



Bunbury City Council

Minutes 6 August 2013

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GLOSSARY OF ABBREVIATED TERMS

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

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 Tuesday 6 August 2013.

Minutes 6 August 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 6.01pm. The Mayor welcomed all members present in the public gallery to the meeting.

The Mayor made special mention of the attendance of Steve Dilley Shire President and Councillors from the Shire of Donnybrook-Balingup.

2. Disclaimer

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, AND WILL ALSO BE STREAMED LIVE VIA THE INTERNET TO THE PUBLIC.

3. Announcements from the Presiding Member

The Mayor informed the meeting that the City's application to host the 2014 Sister Cities Conference was successful and congratulated everyone involved.

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 R Slater
	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
Director Planning and Development Services	Mr B Karaszekewych
Director Works and Services	Mr P Harris
Council Officer (Non-Voting):	
Administration Officer Corporate	Ms N Hribar
Others (Non-Voting):	
Members of the Public	40 approx.
Members of the Press	1

4.1 Apologies

Nil

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

At the Council Committee meeting date 30 July 2013 the following Councillors and Staff made declarations on a number of items. These declarations are valid for this Council meeting:

Cr Steele declared an impartiality interest in the item titled '*Appointment of New Members to the City of Bunbury Art Collection Management Committee*' as she has known one of the recommended applicants personally for a number of years. She has elected to remain in the chambers, participate in the discussion and vote on the matter.

Cr Steele declared an impartiality interest in the item titled '*Proposed Initiation of Scheme Amendment 64 – Inserting of Additional and Restricted Use Schedules and to Include "Car Park" as an Additional Use at Lots 101 and 102 South Western Highway, Picton*' as her is employed by BHP Billiton. She has elected to remain in the chambers, participate in the discussion and vote on the matter.

Cr Morris declared a financial/proximity interest in the item titled '*Bonnefoi Boulevard Parking*' as he owns a business located on Bonnefoi Boulevard. He has elected to vacate the chambers, not participate in the discussion nor vote on the matter.

Cr Morris declared a financial/proximity interest in the Confidential item titled '*Tender for: Engagement of a Real Estate Agent to Provide a Marketing and Sales Service for Disposal of Surplus Freehold Land RFT 1213-00030*' as he uses the preferred tenderer for business purposes. He has elected to remain in the chambers, participate in the discussion and vote on the matter.

Cr Steck declared an indirect financial/proximity interest in the item titled '*Proposed Transfer of a Portion of Mervyn Street Road Reserve and Amalgamation with Lot 38 (4) Mervyn Street and Lot 107 (42) Strickland Street, East Bunbury*' as her partner's company is one of the proponents. She has elected to vacate the chambers, not participate in the discussion nor vote on the matter.

Cr Steck declared an indirect financial/proximity interest in the item titled '*Petition Report - Happy Wife Café Lot 4 (DP: 1540) No.98 Stirling Street Bunbury*' as her partner's company owns the property adjacent to the property in question. She has elected to vacate the chambers, not participate in the discussion nor vote on the matter.

Cr Prosser declared an indirect financial interest in the item titled '*Proposed Transfer of a Portion of Mervyn Street Road Reserve and Amalgamation with Lot 38 (4) Mervyn Street and Lot 107 (42) Strickland Street, East Bunbury*' as his father's company is one of the proponents. He has elected to vacate the chambers, not participate in the discussion nor vote on the matter.

Cr Prosser declared a proximity interest in the item titled '*Petition Report - Happy Wife Café Lot 4 (DP: 1540) No.98 Stirling Street Bunbury*' as his father's company owns the property adjacent to the property in question. He has elected to remain in the chambers, participate in the discussion and vote on the matter.

Andrew Brien, Chief Executive Officer, declared an impartiality interest in the item titled *'Appointment of Two (2) Youth Members to the Bunbury Setagaya Sister Cities Committee'* as his daughter was one of the applicants. He will vacate the chambers during the discussion of the item.

Andrew Brien, Chief Executive Officer, declared a financial interest in the confidential item titled *'Withdrawal of Parking Infringements'*. He will vacate the chambers during the discussion of the item.

Wayne Wright, Director Corporate Services, declared a financial interest in the confidential item titled *'Withdrawal of Parking Infringements'*. He will vacate the chambers during the discussion of the item.

Further Declarations

Cr Jones declared an impartiality interest in the item titled *'Community Purposes Sites – Lotterywest Grant Stirling Street Arts Centre Master Plan and Jaycee Park Master Plan'* as she is a board member of the Stirling Street Arts Centre. 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 *'Building Better Regional Cities Program – Tuart Brook Structure Plan'* as she is a Director of Aqwest and the Chairperson of Alliance Housing. She has elected to remain in the chambers, participate in the discussion and vote on the matter.

Deputy Mayor Cr Craddock declared an impartiality interest in the item titled *'Educational Facility (Retrospective) No.84 (Lot 16) Strickland Street – TPS Training'* as his cousin was previously married to the husband of the current owner of the property. He advised that he would leave the chambers, not participate in the discussion or vote on the matter. *The item was deferred without discussion.*

The Mayor declared an impartiality interest in the item titled *'Educational Facility (Retrospective) No.84 (Lot 16) Strickland Street – TPS Training'* as the applicants' family are well known to him and are life members of the Marist Hockey Club which he is also a life member. He has worked closely with Mrs Kampanelli, one of the objectors to the proposal, and considers her to be a friend. He advised that he would remain in the chambers, participate in the discussion and vote on the matter. *The item was deferred without discussion.*

6. Public Question Time

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

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

6.1 Public Question Time

Mr Glen Willetts, 40 Wilkerson Way Withers

Mr Willetts asked questions in relation to items that appear in the 2013/14 Budget for the Withers Action Plan/Withers Urban Renewal Strategy.

Question: In the 2013/14 Budget \$100,000 has been allocated to the installation/upgrade of pathways for the Withers Action Plan. What pathways are proposed to be installed in 2013/14? What is the cost of each pathway?

Response: Director Works and Services (DWS): The \$100,000 is a figure that has been put in against pathways yet to be determined from the 54 roads without pathways in Withers. Part of the Withers Urban Renewal Strategy and Withers Action Plan (PR-3258) work we have being doing is to identify missing linkages with priorities for new paths that provide links to schools, medical centres, bus stops, seniors accommodation and community hubs. The total cost to install the 54 paths is approximately \$2,400,000. This cost estimate does not take into consideration upgrading existing paths.

Question: Are they from the Withers Action Plan or the Withers Urban Renewal Strategy?

Response: Director Corporate Services (DCS): That project has been allocated into both the Withers Action Plan and the Withers Urban Renewal.

Question: In the 2013/14 Budget \$100,000 has been allocated to the upgrading of Parks and Reserves for the Withers Action Plan. Which Parks and Reserves will be upgraded? How much will be spent on each park?

Response: CEO: Will have to take that question on notice.

Question: In the 2013/14 Budget \$120,000 has been allocated for the road extension from Davenport Way to Rand Court. Why is Council persisting on this project when the community has informed Council they don't want the extension and has proposed the alternative road opening? What does the community have to do to get message across to Councillors and Council staff and why is money

being wasted on a road extension when the community has told Council it does not want this particular road extension?

Response: DWS: Currently the Davenport to Rand and Stallard to Hooper connections form part of the approved 2013/14 Council budget. The projects were identified as part of the Withers Action Plan 2011 and were designed in previous financial years. At this point in time Council still has to make a decision on what projects are priorities. The meeting that we have been trying to arrange with you will provide the opportunity to work through some of the priorities. Unfortunately that meeting did not happen this week.

Question: *In the 2013/14 Budget \$25,000 has been allocated for the installation of new bus stops/shelters. How many bus stops will be installed and what are the locations?*

Response: DWS: That's an outcome identified in both the Withers Action Plan and the Urban Renewal Strategy consultation. It is funding that has been identified specifically for the Withers area. The exact locations will be determined in consultation with the community, Public Transport Authority and bus services based on the highest needs. It is anticipated that the funding will allow for the construction of two bus shelters.

Mr Bernard Kempes, 44 Wilkerson Way Withers

Mr Kempes asked questions in relation to items that appear in the 2013/14 Budget for the Withers Action Plan/Withers Urban Renewal Strategy.

Questions: *In the 2013/14 Budget \$25,000 has been allocation to the installation of PAW lighting. Is Council intending to install lights on the laneways marked for closure?*

Response: DWS: This project forms part of the Withers Urban Renewal Strategy. It is a short term solution to potential Public Access Way (PAW) closures. PAW won't be closed for a minimum of 120 days. The process of closing a PAW may be drawn out when associated with road connections. It is anticipated that the solar lighting will provide a short term safety benefit to the community until PAW closures occur. Being solar they can be relocated to other priority areas once a PAW is closed. The improved lighting is consistent with submissions to the Withers Action Plan and Withers Urban Renewal Plan.

Question: *In the 2013/14 Budget \$5,000 has been allocated to "Support and encourage the use of the community room at the Withers Library Branch". What does Council propose to do that will cost \$5,000 to encourage the use of this room? Is it going to be costed against the Withers Action Plan?*

Response: Director Community and Customer Services (DCCS): The \$5,000 allocated is to support the Community Reference Group activities. It is not to hire the rooms but to support the activities that might take place over the course of the year and to support the meetings, the possible workshops that the Community Reference Group want to hold in that room or anywhere else in Withers over the course of the financial year. It is yet to be determined because we haven't formed the group yet. These monies are allocated against the Urban Renewal project.

Question: In the 2013/14 Budget \$120,000 has been allocated for the Hooper Place road extension. Why is the Council so persistent in pushing this when the submissions that you endorsed for inclusion into the Withers Urban Renewal Strategy did not support this road extension? I know this has been answered in the other question but we need to point out that the community doesn't want this.

Question: In the 2013/14 Budget \$70,000 has been allocated to Implementing Placemaking Strategies. What are the Placemaking Strategies and why is the \$70,000 being wasted when there are higher priorities in Withers to which this money could be directed, such as reticulation; stamp out crime and anti-social behaviour?

Response: DCCS: The \$70,000 comprises of \$45,000 from the SWDC. That is not money that the Bunbury Ratepayers will be funding. The City's contribution is \$25,000. That \$70,000 has yet to be determined. The idea is to let the Community Reference Group, once established, determine what they would like to do in the community and they would steer the expenditure and the coordination of the place making activities in Withers. Possibly setting up some subgroups for areas or particular activities and those members will help drive them forward. We don't have a prescriptive answer because we're waiting to hear what the community wants to do with that money. The money has been set aside for that Community Reference Group to spend in the community. Once that group is formed, they'll hopefully be able to get on and spend it.

Question: Why has Council scheduled works to the value of \$250,000 of the City's monies when the Council to spend \$300,000 per year on the Withers Action Plan? When does Council propose to spend the unspent 2010/11, 2011/12 and 2012/13 monies?

Response: CEO: Have to take the question on notice as I believe that is significantly more money in there.

Question: What about the 2010/11, 2011/12, 2012/13 unspent monies?

Response: CEO: Still a matter for Council to decide on.

Ms Sonia Dye, representing Hon. Adele Farina MLC

Ms Dye asked a question in relation to the Withers Community Reference Group Terms of Reference and the Closure of Laneways – Withers items on the meeting agenda.

Question: Could Council consider deferring the decision on the Withers Community Reference Group Terms of Reference and the Closure of the laneways in Withers until the meeting between the Hon. Adele Farina MLC and the Withers Action Group has taken place?

Response: Mayor: Council will make that determination when we get to that item.

Dr Marilyn Palmer, 18 Austral Parade, Bunbury

Dr Palmer asked questions relating to the procurement process and expenditure by the City of Bunbury on CAMMS products.

Question: When I asked on 13 June about the comparative analysis report which was undertaken, I understood that Council would make a decision on releasing this report to the public for scrutiny. Has Council discussed this matter yet and if so, what was the decision? If Council hasn't discussed this yet, is there a date set?

Response: CEO: No. Council has not discussed it as yet. At this stage it hasn't been requested by Council to bring the report forward. I am happy to do that if the Council decides. The matter has been considered previously by Council as a confidential report.

Question: Does the amount of \$327,810.31 as a total for all hardware upgrades, training and software licences for CAMMS products include the cost of purchasing the Sycle software, training and licences?

Response: CEO: I will have to look at the budget and see. I will take that on notice and get back to you.

Question: In answer to my question on 13 June, the CEO that he had attended a CAMMS conference for which CAMMS paid for his attendance. Did his attendance include conference registration, accommodation, meals and travel and what was the approximate total cost?

Response: CEO: Have to take that on notice.

Question: Can the CEO confirm that no other staff member has had any incentives (such as conferences, additional offsite training or corporate boxes at sporting events) paid for by CAMMS?

Response: CEO: A staff member whom Council was made aware of previously through the report, Mr Jack Dyson, attended an event when he was attending a second conference. There was one event. He was attending a conference in Melbourne for Local Government and he attended a game of football whilst he was there paid for by CAMMS.

Mr Tommy Kampanelli, owner of 3 White Street Bunbury

Mr Kampanelli asked a question in relation to the Educational Facility (Retrospective) No.84, Strickland Street Bunbury.

Question: Have TPS got the results of the acoustic test for the site available?

Response: Director Planning and Development Services (DPDS): There are no results of that test and as you may recall that there was some discussion by the applicant that staff indicated that it wasn't necessary at the time.

Question: So you have no idea how much noise these machines make?

Response: Mayor: I am not aware of there being some readings for us to go by. I think you are aware that there is a request tonight for a deferral of that item. It may be that they're seeking to get some information to us but I don't otherwise know the reason for the adjournment.

Mrs Anthoula Kampanelli, owner of 3 White Street Bunbury

Mrs Kampanelli asked a question in relation to the Educational Facility (Retrospective) No.84, Strickland Street Bunbury.

Question: Did TPS sign a contract with a real estate agent or the owner which would have stated what the use of the premises was?

Response: DPDS: I am not aware of the details of any contract in relation to that operation. As I understand it, the applicant has always believed that they were operating onsite through the non-conforming use provisions of the Town Planning Scheme. Obviously since then they have been advised that it is not a non-conforming use.

6.2 Responses to Public Questions Taken 'On Notice'

Nil

7. Confirmation of Previous Minutes and Tabling of Notes of Briefings 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 2 July 2013 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 2 July 2013 are confirmed as a true and accurate record.

Outcome – Council Meeting 6 August 2013

The recommendation (as printed) 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 214/13

The minutes of the Ordinary meeting of the Bunbury City Council held 2 July 2013 are confirmed as a true and accurate record.

CARRIED

12 votes "for" / nil votes "against"

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Appendix MTBN-1, MTBN-2, MTBN-3, MTBN-4, MTBN-5, MTBN-6, MTBN-7

Summary

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

1. Title: Minutes – CBD Parking Strategy Committee (08/04/2013)
Author: Neil Dyer, Team Leader Parking
Appendix: [MTBN-1](#)
2. Title: Minutes – Bunbury Local Emergency Management Committee (23/05/2013)
Author: Peta Nolan, Community Safety Officer
Appendix: [MTBN-2](#)
3. Title: Minutes – Youth Advisory Council Committee (05/06/2013)
Author: April ten Brinke, Community Development Officer
Appendix: [MTBN-3](#)
4. Title: Minutes – City of Bunbury Art Collection Management Committee (10/06/2013)
Author: Felicity Anderson, Manager Community, Culture and Engagement
Appendix: [MTBN-4](#)
5. Title: Minutes – Community Environmental Reference Group (12/06/2013)
Author: Ben Deeley, Team Leader Sustainability and Integrated Land Use Planning
Appendix: [MTBN-5](#)
6. Title: Minutes – Community Access Committee (14/06/2013)
Author: Isabell Evans, Community Development Officer
Appendix: [MTBN-6](#)
7. Title: Minutes – Asset Management Committee (25/06/2013)
Author: Greg Golinski, Manager Corporate Performance
Appendix: [MTBN-7](#)

Council Committee Recommendation

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

1. CBD Parking Strategy Committee meeting held 8 April 2013.
2. Bunbury Local Emergency Management Committee meeting held 23 May 2013
3. Youth Advisory Council Committee meeting held 5 June 2013
4. City of Bunbury Art Collection Management Committee meeting held 10 June 2013

5. Community Environmental Reference Group meeting 12 June 2013.
6. Community Access Committee meeting 14 June 2013
7. Asset Management Committee meeting 25 June 2013

Outcome – Council Committee Meeting 30/31 July 2013

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

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

Outcome – Council Meeting 6 August 2013

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

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

Council Decision 215/13

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

1. ***CBD Parking Strategy Committee meeting held 8 April 2013.***
2. ***Bunbury Local Emergency Management Committee meeting held 23 May 2013***
3. ***Youth Advisory Council Committee meeting held 5 June 2013***
4. ***City of Bunbury Art Collection Management Committee meeting held 10 June 2013***
5. ***Community Environmental Reference Group meeting 12 June 2013.***
6. ***Community Access Committee meeting 14 June 2013***
7. ***Asset Management Committee meeting 25 June 2013***

CARRIED
12 votes "for" / nil votes "against"

8. Petitions, Presentations, Deputations and Delegations

8.1 *Petitions*

Nil

8.2 *Presentations*

Nil

8.3 *Deputations*

Nil

8.4 Council Delegates' Reports

8.4.1 Councillor Report – Councillor Murray Cook, SW Local Government Emergency Management Workshop 19 June 2013

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Councillor Murray Cook
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CLDG-1

Councillor Murray Cook attended the South West Local Government Emergency Management Workshop in Bunbury on 19 June 2013 and has provided a report on the workshop attached at Appendix CLDG-1.

