City undertook traffic modelling to determine the potential impact of banning right turns from Hennessey Road onto Sandridge Road. The modelling shows a moderate increase in waiting times at these intersections during peak AM and PM periods.

The model shows that not all of the existing Hennessey Road traffic will gravitate towards these intersections, but rather that it will be dispersed within the broader road network before it reaches Hennessey Road.

Analysis of Financial and Budget Implications

The project costs \$120,000 of which \$80,000 is secured from the State Blackspot program through the Regional Road Group.

Community Consultation

The City recognised the potential for this project to attract some attention. A letter explaining the proposal was written to nearby residents and business in January 2013. Additionally, City Officers met with numerous businesses on 5 and 11 February 2013 to discuss the proposal and listen to any concerns.

Eight written responses were received demonstrating five (5) objections and three (3) letters of support for the proposal. The objections to the proposal were:

- Potential loss of business to the existing service station
- Inconvenience to business during the construction period
- Request to investigate the opening of Hawkins Street between Forrest Avenue and Picton Road

The City has initiated action to undertake additional traffic modelling to determine the impact of the Hawkins Street opening but this is not currently available.

Councillor/Officer Consultation

Engineering staff have had numerous discussions on the merits of the proposal and the design parameters to ensure it meets contemporary road design criteria.

Outcome – Council Committee Meeting 14 May 2013

The Executive recommendation was moved Cr Steele, seconded Cr Steck with the following amendment:

Add the words “does not” between Council and adopt. The motion reads as follows:

“It is recommended that the Council does not adopt the proposal to ban right turns from Hennessey Road into Sandridge Road to honour its State Blackspot Program.”

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

Outcome – Council Meeting 21 May 2013

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Council (Standing) Committee or Executive was moved Cr Cook, seconded Cr Leigh and adopted (‘en bloc’) to become the Council’s decision on the matter.

Council Decision 132/13

It is recommended that the Council does not adopt the proposal to ban right turns from Hennessey Road into Sandridge Road to honour its State Blackspot Program.

CARRIED

11 votes “for” / nil votes “against”

10.16 Proposed Licence Agreement to Rear of Bunbury Rowing Club for Boat Trailer Storage, Portion of Road Reserve Cobblestone Drive, Bunbury
(was listed as item 10.4.6 on the meeting agenda)

File Ref:	A05304
Applicant/Proponent:	Bunbury Rowing Club
Author:	Jane Porter, Senior Property Officer
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-10 , DCS-11 , DCS-12

Summary

The City of Bunbury has been approached by the Bunbury Rowing Club requesting a Licence Agreement for the use of Council land on Cobblestone Drive to facilitate the improvement and beautification of the remaining portion of unkempt land in this area and immediately behind their building. The subject land is approximately 20m². A location plan is **attached** at Appendix [DCS-10](#).

Council Committee Recommendation

Council agrees to the proposed Licence Agreement over portion of Cobblestone Drive, Bunbury to facilitate the upgrading of this unkempt land including fencing subject to the following terms and conditions:

1. The Bunbury Rowing Club are to install and maintain an open profile steel fence (consistent with existing fencing) around the subject land and including any necessary access gates that are compliant with the *Health (Public Buildings) Regulations 1992 Act* for access.
2. The Bunbury Rowing Club are to install and maintain paving in the licensed area. The City of Bunbury is to install a suitable material on the land between the existing footpath and the proposed new fence to tidy and beautify the area.
3. The Bunbury Rowing Club are to be responsible for the maintenance of the area which includes but is not limited to the removal of both weeds and litter on the land.
4. No signage may be erected on the proposed fence without the specific written approval of the City.
5. The City is to be allowed unrestricted access to the licensed area at any time to access any public service located on the land.
6. The land is not to be used for the storage of waste, including but not limited to the storage of bins or other waste receptacles or related items.
7. No other club, organisation or tenant of the Bunbury Rowing Club is to use the land without the prior written approval of the City.
8. The use of the land is for the period of five (5) years after which the Council may extend or cancel this Agreement.
9. All living trees are to be retained.
10. Emergency outside lighting is to be maintained.

Background

At the Council (Standing) Committee meeting held 9 April 2013, the matter was adjourned until further information for Councillors could be investigated. The item was withdrawn by the Executive at Council Meeting on 16 April 2013 to seek further clarification of issues. The information requested by the Councillors is provided **attached** at Appendix [DCS-11](#).

The Cobblestone Drive carpark and the CBD skate park, which are both located adjacent to the Bunbury Rowing Club, underwent substantial improvements in early 2013. At this time the skate park surface was refurbished and the carpark was completely rebuilt to provide an additional 133 parking bays. The scope of work to the carpark refurbishment also included the replacement of bitumen seal adjacent to the water with turf, the provision of a number of pedestrian paths, the relocation of the Dragon boat compound and the provision of public lighting in the area. These improvements have substantially improved both the amenity and function of this area.

Since these works have been completed, the City has received communication from the Bunbury Rowing Club requesting the cooperation of the City to allow the improvement of the remaining portion of unkempt land in this area to be completed. The subject section of land is immediately behind the Bunbury Rowing Club restaurant area and is indicated on the attached plan **attached** at Appendix [DCS-10](#).

The request from the Bunbury Rowing Club is that the City grant conditional approval for the Bunbury Rowing Club to allow the area to be paved and the erection of an open profile steel fence consistent with the existing fence around the proposed adjoining compound. It is intended that by permitting the club use of this portion of currently unkempt land it will tidy up and beautify the area which is the last portion of land in this area which is not being maintained. The reason the open profile steel fencing was selected was to enable natural surveillance of the area and to minimise the likelihood of graffiti. An example of the proposed fencing has been **attached** at Appendix [DCS-12](#).

The Bunbury Rowing Club lodged the request with the City as the subject area of land is not wholly owned by the Bunbury Rowing Club, the outer portion, approx. 20m² is owned by the City. The subject section of land which is owned by the City is currently unused, undeveloped and is not maintained.

Council Policy Compliance

Nil

Legislative Compliance

Nil

Officer Comments

Not Applicable.

Analysis of Financial and Budget Implications

Peppercorn rent. No financial implications either gain or loss to the City of Bunbury.

Community Consultation

Not required.

Councillor/Officer Consultation

The Team Leader Parking, Neil Dyer was consulted about the request from the Bunbury Rowing Club as he is responsible for the management of the carpark that adjoins the subject land and his comments are as follows:

“The recent works undertaken in and around the Cobblestone carpark have substantially improved both the function and amenity of the area. The subject section of land is not required for the operation of the carpark and is not in a location or of a size that is suitable for establishing landscaping that would be compatible with the environment. The request by the Bunbury Rowing Club for the support of the City to allow them to improve this small area of land appears beneficial to both the City and the Bunbury Rowing Club. The arrangement will benefit the Bunbury Rowing Club by providing an increased area of land for them to utilise as well as improving the appearance of the rear of their property and it will benefit the City by improving the appearance of this piece of land on an ongoing basis at no cost to the City.

As the installation of a fence on this land may have an impact on emergency access from the Bunbury Rowing club building, prior to installation, confirmation will be obtained that the proposed fencing and any gates to be installed complies with the provisions of the Health (Public Buildings) Regulations 1992 Act.

The request for the use of an open profile fence is acceptable as it reduces the potential impact of graffiti and still maintains natural surveillance which discourages antisocial behaviour and criminal damage.

Because of the immediate benefit to Council through the removal of the maintenance cost and the improved amenity to this area, I fully support the conditional approval for the Bunbury Rowing Club to fence and use this land. As the proposed use of the land does not provide a commercial advantage to the Bunbury Rowing Club and they are agreeable to accept the ongoing maintenance of the land, I would also support the provision of the land to be at a peppercorn rate.”

The Manager Contracts and Property, Mark Robson was consulted and is in agreement with Neil Dyer and the proposed Licence agreement.

Outcome – Council Committee Meeting 14 May 2013

Cr Steck declared a proximity interest in this matter (see Section 5). She remained in the chambers, participated in the discussion and voted on the matter.

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

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

Outcome – Council Meeting 21 May 2013

Cr Steck declared a proximity interest in this matter (see Section 5). She remained in the chambers and voted on the matter.

Cr Prosser declared an impartiality interest in this matter (see Section 5). He remained in the chambers and voted on the matter.

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

Council Decision 133/13

Council agrees to the proposed Licence Agreement over portion of Cobblestone Drive, Bunbury to facilitate the upgrading of this unkempt land including fencing subject to the following terms and conditions:

- 1. The Bunbury Rowing Club are to install and maintain an open profile steel fence (consistent with existing fencing) around the subject land and including any necessary access gates that are compliant with the Health (Public Buildings) Regulations 1992 Act for access.***
- 2. The Bunbury Rowing Club are to install and maintain paving in the licensed area. The City of Bunbury is to install a suitable material on the land between the existing footpath and the proposed new fence to tidy and beautify the area.***
- 3. The Bunbury Rowing Club are to be responsible for the maintenance of the area which includes but is not limited to the removal of both weeds and litter on the land.***
- 4. No signage may be erected on the proposed fence without the specific written approval of the City.***
- 5. The City is to be allowed unrestricted access to the licensed area at any time to access any public service located on the land.***
- 6. The land is not to be used for the storage of waste, including but not limited to the storage of bins or other waste receptacles or related items.***
- 7. No other club, organisation or tenant of the Bunbury Rowing Club is to use the land without the prior written approval of the City.***
- 8. The use of the land is for the period of five (5) years after which the Council may extend or cancel this Agreement.***
- 9. All living trees are to be retained.***
- 10. Emergency outside lighting is to be maintained.***

CARRIED

10 votes "for" / 1 vote "against"

Cr Steele requested that her vote against this matter be recorded.

10.17 City of Bunbury Walkability Study – Pedestrian Crossing Infrastructure Analysis Endorsement (was listed as item 10.1.2 on the meeting agenda)

File Ref:	A05792
Applicant/Proponent:	Community Access Committee
Author:	Isabell Evans, Community Development Officer
Executive:	Stephanie Addison-Brown, Director Community & Customer Services
Attachments:	Nil

Summary

The purpose of this report is to recommend that Council makes representation to the South West Development Commission seeking a financial commitment to improve the accessibility of the CBD as per the recommendations of the City of Bunbury Walkability Study – Pedestrian Crossing Infrastructure Analysis.

Council Committee Recommendation

That Council makes representation to the South West Development Commission to seek a commitment for funding to implement in full the recommendations contained within the study titled City of Bunbury Walkability Study – Pedestrian Crossing Infrastructure Analysis within three years.

Background

At the Community Access Committee meeting dated 5 April 2013, Mark Nickerson of Lowes Churchill & Associates presented the Committee with the findings of his study titled City of Bunbury Walkability Study – Pedestrian Crossing Infrastructure Analysis (PR-2475).

Engaged as a follow-up to the 2010 Bunbury CBD Walkability and Wayfinding Strategy, Mr Nickerson's presentation outlined:

- a) existing pedestrian crossing infrastructure in the CBD;
- b) pedestrian and vehicular movements;
- c) current non-compliant items and finally
- d) recommendations to resolve non-compliance and thus increase the walkability and accessibility of the CBD for people with disability and the community as a whole.

Following this presentation, the Committee resolved to make a Decision as follows;

“Committee Decision

The Community Access Committee endorses the recommendations of the study titled City of Bunbury Walkability Study – Pedestrian Crossing Infrastructure Analysis.

The Committee recommends the City of Bunbury makes representation to the South West Development Commission to seek a commitment for funding to implement in full these recommendations within three years.

Moved: Adam Johnson

Seconded: Susan Wood

CARRIED 8 votes “for”/nil votes “against”

Council Policy Compliance

Council Policy CEO-7 relates to this matter.

Legislative Compliance

The Disability Access and Inclusion Plan 2012 – 2017; through Outcome Two and Strategy Two; requires the City to “improve safety and accessibility to Bunbury and the central business district to make it more pedestrian friendly.”

Officer Comments

The accessibility or otherwise of the Bunbury CBD prevails as a topic of discussion both within the meetings of the Community Access Committee and the Bunbury community in general.

Following Mr Nickerson’s presentation the Committee engaged in in-depth discussion and question time with Mr Nickerson and Amanda Mitchell, the City of Bunbury’s Engineering Technical Officer. Both advised that total cost for the implementation of the recommendations is in the vicinity of \$1.4 million. However, Ms Mitchell also advised that the City has received preliminary approval through the Federal Black Spot Program to upgrade the Victoria and Prinsep Street intersection at a cost of \$120,000 (PR-3232), thus making the amount required to make representation for \$1.28 million.

Analysis of Financial and Budget Implications

As this Report seeks a full funding commitment from an outside source, no budget implications apply.

Community Consultation

None undertaken; see below.

Councillor/Officer Consultation

The Community Access Committee, as delegated representatives of the community put forth this matter.

The Works and Services Director has also been consulted.

Strategic Relevance

The following Outcomes of the Strategic Community Plan: Bunbury 2030 (draft) will be addressed through the successful fulfilment of this Recommendation:

- 1.5: Improve the City’s asset management practices;
- 2.2: Improve transport services and infrastructure;
- 2.3: Create an environment that will attract new business;
- 3.1: Improve urban design, diversity of land uses, and enabling infrastructure;
- 4.4: Enhance our sense of place, pride and participation in our community;
- 4.5: Improve community health and well-being.

Outcome – Council Committee Meeting 14 May 2013

The recommendation (as printed) from the Advisory Committee was moved Cr Steele, seconded Cr Leigh.

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

Outcome – Council Meeting 21 May 2013

The recommendation (as printed) from the Council Committee was moved Cr Kelly, seconded Cr Leigh with the following amendment:

Insert the following words “... *an appropriate...*” after the word “seek”.

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

Council Decision 133/13

That Council makes representation to the South West Development Commission to seek an appropriate commitment for funding to implement in full the recommendations contained within the study titled City of Bunbury Walkability Study – Pedestrian Crossing Infrastructure Analysis within three years.

CARRIED

11 votes “for” / nil votes “against”

10.18 Australian Regional Tourism Network Conference (was listed as item 10.3.1 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Dee Smith, Team Leader Events, Tourism and Promotions
Executive:	Stephanie Addison-Brown, Director Community and Customer Services
Attachments:	Nil

Summary

The Australian Regional Tourism Network Conference is one of the most significant national conference events for the Australian Tourism industry and will be held in Margaret River from the 21-25 October 2013.

Council Committee Recommendation

That Council support the proposed sponsorship (Regional Sponsor) for the Australian Regional Tourism Network Conference in 2013.

Background

The Australian Regional Tourism Network's (ARTN) annual Convention will be held in Australia's South West in 2013. The ARTN Convention is the national forum for all sectors of the industry – operators, local, regional and state tourism organisations, government departments, local government, researchers and educators – to exchange ideas about ways to grow regional tourism sustainably and to promote regional tourism success. It is considered the premier national event for regional tourism practitioners.

The City of Bunbury has supported the Augusta Margaret River Tourism Association (AMRTA) in its successful application to host the event.

Council Policy Compliance

Not applicable.

Legislative Compliance

Not applicable.

Officer Comments

The Australian Regional Tourism Network conference is a national Tourism event that attracts delegates from all over Australia.

Should the City of Bunbury become a key sponsor, Bunbury will have the opportunity to host Convention delegates, allowing delegates to interact with local operators and experience regional tourism first hand while learning about our product and region. This sponsorship will also allow us to have a key speaker during the conference event to update the national Tourism industry about the developments in Bunbury and the Geopraphe region. This opportunity not only has great economic benefits, it also has great outcomes

for Tourism as we are reaching key stakeholders in Tourism that we would not normally be able to reach through our normal activities.

The key feature of the conference is to focus on relevant issues facing regional tourism in Australia and the extremely high quality of keynote addresses by nationally recognised and respected commentators and opinion leaders on these issues.

The conference will provide the City of Bunbury the opportunity to showcase our product at a nationally significant event as well as to delegates from across Australia, with a focus on regional tourism.

Analysis of Financial and Budget Implications

A project (PR2745) has been submitted for the Financial Year of 2013/14 for \$15,000. This report seeks Council's support for this amount, with the payment being made in the 13/14 financial year. \$10,000 will be allocated to the Regional Sponsorship package and \$5,000 will be used to host delegates and contingencies.