Council Committee Recommendation

The report from the SW Local Government Emergency Management workshop held on 19 June 2013 provided by Councillor Murray Cook be received and noted.

Outcome – Council Committee Meeting 30/31 July 2013

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

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

Outcome – Council Meeting 6 August 2013

The recommendation (as printed) from the Council Committee was moved Deputy Mayor Cr Craddock, 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 216/13

The report from the SW Local Government Emergency Management workshop held on 19 June 2013 provided by Councillor Murray Cook be received and noted.

CARRIED
12 votes "for" / nil votes "against"

8.5 Conference Delegates' Reports

Nil

9. Method of Dealing with Agenda Business

Prior to the meeting notice was given of the intent to defer items 10.2.5, 10.4.3, 10.4.8 and 10.5.4. Cr McNeill moved Cr Leigh seconded the following motion that the matters be deferred until the applicant or the CEO notifies Council of their return. The Mayor put the motion to the vote and was adopted to become the Council's decisions on those matters.

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, 10.1.2, 10.1.3, 10.1.6, 10.2.2, 10.2.3, 10.2.7, 10.3.1, 10.3.3, 10.4.1, 10.4.5, 10.4.6, 10.5.1 and 10.5.2.

Items 10.1.4, 10.1.5, 10.2.1, 10.2.4, 10.2.6, 10.2.8, 10.3.2, 10.3.4, 10.4.2, 10.4.4, 10.4.7 and 10.5.3 of the meeting agenda were then discussed and voted on separately and in the order that they appeared on the agenda. The items have been renumbered and the items deferred were listed first and followed by the items voted "by exception".

The items "*adopted by exception*" was moved Cr Steck, seconded Cr Cook.

Cr Steele requested that her vote against item 10.5.1 be recorded.

10. Reports

10.1 ***Withers Community Reference Group Terms of Reference*** (was listed as item 10.2.5 on the meeting agenda)

Applicant/Proponent:	Internal Report
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive officer
Attachments:	Appendix CEO-4

Summary

Council is required to adopt the Terms of Reference for the Withers Community Reference Group (CRG).

Council Committee Recommendation

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

Executive Recommendation

1. Council endorsed the Terms of Reference as amended (subject to South West Development Commission agreement) for the Withers Community Reference Group (WCRG);
2. Council note that the Project Working Group is a not a formal decision making group and that the recommendations form the group are to be referred to the relevant agency for direction and approval;
3. Council request that copies of Minutes from the PWG be presented to Council, noting that some of the information contained will be confidential; and
4. That formal Terms of Reference for the PWG be developed and referred to Council for approval.

Background

The creation of the Withers Community Reference Group (CRG) came about when Council, in 2012, and the South West Development Commission (SWDC) formed a partnership to collaboratively develop an urban renewal strategy to identify community, agency and business priorities in order to improve the quality of life for Withers residents and the general image, reputation and perception of the area.

The Withers CRG aims to provide a forum for the Withers community to:

1. Have input and feedback on proposed, current and previous activities and projects for the Withers area pertaining to the Withers Urban Renewal Strategy (WURS) based on their opinion as individuals and also as representatives of the broader Withers community
2. Receive information community regarding proposed, current and previous activities and projects for the Withers area pertaining to the Withers Urban Renewal Strategy (WURS) to be informally distributed to the broader Withers community

Once established the CRG may also be involved in developing and implementing community level projects and CRG members will also have the opportunity to participate in personal development and training. Ideally members should anticipate attending all meetings of the group and live within the Withers area.

A copy of the proposed Terms of Reference for the Wither Community Reference Group is **attached** at Appendix CEO-4.

Officer Comments

The Community Reference Group is proposed to be established in accordance with the draft Terms of Reference.

These have been considered by the Project Control Group following a presentation by the Place Manager - Withers. This group will be supported by Council staff and will have up to 10 community members. Those community members will be selected following advertising to commence once Council and the SWDC have endorsed the Terms of Reference. It has already been agreed that there will be specific representation on the Community Reference Group by the Withers Action Group.

The Withers community, including the Withers Action Group may see this decision as undermining what they set out to achieve and in particular the positive impact that they have had in gaining funding for the implementation of the WAP.

This needs to be addressed through the inclusion of the funding in both the budget and long term finance plan focused on the implementation of the projects defined in the WURS which were aligned to the WAP. The Community Reference Group will also need to be fully engaged in the quick wins through the Withers Place Manager.

The localised reporting will be managed through the Community Reference Group which will incorporate members of the Withers Action Group. This will ensure accountability in terms of reporting at the local level. The higher level of reporting against the strategic outcomes will be effectively managed through the reporting to the Council and SWDC Board on outcomes. Given the increased level of focus from State representatives there is also a need to provide a briefing on the project and proposed way forward.

Outcome – Council Committee Meeting 30/31 July 2013

Prior to the Council Committee meeting an alternate Executive recommendation was tabled. The alternate recommendation reads as follows:

- “1. Council endorsed the Terms of Reference as amended (subject to South West Development Commission agreement) for the Withers Community Reference Group (WCRG);
2. Council note that the Project Working Group is a not a formal decision making group and that the recommendations from the group are to be referred to the relevant agency for direction and approval;
3. Council request that copies of Minutes from the PWG be presented to Council, noting that some of the information contained will be confidential; and
4. That formal Terms of Reference for the PWG be developed and referred to Council for approval.”

The alternate Executive recommendation was moved Cr Steele, seconded Cr Jones.

The mover and seconder were asked to agree to an amendment which reads as follows:

In point 1 add the following “*Subject to the Executive refining the Terms of Reference...*” to the beginning. This amendment was agreed to.

Mr Glen Willetts, 40 Wilkerson Way Withers representing the Withers Action Group addressed the Committee requesting that the Committee defer their decision on the Terms of Reference.

Pursuant to clause 11.1(b) of the City of Bunbury Standing Orders 2012, Deputy Mayor Cr Craddock moved, Cr Leigh seconded that the “*debate be adjourned*” until the Council meeting on 6 August 2013 for the refinement of the Terms of Reference to be undertaken.

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

Outcome – Council Meeting 6 August 2013

Cr McNeill moved, Cr Leigh seconded that the motion on the Withers Community Reference Group Terms of Reference be deferred for further information and consultation to be undertaken and returns to Council upon notification from the CEO.

Council Decision 217/13

The motion on the Withers Community Reference Group Terms of Reference is deferred for further information and consultation to be undertaken and will return to Council upon notification from the CEO.

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

10.2 Draft Nenke Way Structure Plan – Precinct 1 (Lots 58, 59, 60, 61, 62 and 120 South Western Highway, Glen Iris (was listed as item 10.4.3 on the meeting agenda)

File Ref:	P07781
Applicant/Proponent:	Harley Global
Author:	Neville Dowling, Planning Officer
Executive:	Bob Karaszekewych, Director Planning and Development Services
Attachments:	Appendix DPDS-7, DPDS-8, DPDS-9

Summary

Advertising of the Draft Nenke Way Structure Plan – Precinct One, was carried out between 15 May – 26 June 2013. Sixteen (16) submissions were received and there were no objections to the Structure Plan.

The majority of submissions related to two (2) issues, these being:

1. Concerns relating to the need for traffic lights at the intersection of Dodson Road and South West Highway – seven (7) submissions.
2. Strong objections against the internal connector road being shown as an option for the land west of the subject site i.e. the long narrow lots – four (4) submissions.

Council Committee Recommendation

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

Executive Recommendation

That Council resolves to:

1. Approve the modified Draft Nenke Way Structure Plan – Precinct 1 (Lots 58, 59, 60, 61, 62 and 120 South Western High Way, Glen Iris) subject to the incorporation of the following requirements in Part 1 – Statutory Section of the Draft Structure plan:
Under Clause 5.3 - Conditions of Subdivision Approval
 - (f) *“A geotechnical investigation is to be undertaken by a suitably qualified person(s) to an appropriate depth into natural soil, in order to certify that the fill onsite is free of contaminants and to determine its geotechnical stability and suitability for development. The geotechnical investigation is also to determine the likelihood of acid sulphate soil disturbance occurring during future development. The investigation is to be undertaken to the satisfaction of the local government”.*
 - (g) *“Significant trees within the Draft Nenke Way Structure Plan – Precinct 1 to be marked and retained prior to subdivision occurring on site. A plan detailing location of these plans is to be provided”.*
2. Forward the Structure Plan to the Western Australian Planning Commission with a request for final approval;

3. Continue to liaise with Main Roads WA to pursue the upgrading of the intersection of Dodson Road and South West Highway; and
4. Advise the applicant of Council's decision.

Background

At its Ordinary Meeting of 28 July 2009, Council considered a Draft Nenke Way Structure Plan for the entire Nenke Way locality as prepared by the City's Strategic Planning section. The Draft Structure Plan at that time was prepared as an integral part of *Scheme Amendment 31*. Council's decision on that Draft Nenke Way Structure Plan reads as follows:

"Council Decision 145/09

1. *Pursuant to the City of Bunbury Town Planning Scheme No.7, Council resolves NOT to adopt the proposed draft Nenke Way Structure Plan as modified (Appendix 1 under separate cover to this report).*
2. *Pursuant to the Planning and Development Act 2005, Council resolves to finally adopt Scheme No.7, as modified, by annotating the Scheme Map to show the subject area within a "Development Investigation Policy Area" boundary (Appendix 2 under separate cover to this report).*
3. *Write to all landowners informing them Council's decision with an explanation of the meaning of a "Development Investigation Policy Area"*

The draft Nenke Way Structure Plan was prepared by Harley Global (private sector planning consultants). The Draft Structure Plan is being developed to facilitate low density residential development (R15 coding) at the eastern portion of the Nenke Way locality which is referred to as Precinct 1 (not the entire Nenke Way locality). It shows the creation of three residential lots ranging from 1,103m² to 2,197m². The Draft Structure Plan acknowledged the balance of the Nenke Way locality as Nenke Way Structure Plan – Precinct 2 and it nominates this site as a future Structure Plan area in line with the Development Investigation Policy Area (DIPA) designation of the balance of the area in the current Scheme.

At its Ordinary Meeting of 16 April 2013, Council agreed to advertise the *Draft Nenke Way – Precinct One Structure Plan* in accordance with the requirements of Clause 6.2.5.2 (a) of TPS 7. The period for receipt of written comments closed on 26 June 2013.

The Draft Nenke Way Structure Plan – Precinct 1 map is **attached** at Appendix DPDS-7.

Council Policy Compliance

The City's *Local Planning Policy (LPP): Development within 100m of the toe of the Preston River Levee* provides provisions and standards applicable to control new development within 100m of the toe of the Preston River Flood Plain. The proposed residential lots in the structure plan and given the application of appropriate setbacks can comply with this requirement and accommodate residential development.

Legislative Compliance

The Scheme provisions that are considered to be most relevant in the preparation and advertising of the Draft Structure Plan are Clause 6.2 of the Scheme which specifies the manner in which a Structure Plan should be prepared, in terms of planning requirements and the process of adoption of a proposed Structure Plan.

Officer Comments

Nenke Way Structure Plan – Precinct 1

The Draft Nenke Way Structure Plan – Precinct 1 has been prepared for a portion of the overall Nenke Way Development Investigation Policy Area and includes six (6) Lots (Lots 58, 59, 60, 61, 62 and 120 South Western Highway). The Draft Structure Plan area covers approximately 1ha towards the eastern portion of the overall Nenke Way locality.

Clause 6.2.3.1 of TPS 7 specifies the need for the preparation of a Structure Plan in the Development Investigation Policy Area (DIPA). Specifically, Clause 6.2.4.3 of TPS 7 states that “A Structure Plan may relate to only part of Development Investigation Area.” The Draft Nenke Way Structure Plan – Precinct 1 has been prepared for a specific part of the Nenke Way DIPA in the east. The preparation of a structure plan over a portion of Nenke Way locality is in line with the Scheme requirements.

The advertised Draft Structure Plan included the following components:

- Access arrangement onto the South Western Highway i.e. interim and an indicative layout for the future four way intersection (South Western Highway and Dodson Road) as recommended by the MRWA.
- Three low density (R15) residential lots ranging from 1,103m² to 2,197m².
- The balance of Nenke Way locality (DIPA) titled as “Nenke Way Structure Plan – Precinct 2” i.e. future structure plan area.
- Significant vegetation within the Draft Structure Plan area.
- Shows the existing Line of Levee Bank at 6.30m AHD and the Conservation Category Wetland (CCW) Policy Boundary.
- The location of essential services in the immediate locality; and
- The Regional Open Space (ROS) in accordance with the Greater Bunbury Regional Scheme (GBRS).
- Possible Future Nenke Way Link to the balance of Nenke Way locality in the west.

No objections to the Structure Plan were received; however, it was clear from the submissions and numerous phone and counter queries by affected landowners, that the appearance of the “Possible Nenke Way Extension” was not supported.

Given that the “Possible Nenke Way Extension” was not approved by Council at its meeting on 28 July 2009 and that it was very clear that most of the affected landowners did not support the proposed road, it is recommended that it not be shown on the structure plan map.

Alternatively it is recommended that the plan instead indicate the internal road for Precinct 1 adjoining the western boundary of Lot 120 so that there is an option left open to connect a road in the future. This is presented as such on the modified Draft Nenke Way Structure Plan as **attached** at Appendix DPDS-8 which does not refer to an actual route through the lots to the west of the subject land. The location of the internal road adjoining Lot 120 is such that there is an option for a future “Service’ road running parallel to SW Highway, if required and agreed to by future landowners.

The Greater Bunbury Region Scheme (GBRS)

The large portion of the Draft Nenke Way Structure Plan – Precinct 1 is zoned “Urban” under the GBRS. In addition, the northern portion of Lots 58, 59, 61, and 120 South Western Highway and substantial portion of Lot 62 comes under “Regional Open Space” with the north-east portion of Lot 62 shown as “Waterways” under the GBRS.

The Draft Structure Plan report states that all development will occur in the “Urban” zone under the GBRS.

Environmental

The subject site is located within the Preston River Flood Plain. Protection from possible flooding event is one of the factors that should be considered for development to occur on site. The draft plan outlines a substantial part of the land is flat with a height of approximately 6m AHD and that the site will be filled at least to the top of the levee bank at 6.3m AHD. It is noted that the levee bank traverses the site east-west and that it is located between possible development site and the river. Achieving the required Finished Floor Level at development stage and the presence of levee bank within the subject site are considered to be sufficient measures to mitigate flood events. The DEC’s advice to applicant that “...the installed levee now prevents the regular flooding of the land” should be noted in this regard.

The site is also identified as being “high to moderate risk of acid sulphate soils within 3m of natural soil surface”. The City, at the preliminary environmental assessment stage, advised the applicant to undertake an Acid Sulphate Soil Investigation and incorporate it into the draft plan. The applicant argues that there is an existing estimated land fill between 1.5m and 2m and a further 1m fill may be required that brings the fill level between 2.5m and 3m. Given that excavations to install services are estimated to a maximum of 1.5m, the applicant argues no implications on the potential to disturb Acid Sulphate Soils within the site.

The City notes the applicant’s justification; however no Geotechnical Investigation has been undertaken to prove up the land fill materials are free from any contaminants. It is not known as to whether the land fill materials are acceptable for development to occur on site. It is also noted that no acid sulphate soil investigations is addressed in the Part 1 – Statutory Section. It is therefore recommended that Geotechnical Investigation requirement be incorporated in Part 1 – Statutory Section of the draft plan report so as to simultaneously address the matter of Acid Sulphate Soil and to deal with the content of the land fill materials on site to the satisfaction of the City.

The site contains significant vegetation cover which requires protection. The draft plan identifies trees within the structure plan area. The applicant is required to retain existing significant trees on site. It is suggested that an additional notation (as outlined in the Executive Recommendation) be incorporated into the draft Nenke Way Structure Plan – Precinct 1 to address protection of significant trees within the site.

Preliminary Consultation with Service Agencies

Main Roads WA:

The proposed access onto South Western Highway has been designed in line with the agreed outcome with Main Roads WA, and the City is supportive of the proposed interim access and the four way intersection layout onto the South Western Highway. The City’s Engineering Services have been in regular contact with Main Roads WA in regard to the

issue of upgrading the intersection to assist with traffic control as there is often a bank up of traffic on Dodson Road to turn right onto SW Highway.