Community Consultation

Not applicable

Councillor/Officer Consultation

The Manager for Community Culture and Engagement and the Team Leader Events, Tourism and Promotions has had meetings with the Executive Officer for the Australian Regional Tourism Network, as well as the CEO for Augusta Margaret River Tourism Association.

Strategic Relevance

City of Bunbury Tourism Strategy 2009 – 2014, section 7 Leadership and Facilitation.

Economic, Social, Environmental and Heritage Issues

Economic

It is anticipated that more than 200 delegates will be attending the conference, therefore by supporting this national tourism event and hosting a portion of the delegates in Bunbury for a pre-conference tour, there is a clear benefit to the local economy. It is envisaged that by hosting tourism delegates and showcasing our region, participants will return to their destinations and help market our region through word of mouth and social media.

Environmental

The City of Bunbury will be hosting tourism delegates from around Australia and will be showcasing some of the natural environment attractions in and around Bunbury to create an opportunity for a better understanding of Bunbury as a tourism destination.

Outcome – Council Committee Meeting 14 May 2013

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

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

Outcome – Council Meeting 21 May 2013

The recommendation (as printed) from the Council Committee was moved Deputy Mayor Cr Craddock, seconded Cr Steele with the following amendment:

In point 1 add “of \$15,000” after the word “sponsorship”. Add an additional point 2 that reads:

- “2. *Following the conference a brief report be provided to Council summarising the outcomes and benefits received by the City for its sponsorship.*”

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

Council Decision 135/13

- 1. *That Council support the proposed sponsorship of \$15,000 (Regional Sponsor) for the Australian Regional Tourism Network Conference in 2013.***
- 2. *Following the conference a brief report be provided to Council summarising the outcomes and the benefits received by the City for its sponsorship.***

CARRIED

11 votes “for” / 1 vote “against”

10.19 City of Bunbury Tourism Brand (was listed as item 10.3.2 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Dee Smith, Team Leader Events Tourism and Promotion
Executive:	Stephanie Addison-Brown, Director Community and Customer Services
Attachments:	Appendix DCCS-1

Summary

This City of Bunbury recently undertook a tourism brand development project and this report seeks Council's endorsement of the final concept. The final concept is the result of extensive research and consultation with visitors, stakeholders and City of Bunbury Councillors and staff.

This new Tourism brand includes a brand position for Bunbury, which will enable the tourism team to define marketing campaigns around Bunbury's key target markets to deliver effective outcomes. This tourism brand will position Bunbury as a vibrant city surrounded by a beautiful rural hinterland which offers a diverse range of experiences for all types of visitors, giving them the "best of both worlds". The recommended final concept is **attached** at Appendix [DCCS-1](#).

Council Committee Recommendation

Council adopts the recommended brand as the new Tourism brand for Bunbury.

Background

Bunbury's existing tourism brand is a result of the application of a 'Brand WA' template that was developed by Tourism WA approximately 12 years ago. This is now severely out of date with most destinations in the State having since rebranded themselves. Bunbury's additional tagline, 'Refreshingly Close', was added around 2010 and used in a series of campaigns. With the changes the tourism industry in Australia has seen over the last five years and the way that visitors are now looking for experience based holidays, this has created the need for us to revisit the destination brand for Bunbury to ensure that the region is being promoted in the best possible light.

In January 2013, the tourism team started working with Braincells, an eminent Perth-based branding agency, to work on a new brand position and concept for Bunbury.

Several workshops were conducted with local industry operators, tourism and business stakeholders as well as Councillors and staff. Three draft concepts were subsequently developed which Braincells market tested with a range of tourists, both at the West Australian Visitor Centre in Perth and the Bunbury Visitor Centre.

Officer Comments

The tourism team have made every effort to involve as many stakeholders as possible throughout this process to ensure that a tourism brand is developed that will position Bunbury as a quality tourism destination. It is vital that the industry support this direction and become ambassadors for the brand, as this will have a greater impact on the visitor when making the decision to holiday in our region.

This final concept is modern and contemporary and will have longevity. It projects quality and excitement and showcases the diversity of experiences Bunbury offers as a tourism destination. Proper use of quality images will help to tell the story of the range of experiences that visitors will enjoy.

This final concept has been designed to resonate with our key markets and entice them to travel to Bunbury for their holiday experiences.

Analysis of Financial and Budget Implications

This item has been budgeted for in the 2012-2013 budget and no allocation of funds has been requested for the development of the brand for the next financial year.

Community Consultation

Several workshops were held with the local tourism operators, as well as City of Bunbury Councillors and staff. In addition, market testing also occurred with a range of visitors as well as stakeholders such as the South West Development Commission, Australia's South West and Tourism WA.

Councillor/Officer Consultation

All Councillors were invited to participate in a series of workshops. The Team Leader Events, Tourism and Promotion also spoke informally to Councillors about the draft brand concepts at the Councillors' dinner on Tuesday, 26 March 2013.

Strategic Relevance

City of Bunbury Tourism Strategy 2009 – 2014

Outcome – Council Committee Meeting 14 May 2013

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

During the discussion on the item, the Mayor and Councillors congratulated the City's Team Leader Events and Promotions and her team on the good work that they are doing to promote the City of Bunbury.

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

Outcome – Council Meeting 21 May 2013

Prior to the Council meeting the Chief Executive Officer tabled a memorandum for the Councillor's attention requesting that this matter be withdrawn from the agenda in order for a further workshop be undertaken with the South West Development Commission and tourism operators.

Deputy Mayor Cr Craddock moved Cr Kelly seconded the following motion:

"In accordance with Clause 10.15 of the Standing Orders that the item be withdrawn for a further workshop to be undertaken and be returned to Council for the round of Council meetings commencing 30 July 2013."

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

Council Decision 136/13

In accordance with Clause 10.15 of the Standing Orders that the item be withdrawn for a further workshop to be undertaken and be returned to Council for the round of Council meetings commencing 30 July 2013.

CARRIED

11 votes "for" / nil votes "against"

10.20 Proposed Increase in Property Rates for the 2013/14 Budget (was listed as item 10.4.3 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Internal Report
Author:	David Ransom, Finance Manager
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-7

Summary

The Local Government Act 1995, section 6.36 requires that before imposing any differential rates or minimum payment, Council is required to give public notice inviting submissions in respect to the proposed payments. Council will advertise the proposed rates in the South Western Times advising that public comments will be received for a period of 21 days. The advertisement will also advise that a document describing the objects and reasons for each proposed rate and minimum is available for public inspection (refer **attached** Appendix [DCS-7](#)).

Council will consider any submissions received prior to adopting the 2013/14 Budget in July 2013.

Council Committee Recommendation

1. Council advertise the following 2013/14 Differential General Rates, Minimum Rates and Specified Area Rates:

<u>Property</u>	<u>Minimum Rate \$</u>	<u>Rate in the Dollar (Cents)</u>
General	\$ 939	9.411
City Centre and Special Use	\$1,420	9.568
Mixed Business	\$1,420	7.574
Industrial/Non Residential Vacant Land	\$1,420	7.120

<u>Category</u>	<u>Rate in the Dollar (Cents)</u>
Pelican Point Grand Canals	1.161
Ocean Drive Underground Power	0.0067
Stirling Street Landscape	1.659

2. Council invite public comment in respect to the proposed rate increase for a period of 21 days.
3. Council have available for public inspection the “Statement of Proposed Rating Objectives and Reasons for the Rating of Differential Rates and Specified Area Rates for 2013/14” document.

Background

Council have held numerous budget workshops to consider the proposed rates in the 2013/14 draft budget. A rate increase of 5.00% has been applied to all rating categories.

Legislative Compliance

The Local Government Act 1995, section 6.36 requires advertising of Differential General Rates.

Officer Comments

Public submissions received on the proposed rates for the 2013/14 financial year will be considered by Council prior to adopting the budget in July 2013.

Analysis of Financial and Budget Implications

The proposed rates are considered necessary to meet the operating and capital expenditure in the 2013/14 draft budget.

Outcome – Council Committee Meeting 14 May 2013

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

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

It was requested that the votes be recorded as follows:

For: Mayor D Smith, Cr Jones, Cr Steck, Cr Steele, Cr McNeill, Cr Cook, Cr Morris
Against: Cr Leigh

Outcome – Council Meeting 21 May 2013

The recommendation (as printed) from the Council Committee was moved Cr Steck, seconded Cr Cook.

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

Council Decision 137/13

1. ***Council advertise the following 2013/14 Differential General Rates, Minimum Rates and Specified Area Rates:***

<i>Property</i>	<i>Minimum Rate \$</i>	<i>Rate in the Dollar (Cents)</i>
<i>General</i>	<i>\$ 939</i>	<i>9.411</i>
<i>City Centre and Special Use</i>	<i>\$1,420</i>	<i>9.568</i>
<i>Mixed Business</i>	<i>\$1,420</i>	<i>7.574</i>
<i>Industrial/Non Residential Vacant Land</i>	<i>\$1,420</i>	<i>7.120</i>

<i>Category</i>	<i>Rate in the Dollar (Cents)</i>
<i>Pelican Point Grand Canals</i>	<i>1.161</i>
<i>Ocean Drive Underground Power</i>	<i>0.0067</i>
<i>Stirling Street Landscape</i>	<i>1.659</i>

2. ***Council invite public comment in respect to the proposed rate increase for a period of 21 days.***

3. Council have available for public inspection the “Statement of Proposed Rating Objectives and Reasons for the Rating of Differential Rates and Specified Area Rates for 2013/14” document.

CARRIED

9 votes “for” / 2 votes “against”

It was requested that the votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Jones, Cr Steck, Cr Steele, Cr Kelly, Cr McNeill, Cr Cook, Cr Morris

Against: Cr Prosser, Cr Leigh

10.21 Final Approval of Proposed Draft Koombana North Structure Plan (was listed as item 10.5.1 on the meeting agenda)

File Ref:	A03183-10
Applicant/Proponent:	LandCorp / Taylor Burrell Barnett
Author:	Kelvin D Storey, Team Leader Integrated Land Use Planning
Executive:	Bob Karaszekwych, Director Planning and Development
Attachments:	Appendix DPDS-1 , DPDS-2 , DPDS-3 , DPDS-4

Summary

At its meeting on 5 March 2013 adopted Scheme Amendment No.63 (Koombana North Precinct – Special Use Zone No.57) and this is now with the Minister for Planning awaiting final approval. A requirement of the scheme amendment is that a structure plan be prepared. LandCorp and their consultants Taylor Burrell Barnett (TBB) have prepared a proposed draft Structure Plan, which is **attached** at Appendix [DPDS-1](#). Technical appendices were also submitted, but due to their size are not presented as part of this report to Council.

The proposed draft Structure Plan, which was advertised at the same time as the scheme amendment document, is now returned to Council for reconsideration and a decision that will be forwarded to the Western Australian Planning Commission (WAPC).

Council Committee Recommendation

That the CEO and the Executive negotiate with LandCorp for an amended motion to be considered by Council on 21 May 2013.

Executive Recommendation (amended)

1. Subject to the gazettal of the Scheme Amendment No. 63, adopt the proposed draft Koombana North Structure Plan, subject to the following:
 - a. Corrections and modifications to the proposed draft Koombana North Structure Plan map and text, as documented within the Schedule of Modifications **attached** at Appendix [DPDS-2](#);
 - b. Refers the draft Koombana North Structure Plan to the Western Australian Planning Commission, along with the schedule of modifications proposed in a. for consideration and approval in accordance with the relevant provisions of the Scheme;
 - c. Inform submitters of the Council's resolution.
2. To prepare a Car Parking Strategy in accordance with a brief approved by the City of Bunbury to assess the needs of the Marlston Waterfront (including the Koombana North and Marlston North sites) and Marlston Hill locality, to be used as the basis for informing decisions regarding the provision of future car parking as they arise in relation to the Bunbury Waterfront Project, with LandCorp contributing up to \$20,000 (ex GST).
3. Following endorsement by Council, the Chief Executive Officer be delegated authority to negotiate with representatives of State Government Agencies through the Bunbury Waterfront Project Taskforce, in order to satisfactorily implement the

recommendations of the Car Parking Strategy as outlined in Point 2 above.

Background

At its meeting held on 27 March 2012 Council resolved to (Council Decision 94/12):

“... agree to the formulation of a Structure Plan generally in accordance with the Development Principles Plan as prepared by Taylor Burrell Barnett for the purpose of guiding subdivision and development of the Koombana North Precinct of the Waterfront.”

At its meeting on 25 September 2012 Council agreed to advertise the proposed draft Koombana North Bunbury Waterfront Structure Plan concurrently with Scheme Amendment No.63. Deemed satisfactory for the purpose of public advertising, the proposed draft Structure Plan was advertised on a without prejudice basis. The agenda report to Council highlighted that certain matters required further review and assessment to take place over the scheduled advertising period, and notably that:

- (a) statutory clauses within Part One were sufficiently clear in meaning and intent;
- (b) the Holman Street cul-de-sac would operate safely and effectively noting the various access and servicing demands being placed upon it; and
- (c) car parking needs would be satisfactorily addressed.

Following the advertising period, further meetings of the Technical Advisory Group (TAG) involving representatives from the City, the Department of Planning (DoP), LandCorp and their consultants were held and efforts undertaken to address those matters that required clarification or resolution. The last meeting of the TAG took place on 1 March 2013.

Strategic Relevance

Development of the Koombana North precinct forms the first stage of the Bunbury Waterfront Project, which represents long-term proposals by LandCorp to secure future redevelopment over areas of Crown land along parts of the coastal foreshore including areas of Koombana Bay and the Outer Harbour.

Council Policy Compliance

Special Use Zone No.57 (as proposed by draft Scheme Amendment No.63) requires that a Structure Plan is adopted prior to sub-division and development of the site that development conditions are satisfactorily addressed, and that proposals are consistent with the Scheme. Adopted strategies and policies of the local planning policy framework will continue to be relevant throughout subsequent planning and development phases.

Legislative Compliance

Once advertised, in accordance with clause 6.2.5.7 local government is to consider all submissions received and then (within 60 days of the end of the advertising period or within an extended period of time agreed with the submitter) either:

- (a) adopt the Proposed Structure Plan with or without modifications; or
- (b) refuse to adopt the Proposed Structure Plan and give reasons to the proponent.

The matter then passes to the WAPC for a final determination. Should the submitter be aggrieved with the decision of the WAPC (be it a refusal or to modifications required) the matter can be taken to appeal via the State Administrative Tribunal. Although Scheme Amendment No.63 awaits formal approval from the Minister for Planning, in order to expedite the matter, Council is able to consider the matter and forward the City's decision

to WAPC.

Officer Comments

The proposed structure plan generally takes the form expected by the WAPC, per the Structure Plan Preparation Guidelines, August 2012, and comprises the following elements:

- (a) Part One: Statutory Provisions;
- (b) Part Two: Explanatory Report; and
- (c) Part Three: Technical Appendices.

Part One includes the proposed Structure Plan map and clauses that give specific development rights and design parameters that if endorsed would hold the same weight and effect as if they were contained in the Scheme. It is imperative therefore that these are clear and precise so that they can be applied with confidence in decision making.

Following assessment of Part One, the City provided LandCorp with advice notes and a preliminary set of modifications to that sought to:

- correct unintended inconsistencies;
- enhance the meaning and intent of clauses;
- add clauses that would provide greater certainty in terms of achieving desirable outcomes; and
- delete unnecessary elements and clauses that placed an undesirable impediment upon the City.

LandCorp and DoP provided feedback on the changes suggested by the City and the Schedule of Modifications that accompanies this agenda report has taken note of their comments. The modifications do not, in the opinion of the City, alter the original intent of the proposed draft Structure Plan but aim to clarify meanings and assist interpretation. Whilst it is WAPC that will essentially determine the acceptability of the proposed modifications, it is the City that will be responsible for implementing the Structure Plan, and:

- assess development applications referencing clauses contained within Part One of the Structure Plan;
- present proposals and recommendations to Council and the Development Assessment Panel; and
- potentially defend those decisions at the State Administrative Tribunal (SAT).

The Schedule of modifications also contains proposed changes and corrections to elements contained within Part Two of the proposed draft Structure Plan.