Department of Environment & Conservation (DEC):

The DEC has advised the Applicant that a nil setback can be considered from the Conservation Category Wetland (CCW) given the location of the Levee Bank within the Draft Structure Plan site. The Levee Bank separates the river and the CCW and prevents the regular flooding of the land. In addition, the DEC has strongly advised the Applicant to retain the existing trees on site.

Department of Water (DoW):

The DoW has advised the Applicant that the Foreshore Management Plan may be required at subdivision stage. Accordingly, the Applicant has incorporated the requirement under the statutory section of the Draft Structure Plan report.

Analysis of Financial and Budget Implications

There are no financial or budget implications.

Community Consultation

The proposed Draft Nenke Way Structure Plan – Precinct 1 was advertised for 42 days from 15 May – 26 June 2013. Sixteen (16) submissions were received and comments on each submission can be viewed in the Schedule of Submissions contained **attached** at Appendix DPDS-9.

No objections were received regarding the Structure Plan; however, four (4) submissions raised objections regarding the Plan showing the possible internal link road extending from the western boundary of the subject land. This is because it was not approved by Council and the majority of residents in the western portion of the Nenke Way area, objected to the imposition of the road.

Another major issue raised, in seven (7) submissions, was the concern regarding traffic safety and congestion that is occurring at the intersection of Dodson Road and South West Highway. The City has recently undertaken negotiations with Main Roads WA to pursue the upgrading of this intersection. Despite the need for traffic control at the intersection there are currently no plans to fund an upgrade of the intersection in the near future.

Councillor/Officer Consultation

A number of discussions have been undertaken at officer level. The common consensus has been that the Structure Plan should be supported and that it will allow for the tidying up of a site that is currently in a degraded condition.

Delegation of Authority

Pursuant to Clause 6.2.5.2 of TPS 7, Council determination is required to allow the Draft Nenke Way Structure Plan – Precinct 1 to be advertised for public viewing and consultation.

Relevant Precedents

There are no known precedents, however, it should be noted that the City in the past attempted to endorse the Draft Nenke Way Structure Plan as part of *Scheme Amendment*

31 for the entire Nenke Way locality. At that time, Council resolved not to adopt the Draft Nenke Way Structure Plan and instead it decided to adopt *Scheme Amendment 31* to facilitate the designation of the Nenke Way locality as a DIPA.

Outcome – Council Committee Meeting 30/31 July 2013

Ms Beth Kozyrski, 118 South Western Highway Bunbury addressed the Committee and spoke against the recommendation.

Mr Roy Little representing the owners of 134 South Western Highway Bunbury addressed the Committee and spoke against the recommendation.

Ms Vanessa McDougall, 114 South Western Highway Bunbury addressed the Committee and spoke against the recommendation.

Cr Steck moved the motion that the Council refuse the application and request the developer to amend the plans for representing to Council. There was no seconder to the motion therefore the motion lapsed for the want of a seconder.

Pursuant to clause 11.1(b) of the City of Bunbury Standing Orders 2012, Cr Steele moved Cr Steck seconded that the *“debate be adjourned”* until the Council meeting on 6 August 2013 for further information and clarification on the issues raised to be sought.

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

Outcome – Council Meeting 6 August 2013

Cr McNeill moved, Cr Leigh seconded that the motion on the Draft Nenke Way Structure Plan be deferred for further information and consultation to be undertaken and returns to Council upon notification from the applicant.

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

Council Decision 218/13

The motion on the ‘Draft Nenke Way Structure Plan – Precinct 1 (Lots 58 – 62 and 120 South Western Highway Glen Iris’ is deferred for further information and consultation to be undertaken and will return to Council upon notification from the applicant.

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

10.3 Educational Facility (Retrospective) No.84 (Lot 16) Strickland Street – TPS Training (was listed as item 10.3 on the meeting agenda)

File Ref:	P09271 – DA/2013/147/1
Applicant/Proponent:	TPS Training
Author:	Sam McNeilly, Team Leader Development Assessment
Executive:	Bob Karaszewych, Director Planning and Development Services
Attachments:	Appendix DPDS-25, DPDS-26, DPDS-27, DPDS-28, DPDS-29

Summary

The application is for a Change of Use at 84 Strickland Street (Location plan from previously approved non-conforming use, Warehouse/Office/Transport Depot, to the use-class 'Educational Establishment' within a Residential Zone, **attached** at Appendix DPDS-25).

The development application has been lodged as a result of a noise complaint relating to activities on the property.

Council Committee Recommendation

Council, pursuant to the provisions of the *Planning and Development Act 2005* (as amended), hereby resolves to refuse to grant Planning Approval to TPS Training for the retrospective Change of Use of the property to 'Educational Establishment' at 84 Strickland Street, Bunbury, for the following reasons:

1. The proposal is contrary to Clauses 10.2.1(i) and 10.2.1(n), of TPS7 in that the proposed development would not be "*compatible within its setting*", and would have a significantly adverse impact on the established level of amenity in the immediate residential area in terms of loss of privacy, visual amenity (size of machinery and equipment), and excessive noise levels.
2. The proposed development is contrary to Clause 10.2.1(o) which requires the local government to have due regard to: "*the relationship of the proposal to development on adjoining land, or on other land in the locality, including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal*". In this respect, Council has determined that the proposed development would be entirely out of scale character having regard to established land uses on adjoining residential properties.
3. The proposed development is contrary to the provisions of Clause 4.9.3 of TPS 7 that states:

"The local government shall not grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is in the opinion of the local government, closer to the intended use of the zone".

Council considers that on the basis of the evidence presented:

"In respect of the relative size, scale, and quantity of the machinery which is currently on the subject site and in terms of the weight of public objection, the

proposed development would have a substantially greater adverse impact on the established level of amenity in the locality than the existing non-conforming use.”

4. The Council of the City of Bunbury has had due regard to the provisions of Clause 10.2.1 of TPS 7 (Matters to be considered by Local Government) and has determined that in respect of Clause 10.2.1(y) specifically, the public submissions made are largely relevant and substantive in terms of indicating the potential detrimental impact of the proposed development in the immediate residential area.

Background

The subject land is zoned Residential (R30) in *City of Bunbury Town Planning Scheme No.7* (TPS 7). Historically the site has been used in a non-residential capacity.

The earliest documentation on file is a noise complaint lodged against the Bunbury Freight Service Company in 1993. Additional noise complaints were recorded in 1997.

On 7 June 1997, a Development Application was received for a ‘Proposed Redevelopment and Addition to an existing non-conforming use (Bunbury Freight Services)’. This application was approved by Council.

On the 22 September 2009 a Development Application was received for “Proposed Change of Use from one non-conforming use (freight) to another non-conforming use (storage for two trucks, office and mechanical workshop)”. This application was withdrawn shortly prior to formal determination by Councillors. There were two objections to that application based on noise disturbance.

On the 10 November 2009, a Development Application was received for a “change to non-conforming use to Storage and Incidental Office”. That application was approved by Council and is the current approved use for the property

The current tenant (TPS) has been operating at the site without planning permission, since late 2010. Since then, there have been complaints dated 5 August 2010, 9 August 2010, 17 August 2010 and 18 January 2013. Those complaints have been predominantly in respect of reversing beepers on vehicles and general noise.

The most recent complaint has led the City’s to determine that the current use is operating without consent, hence this application to regularise the existing (unauthorised) use.

The City enabled the applicant additional time to submit further information, such as the provision of advice as to how the applicant could lessen the intensity of the use, and the possibility of a Noise Survey. To date, such data has not been submitted, and following a recent meeting with the applicant another request for extra time has been received, which is not supported by staff.

Council Policy Compliance

Access and Parking for Pedestrians, Bicycles and Vehicles – No.3.1

The application has been assessed in respect of the requirements for parking as per the Local Planning Policy. Refer to the ‘Parking’ section below for assessment.

Legislative Compliance

Under Clause 9.4.1 of TPS7 the proposal had been advertised. Additionally, public notices were placed in the Bunbury Mail, two (2) onsite notices, and the surrounding residents were sent notification of the application by mail. This has generated letters of objection from surrounding residents.

Officer Comments

The applicant's consultant Peter Webb and Associates has made a submission in support of the application **attached** at Appendix DPDS-26.

A plan of the proposed development is **attached** at Appendix DPDS-27.

The Change of Use falls within the meaning of the use-class "Educational Establishment" that is currently operating (unauthorised) onsite to train students for entry into the construction and mining industries and offers courses for the operation of a variety of machinery that consists of two (2) forklifts, one (1) franna crane, one (1) scissor lift, one (1) small tractor crane, one (1) small 4 tonne slewing crane, and one (1) elevated work platform.

The nature of the unauthorised development is of such intensity that is incompatible within its *residential setting*, such that it substantially lessens amenity within the immediate residential area through noise, vibration; and loss of privacy.

The main issues of assessment, specific to the determination of this Development Application, are as follows:

Principle of Use

The use-class 'Educational Establishment' as defined in TPS7 has an 'A' designation within a Residential Zone as shown in Table 1 (Zoning Table). As such, the City has the discretion to determine the development after giving special notice as defined within Clause 9.4 of the TPS (advertising – refer to the legislative compliance section above).

An 'Educational Establishment' is traditionally a classroom-based use, and would not typically involve the use and operation of heavy machinery. It is considered that although the existing use falls within the definition of 'Educational Establishment', it is a nature that is not compatible within the surrounding residential uses.

Amenity of surrounding residents

The applicant has submitted that the existing use would have a lesser adverse impact on the established level of amenity, in respect of adjoining residential properties, than the previously approved uses on the site (freight and storage uses) in relation to noise and traffic movements to and from the site.

In an effort to resolve noise generation issues the applicant has advised:

- reversing horns on machinery have been disabled; and
- no machinery starts or moves outside the hours of 10:00am to 4:00pm Monday to Friday and 12:00pm to 3:00pm on Saturdays.

WorkSafe Australia advise that there are no requirements for reversing sensors, although, if machinery is manufactured with sensors, then they are required to be in working order.

Notwithstanding the above, there have been nineteen (19) submissions of objection to the application. The points of objection are broken into the following reasons (and frequency) of objection:

- Excessive noise
- Vibrations
- Inappropriate setting with a Residential Zone
- Damage to property (cracks in walls)
- Smell (Diesel fumes)
- Health and Hygiene concerns
- Dust and Pollution
- Visual eyesore
- Exacerbation of traffic issues
- Devaluation of property
- Concern over growth of the business

A further eleven (11) late submissions were received on 23 July 2013 (refer Schedule). Of those, six (6) had previously submitted objections. Of the remaining five (5) submissions the areas of concern are similar to those concerns listed above. Key issues relate to security (due to fence damage); excessive noise at night; concern that the business is located in Residential Zone and that the business should be in the Industry zone.

Landscaping

Should Council be of a mind to approve the application, the City's Landscape Architect has requested that the existing verge be landscaped, reticulated and maintained.

Parking

The parking provision for the site is calculated at one (1) bay per 30m² of Office space, and one (1) bay per employee plus parking bays for students, as determined by the local authority, for the educational component.

The applicant advises that the maximum number of employees the facility can accommodate is sixteen (16), and there will be a maximum number of six (6) staff, although on average those figures are less.

Taking into consideration there is no nearby public parking, it is considered the parking requirement for the use is a total of twenty (20) bays. (Office = three (3) bays, Educational = seventeen (17) bays (three staff in addition to office staff and 14 students).

The applicant has provided twenty-one (21) bays on the submitted plans, however it was noted during a site visit that the parking bays to the rear of the building were blocked with training materials. There is also no provision for disabled parking.

Acoustic Impact

The applicant had not submitted an acoustic impact report at the time of finalising this report.

Analysis of Financial and Budget Implications

The proposal has no budget implications for the City.

Community Consultation

Advertising of the application has been undertaken in accordance with legislated requirements.

A Schedule of Submissions summarising the all submissions is **attached** at Appendix DPDS-28 (a schedule of the late submissions is **attached** at Appendix DPDS-29).

Councillor/Officer Consultation

The application has been considered by the City's cross divisional Development Control Unit.

Environmental Health

The City's Environmental Health Department has requested an acoustic report to ascertain the audible output of vehicle noise. At the time of writing, the report had not been submitted.

Economic, Social, Environmental and Heritage Issues

Economic

The site has the capacity to generate employment and skills development.

Social

It would be socially disruptive in the immediate vicinity.

Relevant Precedents

There are no known relevant precedents.

Outcome – Council Committee Meeting 30/31 July 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. He stepped down from the Presiding Member position at 6.58pm. Deputy Mayor Cr Craddock presided over the meeting during the discussion and vote on this matter.

Mrs Anthoula Kampanelli and Mr Tommy Kampanelli, owners of 3 White Street Bunbury (adjoining property to 84 Strickland Street) addressed the Committee and spoke against the proposal but in favour of the recommendation.

Mr Michael Campbell representing TPS Training addressed the Committee and outlined the circumstances behind the situation and spoke against the recommendation.

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

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

Outcome – Council Meeting 6 August 2013

Cr McNeill moved, Cr Leigh seconded that the motion on the Educational Facility at No.84 Strickland Street be deferred for further information and consultation to be undertaken and returns to Council upon notification from the applicant.

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

Council Decision 219/13

The motion on the 'Educational Facility at No.84 Strickland Street' is deferred for further information and consultation to be undertaken and will return to Council upon notification from the applicant.

CARRIED

12 votes "for" / nil votes "against"

10.4 Closure of Laneways – Withers (was listed as item 10.5.4 on the meeting agenda)

File Ref:	A05635
Applicant/Proponent:	Internal Report
Author:	Phil Harris Director Works and Services
Executive:	Phil Harris Director Works and Services
Attachments:	Appendix DWS-7

Summary

The Withers Action Group as representatives of the Withers community has identified ten (10) laneways for closure.

Council Committee Recommendation

Pursuant to clause 11.6 of the City of Bunbury Standing Orders 2012, the debate be resumed for further discussion to take place.

Executive Recommendation

Council requests the Chief Executive Officer initiate action to commence the closure of the following laneways in accordance with the request from the Withers Action Group

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

Background

During a deputation to the Special Meeting of Council on 24 July 2013 the convenor of the Withers Action Group, Mr Glen Willetts provided elected members with a list of Withers Action Plan projects (refer appendix DWS-7) which included details of ten (10) laneways that the group identified for closure.

Laneway closures is priority one (1) of the Withers Action Plan and is prominent in the most recent Withers Urban Renewal Strategy.

The Withers Action Plan of July 2011 identified proposed Laneway closures as

- *Jacaranda Crescent to Whitley Place (into the Reserve)*
- *Between Jacaranda Crescent and Des Ugle Park*
- *Littlefair Drive to Crewes Street*
- *Lockwood Crescent to Shaw Close*
- *Davenport Way to Jacaranda Crescent (exiting near the cul-de-sac)*
- *Between Stallard Place and Armstrong Way to Des Ugle Park*

Council Policy Compliance

Not Applicable

Legislative Compliance

The Land Administration Act 1997 provides direction on closures of Public Access Ways.

Officer Comments

Subject to Council endorsement Officers will initiate closure proceedings in accordance with section 58(3) of the Land Administration Act 1997. In conjunction with a letter drop to Withers residents a notice of intention to close laneways will be advertised in local Newspapers for a period of thirty-five (35) days during which time resident may submit objections in writing to the City. Following the thirty-five (35) day period a further report detailing objections will be presented to Council for further considerations.

No consideration to alternative pedestrian linkages has been considered in this report.

Analysis of Financial and Budget Implications

The financial implication to Council of closing the laneways to pedestrians is confined to the erection of fencing, associated advertising and staff times is estimated to be in the vicinity of \$5,000 per laneway.

Community Consultation

Community Consultation has been undertaken by the Withers Action Group.

Officer will seek comment from Aqwest, Atco Gas, Water Corporation, Department of Housing, Regional Development and Lands and the South West Development Commission.

Councillor/Officer Consultation

Laneway closures in the Withers area was subject to Council Resolution 128/11, Wither Action Plan and are referenced in the Withers Urban Renewal Strategy. Both documents have been presented to Council on previous occasions.

Outcome – Council Committee Meeting 30/31 July 2013

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

Mr Glen Willetts representing the Withers Action Group addressed the Committee requesting that the motion be amended to include opening roads previously requested at the same time as closing the laneways in order to keep the connectivity within the suburb.

Hon. Adele Farina MLC addressed the Committee requesting that the proposal to open roads be commenced at the same time as the closure of the laneways in order to keep the connectivity within the suburb.

Pursuant to clause 11.1(b) of the City of Bunbury Standing Orders 2012, Deputy Mayor Cr Craddock moved Cr Leigh seconded that the *“debate be adjourned”* until the Council meeting on 6 August 2013 in order for the requests to be further considered.

Outcome – Council Meeting 6 August 2013

Cr McNeill moved, Cr Leigh seconded that the motion on the Closure of Laneways in Wither be deferred for further information and consultation to be undertaken and returns to Council upon notification from the CEO.

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

Council Decision 220/13

The motion on the 'Closure of Laneways – Withers' is deferred for further information and consultation to be undertaken and will return to Council upon notification from the CEO.

CARRIED

12 votes "for" / nil votes "against"

10.5 Appointment of New Members to the City of Bunbury Art Collection Management Committee (was listed as item 10.1.1 on the meeting agenda)

Applicant/Proponent:	City of Bunbury Art Collection Management Committee
Author:	Stephanie Addison-Brown, Director Community and Customer Services
Executive:	Stephanie Addison-Brown, Director Community and Customer Services
Attachments:	Appendix ADV-1, Confidential Report CRUSC-3

Summary

Following a recent advertisement seeking new committee members, the City of Bunbury Art Collection Management Committee held a special meeting on 26 June 2013 and held a secret ballot to determine the successful applicants.

The following was recommended as recorded in the minutes from that meeting:

“The Committee held a secret ballot and resolved to recommend the following two (2) persons to the Bunbury Arts Management Committee

1. *Pina Versace*
2. *Amanda Doust*

Should either of the above not accept membership, it is recommended that the third placed applicant Janice Hart be offered membership.”

Council Committee Recommendation

That Council,

1. Appoint the following two (2) persons to the City of Bunbury Art Collection Management Committee
 - a) Pina Versace (applicant 2)
 - b) Amanda Doust (applicant 6)
2. Should either of the above not accept membership, it is recommended that the third placed applicant Janice Hart (applicant 4) be offered membership.

Background

The City of Bunbury Art Collection Management Committee was appointed by the Council on 27 November 2007 to provide guidance and recommendations to assist the Council in discharging its duties.

The Committee sought additional membership of two (2) persons in line with the terms of reference which allows up to eight (8) community members. The Committee currently has only four (4) community members. The Committee felt that by inviting only an additional two (2) members they were more likely to ensure quorums were able to be attained should several members not be able to attend at any time.

Adverts seeking interested applicants for the two (2) Committee positions were advertised in the following newspapers on the noted dates (a copy of the advertisements posted is **attached** at Appendix ADV-1):

- Bunbury Mail – 8 May, 15 May, 22 May 2013

- Bunbury Herald – 14 May, 21 May 2013
- South West Times – 9 May, 16 May, 23 May 2013

After applications closed, an internal panel comprising of the Art Registrar/Curator, Manager Community Culture and Engagement and Director of Community and Customer Services developed an assessment matrix in consultation with Governance staff. This matrix highlighted there were four applicants that aligned strongly with the advertised focus of seeking “a community representative with a genuine community outlook and interest in visual arts”.

This matrix and copies of the applications under confidential cover were originally presented to the Committee for discussion and selection at the Committee meeting of 10 June 2013. The Committee decided at this meeting as noted in the minutes (the Confidential Report CRUSC-3 has been circulated to Elected Members in accordance with Section 5.23(2)(b) of the *Local Government Act 1995* as it *contains the personal affairs of any person*):

“8.1.2 – Members for Art Collection Committee

Eight applications have been received for nomination. A selection process will need to be determined by the Committee. The applications will then be distributed to all Committee members. A recommendation will then go up to Council.

Felicity Anderson presented the Committee with an Officer Panel pre-selection matrix and recommendation based on the advertised criteria together with copies of the applications.

The Committee decided they needed time to discuss candidates and make a decision and will meet again in a separate meeting.

The Chairperson suggested voting confidentially via a secret ballot process.

Officers advised they would seek Governance advice in respect to the confidential voting process.

It was decided that a special meeting to determine the successful candidates will be held on Wednesday 26 June, 5pm.”

At the Special Meeting 26 June 2013, Committee members were again issued the assessment matrix completed by the internal panel and copies of all applications for consideration.

A secret ballot was then undertaken and the Committee agreed as recorded in the minutes of the special meeting:

“The Committee held a secret ballot and resolved to recommend the following two (2) persons to the Bunbury Arts Management Committee

1. *Pina Versace*
2. *Amanda Doust*

Should either of the above not accept membership, it is recommended that the third placed applicant Janice Hart be offered membership.”

Below is a summary of the three (3) applicants addressed in the committee’s recommendation:

- 1 *Ms Pina Versace*

Pina Versace has a strong interest in arts and desire in maintaining works for the future. She would bring skills in arts, tourism and marketing to the committee and hopes to maximise art and cultural opportunities. Pina is active Bunbury community member.

2. Ms Amanda Doust

Amanda Doust has a passion for the arts and her existing skills in Visual Arts/Arts and Culture and Marketing and Promotion would enhance and contribute to positive growth of the Committee. Amanda has been actively involved in the Bunbury Eisteddfod and she is a keen, motivated and enthusiastic community participant.

3. Ms Janice Hart

Janice Hart has broad and specific experience and skills across all relevant areas. This includes community participation in the arts and with various community activities and events. She has a passion for arts and is excited at the opportunity to be involved. Janice is a Gallery owner and has a Diploma in Fine Arts.

Membership of the Committee is currently:

Committee Members (voting)

Councillor Karen Steele (*appointed 16/04/2013*)

Councillor Murray Cook

One (1) representative – Society of Artists (*as determined annually*)

Up to eight* (8) community representatives (*over half to be City of Bunbury electors) as follows:

Tresslyn Smith

Rosemary Nicholson

Helena Sahn

David Bailey

Ex-officio Members (non-voting)

City of Bunbury Art Register/Curator

Director, Bunbury Regional Art Galleries

Council Policy Compliance

There is no Council Policy applicable to this agenda item.

Legislative Compliance

Section 5.10 of the Local Government Act 1995 deals with the appointment of Committee members.

Officer Comments

The recommendation is the result of a secret ballot held at the extraordinary Committee meeting held 26 June 2013.

During the review of Committees it was reported that by increasing the number of community representatives on the committee from five (5) to eight (8) would increase the number of voting members which would serve to overcome the issues experienced in

achieving a quorum and allow for wider community representation whilst also maintaining an appropriate level of expertise on the Committee.

Delegation of Authority

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

Outcome – Council Committee Meeting 30/31 July 2013

Cr Steele declared an impartiality interest in this matter (see section 5). She has elected to remain in the chambers, participate in the discussion and vote on the matter.

The recommendation (as printed) from the Advisory Committee was moved Deputy Mayor Cr Craddock, 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 6 August 2013

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

Council Decision 221/13

- 1. *Appoint the following two (2) persons to the City of Bunbury Art Collection Management Committee***
 - a) Pina Versace (applicant 2)***
 - b) Amanda Doust (applicant 6)***

- 2. *Should either of the above not accept membership, it is recommended that the third placed applicant Janice Hart (applicant 4) be offered membership.***

CARRIED

12 votes "for" / nil votes "against"

10.6 Appointment of Two (2) Youth Members to the Bunbury Setagaya Sister Cities Committee (was listed as item 10.1.2 on the meeting agenda)

Applicant/Proponent:	Bunbury-Setagaya Sister Cities Committee
Author:	Jenni Brown, Executive Officer Bunbury Setagaya Sister Cities Committee
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Confidential Report CRUSC-4

Summary

At the Council meeting held 16 April 2013, Council resolved the following:

“Council Decision 104/13

That the Bunbury-Setagaya Sister Cities Committee membership is increased from eight (8) community members to ten (10) community members to include two (2) Youth Ambassadors aged between twelve (12) and twenty five (25) years old.”

This agenda item seeks to fulfil that decision.

Council Committee Recommendation

That Council

1. Appoint Arron Craig and Sophie Telfer as the two (2) youth delegates on the Bunbury Setagaya Sister Cities Committee.
2. In the event that either of the delegates be unable to accept the appointment or decline then the priority will be given to other applicant in the order outlined in the confidential report.

Background

Whilst attending the Sister Cities Australia conference, it became obvious to the attending committee members that we were missing a vital link within the committee, that being the voice of youth. Our most successful project within the Bunbury Setagaya Sister Cities Committee is our Student Goodwill Tour however there is no youth involvement in the organising of the tour.

Earlier this year The City of Bunbury submitted an Expression of Interest to Sister Cities Australia to host the Sister Cities Australia 2014 Annual Conference. Part of this conference includes an important Youth Component.

The two (2) positions were advertised in the South Western Times, 30 May and 6 June. An invitation was sent to Australind Senior High School, Eaton Community College, Ocean Forest Lutheran College and Bunbury Cathedral Grammar School to invite their students who are currently learning Japanese to nominate. An invitation was also sent to every participating Goodwill Student since 2011. At the time of the nominations closing (Friday 21 June 4pm), five (5) nominations had been received.

On the following Tuesday, two (2) phone calls were received from people who wished to nominate. They had both made contact with the Executive Officer prior to closing date expressing their interest. As they had made prior contact with the Executive Officer of the

Bunbury Setagaya Sister Cities Committee, prior to the deadline, it was decided to accept their nominations.

Copies of the Nomination for a Committee of Council and Applicant Matrix are provided **under confidential cover** (Confidential Report CRUSC-4) in accordance with section 5.23(2)(b) of the *Local Government Act 1995* as it contains *the personal affairs of any person*.

At a Special Meeting of the Bunbury Setagaya Sister Cities Committee held on 11 July 2013 the committee reviewed all the nomination's and completed an Applicant Matrix. From this a unanimous decision was made to appoint Arron Craig and Sophie Telfer to the Bunbury Setagaya Sister Cities Committee. The next two (2) applicants in order of ranking were Bree Roberts and Kasper Johansen.

Council Policy Compliance

There is no council policy compliance applicable to this agenda item

Legislative Compliance

Section 5.10 of the Local Government Act deals with appointment of committee members

Officer Comments

With the inclusion of two (2) Youth Ambassadors the Bunbury Setagaya Sister Cities Committee will have a fresh injection of concepts and ideas for both existing and any new programs we may wish to deliver. It will assist with the longevity and succession planning of the committee and its programs.

We hope that the introduction of two (2) youth will also assist with securing the proposed University Exchange with Seijo University in Setagaya and ECU Bunbury, a proposal that the committee has tried to finalise for approximately three (3) years.

With the possibility of the City of Bunbury hosting Sister Cities Australia 2014 National Conference, which has an important Youth element, for this part of the conference to be successful, participation, contributions and a large commitment from Youth will be required.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications applicable to this item.

Community Consultation

Emails were sent to every high school within the Bunbury Region which teaches Japanese asking them to speak to students who they thought would be a good delegate for the committee.

Councillor/Officer Consultation

Nil

Outcome – Council Committee Meeting 30/31 July 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 6 August 2013

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

Council Decision 222/13

That Council

- 1. Appoint Arron Craig and Sophie Telfer as the two (2) youth delegates on the Bunbury Setagaya Sister Cities Committee.***
- 2. In the event that either of the delegates be unable to accept the appointment or decline then the priority will be given to other applicant in the order outlined in the confidential report.***

CARRIED

12 votes "for" / nil votes "against"

10.7 Asset Management Strategy – Proposed Amendment (was listed as item 10.1.3 on the meeting agenda)

Applicant/Proponent:	Asset Management Committee
Author:	Greg Golinski, Manager Corporate Performance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Nil

Summary

The purpose of this report is for Council to consider ratifying a recommendation from the Asset Management Committee to amend the City’s adopted Asset Management Strategy by revising the definition of a critical asset class.

Council Committee Recommendation

That Council:

1. Modify the City’s Asset Management Strategy to define critical asset classes as being:
 - i) Land
 - ii) Buildings
 - iii) Plant and Vehicles
 - iv) Equipment
 - v) Roads
 - vi) Stormwater
 - vii) Pathways
 - viii) Marine
 - ix) Open Space

2. Notes that this amendment removes the Airport as a critical asset class.

Background

The Integrated Planning and Reporting framework requires local governments to have asset management plans in place for critical asset classes for the 2013/14 financial year. Council’s recently adopted an Asset Management Strategy defines our critical asset classes as being:

1. Land
2. Buildings
3. Plant and Vehicles
4. Equipment
5. Roads
6. Stormwater
7. Pathways
8. Marine
9. Airport
10. Open Space

Council Policy Compliance

Council has in place an adopted Asset Management Policy.

Legislative Compliance

Local governments are required to have in place asset management plans that inform the Corporate Business Plan.

Officer Comments

After consultation between City Officer's, it is suggested that the Airport not be nominated as an individual asset class as defined in the Asset Management Strategy, and that the individual elements (assets) that make up the Airport be accounted for as assets within their respective class.

The rationale for this is the suggestion that it is not practical to account for different assets (i.e. buildings, drainage, road seals etc.) under one single asset class. A similar example would be if the South West Sports Centre was its own asset class.

The City's Asset Management Committee was unanimously supportive of this change being made.

Analysis of Financial and Budget Implications

There are no financial or budget implications associated with this item.

Community Consultation

Not applicable

Councillor/Officer Consultation

Delivery of the City's asset management obligations has involved consultation with relevant officers across the organisation.

Outcome – Council Committee Meeting 30/31 July 2013

The recommendation (as printed) from the Advisory Committee was moved Deputy Mayor Cr Craddock, seconded Cr Kelly.

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

Outcome – Council Meeting 6 August 2013

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

Council Decision 223/13

<i>That Council:</i>

- 1. Modify the City's Asset Management Strategy to define critical asset classes as being:**
 - i) Land**
 - ii) Buildings**
 - iii) Plant and Vehicles**
 - iv) Equipment**
 - v) Roads**
 - vi) Stormwater**
 - vii) Pathways**
 - viii) Marine**
 - ix) Open Space**

- 2. Notes that this amendment removes the Airport as a critical asset class.**

CARRIED
12 votes "for" / nil votes "against"

10.8 Wittenoom Street (South's) Car Park (was listed as item 10.1.6 on the meeting agenda)

File Ref:	
Applicant/Proponent:	CBD Parking Strategy Committee
Author:	Neil Dyer, Team Leader Parking
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix ADV-4

Summary

Cr Judy Jones requested the CBD Parking Strategy Committee (CBDPSC) investigate alternative designs for the Wittenoom Street car park to improve the car park layout; minimise the impact of the trucks accessing the loading dock at South's Furniture; and to address the state of the car park surface.

Council Committee Recommendation

Council endorse the alternative parking layout for the Wittenoom Street (South's) car park and allocate \$125,000 in the 2014/15 budget to implement these changes and resurfacing the car park.

Background

The Wittenoom Street car park is Council owned and used by visitors and shoppers. The car park is located on Wittenoom Street between Wellington Street and Prinsep Street. The car park has an area of 3,559m² and consists of five (5) separate Lots. An easement exists over two (2) of the Lots to provide access into the adjoining furniture shop.

In 2011, minor improvements were made to the car park to remove trip hazards created by tree routes lifting kerbing and the pavement within the car park. These works involved the removal of a number of trees, most of the internal kerbing and the patching of the pavement. Those works did not involve the redesign of the car park layout or any internal improvements.

This car park is strategically located within the CBD and is well patronised by both visitors and shoppers. The existing surface is of average condition having been patched in a number of locations. The car park has only one (1) ticketing machine, which dispenses approximately 400 tickets per day. All of the lighting is located on Wittenoom Street.

The proposed improvements to the car park would provide bays that comply with the Australia Standards; the ability to install a second ticket issuing machine; and to make improvements to the lighting within the car park. The proposed design improvements also accommodate the existing easement over the site.

The matter was referred to the CBDPSC meeting on 4 February 2013, at which the CBDPSC moved the motion requesting an amendment to the design of the car park that provided an additional entry/exit point and that a cost estimate to undertake the work be obtained. The redesign of the car park and the cost estimate are **attached** at Appendix ADV-4.

The matter was again returned to the CBDPSC meeting on 8 April 2013 at which time the CBDPSC decided that it would be more practicable to upgrade of this car park at the same time as the Prinsep Street upgrade.

Council Policy Compliance

There is no Council Policy applicable to this item.

Legislative Compliance

There is no Council Policy applicable to this item.

Officer Comments

In 2011, minor work was undertaken in this car park to remove failing kerbing that created a hazard for pedestrians and damage to vehicles using the car park. At this time, only minor pavement repairs/patching was undertaken to fill the holes left by the removal of the kerbing. No replacement of the existing bitumen surface occurred which is now failing in numerous places.

The proposed upgrade of the car park would not only include the resurfacing of the whole car park, but also make improvements to the three (3) car park entrance/exit points to improve traffic movements on adjoining roads. The upgrade will also include an additional ticket machine to reduce queuing and all of the parking bays and traffic isles will comply with the Australian Standards for dimensions.

The site of this carpark has been identified as a potential future development site. Continuing deterioration of the pavement surface requires an upgrade of the car park.

Analysis of Financial and Budget Implications

The cost of an upgrade to this carpark has been estimated at \$125,000. PR-2103 Reseal and improvements of the Wittenoom Street Car Park (\$125,000) is included as Capital Upgrade project in 2014/15 to undertake necessary improvements. This funding will be obtained from the CBD Parking Reserve.