Parking provision remains the biggest issue yet to be satisfactorily addressed and resolved by the structure plan. This matter was highlighted in the previous report to Council when advertising was initiated. Estimated car parking requirements (assuming full development based on the scenario presented by LandCorp) provides potentially 4,000m² of ground floor commercial floorspace (representing 71% office use, 22% retail use and 7% café/restaurant use) and 121 residential apartments of differing sizes, and equates to a need for approximately 368 parking bays. Assuming on-site basement parking is provided in the manner indicated within the structure plan, there would remain an approximate shortfall in spaces of 120 parking bays if double level basements are provided, and a shortfall of 232 parking bays if only a single basement is provided beneath each of the development sites. The proposed draft Structure Plan acknowledges (page 69) that:

“... recent commercial advice has suggested that it is not feasible to construct double depth basements for the proposed development sites in the current residential apartment market.”

Accordingly, if full development potential is to be realised, the number of bays potentially being sought through cash-in lieu arrangements is considerable, and to-date a satisfactory solution to this issue has not been found. The City has suggested a number of options which it considered worthy of further investigation by LandCorp, including:

- entering into negotiations with owners of adjacent premises (Lot 850 Casuarina Drive) to discuss land acquisition and /or joint development opportunities that provides car parking facilities;
- providing public parking on the upper levels of development site five (5); and
- considering the feasibility of using reserved land to the east of the plug as a possible cash in lieu site.

The City was informed by LandCorp that discussions held with the owners of Lot 850 Casuarina Drive were not fruitful, and that the option of providing on-site decked parking would not only compromise development viability, but was also undesirable on visual impact grounds and be a significant underutilisation of prime development land.

Whilst the structure plan acknowledges that a significant amount of off-site car parking would be necessary (in order to meet development expectations for the Koombana North Precinct), LandCorp is of the opinion that parking requirements and the various options can be explored at the development application stage. The concern with this approach however is that given the lack of available sites in the vicinity to serve as cash in lieu parking areas, development expectations (as expressed by the structure plan vision) could be significantly compromised, with the result that the ultimate built form and extent of land use development is significantly scaled down, and/or pressure is placed on the City to accept less parking and/or reduced standards.

Off-site options put forward by LandCorp for on-street parking in the surrounding area are in some cases not practical or undesirable, and would result for example in the loss of landscaping implemented as part of the Silo's development. Although the possible down-grading and removal of lanes along Casuarina Drive may offer future opportunities for on street parking in the area, this could not occur until heavy vehicle access to the outer harbour is no longer necessary and is therefore premature as an option. Other suggestions by the proponents to factor into consideration existing bays within what they consider to be an underutilised Holman Street car park fails to appreciate that demand for spaces will increase significantly when/if existing the private car park nearby is redeveloped.

Future impacts on the Holman Street car park if the rail service eventuates could also be significant, noting the Public Transport Authority's (PTA) desire to provide bus and taxi bays and kiss and ride drop-off points would result in the loss of a significant number of the existing bays.

LandCorp recently submitted a plan showing a much larger car parking area within the Koombana Drive Road Reserve on the site of the future rail platform, with a suggestion that this be made available as a dedicated parking site, to be implemented and extended incrementally over time by the City using cash in lieu funds from developers as sites in the Koombana North precinct were approved and constructed. Their justification for this approach is largely based upon the premise that the rail service / platform is a long term proposition that, if implemented at all, may take 20 years or more to materialise. An indicative layout of this option (showing approximately 70 car parking bays) is attached at Appendix [DPDS-3](#). It is further noted however that this is proposal, and indeed any parking within the Koombana Drive Road Reserve has been subsequently omitted from the Landscape Master Plan submitted to the City in March this year.

Due to the temporary nature of any car parking proposed within the Koombana Road Reserve, the City's has consistently taken the view that parking bays created in this

location could not be considered as meeting any required demand/standard associated with the development of sites in the Koombana North Precinct. If, having taken cash in lieu from developers and the rail platform was subsequently built, the City would carry the full burden of costs and in finding acceptable alternative sites (if they exist), and may be exposed to compensation claims and/or legal action from those developers that contributed to their initial provision. The arrangement would be considered contrary in principle to provisions contained within the Scheme (under clause 5.7.7.2).

If parking provision within the Koombana Road Reserve is to be considered at all, this would need to be funded by LandCorp, made available to the public on an interim basis and thereby temporarily meet a proportion of the estimated demand. Such a proposal however would require satisfactory vehicular access arrangements to be put in place, noting that access from Koombana Drive is not supported by the City, and LandCorp do not support altering the layout of the structure plan to facilitate access via Holman Street. Notwithstanding the resolution of such matters, an ultimate car parking solution for the development of the precinct as a whole would still need to be found.

Analysis of Financial and Budget Implications

The proposed draft Structure Plan indicates areas within the public realm (such as the road reserve and pockets of public open space) that would be transferred to the City following their construction/completion by LandCorp. These areas would then become the City's responsibility to manage and maintain, the full implications regarding which will be reviewed as part of the Detailed Landscape Management Plan that is required to be submitted to the City for consideration as a condition of sub-division. The Landscape Master Plan submitted by Landcorp has been reviewed and advice provided that will assist their preparation of a Detailed Landscape Management Plan.

Subject to there being an acceptable resolution of public car parking issues, (i.e. the provision of a dedicated decked public car parking facility by the State Government) there are no other known cost implications.

Community Consultation

The proposed structure plan has been advertised in the press and by notices on site in accordance with relevant legislation. The formal period for submissions to be received closed on 18 December 2012. The Schedule of Submissions **attached** at Appendix [DPDS-4](#) and sets out all comments received by the City during the public consultation period, and a response is provided where relevant.

Excluding agency responses there were 19 submissions, comprising 16 of general support, to (2) of conditional support and three (3) against. Those against were generally unsupportive of the development on this site in principle considering that it should be retained as public open space.

The remaining submissions are from government agencies. Responses from the Department of Environment and Conservation (DEC), PTA and DoP however are highlighted below:

- i). DEC raised potential concerns regarding rail noise and track vibration impact which may render the noise attenuation measures stipulated in the proposed draft Structure Plan as insufficient. This cannot be confirmed one way or the other at this stage, however the measures to prove to be inadequate, it could mean that desired internal noise levels are not achieved and /or a cost and design impact is placed on the future provision of the rail service. Consequently

the City has proposed that internal noise level maximums are set for those buildings located nearest to the rail track, and that noise attenuation measures are investigated further (preferably at the local development plan stage when land uses proposed are known). The PTA in their submission acknowledged that noise and vibration may be an issue and would assess the matter further as part of sub-division/development application proposals.

- ii). The Koombana Road Reserve is designated an “Other Regional Roads Reserve” under the Greater Bunbury Region Scheme (GBRS) and therefore primarily falls under the planning control of the DoP. The Department have indicated that it would have no objections in principle to the parking area proposed within the Koombana Drive road reserve (subject to engineering / access issues being satisfactorily resolved) but would generally not support access being taken from Holman Street as it would have implications on the currently proposed structure plan layout.

A submission was received from the Bunbury Youth Advisory Council Committee, part of which mentioned access to the precinct from the Central Business District (CBD), and considered that if the precinct is not easily accessible to pedestrians coming from the CBD then the area will be rendered “a failure”. Although new footpaths are proposed as part of the proposed draft Structure Plan that will tie into the existing path network, no new crossing points outside the structure plan area have been proposed.

Councillor/Officer Consultation

Officers from the City have discussed the proposed draft Structure Plan internally and the Executive Leadership Team (ELT) have been briefed and provided input into this report.

Council were provided with a briefing on this item by officers of the City of Bunbury and by representatives of LandCorp on 7 May 2013.

Outcome – Council Committee Meeting 14 May 2013

Ms Samantha Thompson from Taylor Burrell Barnett (TBB) and Mr Michael Campi from LandCorp were present at the meeting to address the Council on issues that they felt need to be addressed. They provided Councillors with a memo outlining their issues prior to the meeting a copy of which is **attached** at Appendix DPDS-23. Mr Campi provided Council with an alternative recommendation which is also attached at Appendix DPDS-23.

Mr Campi and Ms Thompson answered any questions that the Councillors had.

Given the presentation and alternate recommendation Cr Morris moved Cr McNeill seconded the following motion:

“That the CEO and the Executive negotiate with LandCorp for an amended motion to be considered by this Council for next week (21 May 2013).”

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

It was requested that the votes be recorded as follows:

For: Mayor D Smith, Cr Jones, Cr Leigh, Cr Steele, Cr McNeill, Cr Cook, Cr Morris
Against: Cr Steck

Outcome – Council Meeting 21 May 2013

Prior to the Council meeting the Chief Executive Officer tabled a memorandum to the Councillors informing them of a slight change to the amended Executive recommendation as printed. This change follows as the Scheme Amendment was gazetted on 21 May 2013.

The change in point 1 reads as follows:

“1. That Council resolves to adopt the proposed draft Koombana North Structure Plan, subject to the following:”

The Executive recommendation (as amended) was moved Cr Morris, seconded Cr Leigh.

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

Council Decision 138/13

- 1. That Council resolves to adopt the proposed draft Koombana North Structure Plan, subject to the following:**
 - a) Corrections and modifications to the proposed draft Koombana North Structure Plan map and text, as documented within the Schedule of Modifications attached at Appendix DPDS-2;**
 - b) Refers the draft Koombana North Structure Plan to the Western Australian Planning Commission, along with the schedule of modifications proposed in a. for consideration and approval in accordance with the relevant provisions of the Scheme;**
 - c) Inform submitters of the Council’s resolution.**
- 2. To prepare a Car Parking Strategy in accordance with a brief approved by the City of Bunbury to assess the needs of the Marlston Waterfront (including the Koombana North and Marlston North sites) and Marlston Hill locality, to be used as the basis for informing decisions regarding the provision of future car parking as they arise in relation to the Bunbury Waterfront Project, with LandCorp contributing up to \$20,000 (ex GST).**
- 3. Following endorsement by Council, the Chief Executive Officer be delegated authority to negotiate with representatives of State Government Agencies through the Bunbury Waterfront Project Taskforce, in order to satisfactorily implement the recommendations of the Car Parking Strategy as outlined in Point 2 above.**

CARRIED

10 votes “for” / 1 vote “against”

It was requested that the votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Jones, Cr Prosser, Cr Leigh, Cr Steele, Cr Kelly, Cr McNeill, Cr Cook, Cr Morris
Against: Cr Steck

10.22 Draft Local Planning Policy: Signage and Advertising Devices (*was listed as item 10.5.2 on the meeting agenda*)

File Ref:	A04151
Applicant/Proponent:	City of Bunbury
Author:	Ann-Kristin Jank, Senior Strategic Planner
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-5 , DPDS-6

Summary

Historically the City has regulated advertising and signage through the *Local Law Relating to Advertising Devices* (Local Law) and its associated *Advertising Devices Policy* (ADP). The findings of a report by the Joint Standing Committee on Delegated Legislation however has highlighted the need for local governments to move away from the use of local laws to regulate signage towards the more appropriate use of the local planning policy framework under the *Planning and Development Act 2005* (i.e. local planning schemes) as the most appropriate mechanism. Furthermore, in 2010 the Department of Local Government advised local governments that signs and advertising devices should be administered under the *Planning and Development Act 2005*.

In response to these findings and in order to support the development application process, a draft Local Planning Policy: *Signage and Advertising Devices* (*Draft LPP*) has been prepared. The Draft LPP translates from the Local Law and ADP into one local planning policy for the regulation of signage and advertising under Town Planning Scheme No.7 (TPS7) where they are proposed outside of local reserves managed by the City of Bunbury.

A copy of the draft Local Planning Policy: Signage and Advertising Devices is **attached** at Appendix [DPDS-5](#).

Council Committee Recommendation

That Council:

1. In accordance with clause 2.3 of the City of Bunbury Town Planning Scheme No.7, advertise the draft Local Planning Policy: Signage and Advertising Devices for public comment for a period of not less than 21 days.
2. Subject to no objections being received during the advertising period, Council adopts the Local Planning Policy: Signage and Advertising Devices without modification.

Background

Consistent with many local governments in Western Australia, signage has been regulated through the *Local Government Act 1995* and succeeding local laws appropriate to local requirements. In the case of the City of Bunbury, since 2003 signage and advertising has been regulated through its Local Law Relating to Advertising Devices and the ADP. As such, the Local Law and ADP provided a framework for the granting of building licences for signage and advertising proposals.

The findings contained in Report 28 Joint Standing Committee on Delegated Legislation Local Laws Regulating Signs and Advertising Devices (April 2009) and advice given by the

Director General Department of Local Government (6 May 2010) to local governments stated that:

“...local laws, if made under the Local Government Act 1995, must be for signs and devices that are only on local government property and public areas that are under the control, care and management of the local government, and must be of a non-planning and non-development nature.”

The *Planning and Development Act 2005* was identified as providing the appropriate statutory framework for regulating advertising on zoned land and in particular private property. The regulation of signage and advertising on private property is also a matter related to building control under the *Building Code of Australia* if a building permit is required for the structure of a sign or advertising device.

Council Policy Compliance

The procedure for making or amending a local planning policy is in accordance with clause 2.3 of TPS7, which are required to be advertised for public comment for a minimum of 21 days.

Legislative Compliance

Local planning policies are adopted under Part 2 of TPS7, and while not part of the Scheme, provide guidance in the preparation and assessment of applications for planning approval in relation to specific issues or a arrange of issues in a specific place.

Officer Comments

The Draft LPP translates the former Local Law and ADP into one local planning policy for the regulation of signage and advertising and sets out the City's requirements for the installation and management of signage and advertising devices on zoned land and buildings.

The Draft LPP defines various types of advertising devices and it provides a framework for the assessment of applications for all advertising devices. It provides standard design requirements in addition to specifying maximum size and area provisions for signage. It provides specific assessment criteria for the determination of the suitability of proposals relative to the land use zones in which they are proposed.

The Draft LPP is supported by the Advertising Devices Study (the Study), which is **attached** at Appendix [DPDS-6](#). The Study explains the underpinning principles and methodology behind the Draft LPP, it provides an explanation of the former system of regulation under the *Local Government Act 1995*, it details how the essential elements of the Local Law and ADP are reflected in the Draft LPP and outlines why other elements have been omitted. With regard to later reviews, the Study also includes a number of recommendations about future changes or developments to the Scheme and the ADP.

Analysis of Financial and Budget Implications

There are no known financial or budget implications.

Community Consultation

The draft Local Planning Policy: Signage and Advertising Devices is required to be advertised for public comment in accordance with clause 2.3 of the Scheme.

Councillor/Officer Consultation

Officers of Planning and Development Services have participated in the preparation of the draft Local Planning Policy: Signage and Advertising Devices. The Executive Leadership Team has been briefed and supports the policy.

Outcome – Council Committee Meeting 14 May 2013

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

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

Outcome – Council Meeting 21 May 2013

Prior to the Council meeting Cr Steck provided Councillors with a list of points for consideration in regards to the advertising devices policy.

Pursuant to Standing Order 11.1(b) of the City of Bunbury Standing Orders 2012, Cr Jones moved, Cr Steck seconded that the debate be adjourned for the points raised by Cr Steck can be considered further by the relevant officer.

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

Council Decision 139/13

Pursuant to Standing Order 11.1(b) of the City of Bunbury Standing Orders 2012, the debate be adjourned for the points raised by Cr Steck to be further considered by the relevant officer.

CARRIED 10 votes "for" / 1 vote "against"

For: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Jones, Cr Prosser, Cr Leigh, Cr Steck, Cr Steele, Cr Kelly, Cr McNeill, Cr Morris
Against: Cr Cook

10.23 Proposed Tuart Brook Local Structure Plan (draft) – Approval for Public Advertising (was listed as item 10.5.3 on the meeting agenda)

File Ref:	A03923
Applicant/Proponent:	Internal Report
Author:	Ann-Kristin Jank, Senior Strategic Planner
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-7 , DPDS-8

Summary

The proposed draft Tuart Brook Local Structure Plan has been submitted by MPM Development Consultants, on behalf of the Department of Housing and Kingslane Pty. Ltd. In accordance with Clause 6.2.5.2 of Town Planning Scheme No.7 (TPS7), upon receiving a proposed structure plan, the local government is to either, determine:

- a) the proposed structure plan is satisfactory for advertising; or
- b) the proposed structure plan is not to be advertised until further details have been provided or modifications undertaken; or
- c) the proposed structure plan is not satisfactory for advertising and give reasons for this to the proponent.