Community Consultation

No community consultation has been undertaken with regards to this matter.

Councillor/Officer Consultation

Consultation has been undertaken with Team Leader Airport Design and the Team Leader Planning and Assets to ensure the car park design marries with the current proposed plans for the surrounding roads.

CBD Parking Strategy Committee Meeting Outcome

At the CBDPSC meeting on 8 April 2013, it was resolved that the CBDPSC should endorse the upgrade of the Wittenoom Street (South's) car park and recommends that Council to allocate the necessary funds, \$125,000 in the 2014/15 budget to allow for the upgrade the Wittenoom Street (South's) car park in accordance with the attached design.

Outcome – Council Committee Meeting 30/31 July 2013

The recommendation (as printed) from the Advisory Committee was moved Deputy Mayor Cr Craddock, 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 6 August 2013

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

Council Decision 224/13

Council endorse the alternative parking layout for the Wittenoom Street (South's) car park and allocate \$125,000 in the 2014/15 budget to implement these changes and resurfacing the car park.

CARRIED
12 votes "for" / nil votes "against"

10.9 Appointment of Acting CEO (was listed as item 10.2.2 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive officer
Attachments:	Nil

Summary

In accordance with the provision of Council Work Procedure 3.5 *Acting Chief Executive Officer*, there is a requirement to recommend to Council a Director as the Acting CEO during periods of leave.

Council Committee Recommendation

That Council resolves to:

1. Appoint Mr Phil Harris, Director Works and Services as the Acting Chief Executive Officer for the period 17 August 2013 to 16 September 2013 inclusive;
2. Authorise Mr Phil Harris, Director Works and Services to perform all functions and delegated authority usually attributed to the role of Chief Executive Officer during this period.

Background

The Chief Executive Officer applied for Annual Leave for the period of 17 August 2013 to 16 September 2013 inclusive. In accordance with contractual provisions, this application was approved by His Worship the Mayor.

A Council resolution of whom will be appointed to the role of Acting CEO during this period of leave is now required.

Mr Harris has previously acted in this position over the Christmas/New Year period.

Council Policy Compliance

There is no Council Policy applicable to this item.

Legislative Compliance

The *Local Government Act 1995*, states “that a person is not to be employed in the position of CEO unless the Council believes that the person is suitably qualified for the position”, therefore the appointment of a person to act in that position must be a decision of the Council.

A person appointed to act in the position of CEO being employed in that position with all its functions and delegated authority.

Officer Comments

The matter of Acting CEO was recently discussed with the Executive Leadership Team where it was agreed to suggest to Council to appoint Phil Harris as Acting Chief Executive Officer during this period.

Analysis of Financial and Budget Implications

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

Community Consultation

Not applicable

Councillor/Officer Consultation

The matter has been discussed with all Directors with the consensus that Phil Harris be recommended as Acting Chief Executive Officer during the period of leave.

Outcome – Council Committee Meeting 30/31 July 2013

The Executive recommendation (as printed) 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 6 August 2013

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

Council Decision 225/13

That Council resolves to:

- 1. Appoint Mr Phil Harris, Director Works and Services as the Acting Chief Executive Officer for the period 17 August 2013 to 16 September 2013 inclusive;***
- 2. Authorise Mr Phil Harris, Director Works and Services to perform all functions and delegated authority usually attributed to the role of Chief Executive Officer during this period.***

CARRIED

12 votes "for" / nil votes "against"

10.10 Endorsement of Appointments to Bunbury Regional Theatre Inc. (was listed as item 10.2.3 on the meeting agenda)

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

Summary

On 10 July 2013, the City received correspondence from the Bunbury Regional Entertainment Centre seeking Council endorsement of the appointment of members to the Bunbury Regional Theatre Inc. (copy **attached** at Appendix CEO-1).

Council Committee Recommendation

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

1. Re-appointment of the following members for two (2) year terms (to expire 30 June 2015):
 - Mr Michael Greenhalgh
 - Mr Ray Frisina
 - Ms Nicola Waite
2. Appointment of Ms Sherrie Morgan to the Board of Management for a two (2) year term to expire 30 June 2015.

Background

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

The Bunbury Regional Theatre Inc. is an independent, not-for-profit community organisation charged with management of the Bunbury Regional Entertainment Centre. The Management Board is comprised of ten (10) interested members of the community with a commitment to the performing arts.

The City of Bunbury contributes funding annually to support operation of the Bunbury Regional Entertainment Centre. Accordingly, the Bunbury Regional Theatre Inc. constitution permits at least one (1) sitting Bunbury City Councillor to be a member of its Management Board (this is currently a position occupied by Cr Stephen Craddock). The Constitution also requires all appointments to the Board to be endorsed by the Council (see background information **attached** at Appendix CEO-2)

Due to existing members' term expiring; four (4) positions on the Board became vacant on 1 July 2013. The Bunbury Regional Theatre Inc. has advised that it called for nominations to fill these vacancies via advertisements in the press on 9 and 10 May 2013. It received nominations from three (3) of the retiring members plus one (1) community member.

A Selection panel consisting of two (2) community members (Don Punch and Rob Rumball) and one (1) existing board member (Dr Robyn McCarron) was formed to assess the applications.

The Panel's recommendation was unanimously passed at the last Board meeting held on 27 June 2013. Accordingly, the Bunbury Regional Theatre Inc. now requests that the recommendation be moved at this meeting.

Community Consultation

The Bunbury Regional Theatre Inc. called for nominations for membership of the Board via public notices in the print media on 9 and 10 May 2013.

Analysis of Financial and Budget Implications

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

Council Policy Compliance

There is no Council Policy in relation to this matter.

Legislative Compliance

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

Delegation of Authority

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

Officer Comments

In endorsing this recommendation, the City has fulfilled its obligation under the terms of the current Deed of Management.

Outcome – Council Committee Meeting 30/31 July 2013

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

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

Outcome – Council Meeting 6 August 2013

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

Council Decision 226/13

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

- 1. *Re-appointment of the following members for two (2) year terms (to expire 30 June 2015):***
 - *Mr Michael Greenhalgh***
 - *Mr Ray Frisina***
 - *Ms Nicola Waite***

- 2. *Appointment of Ms Sherrie Morgan to the Board of Management for a two (2) year term to expire 30 June 2015.***

CARRIED

12 votes "for" / nil votes "against"

10.11 Termination of College Grove Joint Venture and New Joint Venture Agreement *(was listed as item 10.2.7 on the meeting agenda)*

Applicant/Proponent:	Internal
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-5, CEO-6

Summary

The City has been advised that the final audited statement for the Termination of the College Grove Joint Venture have been completed and will be presented to the Joint Venture partners in the next two (2) weeks.

In accordance with the previous resolutions, there was a need to bring the final versions of the Deed of Termination and Release and new Joint Venture Deed to Council prior to signing.

Council Committee Recommendation

That following provision of the audited financial statements to the CEO Council delegate authority to the Chief Executive officer to sign on behalf of Council:

1. Deed of Termination and Release - College Grove Bunbury
2. Joint Venture Deed – College Grove Bunbury

Background

At the Council meeting of 20 November 2012 the Council resolved as follows:

“Council Decision 357/12

- 1) *That Council provide in-principle support for the termination of the current Joint Venture Agreement and the finalisation of a new Joint Venture Agreement between the City and Department of Regional Development and Lands (RDL) generally in accordance with the following drafts;*
 - a) *Termination Agreement dated 3 December 2012*
 - b) *Joint Venture Agreement dated 3 December 2012*
- 2) *That the Chief Executive Officer be authorised to progress the final drafting of the two (2) Agreements following advice from Council solicitors;*
- 3) *That the Department of Regional Development and Lands and Landcorp be advised of Council's decision.”*

The matter was then presented to the Council meeting of 12 February 2013, wherein Council resolved:

“Council Decision 41/13

That Council:

1. *Notes that the review of the two (2) draft documents has been undertaken by Council's solicitors with a number of minor amendments suggested which do*

not impact upon the previous decision and that the two (2) documents are still in accordance with the previous in-principle support; and

2. *Delegates authority to the Chief Executive Officer to finalise the documents once final drafting has been completed, subject to their being no material changes to the drafts.”*

Councillors have previously been provided with copies of the draft Deeds and supporting information. The Council authorised the CEO to progress the finalisation of these documents subject to referring to Council prior to signing.

With the recent changes with Government Departments, there have been a number of minor administrative amendments made to the drafts along with the change to reflect that the financial statement have been completed.

These documents are now ready to be signed at the next Joint Venture Meeting.

A copy of the Deed of Termination is **attached** at Appendix CEO-5 and a copy of the Joint Venture Deed is **attached** at Appendix CEO-6.

Council Policy Compliance

There is no Council Policy applicable to this proposal.

Legislative Compliance

Not applicable.

Delegated Authority

Council have previously delegated authority to the CEO to progress the finalisation of these documents subject to referring to Council prior to signing

Officer Comments

The Deed of Termination and the New Joint Venture Deed are now at the stage of signing.

This is proposed to occur at the next Joint Venture Meeting which, subject to receipt of the financial statements this is anticipated to occur during Local Government Week.

Due to the impeding timing of Local Government week, there is the need to bring this matter to Council as a late item.

Preliminary discussion have been held with the Department of Lands to explore options for the management of the Joint Venture and this will be the subject of a further report to the Major Projects Advisory Committee in the near future.

Analysis of Financial and Budget Implications

Whilst there has been significant discussion around the costs associated with the loss of development on the Joint Venture site, these matters were agreed to by the Council in accepting the proposal outlined by Minister Grylls in his letter of 15 July 2011, and further clarified in his letter of 15 December 2011.

All additional costs associated with the finalisation of the current and the new Agreement being drafted will need to be met by the individual parties respectively.

Council will need to consider contributing funds to the Joint Venture to enable planning and development of identified lands in the 2013/14 and subsequent year's budgets. This could be sourced from the sale of some of the land proposed as part of the land swap arrangements; however this is yet to be finalised.

Community Consultation

There is no requirement for community consultation.

Councillor/Officer Consultation

This matter has been brought to Council on a number of occasions. During the process, Elected Members have also been provided with updates on the progress of the Deed of Termination as well as the new Joint Venture.

Outcome – Council Committee Meeting 30/31 July 2013

The Executive recommendation (as printed) was moved Cr Cook, 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: Deputy Mayor Cr Craddock, Cr Jones, Cr Prosser, Cr Steck, Cr Steele, Cr Kelly, Cr McNeill, Cr Cook, Cr Morris
Against: Mayor D Smith, Cr Leigh

Outcome – Council Meeting 6 August 2013

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

Council Decision 227/13

That following provision of the audited financial statements to the CEO Council delegate authority to the Chief Executive officer to sign on behalf of Council:

- 1. Deed of Termination and Release - College Grove Bunbury***
- 2. Joint Venture Deed – College Grove Bunbury***

CARRIED
12 votes "for" / nil votes "against"

10.12 Schedule of Accounts Paid for the Period 1 to 30 June 2013 (was listed as item 10.3.1 on the meeting agenda)

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

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 to 30 June 2013 has been issued to elected members **under separate cover**. The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$12,134,009.23
2. Advance Account – payments totalling \$10,046,321.94
3. Trust Account – payments totalling \$31,213.31
4. Visitor Information Centre Trust Account – payments totalling \$18,708.73
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$173,013.81
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$170,553.02

Council Committee Recommendation

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

Outcome – Council Committee Meeting 30/31 July 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 6 August 2013

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

Council Decision 228/13

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

CARRIED
12 votes "for" / nil votes "against"

10.13 Proposed Deed of Management to Bunbury Regional Theatre Incorporated over the Bunbury Regional Entertainment Centre, Portion of Bunbury Lot 3 the Subject of Diagram 71675 and being the Whole of the Land Comprised in Certificate of Title Volume 2048 Folio 927 (was listed as item 10.3.3 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Bunbury Regional Theatre Incorporated
Author:	Kristen Anderson, Administration Officer Property and Procurement
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-3, DCS-4

Summary

The City of Bunbury proposes to grant a Deed of Management over a portion of Bunbury Lot 3 the subject of Diagram 71675 and being the whole of the land comprised in Certificate of Title Volume 2048 Folio 927 known as the 'Bunbury Regional Entertainment Centre' to Bunbury Regional Theatre Incorporated for a period of ten (10) years with no further option. A location plan is **attached** at Appendix DCS-3

Council Committee Recommendation

Council agrees to grant a Deed of Management over the Bunbury Regional Entertainment Centre to Bunbury Regional Theatre Incorporated, subject to the terms and conditions as specified in the report, and the following:

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

Background

Bunbury Regional Theatre Incorporated entered in to a Deed of Management to operate and manage the Bunbury Regional Entertainment Centre (BREC) in 1989. Since that time the Bunbury Regional Theatre Incorporated have operated and maintained the facility effectively making it a quality venue for the community by presenting a diverse range of performing arts and entertainment to the region on both a professional and local level.

The BREC is currently undergoing an expansion which will facilitate larger functions and conferences drawing higher crowds with recognized acts and performers. This will also help to promote the City of Bunbury and the South West Region as a whole and has been included in the Deed Area as shown on the plan **attached** at Appendix DCS-4.

The extended area as that is to form part of the Deed of Management and shown on the attached location plan does not include the under croft parking. The extended Deed area will only cover the building extension.

The operation and maintenance of this facility is included in the Deed of Management as the responsibility of the Bunbury Regional Theatre Incorporated.

Current Deed of Management Details

Commencement:	3 April 2007
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Term:	Six (6) years
Expiry Date:	2 April 2013
Rental:	Peppercorn
Outgoings:	Responsibility of the applicant
Insurance:	Lessee to provide insurance under the City's global public risk insurance policy.

Proposed New Deed of Management Details

Commencement:	3 April 2013
Term:	Ten (10) years
Expiry Date:	2 April 2023
Rental:	Peppercorn
Outgoings:	Responsibility of the Lessee
Insurance:	Lessee to provide insurance under the City's global public risk insurance policy.
Document Preparation:	The applicant to pay full cost of document preparation

The City's Executive and the applicant have mutually agreed on the proposed term and conditions of the Lease.

Council Policy Compliance

There is no Council Policy applicable to this item.

Legislative Compliance

Section 3.58 of the *Local Government Act 1995* applies.

Officer Comments

The Bunbury Regional Theatre Incorporated have managed and maintained the Bunbury Regional Entertainment Centre for the past twenty four (24) years and over that time they have achieved a high standard of management and complied with the terms and conditions as set out in their Deed of Management.

Analysis of Financial and Budget Implications

No financial implications either gain or loss to the City of Bunbury. Deed of Management is peppercorn.

Community Consultation

In accordance with the provisions of Section 3.58 of the *Local Government Act 1995* the Deed of Management will be advertised.

Councillor/Officer Consultation

Comment was sought from the Executive Leadership Team including all relevant managers. No objections to granting a Deed of Management to Bunbury Regional Theatre Incorporated were received.

The Manager Community, Culture and Engagement provided feedback stating that Bunbury Regional Theatre Incorporated manage the Bunbury Regional Entertainment Centre very well delivering valuable cultural experiences to the community and visitors of Bunbury.

Outcome – Council Committee Meeting 30/31 July 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 6 August 2013

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

Council Decision 229/13

Council agrees to grant a Deed of Management over the Bunbury Regional Entertainment Centre to Bunbury Regional Theatre Incorporated, subject to the terms and conditions as specified in the report, and the following:

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

CARRIED

12 votes "for" / nil votes "against"

10.14 Building Better Regional Cities Program – Tuart Brook Structure Plan
(was listed as item 10.4.1 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Bob Karaszekwych, Director Planning and Development Services
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-1

Summary

The federal government “Building Better Regional Cities Program” (BBRC) initiative is to relieve pressure on cities to help Australia grow sustainably.

The draft Tuart Brook Local Structure Plan was sponsored by the Department of Housing.

The proposed development site is located in close proximity to regional roads, South West Institute of Technology and Edith Cowen University, Bunbury Regional Hospital and the Hay Park regional sporting and recreational and swimming complex.

The Council has signed an Agreement to develop land for a range of residential densities and housing choice, including two (2) development sites for aged person’s living, a local centre, primary school and passive and active open spaces.

An Agreement has been signed between: Commonwealth of Australia and City of Bunbury. The City is the “Lead Agency” – the City is required to deliver the infrastructure through contractors.

On 17 July 2013, staff had made a presentation to the Hon Bill Marmion MLA, Minister for Mines and Petroleum; Housing, on the Tuart Brook Local Structure Plan.

The recently appointed new federal minister for the Program is the Hon Julie Collins MP, Minister for Housing and Homelessness. The Program Officer is seeking a quarterly report that will feed into a consolidated report showing the status of the BBRC Program for the Minister, also detailing any issues that could negatively affect the project.