The matter is brought to Council for a determination. Should Council determine that the draft Tuart Brook Local Structure Plan is satisfactory for the purpose of public scrutiny in its current form; an advertising period of twenty-one (21) days is recommended. Analysis of the draft structure plan would continue over the consultation period and issues arising together with submissions received would be collated and the matter returned to Council for further consideration.

A copy of the proposed draft Tuart Brook Local Structure Plan is **attached** at Appendix [DPDS-7](#). Given the extensive amount of documentation, a compact disc (CD) copy of the full proposed draft Tuart Brook Structure Plan documentation, including supporting appendices, has been provided as **attached** Appendix [DPDS-8](#), from which hard copies can be produced of relevant extracts, as required.

Council Committee Recommendation

That Council:

1. Advertise the Tuart Brook Local Structure Plan (draft) on a 'without prejudice' basis, for a period of twenty-one (21) days.
2. Refer the Tuart Brook Local Structure Plan (draft) to relevant public authorities for their consideration and comment over the advertising period.
3. Forward a copy of the Tuart Brook Local Structure Plan (draft) to the Western Australian Planning Commission, for information.
4. Reconsider the proposal at the conclusion of the public advertising period.

Background

A number of structure plans have been formulated for the Tuart Brook area over the past two decades.

Most recently, TPG on behalf of the Department of Housing submitted a structure plan with the City in July 2011, including investigation of flora and fauna, landform and geology, ground and surface water, cultural heritage and transportation. Those matters, for the most part, relate to the requirements of other State Government departments, such as the Department of Environment and Conservation (DEC), the Department of Water (DoW), Main Roads Western Australia (MRWA) and the Department of Indigenous Affairs (DIA).

The TPG Structure Plan (July 2011) was formally advertised (Council Decision 187/10). In response to submissions and various issues raised, a further revised structure plan was required.

Council Policy Compliance

Whilst a preliminary review of the draft new Tuart Brook Local Structure Plan (prepared by MPM) has been undertaken, more detailed assessment and review will continue over the public advertising period.

Legislative Compliance

The preparation of a structure plan is necessitated as the structure plan area is part of the Special Control Area 'Development Investigation Policy Area' (DIPA) under TPS7. DIPA areas are designated for further strategic planning and investigations in relation to land use options, environmental issues and transportation infrastructure needs.

Clause 6.2.3.1 of TPS7 states that the City requires a structure plan for a DIPA, before recommending subdivision or approving development of land within the DIPA.

The procedure for initiating and advertising structure plans is set out under Clause 6.2.5 of TPS7.

Officer Comments

The Tuart Brook Local Structure Plan area is located in proximity to regional roads, South West Institute of Technology and Edith Cowen University, Bunbury Regional Hospital and the Hay Park sporting and recreational complex, and is generally regarded as a self-contained greenfield site in a number of different ownerships. The draft structure plan proposes a range of residential densities and therefore housing choice – Residential R20, R30, R40, R60 and two aged person's sites – a Local Centre and a Primary School, in addition to both Local and Regional Public Open Space.

Local Development Plans (formerly Detailed Area Plans) are required to be prepared for medium and high density residential precincts (R40 and above) and the Local Centre, which will provide further opportunity for the Local Government to guide the detailed subdivision design stages.

Once developed, the structure plan area is estimated to be capable of supporting approximately 1,200 dwellings and an overall population of 2,877 people.

The structure plan area is nevertheless subject to development constraints principally in relation to:

- buffer issues with interfacing “Regional Open Space Reserve” (ROS) that bisects the structure plan area and incorporates “resource enhancement ” wetlands;
- drainage issues with a relatively high water table and need for stormwater detention of overland flows associated with flood events diverted from the Five Mile Brook Diversion Drain; and
- access issues with a limitation on road intersections with Bussell Highway.

Whilst it is considered that the structural urban design (i.e. road layout and pattern of land uses) is generally sound in terms of the principles and objectives of the WAPC’s Liveable Neighbourhoods operational policy, it is advised that the following matters need to be resolved and advice from referral agencies sought in order to confidently progress with the consideration of the draft structure plan.

Acid Sulphate Soils

A significant portion of the structure plan area consists of areas recognised as having a ‘moderate to high’ risk of Potential Acid Sulphate Soils (PASS). The portions of this land that are to be developed will require extensive remediation in terms of extracting areas identified with extensive amounts of Actual Acid Sulphate Soils (AASS) and replacing with appropriate fill to accommodate development. Further investigation and assessment will be required at the subdivision design stage.

Hydrology

The structure plan area has issues in regard to flooding and inundation due to low lying land and shallow ground water levels, with limited ability to provide deep drainage basins. Due to historical land uses there is a high presence of nitrogen concentrations and silty soils at depth - limiting infiltration, use of aquifer storage and recovery of stormwater.

Local Water Management Strategy

The Local Water Management Strategy (LWMS) – Appendix 11 of the proposed structure plan documentation – is still being assessed by DoW and City officers. Final outcomes of these negotiations are to be included in the final Tuart Brook Local Structure Plan documentation.

Implementation of the strategy will be undertaken through the development and implementation of Urban Water Management Plans for individual stages of development within the site.

It is noted that all detention/catchment basins for five (5) year ARI and 100 year ARI flood events are proposed to be located within ROS and POS, and two of them are located within vegetated areas. Clearing of native vegetation may require state and federal government approvals. Furthermore, if the ROS is to be managed by DEC, they may not accept drainage infrastructure within the reserve. DoW and DEC will give advice in relation to this matter.

Fauna

Surveys conducted by the environmental consultancy firm ENV Australia in 2008 (Appendix 6 of the proposed structure plan documentation) identified two listed species observed within the structure plan area - being the Carnaby’s Black Cockatoo (*Calyptorhynchus latirostris*) and the Western Ringtail Possum (*Pseudocheirus occidentalis*). Carnaby’s Black Cockatoos are protected as an “endangered” species under Commonwealth’s *Environment Protection and Biodiversity Conservation Act 1999* and are also protected under the State’s

Wildlife Conservation Act 1950 as “specially protected fauna”. Western Ringtail Possums are protected as a “vulnerable” species under Commonwealth’s Act and are also protected under the State’s Act as “threatened”. The recommendations of ENV included that:

- a 2.3ha area of bushland in the central north west of the structure plan area be conserved as public open space (POS);
- landscaping of POS west of the ROS include a 30% Peppermint Tree component; and
- a Western Ringtail Possum Management Plan be formulated to the satisfaction of the DEC.

As previously mentioned, a stormwater detention/catchment basin is proposed to be located within this area.

Furthermore, the site contains approximately 1.5ha of native vegetation within areas proposed for development (i.e. outside of POS and ROS). Ministerial approval may be required to lawfully clear the 1.5ha of vegetation. In addition, a clearing permit may also be required under the state’s *Environmental Protection Act 1986* and the advice of the DEC is required in relation to this matter.

Wetlands

Resource Enhancement Wetlands (REW) occupy approximately 15ha of the northern portion of the structure plan area, most of which is contained within ROS, and approximately 4ha of the central portion of the structure plan area. Both of these wetlands have been identified for conservation on the structure plan map.

It is understood that a study commissioned by ENV Australia (Appendix 4 of the proposed structure plan documentation) on behalf of the proponent recommends that a generic 50m buffer be applied to the REW on site. However, a Wetland Management Plan prepared by Bioscience (Appendix 2 of the proposed structure plan documentation) concludes that it is unlikely that a wetland buffer zone will serve any protection value against the threats that already existing within the wetland on Lot 802 and that the wetland does not require a buffer protection zone due to its highly degraded state.

DEC will give advice in relation to this matter. However, should a buffer be required, the proposed draft Tuart Brook Local Structure Plan may have to be considerably modified.

POS

A large proportion (69.3%) of POS is restricted as a response to the associated conservation objectives relevant to the site’s proximity to the Preston River to Ocean Regional Park. However, Liveable Neighbourhoods allows for a maximum of 20% of POS to be restricted. The proponents advise that this relatively high proportion of restricted public open space shall be offset by the approximately 7.5ha of ‘unrestricted’ ROS within the structure plan area. The degraded portion of ROS areas provides a potential opportunity to address the shortfall in provision of unrestricted POS for active recreational use. The City, however, may require developer contributions in regard to this future ‘active open space precinct’, and clarification in this regard needs to be included in modifications to the draft structure plan documentation.

It should be noted that the ultimate decision lies with the WAPC to accept the proposed provision of POS.

Traffic Impact Assessment

MRWA will need to advise of its requirements for how the intersection with Bussell Highway is to be treated and implemented and what impact this new intersection will have on the current Bussell Highway intersection with Centenary Road. Current thought is on its closure, alternatively retention with left in left out (as indicated on the draft structure plan), given good sight distance and potential access to future urban development in Dalyellup

Developer Contributions

The structure plan documentation currently outlines voluntary legal agreements in regard to development contributions. It is recommended that a contributions plan should be required to be in place prior to any subdivision of the land.

Analysis of Financial and Budget Implications

There are not considered to be any direct financial or budgetary implications for Council. Conditions of land subdivision include, but are not limited to, the following items that are to be dedicated / constructed at the subdivider's / developer's cost and to the specification and satisfaction of the relevant public authorities:

- all lots with frontage to a constructed and drained subdivisional road that is connected to the local road system;
- a contribution towards traffic calming measures, including intersection treatments connecting to main roads;
- a contribution towards roundabouts, road intersections, cycleways, dual use pathways and footpaths;
- land being filled, drained and connected to the City's stormwater drainage system; and
- all lots with connection to the reticulated potable water and sewerage systems.

Community Consultation

To date, it has been a stipulation of the City that Department of Housing and Kingslane Pty. Ltd. should consult affected landowners, along with other key stakeholders, directly during the structure plan's preparation. Nevertheless, the proposed draft Tuart Brook Local Structure Plan will require formal public advertising pursuant to existing Clause 6.2.5.5 of TPS7. An advertising period of 21 days is recommended as previous consultation has already occurred.

Councillor/Officer Consultation

Council officers have liaised with MRWA, MPM Development Consultants, Department of Housing and Kingslane Pty. Ltd. in relation to progressing the draft Tuart Brook Local Structure Plan to the advertising stage.

The Executive Leadership Team has been briefed and concurs with the recommendation.

Staff from both Sustainability and Integrated Land Use Planning and Development Assessment have participated in the initial review of the proposed draft structure plan and the preparation of this report.

Outcome – Council Committee Meeting 14 May 2013

Cr Jones declared an impartiality interest in this matter (see section 5). She remained in the chambers, participated in the discussion and voted on the matter.

Mr Andrew McRobert from MPM, 107 Beach Road Bunbury, addressed the Council in favour of the recommendation listed in this report. The following is a summary of his address: *'MPM are happy with the recommendation and believes this is best way forward for the structure plan. Department Environment Conservation (DEC) have not responded with any issues and MPM are hoping that by putting the Structure Plan out for advertising will make them address the issues. Releasing the draft Structure Plan for public comment will keep the project in line with the Building Better Regional Cities funding timeframes. A Local Water Management Study has been completed and is currently with the Department of Water for comment. A traffic impact assessment has also been completed. MPM would like to commend the work that the following City officers, Neville Dowling for obtaining the funding, Ann Jank and Thor Farnworth for their professionalism and assistance.'*

Mr McRobert answered any questions that the Councillors had.

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

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

Outcome – Council Meeting 21 May 2013

The recommendation (as printed) from the Council Committee was moved Cr Steck, seconded Cr Prosser.

Cr Kelly moved Cr Steele seconded the following amendment:

Add a point 5 which reads as follows:

"5. Notes that it does not support the unnecessary clearing of native vegetation in the structure plan area."

The Mayor put the amendment to the vote and was CARRIED 6 votes "for" / 5 votes "against".

The motion now reads as follows:

"That Council:

- 1. Advertise the Tuart Brook Local Structure Plan (draft) on a 'without prejudice' basis, for a period of twenty-one (21) days.*
- 2. Refer the Tuart Brook Local Structure Plan (draft) to relevant public authorities for their consideration and comment over the advertising period.*
- 3. Forward a copy of the Tuart Brook Local Structure Plan (draft) to the Western Australian Planning Commission, for information.*
- 4. Reconsider the proposal at the conclusion of the public advertising period.*
- 5. Notes that it does not support the unnecessary clearing of native vegetation in the structure plan area."*

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

Council Decision 140/13

That Council:

- 1. Advertise the Tuart Brook Local Structure Plan (draft) on a ‘without prejudice’ basis, for a period of twenty-one (21) days.***
- 2. Refer the Tuart Brook Local Structure Plan (draft) to relevant public authorities for their consideration and comment over the advertising period.***
- 3. Forward a copy of the Tuart Brook Local Structure Plan (draft) to the Western Australian Planning Commission, for information.***
- 4. Reconsider the proposal at the conclusion of the public advertising period.***
- 5. Notes that it does not support the unnecessary clearing of native vegetation in the structure plan area.***

CARRIED

11 votes “for” / nil votes “against”

10.24 Petition to Rescind Development Approval for Respite Centre, 18 Morrissey Street Bunbury (was listed as item 10.5.4 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Peter Morrison, Compliance Officer Gary Fitzgerald, Manager Development Assessment and Building Certification
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-9

Summary

A Petition had been received from eighteen (18) residents and landowners in Morrissey Street, Beverley Place and Eades Street requesting that Council “*rescind the permit*” (Development Application 02/58) for a “*respite centre*” at 18 Morrissey Street, Bunbury. A copy of the petition is **attached** at Appendix [DPDS-9](#).

Council Committee Recommendation

That Council:

1. Note and accept the report.
2. Notify each petitioner of the outcome of investigations in that the matter has been investigated and no breach of planning approval has occurred therefore there is no basis for consideration for rescission.

Background

Councillor Brendan Kelly presented the Petition to Council on 19 March 2013

The City granted Planning Approval (7 May 2002) for a “*Community Purpose*”, defined as:

"Means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit."

The Petition’s reference to “*Respite Centre*” is incorrect as approval was for a “*Home Care and Family Day Care Facility*”, which is defined as a permitted “*Community Purpose*”.

Council Policy Compliance

Not applicable.

Legislative Compliance

Development Approval (dated 25 March 2002) was issued pursuant to the provisions of the *Planning and Development Act 1928 (As Amended)* and the City of Bunbury Town Planning Scheme No 6.

Officer Comments

On 18 March 2013, the operator of the “*Home Care and Family Day Care Facility*” at 18 Morrissey Street lodged a Development Application under the City of Bunbury Town

Planning Scheme No 7 for a Change of Use (adjoining residence 20 Morrissey Street) to “Residential Building” as defined in the Residential Design Codes of Western Australia. A “Home Care and Family Day Care Facility” could reasonably be defined as a permissible use that requires development approval. Simultaneously, an application for Registration of a Lodging House under the Health Act 1911 was made. The City is awaiting further information from the applicant to complete assessment on both applications.

The City had received an earlier complaint on 14 October 2010. On that occasion, ‘Holmes Vacations’ a home care and family day care facility was then operated by Activ Foundation in accordance with the relevant State and Commonwealth Acts and Regulations, and in accordance with the conditions of the Development Permit issued by the Council.

The complaint also related to the retaining wall surrounding the above address, on checked building records the City found that it had been constructed in accordance with the approved by building licence issued. Further, that both the Development and Building Approval were granted pursuant to Legislation, policies and procedures.

The City had on that occasion spoken to Activ Foundation who advised that a maximum of six (6) occupants were on the premises; in accordance with the Development Permit. On 21 October 2010, the complainant was advised of the above findings.

In relation to the recent Petition, the Environmental Protection (Noise) Regulations 1997 were promulgated to deal with noise generated by stereos, equipment, construction, and such like, not noise generated by “*yelling and screaming*” or such like anti-social behaviour. The nature of those complaints is a matter for WA Police.

Staff inspected 18 Morrissey Street on 8 April 2013. The owner/operator was not present at the time of inspection. No noise was observed coming from the premises and there was only one vehicle parked in the driveway and the house was in a well-kept condition.

Since then, staff had contacted the owner and was advised that the use “*had not operated since before Christmas*”. Given the use has not been in operation since before Christmas, it is not possible to determine that a breach has occurred.

The cessation of the approved use does not preclude the owner from recommencing the use, at any time, until another use is approved and commenced on that site.

Given the above, staff concluded that there was no evident breach of planning approval.

Analysis of Financial and Budget Implications

Not applicable.

Community Consultation

The application for a Home Care and Family Day Care Facility at 18 Morrissey Street in 2002 was publicly exhibited and nine (9) adjacent residents specifically notified of the application, prior to officers assessment, report and determination made by the Council to approve the application.

Councillor/Officer Consultation

The Petition had been presented to Councillors at the 19 March 2013 Council Meeting.

Staff representing the divisional areas of Environmental Health, Development Assessment and Compliance have contributed to the report.

Both the petitioners and the owner of the property have been notified of and invited to make a representation to the Council (Standing) Committee to provide clarification surrounding the complaint.

Outcome – Council Committee Meeting 14 May 2013

Cr Jones declared an impartiality interest in this matter (see Section 5). She remained in the chambers, participated in the discussion and voted on the matter.

Mrs Alison Holmes, 18 Morrissey Street Bunbury, addressed the Committee in favour of the recommendation. A summary of her address is as follows: *'I have not operated the respite centre at the premises for the last 5 years and Activ have not used the centre since Christmas last year. Neither Activ nor I have received any complaints. I lived next door to number 18 (at number 20) and did not have any issues with noise or anything else. The fencing issue is being addressed. It has just taken some time to get it sorted. I am hoping to start the respite service up again soon. If any of the neighbours have any issue, I am happy to discuss the matter with them'*.

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

The Mayor put the motion to the vote in separate parts and the outcome was adopted to become the Committee's recommendation on the matter.

Point 1: 8 votes "for" / nil votes "against" CARRIED
Point 2: 7 votes "for" / 1 vote "against" CARRIED. It was requested that the votes be recorded as follows:
For: Mayor D Smith, Cr Leigh, Cr Steck, Cr Steele, Cr McNeill, Cr Cook, Cr Morris
Against: Cr Jones

Outcome – Council Meeting 21 May 2013

Cr Jones declared an impartiality interest in this matter (see Section 5). She remained in the chambers, participated in the discussion and voted on the matter.

Ms Julie Kennedy, 16 Morrissey Street Bunbury and Ms Amelia Swanson, 15 Morrissey Street Bunbury addressed the Council against the recommendation. Ms Kennedy read out an email that she had circulated to some of the Councillors prior to the Council meeting highlighting some of the issues that she and other neighbours have faced.

The recommendation (as printed) from the Council Committee was moved Cr Steck, seconded Cr Kelly with the following amendment:

Add a point 3 which reads as follows:

"3. *Invite the petitioners to meet with Council planning staff to discuss the nature and conditions of home based business approvals.*"

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

Council Decision 141/13

That Council:

- 1. *Note and accept the report.***
- 2. *Notify each petitioner of the outcome of investigations in that the matter has been investigated and no breach of planning approval has occurred therefore there is no basis for consideration for rescission.***
- 3. *Invite the petitioners to meet with Council planning staff to discuss the nature and conditions of home based business approvals.***

CARRIED

10 votes "for" / 1 vote "against"

10.25 Proposed Skate Park, Shelter and Landscaping – LOT: 5716 (DP: P18815, RN: 43606) Vittoria Road Vittoria (was listed as item 10.5.5 on the meeting agenda)

File Ref:	F00230
Applicant/Proponent:	City of Bunbury
Author:	Mr Anthony Pick, Planning Officer
Executive:	Bob Karaszekewych, Director Planning and Development Services
Attachments:	Appendix DPDS-10 , DPDS-11 , DPDS-12 , DPDS-13 , DPDS-14 ,

Summary

The proposal is for the construction of a skate park, shelter and associated landscaping.

Council Committee Recommendation

Council, pursuant to the provisions of the Planning and Development Act 2005 (as amended), hereby resolves to:

1. Grant Planning Approval for the proposal subject to the imposition of conditions, including a privacy/noise attenuation screen wall (and landscaping as necessary) in consultation with the owners of No. 34 Vittoria Road, to the satisfaction of the City.
2. Council continue to liaise with the residents on the progress of the skate park.

Background

The initial concept for a skate park arose following a petition (133 signatures) to Council in 2010. Community consultation has taken place over the last three years. This comprised three mail outs and a series of community meetings/workshops with the skate park user group, residents, and, representatives of the City. The process included site selection; identifying issues and concerns, together with solutions to mitigate those concerns through a draft Management Plan; and, working with the skate park user group on the proposed design of the skate park.

Council agreed full stage development of the skate park in February 2012 subject to securing partial grant funding. The project was listed in the Council budget in July 2012. The City were successful in obtaining partial grant funding from CSRFF (\$94,000) and Lottery west (\$56,668) in January and March 2013 respectively. The Development Application was submitted in March 2013.

The proposed skate park and shelter is sited partly on land zoned Reserve – ‘Parks and Recreation’ and part on the adjoining ‘Road’ Reserve. For Councillors’ information **attached** Appendix [DPDS-10](#) and [DPDS-11](#) delineates the reserve boundary and provides the context of the site in relation to residential development.

Council Policy Compliance

The application is to be determined having due regard to the provisions of the City of Bunbury Town Planning Scheme No. 7. Clause 3.4.2 sets out the matters that local government should have due regard to TPS7 Clauses (a) and (b) are applicable. Criteria (a) refers to the general matters that all development should be assessed against, set out in

Clause 10.2. Clause (b) of 3.4.2 requires due regard to be had to the 'ultimate purpose intended for the Reserve'.

Legislative Compliance

Clause 3.4.2 of TPS7 requires the local government to have regard to a number of criteria for development on local reserves. It is standard protocol to advertise applications which may be controversial in order to allow the public to make representations on the merits of a development proposal. On that basis, the application was duly advertised in accordance with the requirements of Clause 9.4.2 and 9.4.3 of TPS7 for a period of 21 days.

The consultation process consisted of 908 neighbour notification letters sent by mail; four site notices displayed at each corner of the park; and, an advert placed in the Bunbury Mail newspaper. In addition, Development Assessment staff has also met with the landowner whose property directly abuts the site.

Officer Comments

The main issues for Council to consider are (1) The effect on the living conditions of nearby residents in respect of noise and disturbance; (2) Development on Reserve land; and, (3) The effect of the proposal on the natural environment and ecology.

(1) The effect on the living conditions of nearby residents in respect of noise and disturbance

There has been a significant level of opposition to the proposal on the grounds that the skate park will generate noise and act as a focal point for anti-social behaviour. The physical skate ramp is approximately 14m from the nearest residential lot boundary, to the north, and in excess of 50m from those properties located to the east of the site.

The Council's Environmental Health Team has advised that they are in 'support' of the proposal subject to a management plan that addresses noise and amenity concerns. It is recommended that either a masonry wall or blade wall is constructed to provide both screening and noise attenuation mitigation to the adjoining residential lot to the north.

In terms of anti-social behaviour Bunbury Police Station has been consulted on the proposal. The Police department 'supports' the proposal and add the following comments to note:

'Lighting should be automatically turned off at 8pm nightly. The Police have the ability to turn lights off should anti-social behaviour occur prior to 8.00pm and the ability to turn on should they be required for a protracted police response to an incident.

It would be beneficial to have CCTV should it be required for investigations'

The Council's Community Safety Officer has been actively involved in the stakeholder project group. The officer supports the proposal, subject to finalising the Management Plan, and offers the following additional comments:

'It is noted that there has been some concern raised by the community regarding issues of anti-social behaviour and crime at the proposed skate park. While negative incidents at skate parks are more likely to receive media and community attention, such parks have the potential to foster and reinforce many positive outcomes for mental wellbeing and physical development of young people within the community. For some, providing an opportunity for young people to 'hang out'

can be associated with loitering or time wasting however public health advocates consider to be an important part of a young persons' social development.

Notwithstanding the above, in the planning process of the Glen Iris Skate Park it has been acknowledged that there is a need for a cross divisional approach to the management of these facilities and therefore a Management Plan has been developed which incorporates elements related to community safety and facilities security, maintenance and ongoing site up-keep as well as the development of structured, effective social programs which engage and provide development opportunities for park users.

Bearing in mind the principle that community safety is everybody's business the City is committed to facilitating strong communities ties through its Skate Park Users Reference Group, Neighbourhood Watch Members, local schools, Police and Rangers as these partners have the capacity to be the eyes on the street in identifying issues and strategies for ongoing improvements as well as active reporting of maintenance and vandalism.

Within the Skate Park Plan consideration has been given to 'Crime Prevention Through Environmental Design' (CPTED) principles, including:

- *Territorial reinforcement – the promotion of community ownership of facilities and 'sense of place'*
- *Surveillance – Both passive: locating future parks close to housing, main roads and other public use facilities such as schools, cafes, shops etc., installing multi-use ancillary facilities such as BBQs and picnic facilities, and active: police and ranger patrols.*

Regular meetings will be held with these groups. A reporting and operational structure has been established within the Plan for the management and maintenance and other issues. This will culminate in discussion of internal staff at CPTED Working Group meetings to be held on a quarterly basis.

The Police would be a key party of the working group developing the Management Plan. This document would involve the Skateboard Project Group, the City, and the Police, together with any other relevant parties. The Management Plan is a key instrument to ensuring the facility is appropriately managed. This *may* also include, for example, the requirement for secure fencing, CCTV, lighting, hours of use, and restrictions on amplified music etc., to provide additional safeguards to control and monitor the use of the skate park. However, at this stage the various departments are continuing to input into the Management Plan. It is recommended that a condition be imposed to the following effect:

Prior to the commencement of the use hereby approved, a comprehensive Management Plan shall be produced setting out measures to mitigate and reduce noise and anti-social behaviour issues on site (including monitoring the effectiveness of the plan) and shall involve the skate park user group, the Police, and be formally signed off to the satisfaction of the Manager of Community Safety, Manager of Community Development and the Manager of Environmental Health.

A copy of the working draft is **attached** at Appendix [DPDS-12](#) for Councillors information.

The Community Development Officer has provided the following comments:

A project spearheaded by the Community Development team, the planning and development phase has been undertaken in accordance with community

development and engagement principles to ensure the proposed Park is indeed the most appropriate Park for the residents of Glen Iris and surrounds.

Notwithstanding this it is noted that apprehension concerning anti-social behaviour at the proposed Park prevails amongst some residents of Glen Iris.

As detailed in the Community Consultation Report developed by former Community Development Officer Andrew Rigg, the location and style of the Park have been selected with reference to community consultation and also in consideration of best practice outlined by current skate park literature.

Whilst skaters and skate parks often fall victim to broader societal concerns about young people, loitering and anti-social behaviour, there is very little data to substantiate these negative stereotypes. Indeed, when these issues do arise, they are often a result of poor location and design. That is, industrial, concrete skate parks located on the periphery of the community represent an implicit form of 'designing out' and ostracisation of young people from mainstream society, not to mention the limited opportunities for passive surveillance. Conversely, open plan parks integrated with other recreational facilities, in central locations with access to public transport, and with good visibility and lighting can in fact become invaluable community hubs and lessen the incidence of anti-social behaviour.

In light of this, the proposed Park is located in a central Glen Iris location and in proximity to housing, maximising passive surveillance issues as highlighted by the CSO. Additionally, it has been designed in an open plan plaza style, with the provision for social seating, shade shelters, and a central BBQ area for picnicking. These elements are relevant and appropriate for families, and indeed the majority of participants at events of the City-funded Skateboarding Australia South West Hub have to date been children and young people aged 14 and below, and their families. Overall, facilities such as skate parks decrease loitering and have positive outcomes on the physical and mental health of young people.

As the CSO has detailed, a cross-organisational Management Plan has been developed in consultation with numerous internal and external skateholders to ensure any issues arising are managed effectively and to ensure the abovementioned outcomes are maximised. From a community development perspective, a Skate Park Users Reference Group; similar to the existing Youth Reference Group; will be developed to encourage ownership of the Park by its users which will also act to lessen the incidence of anti-social behaviour and ensure issues are efficiently reported and actioned. The proposed Park will also be integrated into the Skateboarding Australia South West Hub program as well as the Community Development team's portfolio of events and programs ensuring it is integrated successfully into Glen Iris and its potential as a community asset is maximised.

The concerns of local residents about a possible increase in anti-social behaviour are understandable. However, the proposal would provide an important recreational facility for young people, which was originally petitioned for by local residents. The Police have been consulted and indeed support the proposal. The siting of the facility will provide passive surveillance of the facility. The Management Plan would provide additional safeguards to control and monitor the use of the skate park.

(2) Development on Reserve Land

It is considered that a skate park, shelter, and, associated landscaping is consistent with the purpose of the Reserve – 'Parks and Recreation'.

Part of the development is sited on 'Road Reserve'. However, due regard has been given to the ultimate purpose of the 'Road Reserve' in this location. The City's Engineering Department have considered the siting of the development with regard to the OPUS traffic management study, commissioned to examine long term highway improvements along Vittoria Road. The adjoining residential blocks restrict road widening on the eastern side. All future widening would need to be contained within the remaining road reserve. The section of closed road (where the skate park will be located) will be amalgamated into the existing Public Open Space. As part of the overall Vittoria Road study being undertaken at the present time OPUS has confirmed that the part road closure will not impact on the road capacity.

As such, the principle of the proposed development is considered acceptable.

(3) The effect of the proposal on the natural environment and ecology

As part of the community response to the proposal, local residents expressed concern that the proposed development would have an adverse environmental impact. The City's Department of Sustainability and Integrated Land Use Planning were consulted. In summary, the Environmental Officer, after carrying out an Environmental Impact Assessment, is satisfied that the proposed development is unlikely to have any significant adverse impact on the environment. The Department of Environment and Conservation has confirmed a clearing permit will not be required for the removal of two (2) trees, as indicated on the plans. A copy of the officer's Environment Impact Assessment is **attached** at Appendix [DPDS-13](#) for Councillors information.

A condition is required to be imposed to ensure a Phytophthora dieback hygiene plan is produced and is effectively implemented.

Conclusion

This application has attracted significant public opposition, particularly due to the fear of anti-social behaviour and noise from users of the skate park. Those genuine concerns are noted and understood. However, those concerns need to be balanced against the benefits of providing a facility in an area where opportunities for youth recreation is limited. Moreover, the proposal is supported by the Police, Community Safety Officer, Community Development Officer, and, the Health Officer subject to an effective Management Plan for the facility. On that basis the recommendation is one of approval subject to the imposition of conditions. This will include the sign off of the Management Plan with all key stakeholders, including the Police, and the construction of a privacy/acoustic screen, in consultation with adjoining residential lot to the north.

Analysis of Financial and Budget Implications

PR1250: Construct Glen Iris Skate Park is an approved project with a current budget allocation for \$55,000 in 2012/13 and \$555,759 in 2013/14.

The figure for 2013/14 includes \$94,339 from the Department of Sport and Recreation (via its Community Sports and Recreation Facilities Fund), and \$56,668 from LotteryWest. The total figure includes \$150,000 from the Glen Iris Developers Contributions Fund. \$56,000 is allocated for addressing noise/privacy issues with regards to the adjoining residential lot No. 34, and providing a fence between the facility and the existing drainage basin.

The total budget is \$610,759. This includes provision of toilet facilities, which is not part of this Development Application.

Community Consultation

Community Development provides the following overview of community consultation for the project since its conception following Cody Philipp's petition to build a skate park.

- Discussion at Youth Advisory Council meetings.
- First mail out to all Glen Iris residents (seeking expressions of interest for involvement in a community reference group and attendance at a community forum in November 2010).
- Holding of a community reference group meeting in February 2011 (to discuss potential locations and designs based upon community needs).
- Staging of a community forum in February 2011 (to enable community stakeholders to find out information and air concerns and grievances).
- Second mail out to all Glen Iris residents (seeking feedback on proposed skate park sites previously identified by attendants at the aforementioned meetings in April 2011).
- Holding of two (2) skate park user meetings in June and December 2011 (to develop proposed design of park based upon user and community needs).
- Third mail (908) out to Glen Iris residents (inviting their attendance at a final community meeting in November 2011).
- Staging of final community meeting in December 2011 (to present proposed plans, seek feedback and respond to grievances).

Formal Advertisement of the Development Application

Consultation for the Development Application consisted of 908 neighbour notification letters; four (4) site notice at each corner of the park; and an advert in the local media. The media also published an article on the proposed skate park. In addition Development Assessment staff has also met with the landowner whose property directly abuts the site to the north.