The quarterly report is needed as soon as possible. Given that the report is for the last quarter of the 2012-13 Financial Year that the financial data is up to date as it will be used to inform decisions on allocation of the remaining BBRC funds. The Program Officer would also appreciate if the City could have a close look at milestones to date and progress towards upcoming milestones. Additionally if there are any up-coming events for the development this is to be detailed to give a heads up to.

A copy of the structure plan is **attached** at Appendix DPDS-1.

Council Committee Recommendation

That Council note and accept the report.

Background

Context

The entire plan area is estimated capable of supporting approximately 1,200 dwellings of which the Department of Housing (DoH) has 748 lots for 'affordable' housing for low to moderate income with an overall population of 2,877 people.

Affordable Housing

The Agreement only seeks the provision and sale of 500 allotments for affordable housing. The DoH sale of Lots/Buildings is to achieve a 30% reduction over usual costs, to achieve the affordability target.

The DoH is confident to market and sell the required minimum of 500 Lots/sales to (low to moderate income earners) achieving \$30,000 rebate per Lot/sale back to the Commonwealth. 500 sales @ \$30,000 = \$15M.

The DoH has yet to commit to the senior's village.

Approval of Tuart Brook Structure Plan

The plan has been exhibited to the public and a final report will be presented to Council in August 2013 to seek the adoption of the plan, subsequently forwarded to the WAPC for approval.

Funding

The City of Bunbury administers the Agreement (\$7M funding)

Milestones

1. \$3.5M on execution of the agreement
2. \$1M on commencement of works
3. \$1.5M on commencement of intersection works
4. \$1M, on completion of infrastructure

Interest on the \$7M must go towards the project and progressive payment amounts match execution, commencement and completion for various works.

Publicity

Joint media releases are required to announce milestones.

DoH Involvement in BBRC Funding

The Department is in the process of undertaking a detailed feasibility study through consultants MPM for this project. Once this work is done, it will be in a position to consider whether or not it will be able to participate in the BBRC funding proposal as the "Consortium Member".

The Department anticipates a decision in regard to this before the end of July. The Department's ongoing feasibility study work and consideration of the BBRC funding proposal is considered to be a matter between the Department and the City, and

accordingly Kingslane (Cranston) have not been advised of this status/situation by the Department.

Building Better Regional Cities Program Infrastructure

The Program Officer has submitted the first Quarterly Report that must be completed for the project.

Project Budget

There is a need to complete the budget table so that the Program Officer can have an idea of what needs to be paid with BBRC funding for each of the years (only 2013-14 will need to be completed for the project). Note that the City does not have to complete the worksheet if you have already provided a project budget that shows these high level items – This part need only be completed once.

Infrastructure

This is the main reporting sheet for infrastructure items. The City will need to provide details where relevant and complete the opening and closing balance for each quarter so that the Program Officer can track when funding is provided and when it is expended.

Residential

This part can be completed once the DoH has started passing on savings to eligible purchasers and or sold lots/dwellings.

Residential

Required, if applicable, if the DoH is passing on savings via shared equity, or affordable rental

Council Policy Compliance

There is no Council Policy applicable to this item.

Legislative Compliance

There is no Legislative Compliance applicable to this item.

Officer Comments

The City has a huge responsibility to manage the project and to meet critical milestones, to manage and invest funds and to conduct auditing and reporting regimes. An internal, high-level technical project control group that includes (presumably) the DoH and contractors and a Project Manager and financial auditor will need to be established.

Analysis of Financial and Budget Implications

There are no financial or budget implications associated with this item.

Community Consultation

The draft Tuart Brook Structure Plan has undergone considerable public scrutiny. As a result of recent submissions the draft plan requires minor alteration.

Councillor/Officer Consultation

The draft Tuart Brook Structure Plan has been referred to both internal and external government agencies for comment. Also, earlier versions of the plan have previously been reported on at Council meetings. The Executive Leadership Team and officers representing various directorates have at various times provided advice on the plan.

Strategic Relevance

The Council's adopted Strategic Community Plan 2030 refers to various relevant objectives, such as *support for local business; and sustainability.*

Life-cycle Maintenance Costs (Capital Works Projects Only)

This has yet to be determined.

Economic, Social, Environmental and Heritage Issues

Economic

The project should provide for local 'land development' business opportunities and medium term employment generation.

Social

The project should contribute to 'affordable housing' options for low to moderate income earners.

Environmental

The design of the proposed development (subdivision) provides for a significant area of land protected as an environmental corridor that also acts as a stormwater retention basin recharging the groundwater aquifer and providing habitat for wading birds.

Heritage

There are no heritage issues relating to this matter.

Outcome – Council Committee Meeting 30/31 July 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 6 August 2013

Cr Jones declared an impartiality interest in this item (see section 5).

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

Council Decision 230/13

That Council note and accept the report.

CARRIED

12 votes “for” / nil votes “against”

10.15 Proposed Two-Storey Commercial Office Space (Two Units) – Lot 105, No.18 Wexford Lane, Bunbury (was listed as item 10.4.5 on the meeting agenda)

File Ref:	P14048
Applicant/Proponent:	AK Homes Construction Pty Ltd
Author:	Teshome Tadesse, Senior Planning Officer
Executive:	Bob Karaszekewych, Director Planning and Development Services
Attachments:	Appendix DPDS-14, DPDS-15, DPDS-16, DPDS-17

Summary

The application proposes to construct a two storey office space which contains two units on Lot 105, No.18 Wexford Lane Bunbury. The subject land is located within Special Use 26 (City Centre) zone. The proposal does not comply with the car parking requirement as prescribed in the Scheme for an office development. However, the seven (7) car parking bays shortfall can be considered on the basis of the Traffic Impacts Review and justification provided by the applicant and given that the subject land is within the immediate locality of City Centre zone.

It is recommended that Council approve the proposed two-storey office development subject to applicable development conditions.

Council Committee Recommendation

That Council resolves to:

1. Approve the proposed Two-Storey Commercial Office Space (Two Units) – Lot 105, No.18 Wexford Lane Bunbury (Application reference DA/2013/26/1) in accordance with Town Planning Scheme No.7 of City of Bunbury subject to standard and applicable development conditions to the satisfaction of the Manager Development Assessment and Building Certification.
2. Advise the applicant its decision.

Background

AK Homes Construction Pty Ltd has submitted a planning application to construct a two storey office building which accommodates two (2) units on Lot 105, No.18 Wexford Lane. A copy of the proposed development plan is **attached** at Appendix DPDS-14. The proposal is inconsistent with Table 2 (Car Parking Table) of TPS7 which specifies “1 bay per 30 square metres of nla, but with the minimum of not less than 5 bays, whichever is the greater”. The proposal provides six (6) parking bays on site – three (3) bays on the site plan and three (3) bays from the common parking at the rear of the subject land. It indicates seven (7) car parking bays shortfall.

The applicant has requested concession for the seven (7) car parking bays shortfall under the proposal. WML Consultants, on behalf of the applicant, has submitted a Review of Traffic Impacts report as justification for the seven (7) car parking bays shortfall. The following are the main findings/conclusions of the report:

- *The combined existing and future development in this area will generate approximately 41 vehicle movements in any peak hour.*

- *Traffic generated by the proposed development will not add significant traffic volumes to the adjacent road network.*
- *Access to the site by 2030 will not be influenced as only left-in and left-out movements to and from Spencer Street is allowed.*
- *Public Transport and pedestrian access is well catered for on the adjacent Spencer Street.*
- *No significant road safety concerns were identified during the study.*

Furthermore, the traffic consultant suggested the following as a solution to the car parking shortfall under the proposal and for the future development of adjoining lots:

“The only solution to the parking problem that the author can put forward is for clients and tenants to use the Centre Point parking lot. Should council allow further development of the adjacent lots the same lenient approach to solving the problem will have to be followed in order to make it viable for property owners to develop.”

A copy of WML Consultants Review of Traffic Impacts report is **attached** at Appendix DPDS-15.

Council Policy Compliance

The City’s Local Planning Policy (LPP): Former St John of God Hospital Site (S.U.26) Design Guidelines is the principal development control mechanism for the St John development site which is also applicable to the subject land. The proposal has been assessed in accordance with the Policy requirements and the Scheme provisions and standards. It is considered that the applicant has addressed major Policy requirements except the car parking requirements.

Legislative Compliance

The proposal does not specifically comply with Table 2 (Car Parking Table) of TPS 7 in respect of car parking requirement for the use class “office”. However, it is considered appropriate that Council exercise its discretion to support the proposal with the seven (7) car parking bays shortfall pursuant to Clause 5.5.1 of TPS 7.

The WML consultants report outlines that no significant traffic volume will be added as a result of the proposal. Furthermore, the Consultant’s report states that the layout of the general site and the development proposal itself do not allow the provision of more car parking. In addition, it highlights that the adjoining properties will have the same problems. In conclusion, the report suggests that Centre Point parking lot to be utilised for the shortfall.

Officer Comments

Lot 105, No.18 Wexford Lane is located within the former St John of God Hospital development site, and it is within close proximity to the City Centre zone. A location plan is **attached** at Appendix DPDS-16.

The subject land is zoned Special Use 26 under Town Planning Scheme No.7 (TPS7). An extract of the Scheme Map is **attached** at Appendix DPDS-17.

The use class “Office” is a permitted use in Special Use 26 – City Centre. The proposed office use on Lot 105, No.18 Wexford Lane is consistent with the Scheme in terms of land use.

The proposal complies with the requirements of the former St John of God Hospital Site (S.U. 26) Design Guidelines Local Planning Policy and the Scheme except car parking requirement. The proposal indicates six (6) parking bays – three (3) bays on the plan and three (3) bays from the common parking area; but the Scheme requirement is thirteen (13) parking bays – seven (7) car parking bays shortfall.

There is no easy solution for car parking bays shortfall problem under any given development proposal. However, it is considered appropriate Council approach car parking bays shortfall issue on a case by case basis. In this instant, the proposal is for two-storey office development (two units) with a combined nla floor space of 370m² which relatively requires a reasonable number of car parking bays to accommodate such a development as compared to other extensive developments. This level of development attracts thirteen (13) car parking bays, but under the proposal only six (6) car parking bays are provided. The WML Consultants traffic report, among other things, states that *“Traffic generated by the proposed development will not add significant traffic volumes to the adjacent road network.”* In addition, the Consultant’s report suggests that the Centre Point site can be utilised by the potential clients and tenants under the proposal and for the future potential development in the immediate locality. It is considered that the use of Centre Point parking Lot cannot be a permanent solution; however, it is not altogether illogical suggestion as a temporary solution until such time that the City develops adequate public car parking sites in the City Centre.

It is considered that cash-in-lieu contribution in respect of any considered car-parking shortfall (per Clause 5.7.7 of TPS 7) would not be appropriate in this case, for the following reasons:

1. It has been a long standing position of the City that the former St John of God Hospital development site will be zoned City Centre zone. Currently, the development site, including the subject land, is zoned Special Use 26 zone with a City Centre designation. In relation to car parking requirement in the City Centre zone, Clause 7.7.3.13 of TPS7 states:
“Subject to the Residential Design Codes, the Local Government will not require proponents to provide parking for proposals of development or change of use less than 500m² of gross leasable area within the City Centre zone.”
2. The subject land is zoned as Special Use 26 – City Centre, and it is considered that in the future it will be included in the City Centre zone. It is noted that the proposal indicates 486m² gross leasable area.
3. The WML, on behalf of the applicant, has requested car parking to be assessed as per standards applicable to the City Centre zone. Although the subject land is not within the conventional City Centre zone, as it currently stands, it can be argued that the above Scheme provision can be given due consideration in the assessment and determination of car parking requirements.

Council is empowered to grant planning approval pursuant to Clause 5.5.1 of TPS 7 despite non-compliance as Council thinks fit. In this instance, it is considered appropriate that Council exercise its discretion to allow the seven (7) car parking shortfall under the proposal.

Given the above, the seven (7) car parking shortfall can be supported on the basis of the Traffic Impacts Review provided by the applicant which outlines the issues and possible solution and in light of the City Centre zone parking provision under the Scheme in respect of developments less than 500m² gross leasable area.

Community Consultation

The use class “Office” is a permitted (“P”) use under the Scheme; and therefore public consultation is not applicable.

Delegation of Authority

The proposal does not comply with the car parking requirement for the use class “office” as specified in the Scheme. Council is required to exercise its discretion in accordance with Clause 5.5.1 of TPS 7 to allow the development of the site with the seven (7) car parking bays shortfall. Therefore, no delegation of power is applicable in this regard.

Relevant Precedents

There are no identical proposals considered by Council previously in the locality. However, Council has supported a number of applications with car parking shortfall in a number of cases as required.

Analysis of Financial and Budget Implications

The proposal has no budget implications for the City at this point in time. But, it is considered that in the future it is inevitable that a certain proportion of City’s financial commitment will have to be devoted for the provision of public car park, in particular in the City Centre zone.

Outcome – Council Committee Meeting 30/31 July 2013

The Executive Recommendation (as printed) was moved Cr Cook, seconded Cr Prosser.

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

Outcome – Council Meeting 6 August 2013

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

Council Decision 231/13

That Council resolves to:

- 1. *Approve the proposed Two-Storey Commercial Office Space (Two Units) – Lot 105, No.18 Wexford Lane Bunbury (Application reference DA/2013/26/1) in accordance with Town Planning Scheme No.7 of City of Bunbury subject to standard and applicable development conditions to the satisfaction of the Manager Development Assessment and Building Certification.***
- 2. *Advise the applicant its decision.***

CARRIED

12 votes “for” / nil votes “against”

10.16 Proposed Initiation of Scheme Amendment 64 – Inserting of Additional and Restricted Use Schedules and to Include “Car Park” as an Additional Use at Lots 101 and 102 South Western Highway, Picton (was listed as item 10.4.6 on the meeting agenda)

File Ref:	A05408
Applicant/Proponent:	City of Bunbury/BHP Billiton Worsley Alumina
Author:	Kelvin Storey, Team Leader Integrated Land Use Planning
Executive:	Bob Karaszewych, Director Planning and Development Services
Attachments:	Appendix DPDS-18, DPDS-19

Summary

BHP Billiton Worsley Alumina is seeking to formalise a park and ride facility for use by their employees operating from Lots 101 and 102 South Western Highway, Picton. To this end they have submitted a request to the City of Bunbury to initiate an amendment to Town Planning Scheme No.7 (TPS7) that recognises “Car Park” as a permissible additional use on these particular lots which fall within the existing “Industry Zone”.

In order to facilitate this request, a concurrent amendment is required that introduces into TPS7 an ‘Additional Use’ Schedule, which would be in keeping with the Model Scheme Text (Appendix B of the *Town Planning Regulations 1967*). The ‘Additional Use’ Schedule and ‘Restricted Use’ Schedule were not incorporated into TPS7 at the time of its preparation; however, their belated inclusion is considered beneficial in order to deal with exceptional circumstances, such as that presented by BHP Billiton Worsley Alumina.

The Scheme Amendment report is attached at Appendix DPDS-18.

Council Committee Recommendation

That Council in accordance with the *Planning and Development Act 2005* resolve to:

1. Initiate proposed Scheme Amendment 64 to the City of Bunbury Town Planning Scheme No.7 as detailed in the prepared Scheme Amendment Report by:
 - (a) replacing the current wording of the Scheme Text found at clause 4.5.1 and clause 4.6.1 with Model Scheme Text provisions and related notes;
 - (b) inserting omitted Model Scheme Text schedules into the current Scheme Text as “Schedule 11 - Additional Uses” and “Schedule 12 - Restricted Uses”;
 - (c) inserting within the table of Schedule 11, “AU1”, and “Car Park” represented as an additional permitted use within the “Industry Zone” at Lot 101 and Lot 102 South Western Highway, Picton;
 - (d) modifying the Scheme Map legend by inserting “Additional Use” and corresponding denotation “AU” within an identifying border;
 - (e) modifying the Scheme Map legend by inserting “Restricted Use” and corresponding denotation “RU” within an identifying border; and
 - (f) modifying the Scheme Map by inserting the notation “AU1” with identifying boundary included around Lot 101 and Lot 102 South Western Highway, Picton.
2. Refer proposed Scheme Amendment 64 documentation to the Environmental

Protection Authority for approval to advertise for public comment.

3. Notify the Western Australian Planning Commission of Council's decision to initiate proposed Scheme Amendment 64, and furnished the Commission with a copy of the scheme amending documentation prior to proceeding to public advertising.
4. Subject to the consent of the Environmental Protection Authority, publicly advertise proposed Scheme Amendment 64 for a period of not less than 21 days in accordance with regulation 25 (2) (j) (v) of the *Town Planning Regulations 1967*.
5. Following the public advertising of proposed Scheme Amendment 64, the scheme amending documentation, including any proposed modifications, along with any public submissions lodged with the City of Bunbury during the advertising period is to be returned to Council for further consideration.

Background

Included within the Model Scheme Text (MST), as prescribed under Appendix B [regulation 11(1)(a) and 27] of the *Town Planning Regulations 1967*, are a suite of supporting schedules that are standard to all Local Planning Schemes (except where not relevant because corresponding provisions are not prescribed in the Scheme). The second and third schedules of the MST provide for the listing of "Additional Uses" and "Restricted Uses", which are linked to the MST clauses 4.5 and 4.6 as per the text below:

4.5 Additional Uses

Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to land.

Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.

4.6 Restricted Uses

Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to land.

Note: A restricted use is the only use or uses that are permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

Currently, TPS7 does not include the provisions afforded by the MST clauses 4.5 or 4.6, and consequently the schedules that list lot specific additional and restricted uses. Where such MST clauses are a part of a Local Planning Scheme, they allow (through site specific scheme amendments) additional or restricted land uses to be listed on a lot by lot basis within the appropriate schedule, meaning that a development approval may be considered on that lot regardless of the level permissibility shown within the Scheme's Zoning Table. A scheme amendment that seeks the inclusion or exclusion of certain uses for a particular lot within one of these schedules must be able to demonstrate exceptional circumstances and should not otherwise compromise the land use planning objectives and provisions of the underlying zone.

The scheme amendment submission made by BHP Billiton Worsley Alumina may be

considered as one such exceptional case. In their submission letter they state that:

“Worsley would like to lease Lots 101 and Lots 102 from T.D. Scott Pty Ltd, which conducts other business from this site (Modular Bricks), and establish a long-term car park at the location. The car park would support Worsley’s road safety efforts by providing a location from which to operate bus services and carpooling for employees. Bussing and carpooling programs provide employees with a safer transport option than driving around 120km return between Greater Bunbury and the Worsley refinery on what is arguably the region’s busiest highway in Coalfields Highway. Dedicated parking facilities for these services are ideal so as to limit the impact on the broader community.”

BHP Billiton Worsley Alumina’s submission letter is **attached** at Appendix DPDS-19.

However, a standalone “Car Park” is designated as a not permitted ‘X’ use within the “Industry Zone” under the Zoning Table of TPS7, meaning that this initiative could not currently be permitted under the existing Scheme. However, assuming the adoption of the relevant MST clauses and schedules into TPS7 as proposed by this amendment, the land use class of “Car Park” may then be considered as an additional permissible use on lots 101 and 102 South Western Highway, Picton.

Strategic Relevance

It is considered that proposed Scheme Amendment 64 will have a direct positive effect on the implementation of the Scheme, and in the case of the BHP Billiton Worsley Alumina proposal, may potentially lead to road safety benefits for the broader community.

Council Policy Compliance

The proposal has not been identified as incompatible with adopted Council policy.

Legislative Compliance

Should Council resolve to initiate the scheme amendment, relevant documentation and Council’s resolution will be referred to the Environmental Protection Authority (EPA) and the Western Australian Planning Commission (WAPC) prior to public advertising. Once public advertising is concluded, should Council then resolve to adopt the scheme amendment, the amending documentation (with or without modifications), together with the schedule of submissions and Council’s resolution, is to be referred to the WAPC for its endorsement and referral to the Minister for Planning for final approval and gazettal.

Should the scheme amendment be approved by the Minister for Planning, there would still be a need for BHP Billiton Worsley Alumina to submit a planning application for the “Car Park” use, at which time, information regarding the number of bays, vehicular access arrangements and potential development conditions would be considered in greater detail.

Officer Comments

Including the omitted schedules within TPS7 allows for consideration of additional and restricted uses, notwithstanding their status within the Zoning Table, which permits greater flexibility and opportunity. These schedules however should only be applied very occasionally where exceptional circumstances can be demonstrated; otherwise the integrity of the Zoning Table and the objectives of each zone would begin to be undermined.

Land designated as “Industry Zone” is a limited resource, and it is important that it is used

efficiently in keeping with its intended purpose so as to accommodate future growth in this sector. A standalone car park does not represent an optimal use of industrial zoned land, and it can be assumed for this reason, that the land use class was not included as a permitted use in this zone under the existing Scheme. A scheme amendment that sought to introduce “Car Park” as a city-wide permissible use in the “Industry Zone” (i.e. as in the Zoning Table) is therefore unlikely to be supported at a strategic planning level. The additional use must ably demonstrate exceptional circumstances and should not be seen to compromise the primary purpose or stated objectives of the underlying zone. In accordance with TPS7 (clause 5.10.4.1), the specific objectives in controlling development within the “Industry Zone” are:

- (a) *To encourage pleasant and efficient industrial facilities;*
- (b) *To encourage the consolidation and improvement of appropriately located industrial areas;*
- (d) *To enable industrial areas to expand where the need for such expansion can be sustained;*
- (e) *To promote the safe movement of vehicular and pedestrian traffic; and*
- (f) *To protect the amenity of adjacent areas.*

The planning rationale for supporting BHP Billiton Worsley Alumina’s scheme amendment request and therefore a “Car Park” as an additional use in this instance would be that:

- the subject lots are already laid out and functioning as a car park, the extent of which appears to be surplus to the operational needs of the existing occupier; and
- there is significant benefit to the community in facilitating a dedicated ‘park and ride facility’ which takes commuting cars off the road, and thereby improving both road safety and reducing CO² emissions.

The Greater Bunbury Region Scheme (GBRS) identifies the subject site within the “Urban Zone” (and not within the “Industrial Zone”). Hence, the use as a car park would not be inconsistent with the stated purpose of the “Urban Zone” under the GRBS, which is:

“...to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities;”

It is also noted that the proposal would not be incompatible with the adopted Glen Iris Local Area Plan or the recently adopted draft Wimbridge Structure Plan.

Analysis of Financial and Budget Implications

There are no known direct financial or budgetary implications to the City of Bunbury applicable to this item.

Community Consultation

Should the scheme amendment be initiated by Council, it will be required to be formally advertised for public comment for a period of not less than twenty-one (21) days (subject to a decision of the WAPC), in accordance with the requirements of the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967*.

Once the EPA has indicated that an environmental assessment is not required, and provided no formal referral to the WAPC is requested following their receipt of the draft documentation, the proposed scheme amendment will be publicly advertised (in a newspaper circulating in the district of the local government and by a notice sign placed on

the subject site) seeking public comment for a period of not less than twenty-one (21) days.

Given that the subject site is situated with frontage to the South Western Highway, which is a “Primary Regional Roads Reserve” under the GBRS (although accessed by Wimbridge Road), the scheme amendment documentation will also be referred to Main Roads Western Australia (MRWA) for its advice and comment.

On the completion of public advertising, submissions are assessed and the amendment is then submitted back to Council for adoption with or without modifications.

Councillor/Officer Consultation

The scheme amendment proposal has been referred to the Development Coordination Unit (DCU) for officer comment.

Outcome – Council Committee Meeting 30/31 July 2013

Cr Steele 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 Jones, seconded Deputy Mayor Cr Craddock.

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

Outcome – Council Meeting 6 August 2013

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

Council Decision 232/13

That Council in accordance with the Planning and Development Act 2005 resolve to:

1. ***Initiate proposed Scheme Amendment 64 to the City of Bunbury Town Planning Scheme No.7 as detailed in the prepared Scheme Amendment Report by:***
 - (a) ***replacing the current wording of the Scheme Text found at clause 4.5.1 and clause 4.6.1 with Model Scheme Text provisions and related notes;***
 - (b) ***inserting omitted Model Scheme Text schedules into the current Scheme Text as “Schedule 11 - Additional Uses” and “Schedule 12 - Restricted Uses”;***
 - (c) ***inserting within the table of Schedule 11, “AU1”, and “Car Park” represented as an additional permitted use within the “Industry Zone” at Lot 101 and Lot 102 South Western Highway, Picton;***
 - (d) ***modifying the Scheme Map legend by inserting “Additional Use” and corresponding denotation “AU” within an identifying border;***
 - (e) ***modifying the Scheme Map legend by inserting “Restricted Use” and corresponding denotation “RU” within an identifying border; and***
 - (f) ***modifying the Scheme Map by inserting the notation “AU1” with identifying boundary included around Lot 101 and Lot 102 South Western Highway, Picton.***

- 2. Refer proposed Scheme Amendment 64 documentation to the Environmental Protection Authority for approval to advertise for public comment.**
- 3. Notify the Western Australian Planning Commission of Council's decision to initiate proposed Scheme Amendment 64, and furnished the Commission with a copy of the scheme amending documentation prior to proceeding to public advertising.**
- 4. Subject to the consent of the Environmental Protection Authority, publicly advertise proposed Scheme Amendment 64 for a period of not less than 21 days in accordance with regulation 25 (2) (j) (v) of the Town Planning Regulations 1967.**
- 5. Following the public advertising of proposed Scheme Amendment 64, the scheme amending documentation, including any proposed modifications, along with any public submissions lodged with the City of Bunbury during the advertising period is to be returned to Council for further consideration.**

CARRIED

12 votes "for" / nil votes "against"

10.17 Hay Park Multi-Purpose Sports Pavilion (was listed as item 10.5.1 on the meeting agenda)

File Ref:	A05592
Applicant/Proponent:	Peter Hunt Architects
Author:	Jason Gick, Manager Engineering
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix DWS-1

Summary

Additional items for the Hay Park Multi Sports Pavilion have been identified to satisfy the stakeholders, user groups, statutory agencies and address site constraints. These items will increase the cost of the project and require a Council Decision to proceed.

The Architect is at a project hold point and cannot proceed, without the risk of re-work, until approval to proceed is issued.

Given the additional anticipated costs, and the strain this places on the budget, it is necessary for Council to determine whether it wishes to continue on the project delivery path decided at its 11 June 2013 meeting.

Council Committee Recommendation

1. That Council supports the expanded project scope as presented.
2. Additional funds to be identified in the relevant financial year.
3. The Architect to be instructed to proceed accordingly.

Background

The following Council Decisions apply to this project:

“Council Decision 147/11

1. *Council approves the Royalties for Regions ‘Action Agenda’ application from the City of Bunbury for the Hay Park South Multi Sports Pavilion.*
2. *Council ranks the Hay Park South – Multi Sports Pavilion application as Priority 1*
3. *Councils contribution to the project be \$1,300,000*
4. *Council applies to CSRFF for the remaining \$361,000 election commitment for improvements to Soccer facilities.”*

Council Decision 147/11 supported the Councils application for additional funding for the project.

“Council Decision 261/12

Part 1:

That the Council adopt the following project scope for the design and construction briefs for the Hay Park South Regional Multi Sports Pavilion:

“Design and construction of a Regional Sports Pavilion to accommodate regional representative soccer, rugby and other sports in accordance with the requirements of:

- *Football West;*
- *Western Australian Rugby League Association;*
- *Project Description defined in the Royalties for Regions Regional Development Council grant application; and*
- *Department of Sport and Recreation funding agreement.*

Part 2:

That options for management models for the Hay Park South Regional Multi Sports Pavilion are developed and presented to Council by 1 July 2013.”

Council Decision 261/12 framed the design criteria for tender to ensure the needs of the stakeholders and the funding providers were met in the design brief, and initiated discussion about the facility management structure.

“Council Decision 31/13

1. *That Council endorse the recommendation in the WALGA Report:*

“Peter Hunt Architects is the recommended Tenderer for its pricing submitted for its Lark Hill concept design on the basis of demonstrating best value for money. The Contractor’s legal entity name is Peter Hunt Pty Ltd also trading as Peter Hunt Architect Unit Trust.”

2. *Council advise WALGA to proceed with preparing the resultant Contract for issue. “*

Council Decision 31/13 appointed the preferred Architect to deliver the design for the Lark Hill concept design.

“Council Decision 162/13

1. *Adopt the stakeholder preferred Building ‘C’ (Rugby) at Larkhill, Port Kennedy as its preferred development option for the Hay Park South – Multi Sports Pavilion.*
2. *Elevate the preferred Pavilion building above ground to avoid latent groundwater constraints*
3. *Replace the pedestrian ramps in the preferred development option with an elevator in the design*
4. *Exclude the following items from the project:*
 - *Relocation of BMX toilet block*
 - *Upgrade of premium rugby pitch including dug-outs*
 - *Provision of two grass viewing mounds*
 - *New sports flood lighting*
 - *Fencing around rugby pitch*
 - *Landscaping*
 - *Loose furniture and equipment”*

Council Decision 162/13 effectively “locked in” the Building ‘C’ at Larkhill, Port Kennedy as the Councils preferred development option and addressed the groundwater constraints of the site.

The refined cost plan and the Stakeholders ‘wish list’ has identified a number of optional and non-optional items that need to be funded in addition to the existing project budget.

Council Policy Compliance

The appointment of the preferred Architect is in accordance with the City's procurement guidelines and policies.

Legislative Compliance

The proposed variation in budget requires a Council Decision in accordance with the Local Government Act 1995.

Officer Comments

At its 11 June 2013 meeting Council decided to accept the Building 'C' Option which was costed at \$800,000 more than the concept plan submitted as part of the City's original grant application. This decision allowed the Architect to start the design development phase. As part of that process a meeting was held with the stakeholders and user groups to itemise a detailed 'wish list' based on user needs, changes to legislation, addressing the water table constraints of the site and addressing lessons learned from the City of Rockingham.

The stakeholder meeting itemised the features that are desirable, above and beyond the Building 'C', Larkhill configuration. These and their associated costs are attached for information. These have been costed at \$350,000.

The largest costs of these additions are:

Item 8	Additional fit-out for two commercial kitchens	\$125,000
Item 14	Aluminium extruded seats added to plats	\$ 45,000
Item 17	Concrete finish to service ducts	\$ 14,000
Item 22	Security gates to main entrance and fencing	\$ 9,000
Item 25	Aluminium extruded seats with backs (top level)	\$ 16,500
Item 27	Additional transformer upgrade (Western Power)	\$ 55,000
	Subtotal of major additional items	<u>\$264,500</u>

The balances of the additional items are small adjustments to the design to accommodate better layout, more flexible use, and safer operations.

Additionally, the City's Open Space department were asked to advise on the reticulation and landscaping aspects of the project. The following items were identified as desirable outcomes of the project for the City with respect to infrastructure protection, upgrades and ongoing maintenance:

1.	Modifications to existing reticulation	\$ 50,000
2.	Relocation of existing bore	\$100,000
3.	Bore water filtration unit (address iron staining)	\$130,000
4.	Protection of existing turf during construction	Not costed
5.	6 no. London Plan Tree's	\$ 3,000
6.	Additional fencing (up to 200m)	Not costed

The existing bore is located within the Premier Soccer Pitch surrounds and can remain in place. It would be desirable to relocate it outside of the fenced area for servicing and access, but the cost to do so is prohibitive.

The bore water filtration unit is recommended to eliminate the risk of bore water staining on the new building. This has been proven to be effective elsewhere, however, the filtration unit requires ongoing maintenance. An alternative to this is to establish a localised reticulation system in the immediate area around the building that is serviced from mains

water. This will remove the immediate spray risk to the building; however, as the bulk of Hay Park is serviced from bore water, there will be some risk of spray hitting the building during wind periods.

The landscaping immediately surrounding the building could feasibly be delivered post construction.

Analysis of Financial and Budget Implications

The project budget is configured thus:

	12/13	13/14	14/15
5200 Capital Grant Inc. – State - General		\$ 335,000	
5204 Capital Grant Inc. – State – Royalties for Regions		\$2,833,657	
<i>Total Income (3,168,657)</i>	-	<i>\$3,168,657</i>	-
3250 Contract Exp – Professional Services	\$100,000	\$241,694	
3300 Contract Exp – Labour and Materials		\$4,432,625	\$800,000
<i>Total Expenditure (5,574,319)</i>	<i>\$100,000</i>	<i>\$4,674,319</i>	<i>\$800,000</i>
Net Budget Total	\$100,000	\$1,505,662	\$800,000

The project design scope requires the Architect to prepare a Project Cost Plan to provide cost management and budget advice. RBB Consultants have prepared the Cost Estimates using contemporary building industry schedules and rates. A copy of the Cost Estimates is **attached** at Appendix DWS-1.

The most recent Project Cost Plan (2 July 2013) shows the project cost estimate to be \$5,971,850 which does not include the additional items identified by the City's Open Space department. Adding \$50,000 to accommodate on site reticulation adjustments, the project cost estimate is about \$6,022,000. Thus the project cost estimate exceeds the project budget by \$447,500.

The cost estimate has factored in an 8% contingency; however, staff suggests that additional contingency should be allowed for to cover unanticipated contract variations. The upfront design, specification and documentation of the project reduces the contract risk by ensuring the known project details are specified in the contract, however, it is considered prudent to allow for unknown contract variations to ensure the project can be delivered to the desired quality and scope. Therefore it is suggested that an additional 5% (say \$300,000) of the project cost may be required to address this risk.

It should be noted that the cost estimates are based on contemporary industry rates and costs and that the actual contract cost will not be known until tenders are called.