The representations received are set out in the submissions document **attached** at Appendix [DPDS-14](#). This provides a summary of the 'planning issues' raised in the representations and officers comments on points raised.

Councillor/Officer Consultation

The proposal was presented at the internal Development Coordination Unit (DCU) where it was discussed in a multi-disciplinary environment.

Internal referrals were undertaken with Health, Building, Development Engineer; Environmental Officer; Community Development; Community Safety; and, Landscape Architect.

The following external Service providers were consulted and their responses, where received, are set out in the submission document: Aqwest; ATCO Gas Australia; Department of Health; Department of Indigenous Affairs; Department of Planning; Department of State Development; Police Headquarters; Bunbury Police Station; Water Corporation; and, Western Power Corporation.

Delegation of Authority

Delegation of authority is not applicable in this case.

Relevant Precedents

There are no similar relevant precedents relative to the current proposal.

Outcome – Council Committee Meeting 14 May 2013

Mr Michael Joubert, 4 Stirling Street Bunbury, representing the residents of 34 and 36 Vittoria Road addressed the Committee against the recommendation. A summary of the points he addressed are as follows: *'The biggest issue my clients have with the proposed skate park is the lack of privacy. The skate park at this site will need to be built up rather than excavated. Their peace and quiet will be shattered. The skate parks in both the City and Eaton are 100 yards away from the nearest resident and are open to the street. The proposed skate park will not be clearly visible as there will be walls that will close it off. Vittoria Road is a busy road and the skate park is too close to the road. This is a safety matter.'*

Mrs Suzanne Browne, 36 Vittoria Road Bunbury, addressed the Committee against the recommendation. A summary of her address is as follows: *'I received the first letter from the Council on 8 May 2013. This is the first ever letter received in regards to this proposal. The owner of the premises (36 Vittoria Road) has never received a letter either. Sporting grounds are the more appropriate places for skate parks.'*

The Executive recommendation was moved Cr Steck, seconded Cr Cook with the following amendment:

Add a point 2 which reads: "2. Council continue to liaise with the residents on the progress of the skate park."

The Mayor put the motion to the vote in separate parts and the outcome was adopted to become the Committee's recommendation on the matter.

Point 1: 6 votes "for" / 2 votes "against" CARRIED. It was requested that the votes be recorded as follows:

For: Cr Jones, Cr Leigh, Cr Steck, Cr McNeill, Cr Cook, Cr Morris

Against: Mayor D Smith, Cr Steele

Point 2: 8 votes "for" / nil votes "against"

Outcome – Council Meeting 21 May 2013

The recommendation (as printed) from the Council Committee was moved Cr Steck, seconded Cr Cook.

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

Council Decision 142/13

Council, pursuant to the provisions of the Planning and Development Act 2005 (as amended), hereby resolves to:

1. Grant Planning Approval for the proposal subject to the imposition of conditions, including a privacy/noise attenuation screen wall (and landscaping as necessary) in consultation with the owners of No. 34 Vittoria Road, to the satisfaction of the City.

2. Council continue to liaise with the residents on the progress of the skate park.

CARRIED

7 votes "for" / 4 votes "against"

It was requested that the votes be recorded as follows:

For: Cr Jones, Cr Prosser, Cr Leigh, Cr Steck, Cr McNeill, Cr Cook, Cr Morris

Against: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Steele, Cr Kelly

10.26 Endorsement of Final Draft Withers Urban Renewal Strategy (*was listed as item 10.5.8 on the meeting agenda*)

File Ref:	A05559
Applicant/Proponent:	Internal report
Author:	Thor Farnworth, Manager Sustainability and Integrated Land Use Planning
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-21

Summary

The Withers Urban Renewal Strategy project has reached an important milestone with the completion of the final draft of the Strategy document for Council's endorsement as an '*Informing Strategy*' that compliments the Strategic Community Plan and the Corporate Business Plan (previously circulated to Councillors in December 2012). It is anticipated that the next steps in this project will be the reconstitution of the Withers Urban Renewal Coordination Committee by the South West Development Commission (SWDC), with the participation of relevant state government agencies and Council, for the duration of the implementation phase.

Stakeholder engagement and community consultation on the preparation of the draft Withers Urban Renewal Strategy during December 2012 and February 2013, has generally drawn positive responses, also yielded valuable information on issues and contribution of ideas that will inform the ongoing implementation of the Strategy by relevant state government agencies and the City of Bunbury.

Council Committee Recommendation

1. That Council notes and accepts all submissions made in regard to the final draft Withers Urban Renewal Strategy, as prepared by the consultants TPG Town Planning, Urban Design and Heritage.
2. That Council accepts the final draft Withers Urban Renewal Strategy and adopts it as an *Informing Strategy* to complement the Strategic Community Plan and the Corporate Business Plan in guiding the consideration of:
 - (a) grant funding submissions for improvements to community facilities and recreational amenities;
 - (b) capital works programmes for enhancement of public open spaces, roadways and pathways;
 - (c) structure planning proposals; and
 - (d) Local Planning Scheme review and amendment.
3. That a community reference group be established in accordance with the following:
 - (a) To be facilitated by the Place Manager for the term of the SWDC funding period (i.e. up to two years);
 - (b) Terms of Reference to be developed by the Place Manager and endorsed by the Council and South West Development Commission; and
 - (c) Representation on this group is to include, but not limited to, a representative from the Withers Action Group; community interest groups and local schools.

4. The Place Manager will provide both the City of Bunbury and SWDC regular progress reports, particularly matters requiring decisions on new capital works projects.

Background

The preparation of the draft Withers Urban Renewal Strategy was an initiative undertaken by the SWDC in partnership with the City of Bunbury. The project was commenced in March 2012, with the signing of a statement of agreement between the Commission and the City of Bunbury, which was then followed by the appointment of the consultancy firm TPG Town Planning, Urban Design and Heritage (TPG) in June 2012.

The principle aim of the project was to enhance the quality of life of the local community and promote a positive image of the neighbourhood – in order to support the more sustainable development of Withers, into the future.

The final draft of the Strategy document was completed by the consultants in February 2013, after which, the SWDC undertook public advertising of the draft Strategy with Council support, from December 2012 to February 2013.

Council collated and analysed the submissions – with a total of 444 submissions being received (refer to **attached** Appendix [DPDS-21](#)). Of this, 79 were unique submissions, with a further 365 duplicated submissions (stating "I agree with this submission titled 'Ashrose Drive Reserve"), and a submission associated with a petition (with 43 signatories advocating retention of POS). Of the 79 unique submissions, there were approximately 395 distinct comments made.

Table 1: Breakdown of Number of Comments by the Category of Issue.

Category	Number of Comments by Category	
	Primary Issue Raised	Secondary Issue Raised
Access and Mobility	73	22
Community/Urban Renewal	18	4
Community Development	28	24
Community Safety and Crime Prevention	42	16
Economic Development	0	4
Education and Training	7	2
Health and Wellbeing	6	6
Housing	33	3
Image and Identity	21	6
Land Rationalisation or Acquisition	17	10
Neighbourhood Centre	14	3
Public Open Space	90	36
Urban Development	12	35
Utilities	15	1
Waste Management	10	2
<i>All</i>	0	1
<i>Other</i>	9	220

From the summary table above, the top five categories of issues raised in submissions, in order to frequency, were:

- Public Open Space (22%);

- Access and Mobility (18%);
- Community Safety and Crime Prevention (11%);
- Housing (8%, of which 88% related to public housing);
- Community Development (7%); and
- Image and Identity (5%).

With completion of the final draft Strategy document in February 2013, the project is now entering into an implementation phase – with community expectations regarding a range of soft and hard infrastructure projects and programmes. As such, the SWDC secured \$1.5 million in funding ahead of the last state election in March 2013. As a result, the SWDC has offered the City of Bunbury an initial grant of \$300,000 – requesting that Council spend this money on initial priority projects resulting from Strategy (e.g. upgrading of parks and pathways). Table 2 outlines possible allocation of funding. In addition to the funding allocated by the State Government, Council has previously identified the allocation of \$300,000 per annum to go into additional projects within the Withers area.

The finalisation of the Withers Urban Renewal Strategy will provide opportunity to address the issues identified by the community and other key stakeholders and the allocation of funding by both State Government and the Council will see the ability to commence the implementation process. Whilst there are some quick projects identified through the process, there may be some more significant projects which will require more funding. Where these are identified and agreed to by Council and the SWDC, the funding may be carried forward to ensure that the projects can be completed.

The SWDC is to determine how the remaining \$1.2 million in funding is to be spent in consultation with state agencies and Council, but has advised that a second grant for projects could include:

- CCTV and lighting;
- Access and mobility;
- Place-making;
- Structure planning (with Department of Housing); and
- Place Manager salary (up to two years part time).

The SWDC has also advised that it would like to see an ongoing structured engagement process with the local community, such as the establishment of a community reference group. Whilst the model for raising and sustaining a neighbourhood based community reference group is yet to be determined, it is anticipated that such a group would be facilitated by the Place Manager working with an internal technical working/project management group.

Nevertheless, it is noted that where local governments have undertaken the creation of community reference groups (e.g. City of Fremantle); it has had ongoing implications for resourcing and the managing of expectations regarding a consistent approach to this level of engagement across the municipality.

In reviewing the submissions in light of the project's objectives, the Executive Leadership Team (ELT) and staff from across directorates have recommended in Table 2 a feasible breakdown of funding for initial project outcome areas. This information is based on the priority identified through the community consultation process and will be further refined following consultation between Council and the South West Development Commission.

Table 2: Recommended Initial Project Outcome Areas.

Project Outcome Area	New Project Budget Estimation	Council Budgeted Projects
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Project Outcome Area	New Project Budget Estimation	Council Budgeted Projects
Community Safety & Crime Prevention		
Lighting (PAW)	\$25,000	
CCTV (x1 at Library)	\$5,000	
PR 2137 to implement strategies as identified in Community Safety & Crime Prevention Plan 2013-18 which includes Withers.		\$15,000
PR 2156 for CPTED working group projects that could potentially be within Withers.		\$15,000
Access and Mobility		
Bus stops/shelters (x2)	\$25,000	
Pathways (pedestrian and bike)	\$100,000	
Parks and Recreation		
(E.g. water fountains, play / exercise equipment, seating, pathways, bins, shade structures, lighting, signage, etc.)		
Ashrose Reserve (RN: 43551 and RN: 44342)	\$100,000	
Des Ugle Park (RN: 35848)		
Moriarty Park (RN: 34727)		\$45,000
Maidens Reserve (RN: 670 and RN: 35020)		
Reserve in vicinity of Library (RN: 39152, RN: 34725 and RN: 39445)		
Reserve in vicinity of Hudson Road Family Centre (RN: 42071, RN: 40244 and RN: 33256)		
Hay Park		
Place-making / Place Management		
Community development project seed funding	\$45,000	
Total =	\$300,000	\$75,000

Council Policy Compliance

Whilst previous investigations and plans for Withers have been prepared (e.g. draft Withers Outline Development Plan prepared in May 2001, by the property developer Pindan as part of the Department of Housing sponsored “One Bunbury Project”, which was not adopted by Council), there are no extant policy positions of Council that relate to Withers other than the Town Planning Scheme.

Legislative Compliance

The Strategy is not a statutory land use planning instrument; however, the document should be adopted as an “*Informing Strategy*” to complement both the Strategic Community Plan and the Corporate Business Plan, in accordance with the Department of Local Government’s Integrated Planning and Reporting Framework and Guidelines (October 2010). As such, the endorsement and adoption of the Strategy document relates to those matters that fall within the legislated scope of roles and responsibilities of the City of Bunbury as a local government. It is expected that matters that fall outside of the scope of local government (e.g. policing, public housing, health, education, etc.) will be addressed by the relevant state and federal government agencies.

Officer Comments

The next steps are expected to be the reconstitution of the Withers Urban Renewal Coordination Committee, which it is anticipated would operate for the duration of the implementation phase (i.e. investment of SWDC funds). The membership of this external committee being officers drawn from:

- SWDC;
- Department of Housing;
- Department of Planning; and
- City of Bunbury.

Other key stakeholders that will need to be engaged include:

- Police;
- Department of Health; and
- Maidens Park Primary School and Newton Moore Senior High School.

Analysis of Financial and Budget Implications

The adoption of the Strategy itself does not impact on the current or next financial year's Annual Budget, as all work associated with the production of the final draft Strategy document has been completed by the consultants.

Under the *Planning and Development Act 2005*, the necessary infrastructure works (e.g. roads, pathways and drainage) to permit the redevelopment of public and private land will be provided by developers, at their cost, through the normal land subdivision and planning approval processes.

The further enhancement of public open spaces and roadways, over and above state government grant funding or public and private development contributions, will be in accordance with the City of Bunbury's capital works program, which will be phased in a manner that is consistent with identified priorities and funding opportunities.

Community Consultation

The SWDC undertook public advertising of the draft Strategy with Council support from December 2012 to February 2013. Public consultation activities included:

- Public meetings with community -
 - * Friday 14 December 2012 Community BBQ (Hudson Road Family Centre);
 - * Wednesday 16 January 2013 Community feedback meeting (Hudson Road Family Centre);
 - * Saturday 19 January 2013 Community feedback meeting (South West Sports Centre);
- Advertisements in local newspapers -
 - * Bunbury Herald: 4 Dec, 11 Dec, 18 Dec, 8 Jan, 15 Jan, 29 Jan;
 - * Bunbury Mail: 5 Dec, 12 Dec, 19 Dec, 31 Dec, 9 Jan, 16 Jan, 30 Jan;
- Joint Media releases from SWDC -
 - * Community barbecue to give people the chance to discuss Withers urban renewal project;
 - * Withers report released for public comment.
- Joint Media releases from City of Bunbury -
 - * Overwhelming response to planning Withers future;
 - * Inspiring workshop available to Withers residents;

- Project updates -
 - * December 2012; and
 - * January 2013.

Councillor/Officer Consultation

A Council briefing session was conducted on 7 May 2013 that had outlined the results of public advertising on the exhibited draft Withers Urban Renewal Strategy. Staff from across all relevant directorates has taken part in both the analysis of submissions and the formulation of recommended initial project outcome areas.

Outcome – Council Committee Meeting 14 May 2013

Mr Glen Willetts, 40 Wilkerson Way Withers representing the Withers Action Group (WAG) addressed the Committee and asked a number of questions. The responses were provided by the Chief Executive Officer.

Question 1: Can Council provide us with a list of this financial year's projects and costs as well as next financial year's projects and costs for the Withers Action Plan?

Response: Will have to take that on notice and provide the response to you in writing. At this stage Council has not adopted the budget for next year so that will be a proposal plan for spend for next year and will not be confirmed until Council adopts the budget.

Question 2: Can you tell us what timeframe is there for the immediate works planned for the \$1.5M from the State Government?

Response: There are two components to it; \$300,000 has been identified for immediate works. Once the strategy and final plan has been endorsed by both the Council and the South West Development Commission, then we should be able to commence the works in the very near future. I am talking possibly by the end of this financial year or very early in the next financial year to start the preliminary works. The answer to the balance of the \$1.5M that will be dependent upon all the works identified through the Strategy and prioritisation over the next couple of months. You will be kept informed as those progresses.

The next questions relates to Annex 21. Summary 79Q states that "the Withers Action Group doesn't seem to want to improve the Maidens Reserve", as Council is aware, we say that the whole of Withers needs renewal and the Maidens Reserve is part of that. The Group has always reflected this. We found the comment to be a little bit offensive, as everyone who comes to our meetings has known that the whole of Withers is what we are promoting to be renewed. Summary 77E stated that "the representatives of the Withers Action Group will be on the Management as well as the reference group so that the community voice that we have has been heard". I would suggest that we could be on both.

Response: The issue of the Management Committee involves officers from both Council and representatives of State Government agencies and there is a significant amount of information that does come through from the State Government agencies that wouldn't be releasable to the public. That is the rationale behind that. It is certainly the direction that came through from the Commission, that is the Department of Housing as well as Police information that is not normally publicly available. In relation to the community reference

group, we have certainly allocated positions on that specifically for the Withers Action Group. The concept at this point in time is that the Place Manager position that is out there will be working with that consultative group and we have allocated a budget for that group as well to actually identify some of those quick wins that can be done out there and made at the local level rather than come back through at the management level. That structure has to be finalised and ratified by both Council and the Development Commission though but that has been the discussion to date to allow some of that decision making can be done at the local level. Only the major strategic issues will have to come back through to the management committee.

The submissions and outcomes should surely have to be incorporated into the Strategy draft. At the moment we have a draft that was made in December that you asked submissions for, which everyone has now put their submissions in. It should have theoretically changed the Strategy and been reconfigured to include all of those submissions and then be adopted. Not to adopt the old one that was in December that hasn't got the submissions in.

Response: I take on board your comments. There was a long discussion between Council and the Development Commission in relation to that. It meant going back to the consultants and getting them to rewrite the report. We deemed that it would be easier to adopt those appendices and get both the Council and the Commission to accept the consultation. When we do the prioritisation, which was the intent of the last round of consultation, to identify what the community priorities were that will help drive the future planning going forward. We are just going to take the Strategy as it was, there were only minor tweaks and comments going around and we have taken that on board but that will set the prioritisation in going forward from there rather than going back and rewriting the Strategy. We've that was what was there, we went out for consultation, we've got all of the community comments in, and we are incorporating that in as the prioritisation framework moving forward.

With the submissions, there has been a major submission change which was for the structure change for the access, rather than opening up Stallard, Hooper, Rand and Davenport. There is an option to change that which was agreed by 270 people as we doorknocked and showed them the plan of what we suggested. Which they agreed to in all affected areas of those streets and it was also the closing off of those alleyways to have the connectivity still but also having the opening up of those roads to keep the flowing going. It was alleviating two issues. It was agreed upon over 270 people and they made extra comments on the forms. From what I have seen on the actual agenda item, it didn't mention about the 270 signatures about the structure.

Response: In regards to the structural issues about opening and closing of public access ways etc. All of those issues have come through and they will be addressed through the management committee as well. They are on the table to be considered. There will be further consultation to be considered obviously, before any final decision is made and that is part of what has to be done by that management committee. We will be looking at information from Housing, from Police, and from communities. All that will come back together and back through the community reference group as well to make sure that we have that final proposal right and staged appropriately. We don't want to close off areas before opening up other areas etc. All that information will be coming back through the management committee and

reference group once it has been signed off by the Council and the Development Commission and then will be coming back to the community again with the prioritised areas to make sure that everyone is comfortable with that.

Question: I also noticed in the agenda report it was saying about the wages for the Project Manager and is their wages coming out of the \$1.5M for the immediate works or is it from other means?

Response: The Place Manager is being funded out of the \$1.5M and that is the only position that is being funded out of it.

Can I also state that is against what the Minister has said in his media statement back in January and February. He said that the money was wholly and solely for the immediate works on the ground and not a person's wages.

Response: I will take that up with the Development Commission. That decision was made by the Development Commission and they believed it was consistent with the approach and I will raise that with them at the next meeting.

Question: That will definitely be one of the issues that we will have. That we will be paying for a person's wages from funds that is to be used on the ground to start works in the Withers area. The agenda refers to "Council's contribution of \$15,000 for PR-2156 CPTED working group projects that could potentially be within Withers". Will there be details of projects and what they are? Will there be projects undertaken in Withers or elsewhere and if elsewhere why have they been included into the agenda item?

Response: The Crime Prevention Through Design is a project undertaken across many areas of the City. We have allocated a certain amount of money to the Withers component of it so whilst we will do work across the whole of the City, there is a specific allocation for the Withers area to deal with some of the projects in Withers. It's not money taken out of the Withers area to fund anywhere else the City; it is extra money coming in just to fund the Withers component of the overall project.

Question: The agenda item also refers to the contribution of \$15,000 to PR-2137 to implement strategies identified and with the Crime Prevention Plan 2013-18 are the strategies funded there out of the \$15,000 for that?

Response: All the funding allocation identified is particularly for Withers. It is in addition to funding identified for other areas of the City.

Question: Do you consider the \$100,000 that has been allocated in the agenda for Ashrose Reserve enough to create that park?

Response: No we don't. We have looked at the \$300,000 that has been proposed for some quick wins. We looked at what components of the park we can get some quick wins. It's not to do all the work. It was simply just to get the projects started that was all that was for. Basically it is just some seed funding from initial capital works. There is more money that needs to be allocated over a longer period of time. I will point out that it was just an estimate that we came up with to say let's allocate some of that \$300,000 across these particular parks so we can get some of those wins that have been identified through the community consultation. It is not the be all and

end all in terms of delivery on the ground.

We understood that the Welcome Park cost over \$135,000 to get where we are now and all the parks need to be looked at for reticulation and grassing and upgrades including putting barbeques in.

The Mayor asked a follow up question to the Chief Executive Officer: *“In terms of the Withers Action Plan which was devised by Council after community consultation to which Council committed \$300,000 per year for three (3) years and this is the second of those three (3) years; will that still be happening in addition to what is proposed to be done by the SWDC and Council or are we effectively abandoning the Withers Action Plan and the commitments to it that the Council made?”*

Response: No we are not abandoning that. Some of the priorities identified through the original action plan overlap some of the priorities that have come out through the consultation and the development of renewal strategy. What we are looking at doing is, in some cases, increasing the scope of works because we now have some additional funding. Council’s funding for a particular project may be matched with funding from the \$1.5M to increase the scope of works to get a better outcome or potentially do works in other areas. Though we may reallocate some money from some of those projects and just mix up the funding bag a little to get the outcomes that we originally wanted. Some of the other areas identified in the Withers Action Plan are about the closure of laneways etc. will be some of the priorities that get fed into the Urban Renewal Strategy as we go forward. We haven’t lost any of those but we are relooking at the funding mix as we move forward.

Mayor: *Is the Withers Action Plan still in full standing for Council or is it now off to one side and the cooperative plan really there in its place?*

Response: I will have to go back and check, but I think most of the strategies, in fact all of the strategies that were in the action plan are in the Urban Renewal Strategy now.

The maze, the skate park and other things; the skate park was to go behind or at the side of the PCYC and there was a maze suggested to stop the graffiti in town. They can graffiti on these boards that form a maze.

Response: As a point of clarification, the issue of the projects that we have identified as priority areas and Council has allocated funding against are still in the Strategy. Some of other “wish-list” items that came out of the original Withers Action Plan which are longer term projects not to be knocked over in the short term through the Withers Action Plan will get picked up through the longer term Urban Renewal Strategy such as community infrastructure, skate parks and those sorts of things will be addressed as we go further forward. Short term funding that we have identified for the \$300,000 per year over the first couple of years of the strategy will all be picked up and kept on with the delivery.

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

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

Outcome – Council Meeting 21 May 2013

The recommendation (as printed) from the Council Committee was moved Cr Kelly, seconded Cr Steele with the following amendment:

In point 2 add the following words in brackets “including the incorporation of all submissions” after the words “draft Withers Urban Renewal Strategy”. Point 2 now reads:

- “2. That Council accepts and notes the final draft Withers Urban Renewal Strategy (including the incorporation of all submissions) and adopts it as an Informing Strategy to complement the Strategic Community Plan and the Corporate Business Plan in guiding the consideration of:”*

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

Council Decision 143/13

- 1. That Council notes and accepts all submissions made in regard to the final draft Withers Urban Renewal Strategy, as prepared by the consultants TPG Town Planning, Urban Design and Heritage.**
- 2. That Council accepts and notes the final draft Withers Urban Renewal Strategy (including the incorporation of all submissions) and adopts it as an Informing Strategy to complement the Strategic Community Plan and the Corporate Business Plan in guiding the consideration of:**
 - (a) grant funding submissions for improvements to community facilities and recreational amenities;**
 - (b) capital works programmes for enhancement of public open spaces, roadways and pathways;**
 - (c) structure planning proposals; and**
 - (d) Local Planning Scheme review and amendment.**
- 3. That a community reference group be established in accordance with the following:**
 - (a) To be facilitated by the Place Manager for the term of the SWDC funding period (i.e. up to two years);**
 - (b) Terms of Reference to be developed by the Place Manager and endorsed by the Council and South West Development Commission; and**
 - (c) Representation on this group is to include, but not limited to, a representative from the Withers Action Group; community interest groups and local schools.**
- 4. The Place Manager will provide both the City of Bunbury and SWDC regular progress reports, particularly matters requiring decisions on new capital works projects.**

CARRIED

11 votes “for” / nil votes “against”

10.27 Request to Change Billboard Advertisement: Lot 100 (121) King Road, Bunbury (was listed as item 10.5.9 on the meeting agenda)

File Ref:	A02034-32
Applicant/Proponent:	Greg Rowe and Associates
Author:	Gary Fitzgerald, Manager Development Assessment and Building Certification
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-22

Summary

The City is in receipt of a request to change the advertisement (graphic) display on the billboard structure located, on private land, at 121 King Road, Bunbury. Council is required to determine whether or not the proposed replacement graphic should be approved.

Committee Recommendation

That Council resolve to:

1. Approve the proposed graphic, as submitted.
2. Advise the applicant that in accordance with Approved Signage Licence No 4.2010.40.1 approval is only valid until 30 September 2014 (coincides with the expiry of the permit for the Billboard structure), following which any further approval will be determined in accordance with provisions of the operative Town Planning Scheme (as amended).

Executive Recommendation

Option 2:

That Council resolve to refuse the application on the basis the proposed graphics does not relate to “a locally owned business”

Background

Council previously considered a proposal for signage on Lot 100 associated with a SAT matter DR 143 Massdorp v City of Bunbury - Council resolved, as follows:

“Council Decision 174/11 - That Council hereby resolves to inform the State Administrative Tribunal that:

1. *The original decision of Council has now been reconsidered; and*
2. *Conditions No. 2 and No.3 are varied to read as follows:*

- “2. Changes to signage content displayed are exempted from requiring the submission of a formal sign licence where these relate to*
 - a) community based content; or*
 - b) a locally owned business.*

3. *Notwithstanding Condition No.2, no changes to the displayed content of the sign shall occur without the prior consideration and written approval of:*
 - a) *The Chief Executive Officer, where this relates to signage with community based content; or*
 - b) *Council, where this relates to signage that contains content related to a locally owned business.”*

The current approved sign licence allows graphics to be changed on the billboard without the need to submit a new application provided the graphic displayed contains “community based content” or relates to “a locally owned business”. The former is managed via delegated authority to the Chief Executive Officer, whereas the latter requires Council approval where proposed signage relates to advertising of a “locally owned business”.

Council Policy Compliance

The Local Government Local Law Relating to Advertising Devices specifically deals with signage and advertising on public and reserved land, hence there is no Local Planning Policy (LPP) relating to a structure on private land

The City’s strategic land use policy officers have prepared an agenda item with the express intent to embody existing policy to supplement the provisions of the City of Bunbury Planning Scheme No. 7 (TPS7). This is the subject of another Agenda Item for Council consideration by Council (Standing) Committee meeting on 14 May 2013.

The Applicant/Proponent has requested that the request be dealt with in accordance with existing policy and a more rigorous assessment process contemplated above.

Legislative Compliance

Council’s previous decision relating to this advertising device is based on the Advertising Devices Policy and the Local Law relating to Advertising Devices.

Officer Comments

The proposed graphic is **attached** at Appendix [DPDS-22](#).

Previously, on the advice from the State contained in Department Circular No 3-2010 identified that the *Planning and Development Act 2005*, was the appropriate head of power for regulating signage on private land.

Council had initiated an amendment to TPS7 to ensure that appropriate measures were put in place so that the City was able to manage signage through the scheme rather than relying on the Local Law and Advertising Device Policy. The amendment introduced measures that had reflected wording provided within the Model Scheme Text. The amendment was adopted by the Minister of Planning on the 21 September 2012.

However, approval for the existing Billboard structure was approved by Council following a State Administrative Tribunal negotiated process that resulted in a ‘time limited’ approval with expiration on 30 September 2014.

The proposed graphic is not “*community based content*” and requires Council determination. Should Council approve the proposed new graphic, it would remain subject to the conditions of the existing sign licence for the billboard, which is 30 September 2014.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications associated with this item.

Councillor/Officer Consultation

The proposal has been discussed within relevant divisional staff, prior to the finalisation of this report.

Relevant Precedents

There are no other Billboards approved under similar circumstances/approvals in the City. The Billboard was determined and approved by Council as part of a mediation process. The City has on several occasions considered the change in the content on the Billboard and on each occasion had approved the requested change.

Outcome – Council Committee Meeting 14 May 2013

The Option 1 of the Executive recommendation (as printed) was moved Cr Morris, seconded Cr McNeill.

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

It was requested that the votes be recorded as follows:

For: Cr Jones, Cr Leigh, Cr Steck, Cr McNeill, Cr Cook, Cr Morris
Against: Mayor D Smith, Cr Steele

Outcome – Council Meeting 21 May 2013

The recommendation (as printed) from the Council Committee was moved Cr Steck, seconded Cr Leigh.

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

Council Decision 144/13

That Council resolve to:

- 1. Approve the proposed graphic, as submitted.***
- 2. Advise the applicant that in accordance with Approved Signage Licence No 4.2010.40.1 approval is only valid until 30 September 2014 (coincides with the expiry of the permit for the Billboard structure), following which any further approval will be determined in accordance with provisions of the operative Town Planning Scheme (as amended).***

CARRIED

7 votes "for" / 4 votes "against"

10.28 Proposed Road Closure for a Portion of Vittoria Road, Glen Iris (was listed as item 10.6.3 on the meeting agenda)

File Ref:	R00490
Applicant/Proponent:	Internal Report
Author:	Alison Baker, Executive Assistant
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix DWS-1

Summary

The Vittoria Road road reserve in the vicinity of the O'Reilly Park, Glen Iris is disproportional in terms of width to the remaining sections of Vittoria Road. It is proposed to close a 912.5m² portion of the road reserve as **attached** at Appendix [DWS-1](#), allowing for the land to be amalgamated into Lot 5716, O'Reilly Park.

Council Committee Recommendation

Council authorises officers to commence road closure procedures for the 912.5m² portion of Vittoria Road adjacent to Lot 5716, O'Reilly Park.

Background

The design of the Glen Iris Skate Park has highlighted that a large portion of what is currently maintained as O'Reilly Park land is actually road reserve.

While current studies into the long term capacity of Vittoria Road indicate increased traffic volumes in future years, the section of road identified for closures allows for future widening and upgrade works without impacting on the O'Reilly Park.

Council Policy Compliance

Not Applicable

Legislative Compliance

The Land Administration Act 1997 requires that proposed road closures are advertised publicly for a period of 35 days prior to submission to the Minister for Regional Development and Lands for consideration.

Officer Comments

The proposed partial road closure has been considered as part of the current review of the length of Vittoria Road and future traffic predictions. The 912.5m² portion of land has been maintained as part of O'Reilly Park for many years with recent design work on the proposed Glen Iris Skate Park highlighting encroachment onto what is currently road reserve.

Analysis of Financial and Budget Implications

The financial implication is limited to the cost of advertising the intent to close a portion of road. The area is maintained as open space within existing programs.

Community Consultation

The community will have the opportunity to comment during the statutory advertising period.

Councillor/Officer Consultation

There has been discussion between officers from all Directorates in relation to this matter.

Outcome – Council Committee Meeting 14 May 2013

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

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

It was requested that the votes be recorded as follows:

For: Cr Jones, Cr Leigh, Cr Steck, Cr McNeill, Cr Cook, Cr Morris
Against: Mayor D Smith, Cr Steele

Outcome – Council Meeting 21 May 2013

The recommendation (as printed) from the Council Committee was moved Cr Steck, seconded Cr Cook.

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

Council Decision 145/13

Council authorises officers to commence road closure procedures for the 912.5m² portion of Vittoria Road adjacent to Lot 5716, O'Reilly Park.

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

It was requested that the votes be recorded as follows:

For: Deputy Mayor Cr Craddock, Cr Jones, Cr Prosser, Cr Leigh, Cr Steck, Cr Kelly,
Cr McNeill, Cr Cook, Cr Morris
Against: Mayor D Smith, Cr Steele

10.29 Petition Report – Picton Road Alterations (was listed as item 10.6.4 on the meeting agenda)

File Ref:	A04202
Applicant/Proponent:	Internal Report
Author:	Nigel Archibald, Team Leader Airport and Design
Executive:	Phil Harris, Director Works and Services
Attachments:	Nil

Summary

At the Council Meeting held on 16 April 2013, Council received a petition prepared by Helen Littlefair raising concerns with the recently completed widening on Picton Road.

Council Committee Recommendation

1. The City of Bunbury agrees to monitor the ongoing safety and performance of the recently widened section of Picton Road.
2. Director Works and Services bring a further report to Council addressing the specific issues from the residents of Picton Road at the Committee meeting 14 May 2013
3. Director Works and Services to meet residents on site and the invitation to be extended to all Councillors.
4. Director Works and Services to raise with Main Roads District Office the issue of the timing of the lights at Picton Road and Robertson Drive.

Executive Recommendation

The City of Bunbury agrees to monitor the ongoing safety and performance of the recently widened section of Picton Road.

Background

A petition containing 40 signatures has been received nominating several issues. These areas of concern are:

Restricted Access

The petition states *'the new road markings and islands block entry and exit to many homes.'* Only three (3) properties have had vehicle access restricted by the recent roadwork.

Picton Road is a 'Distributor A' road catering for 26,000 vehicles per day. Increased congestion was experienced by east bound traffic at the intersection of Robertson Drive due to the restricted length of the right turn pocket from Picton Road into Robertson Drive. West bound traffic was also experiencing problems trying to merge into a single lane immediately past Robertson Drive, whilst also encountering stationary vehicles waiting to turn right into Charterhouse Close.

A longer turn pocket and median island was constructed which has resulted in the driveways to No. 57, 59 and 60 becoming 'left-in/left-out only'. The driveways to No. 61, 62

and 63 have been 'left-in/left-out only' for many years and were unaffected by the recent works. The median island installed at Ramsden Street and the painted median has not affected access to any other properties. Situations where driveways are 'left-in/left-out only' exist on a number of 'Distributor' roads e.g. Blair Street (between Mitchell Cres and Nuytsia Ave), Parade Road (Ann Way to Guile Fwy), Ocean Drive (Baldock St to Hayward St), Strickland Street (Zacnic Pl to King Rd) and also Picton Road (Scott Cres to Petherick St).

Property Values

The petition states *'The changes have had a massive impact on property values.'*

This comment is unsubstantiated. The City of Bunbury proposes to undertake a citywide revaluation of properties in Bunbury during 2013/2014.

Traffic Speed

The petition states *'Since the completion of the work on this road, it has turned into an Indiana Five Hundred. There has been an increase in the hooning, speeding and even in this short space of time there has been an accident.'*

The roadwork has not changed the geometry of the road which could encourage an increase in vehicle speeds. With Picton Road being a 'Distributor A' it is important that traffic flow remain unhindered. Council's Engineering staff would not support physical traffic calming measures. The petitioners concerns regarding hooning and speeding should be relayed to the WA Police.

Estuary Drive

Main Roads Western Australia has advised that they will be undertaking alterations to the Estuary Drive / Inner Harbour Entrance roundabout in June 2013 which will address the concerns of the petitioners.

Kerb Profile

The petition raises concerns regarding the kerb height in front of Wollaston Mews retirement complex.

Whilst the kerb height may have been problematic during the construction phase, with the final resealing of Picton Road the kerb height has returned to normal and does not hinder vehicle access. Council Engineering staff do have safety concerns regarding Wollaston Mews residents crossing Picton Road using gophers. Council staff are currently investigating access from Wollaston Mews onto the existing path on Robertson Drive which would allow the residents to cross Picton Road safely at the traffic lights.

Council Policy Compliance

Not Applicable

Legislative Compliance

Not applicable

Officer Comments

The design for the Picton Road modifications was developed in accordance and consultations with Main Roads WA.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications associated with this item.

Community Consultation

As this item has been prepared in response to a petition, it was felt that further community consultation was unnecessary.

Councillor/Officer Consultation

Director Works and Services and Manager Engineering were consulted and are in agreement with the Executive Recommendation.

Outcome – Council Committee Meeting 14 May 2013

Picton Road residents addressed their concerns in regards to the safety and manoeuvrability aspects of the alterations to Picton Road.

Mrs Genevieve Schoeman of 61 Picton Road; Mrs Helen Littlefair of 37 Picton Road and Ms Paula Dyson of 35 Picton Road made the following points:

- Some residents cannot easily access their driveways.
- In order to enter or exit their properties, some residents have to take a longer route as they cannot cross to the other side due to the extended island.
- The driveway slabs are a bit higher off the road and the lower vehicles are being damaged.
- There are a number residents of Wollaston Mews that have gophers to help them get around but cannot safely cross Picton Road as the wheels of the gopher get stuck trying to enter or exit the driveways.
- There is a danger of a serious accident involving a gopher and other vehicles as there are no footpaths for them to travel and are forced to travel onto the road.
- They believe that a safe zone is to be created in order for the safe crossing across Picton Road.
- The physical island needs to be removed.
- Bitumen ramps from the road to the driveways to alleviate the damage to vehicles and assist the gophers exiting and entering.

The Executive recommendation (as printed) was moved Cr Steck, seconded Cr Leigh with the following amendment:

Additional points 2, 3 and 4 which reads as follows:

2. *Director Works and Services bring a further report to Council addressing the specific issues from the residents of Picton Road at the Committee meeting 14 May 2013*
3. *Director Works and Services to meet residents on site and the invitation to be extended to all Councillors.*
4. *Director Works and Services to raise with Main Roads District Office the issue of the timing of the lights at Picton Road and Robertson Drive.”*

The Mayor put the motion (as amended) to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 21 May 2013

The recommendation (as printed) from the Council Committee was moved Cr Leigh, seconded Cr Cook.

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

Council Decision 146/13

1. ***The City of Bunbury agrees to monitor the ongoing safety and performance of the recently widened section of Picton Road.***
2. ***Director Works and Services bring a further report to Council addressing the specific issues from the residents of Picton Road at the Committee meeting 14 May 2013***
3. ***Director Works and Services to meet residents on site and the invitation to be extended to all Councillors.***
4. ***Director Works and Services to raise with Main Roads District Office the issue of the timing of the lights at Picton Road and Robertson Drive.***

CARRIED

11 votes "for" / nil votes "against"

11. Applications for Leave of Absence

Nil

12. Motions on Notice

12.1 Motion on Notice – Business Improvement Districts

File Ref:	
Applicant/Proponent:	Councillor Michelle Steck
Author:	Councillor Michelle Steck
Executive:	If adopted by Council refer to: Andrew Brien, Chief Executive Officer
Attachments:	Nil

Cr Michelle Steck submitted the following motion for the Council Meeting on 21 May 2013:

"That the City request the CEO to compile a report to present to Council outlining the viability and benefits in the City of Bunbury becoming a possible Business Improvement District. The CEO is to investigate methodology and prototype of existing BID's districts and any new revitalisation processes."

Comments - Cr Steck

In support of her motion, Cr Steck states that, *"Business Improvement Districts (BID) exists in many locations. BID's are committed to supporting robust and successful business improvement districts, the model generally shares information between towns and cities to create vibrant town centres and cities.*

The BID's members share information on culture of town centre management which becomes the crucial elements to prosper.

The model promotes working together to create a unique approach to issues effecting town centres and business. The aim is improve sustainability in areas of managing communities.

All members help create the culture-led urban revitalisation from former experiences, assistance in establishing useful prototypes with key performance indicators are generally promoted.

The aim is to develop the methodology of culture-led events using a framework of four broad areas:

- *Economic*
- *Brand, Image and profile*
- *Social*
- *Environment*

City Centres which have experienced down turns are now thriving business districts through the sharing and connections of knowledge of other communities. Bunbury should at least look at the business model for consideration. I urge councillors to support the motion."

Executive Comments

There has not been enough time to provide officer comments at the time of preparing the agenda.

Cr Steck's Motion

That the City request the CEO to compile a report to present to Council outlining the viability and benefits in the City of Bunbury becoming a possible Business Improvement District. The CEO is to investigate methodology and prototype of existing BID's districts and any new revitalisation processes.

Outcome – Council Meeting 21 May 2013

The Motion on Notice (as printed) was moved Cr Steck, seconded Deputy Mayor Cr Craddock to become the motion under discussion.

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

13. Questions on Notice

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

Nil

13.2 *Questions from Members*

Nil

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

Pursuant to Standing Order 5.4 of the City of Bunbury Standing Orders 2012 the Mayor moved, Cr Jones seconded that item 14.1 – Tender for Remedial Works to Leschenault Inlet Seawall, Stirling Street Bunbury RFQ 1213 00036 be discussed as Urgent Business.

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

14.1 *Tender for Remedial Works to Leschenault Inlet Seawall, Stirling Street Bunbury – RFQ 1213-00036*

File Ref:	PR-1331
Applicant/Proponent:	Internal Report
Author:	Mark Robson, Manager Contracts and Property
Director:	Phil Harris, Director Works and Services
Attachments:	Confidential Report CRUSC-6

Summary

The rock seawall adjacent to the Stirling Street boat ramp on the Leschenault Inlet is in need of remedial works. The City of Bunbury has advertised for a suitably qualified and experienced contractor to undertake the remedial works to a 90m section of Seawall.

The works was to comprise of the following;

1. Raise 90 metres of seawall wall section to the same height as the majority of the wall;
2. Excavate behind the wall, install “Geofabric”, back fill and compact, and repoint the face of the wall.

At the mandatory site meeting the advice received from the attendees was that this section of retaining seawall posed a high risk of total failure should attempts to remedy proceed. The recommendation is to totally rebuild this 90m section of seawall as this is considered the be the best practical, safest and preferred long term solution.

Attendees at the mandatory site meeting were asked to provide costing’s for the remedial works as per the specifications and provide costing’s to rebuild this 90m section. The rebuilding is to include 90 metres of new marine grade natural stone pitched wall with “Geofabric” and 600mm high x 1000mm high backing wall.

Executive Recommendation

Council accept the revised scope of works and tendered Lump Sum Fee submitted by Yarnell Civil and Mining Pty Ltd, being for the raising and rebuilding of a 90m section of Seawall to the Leschenault Inlet.

Background

Tender documents were prepared and advertised in the “*West Australian*” newspaper on 17 April 2013, and in the Bunbury “*South Western Times*” newspaper on 18 April 2013.

Tenders closed at 1:00pm on Thursday, 2 May 2013. The City's Senior Contracts and Procurement Officer, and Administration Officer - Property Administration, opened the electronic tender box. The documentation was made available via www.tenderlink.com/bunbury. A total of 518 "Tenderlink" alerts were released, twenty (20) entities downloaded the documentation, and at closing, four (4) responses were received, as follows:

1. Italia Stone Group : 55 Miguel Road, Bibra Lake, WA 6163.
2. Papas Retaining: 38 Underwood Street, Bunbury, WA 6230.
3. Yarnell Civil and Mining Pty Ltd: 39 Stanhope Gardens, Midvale, WA 6065.
4. South West Retaining and Excavations: 15 Littlefair Drive Bunbury, WA 6230.

An evaluation panel comprising the City's Team Leader Programs and Projects, the Projects Officer, the Senior Contracts and Procurement Officer, and the Manager Contracts and Property, assessed the responses.

Responses were evaluated using the following criteria:

- Compliance
- Qualitative
- Price

Compliance Criteria

The following compliance criteria were used to assess the responses:

- a) Compliance with the conditions contained in the request
- b) Completion of the quotation offer form
- c) Completion of the pricing schedule
- d) Provide corporate Information
- e) Provide advice on financial position
- f) "Conflict of Interest" declaration
- g) Compliance with the insurance requirements
- h) Attendance at the mandatory site meeting

Qualitative Criteria

The following Qualitative Criteria were used to assess the tenders:

	Weighting
a) Relevant experience.	40%
b) Key Personnel, skills and experiences.	30%
c) Demonstrated Understanding	30%

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 ([CRUSC-6](#)) 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 assets, infrastructure and road network.

Analysis of Financial and Budget Implications

Funding for this project is provided in Cycle:

- PR-1331 Rehabilitate Foreshore Marine Walls 12/13.

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 DCS-9 "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 costs of this contract exceeds \$100,000, 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.

Outcome – Council Meeting 21 May 2013

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

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

Council Decision 148/13

Council accept the revised scope of works and tendered Lump Sum Fee submitted by Yarnell Civil and Mining Pty Ltd, being for the raising and rebuilding of a 90m section of Seawall to the Leschenault Inlet.

CARRIED

11 votes "for" / nil votes "against"

15. Meeting Closed to Public

MOVED Cr Leigh, SECONDED Cr Prosser that Council:

In accordance with Sections 5.23(2)(e)(ii) and 5.23(2)(e)(iii) respectively of the *Local Government Act* 1995 and Clause 6.2 of the City of Bunbury's Standing Orders Local Law 2012, RESOLVES to close the meeting to members of the public to consider the following items:

15.1.1 Peron Naturaliste Partnership – Coastal Adaptation Decision Pathways Report;

15.1.2 Confidential – Request for Reimbursement to Mr Jeff Peirce for PR-1816 Contribute to Publication of South West Armed Services Personnel

The Mayor put the motion to the vote and was CARRIED 11 votes “for” / nil votes “against”. The meeting was closed to the public and press at 9.06pm.

15.1 Matters for which the Meeting may be Closed

15.1.1 Peron Naturaliste Partnership – Coastal Adaptation Decision Pathways Report

File Ref:	A04444
Applicant/Proponent:	Peron Naturaliste Partnership
Author:	Andrew Brien, Chief Executive Officer
Executive:	Bob Karaszewych, Director Planning and Development Services
Attachments:	Confidential Report CRUSC-2

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

A matter if disclosed would reveal – information that has a commercial value to a person.

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report [CRUSC-2](#)). The report is not for circulation.

Outcome – Council Committee Meeting 14 May 2013

As this item has been listed as strictly confidential the minutes of this item has been recorded under confidentiality and any recommendations from the Committee will remain confidential until the Ordinary Council meeting on 21 May 2013 when the Council makes its decision in regards to this matter.

Outcome – Council Meeting 21 May 2013

The recommendation was moved Cr McNeill, seconded Cr Steele.

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

Council Decision 149/13

That Council:

- 1. Note and accept the report.***
- 2. Continue as a signatory to the Peron Naturaliste Partnership Memorandum of Understanding as a non-legally binding instrument to collaboratively work to achieve agreed objectives.***
- 3. Approve a budget allocation of \$20,000 towards the Peron Naturaliste Partnership.***
- 4. The Climate Change Adaptation Options Assessment report - a source document for future analyses by local governments in the PNP region on flexible adaptations options to better manage future climate change-induced sea level rise posing risk to coastal and estuarine assets and communities, be released to the public via a Media Release and to appear on the City of Bunbury Website.***
- 5. Support PNP and local government representation to Federal and State Government Ministers and relevant heads of government agencies to provide ongoing funding for technical studies and changes to state planning policies and planning/development legislation.***
- 6. The report to remain Confidential until the CEO has sought clarification from the other Councils.***

CARRIED

11 votes "for" / nil votes "against"

15.1.2 Confidential – Request for Reimbursement to Mr Jeff Peirce for PR-1816 Contribute to Publication of South West Armed Services Personnel

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Felicity Anderson, Manager Community Culture and Engagement
Executive:	Stephanie Addison Brown, Director Community and Customer Services
Attachments:	Confidential Report CRUSC-3

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

A matter that if disclosed, would reveal – information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report [CRUSC-3](#)).

Outcome – Council Committee Meeting 14 May 2013

As this item has been listed as strictly confidential the minutes of this item has been recorded under confidentiality and any recommendations from the Committee will remain confidential until the Ordinary Council meeting on 21 May 2013 when the Council makes its decision in regards to this matter.

Outcome – Council Meeting 21 May 2013

The recommendation was moved Cr Cook, seconded Mayor.

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

Council Decision 150/13

Council approves the request for reimbursement to Mr Jeff Peirce for costs associated with the South West Armed Services Personnel publication incurred prior to the 2012/13 financial year.

CARRIED
8 votes "for" / 3 votes "against"

It was requested that the votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Prosser, Cr Leigh, Cr Steele, Cr Kelly, Cr McNeill, Cr Cook
Against: Cr Jones, Cr Steck, Cr Morris

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

Cr Leigh moved Deputy Mayor Cr Craddock seconded that the meeting be reopened to the public. The Mayor put the procedural motion to the vote and was CARRIED 11 votes “for” / nil votes “against”. The meeting was reopened to the public and press at 9.40pm

The Chief Executive Officer read out the resolutions that were made behind closed doors.

16. Closure

The meeting was declared closed at 9.41pm.