Community Consultation

The project has been identified in reports previously subject to community consultation:

- City of Bunbury Recreation Plan (2006); and
- Hay Park Feasibility Study (2009).

In addition, the City has consulted extensively with sporting stakeholders including rugby and soccer during the grant application process.

On Tuesday 12 March 2013 the City facilitated a site tour at Lark Hill, Port Kennedy with senior representatives of the soccer and rugby fraternities. This tour was undertaken with the Architect and facility managers from the City of Rockingham.

The current situation presented to the Council in this report was explained to representatives of the soccer, rugby and BMX fraternities on Monday 27 May 2013.

The City has consulted with Troy Jones of the Department for Sport and Recreation (grant provider) to clarify any grant constraints in the Council decision making. Mr Jones has advised that the Council may adopt either building design but it must adhere to the intent and objectives of the grant agreement. The Council may spend more on the project, but the grant will not be increased accordingly. Conversely, should the project come in under budget, the grant will be reduced proportionately.

The City met with stakeholders and the user groups on 19 June 2013 to discuss the specific requirements associated with the use of the building and the construction period logistics.

Councillor/Officer Consultation

The Project Manager responsible for the delivery of the project has been working closely with the Manager Sport, Leisure and Active Lifestyles who will be responsible for its operation.

Various staff have consulted on the master planning, project logistics, project timeframes, stakeholder needs and facilities management.

The difference in building concept drawings was presented to the Executive for direction at its 22 May 2013 meeting. The Executive recommended the adoption of the stakeholder preferred Building 'C' (Rugby) at Larkhill, Port Kennedy for the preferred development option for the Hay Park South – Multi Sports Pavilion.

The increased cost estimates and project risks were presented to Executive staff on 8 July 2013.

Outcome – Council Committee Meeting 30/31 July 2013

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

- “1. *That Council supports the expanded project scope as presented.*
2. *Additional funds be identified in the relevant financial year.*
3. *The Architect be instructed to proceed accordingly.*”

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

Outcome – Council Meeting 6 August 2013

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

Council Decision 233/13

- 1. *That Council supports the expanded project scope as presented.***
- 2. *Additional funds to be identified in the relevant financial year.***
- 3. *The Architect to be instructed to proceed accordingly.***

CARRIED

11 votes “for” / 1 vote “against”

It was requested that Cr Steele’s vote against this matter be recorded.

10.18 Installation of Crash Bollards at Clarke and Blair Street Intersection (was listed as item 10.5.2 on the meeting agenda)

File Ref:	R00041-05
Applicant/Proponent:	Hon John Castrilli on behalf of Mr Doug Merriman
Author:	Jason Gick, Manager Engineering
Executive:	Phil Harris, Director Works and Services
Attachments:	Nil

Summary

A recent motor vehicle crash at the Blair Street / Clarke Street roundabout resulted in property damage to the boundary wall at No.246 (Lot 73) Blair Street. The installation of crash bollards is designed to protect the property from future crashes.

Council Committee Recommendation

That Council approve the installation of dedicated crash bollards to protect the boundary wall at No.246 (Lot 73) Blair Street, Bunbury to be funded from Local Area Traffic Management (LATM) projects – PR-1098 Install Traffic Management Devices LATM 2012/13 and PR-1236 Install Traffic Management Devices LATM 2013/14.

Background

The intersection of Blair Street and Clarke Street was converted from a T junction to a double lane roundabout in 2005/06. Records show that during construction, Mr Merriman requested the installation of Armco railing to protect his property. A Road Safety Audit was undertaken on the design and the need for Armco railing was not identified.

In November 2008 an out of control vehicle crashed into the northern end of boundary wall at No.246 Blair Street about 40m from the roundabout. Following this incident, Mr Merriman contacted The Hon. John Castrilli MLA to request the installation of Armco railing at the site. The City response identified that that particular crash would not have been eliminated by the installation of Armco railing at the roundabout as the vehicle lost control upon exiting the roundabout, not whilst in it.

In early 2013 another out of control vehicle crashed into the boundary wall at No.256 Blair Street, this time leaving the roundabout and travelling directly into the wall. Mr Merriman once again contacted The Hon John Castrilli MLA who requested another investigation into the site.

Council Policy Compliance

There is no Council Policy applicable to this item.

Legislative Compliance

There is no Legislative Compliance applicable to this item.

Officer Comments

Analysis of the crash data for the period 2008 – 2013 inclusive shows there have been 30 crashes at this intersection, including:

- One (1) hospitalisation (single vehicle motorcycle crash)
- Three (3) medical treatments (various crash types)
- Sixteen (16) rear end crashes (including 11 from the Blair Street northbound carriageway)
- Seven (7) 'right – thru' and 'thru – right' crashes (including 4 from the Blair Street northbound carriageway)
- Three (3) 'left carriageway' / 'hit object' crashes including the crash into the wall in 2008.
- Twenty-seven (27) of the crashes occurred during daylight hours.

The majority of crashes occur between vehicles approaching or entering the roundabout on Blair Street from the south, including rear-end, right-thru and left carriageway crashes. This suggests there may be an issue with the approach geometry, visibility or approach speeds.

To counter the crash into the boundary wall, the City prepared a design for the installation of Armco 'W' beam and posts in the travel path coinciding with the crash type. The site is very constrained with existing paths, access to the property and numerous underground utilities limiting the space available for the Armco railing system.

It is not conventional practice to install Armco railing systems in or near low speed roundabouts. The design was therefore referred to Main Roads for comment. Main Roads advised that the Armco system is not recommended for the following reasons:

- The barrier is shorter than the minimum length and may not be stiff enough to redirect an errant vehicle;
- The barrier is set a considerable distance back from the kerb, so an errant vehicle may vault over the barrier; and
- The barrier crosses a gas line at a shallow angle, so when the posts are driven (1100mm below ground surface) there could be a clash.

Given these site constraints, Main Roads recommended the use of a relatively new product, crashworthy bollards. These bollards are energy absorbing through the use of a sacrificial cartridge. Once the bollards have been hit, the cartridges that hold them into place must be replaced for them to be reinstalled.

The use of the crashworthy bollards is a feasible alternative to the Armco systems, but they are expensive.

Analysis of Financial and Budget Implications

The City has obtained a quote for the supply of seventeen (17) "Omni Stop Crash" bollards and cartridges at \$34,000. The careful installation required is estimated to cost about \$16,000 including labour, plant, materials, traffic management and protection of existing utilities.

There is very little maintenance cost for the crashworthy bollard systems, but upon another crash, those affected will need to be replaced / reset.

The works were identified as a Local Area Traffic Management issue and as such funding would be allocated out of the approved project and carry-over of unspent 12/13 funds – PR-1098 Install Traffic Management Devices LATM 2012/13 and PR-1236 Install Traffic Management Devices LATM 2013/14.

Community Consultation

No broad community consultation has taken place, but the City has been liaising with Mr Merriman.

Councillor/Officer Consultation

Engineering staff have discussed the various aspects of the design process and the relative merits of the crashworthy bollards.

Outcome – Council Committee Meeting 30/31 July 2013

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

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

Outcome – Council Meeting 6 August 2013

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

Council Decision 234/13

That Council approve the installation of dedicated crash bollards to protect the boundary wall at No.246 (Lot 73) Blair Street, Bunbury to be funded from Local Area Traffic Management (LATM) projects – PR-1098 Install Traffic Management Devices LATM 2012/13 and PR-1236 Install Traffic Management Devices LATM 2013/14.

CARRIED

12 votes "for" / nil votes "against"

10.19 Bonnefoi Boulevard Parking (was listed as item 10.1.4 on the meeting agenda)

File Ref:	A05309
Applicant/Proponent:	CBD Parking Strategy Committee
Author:	Neil Dyer, Team Leader Parking
Executive:	Bob Karaszekwych, Director Planning and Development services
Attachments:	Nil

Summary

At the CBD Parking Strategy Committee meeting of the 4 February 2013, the Committee requested the Team Leader Parking to liaise with the City's engineering department to determine the viability of making Bonnefoi Blvd a one way road and creating angled parking on both sides of the road.

Council Committee Recommendation

That Council note and accept the report.

1. In accordance with the advice from the Manager Engineering, the suggestion be referred to the Development Engineer to be included as part of the considerations for the Koombana North development.
2. That Landcorp be requested to provide specified comments regarding the parking in this area at the briefing session to Council.

Background

With the current demand for parking in the Marlston Hill area and the potential demand increasing with the proposed development of the LandCorp Koombana North project, the CBD Parking Committee discussed the possibility of increasing the parking in this area and improving the flow of traffic though Marlston Hill by making Bonnefoi Blvd one-way and creating angled parking on both sides of Bonnefoi Blvd.

As requested, the matter was referred to the Manager Engineering and he advised the following:

"The Koombana North proposal is being planned and the resultant development is likely to generate a lot of local traffic" that "...we should not be promoting a one way system until the traffic implications of Koombana North are well understood"...community consultation would be extensive and unless a firm proposal is available to be assessed".

In relation to the recent consideration of the Koombana North Structure Plan, LandCorp has agreed to make a \$20,000 contribution to a traffic/parking analysis to facilitate the calculation of any cash-in-lieu contribution that may be applicable to subsequent.

Council Policy Compliance

There is no Council Policy applicable to this item.

Legislative Compliance

There is no legislative compliance applicable to this item.

Officer Comments

Changing Bonnefoi Boulevard to a one-way road and creating angled parking would be at considerable cost to Council and would not provide a significant increase to parking in the area, hence is not supported.

Although it is not proposed to modify the parking in Bonnefoi Boulevard at this time, as it has been identified that the demand for parking in this area is already high and that this demand is expected to increase with the completion of the Koombana North subdivision.

To address these concerns, discussions with Landcorp are on-going with regards to the development of a Parking Strategy for this area. It is intended that this Strategy will provide advice as to where parking is able to be provided, the form this parking should take and an approximate time line for the provision of this parking.

Analysis of Financial and Budget Implications

Changing Bonnefoi Boulevard to a one-way road and introducing additional angle parking would have significant cost implications as it would require changes to the width of the carriageway to enable parking bays to be constructed in accordance with Australian Standards, hence is not supported.

Community Consultation

Not applicable

Councillor/Officer Consultation

Consultation was undertaken with the City's Manager Engineering and Development Engineer.

CBD Parking Strategy Committee Meeting Outcome

On 8 April 2013, the matter was again brought before the committee. The outcome of those discussions was that Landcorp be requested to provide specific comments regarding the parking in this locality at the briefing session to Council. This has been undertaken.

Outcome – Council Committee Meeting 30/31 July 2013

Cr Morris declared an interest in this matter (see section 5). He vacated the chambers at 11.11pm and did not participate in the discussion or vote on the matter.

The recommendation (as printed) from the Advisory Committee was moved Deputy Mayor Cr Craddock, 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 6 August 2013

Cr Morris declared an interest in this matter (see section 5). He vacated the chambers at 6.45pm and did not participate in the discussion or vote on the matter.

The recommendation (as printed) from the Council Committee 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 235/13

That Council note and accept the report.

- 1. In accordance with the advice from the Manager Engineering, the suggestion be referred to the Development Engineer to be included as part of the considerations for the Koombana North development.***
- 2. That Landcorp be requested to provide specified comments regarding the parking in this area at the briefing session to Council.***

CARRIED

7 votes "for" / 4 votes "against"

It was requested that the votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Jones, Cr Leigh, Cr Kelly,
Cr McNeill, Cr Cook

Against: Cr Prosser, Cr Steck, Cr Steele, Cr Slater

Cr Morris returned to the chambers at 6.55pm and was present for the discussion and vote on the remaining items on the agenda.

10.20 Review of Gold Ticket Parking Scheme (was listed as item 10.1.5 on the meeting agenda)

File Ref:	A05309
Applicant/Proponent:	CBD Parking Strategy Committee
Author:	Neil Dyer, Team Leader Parking
Executive:	Bob Karaszekewych, Director Planning and Development Services
Attachments:	Appendix ADV-2, ADV-3

Summary

At the CBD Parking Strategy Committee (CBDPSC) meeting of 4 February 2013, Cr Cook requested a review of the Gold Ticket Parking Scheme, be undertaken. As a result, the CBDPSC requested that the Team Leader Parking review the existing scheme and provide comment and recommendations for improvements to the scheme. Amendments to the scheme were presented to the following meeting on the 8 April 2013.

Council Committee Recommendation

That Council:

1. Amend the conditions for the Gold Ticket Parking Scheme as follow:
 - a) Gold Ticket Parking Permits (GTPP) will be managed by Community Law, Safety and Emergency Management
 - b) Permits will only be valid within the City of Bunbury and for a period of two (2) years.
 - c) Only one permit will be issued per person and permits are not transferable;
 - d) Permits are only valid when properly displayed in accordance with Council Parking and Parking Facilities Local Law.
 - e) Permits are only valid and can only be used if the permit holder is an occupant in the vehicle in which the permit is displayed.
 - f) To be eligible to obtain a permit the applicant must be:-
 - 65 years of age or above;
 - be eligible to receive an Age Pension as issued by the Australian Government Department of Human Services; and
 - be a permanent resident of Bunbury
 - g) When a permit is displayed in a vehicle, that vehicle may be parked free of charge and without the need to display a Parking Ticket within any designated GTPP bay, for a period not exceeding 4 hours.
 - h) The permit may only be used in City of Bunbury car parks or in on-street parking bays with permissive parking signs. Permits do not permit the parking of vehicles in restrictive parking bays, such as loading zones, bus bays, ACROD bays or no stopping areas
2. The amended Gold Ticket Parking Scheme conditions only apply to new applications.

Background

In 2001, the City introduced a free parking scheme for Bunbury residents over the age of 60 years that allowed them to park in selected paid CBD car parks. The Gold Ticket Parking Scheme (GTPS) had three (3) eligibility criteria, the applicant had to be 60 years of age or over; be a resident of Bunbury; and hold a current drivers licence.

Once issued, GTPS allowed the permit holder to park without the need to obtain or display a parking ticket when parked in a designated parking bay in nominated car parks which are the Stirling Street (lower) car park near the southern entrance to the Centrepoint car park and the Wittenoom Street car park which is located beside South's furniture store.

Since its introduction and following the changes to the parking which included the introduction of paid on-street parking, the GTPS has remained unchanged and is still administered by the City's Customer Service centre. To date, the GTPS register indicate approximately 1000 permit are in circulation.

A copy of the currently GTPS permit application form has been **attached** as Appendix ADV-2.

At the CBDPSC meeting of 4 February 2013, a request was made by Cr Cook that as the introduction of paid parking in the CBD may have an impact on elderly people, a review of the Gold Ticket Parking Scheme be undertaken.

As a result, the CBDPSC requested that the Team Leader Parking review the existing scheme and provide comment and recommendations for improvements to the scheme. On 8 April 2013 Amendments to the existing scheme were presented to the CBDPSC and it was agreed that a recommendation should be made to Council to change the conditions of the scheme.

Council Policy Compliance

There is no Council Policy applicable to this item.

Legislative Compliance

Any permit scheme must comply with the provisions of the City's Parking and Parking facilities Local Law.

Officer Comments

GTPS was originally introduced not to remove the cost of parking, but to provide conveniently located bays in selected car parks for elderly people. The locations of the bays within the car parks were selected primarily because they were well positioned to the surrounding shops and businesses.

Bays were allocated within car parks for the GTPS as they are easier and less stressful for the elderly to use than the on-street bays.

Schemes similar to the GTPS have also been introduced in shopping centre car parks to cater for particular classes of people, for example the "parents with prams" bays. The bays are generally wider than the standard bay to better accommodate children being taken out of vehicles and they are generally located closer to the entrance of the centres as it is expected that these people will be using prams.

As the cost of parking within the visitor/shopper car parks is already free for the first two hours, the inconvenience for the elderly when using these car parks are the requirement to obtain and display a ticket, the need to park in a standard size bay, possibly being further away from the entrance/exit of the car park and the two (2) hour limit of free parking.

To ensure adequate bays are available for the existing and future permit holders, the following changes to the GTPS are recommended:

1. That a total of ten (10) additional bays be allocated in the visitor/shopper car parks for GTPS users.
2. The additional bays are located close to the existing path network to ensure good access and that the bays are wider than the width of a standard bay.
3. To be eligible for the permit the applicant must be aged 65 years or older; be eligible to receive an Age Pension as issued by the Australian Government Department of Human Services and be a permanent resident of Bunbury.
4. The application for a permit remain free of charge
5. Permits be valid for a two (2) years
6. The time limit in all GTPS bays is set to four (4) hours to assist with availability.

The recommendation of ten (10) additional bays within the visitor/shopper car parks is to improve availability of parking bays for GTP holders within those car parks. Ten (10) bays were recommended as this number will allow for bays to be introduced into a number of car parks without a substantial loss of parking for the other car park users.

Those additional bays will be of a wider width and located so that they provide good access to the surrounding shops/businesses.

In determining the eligibility criteria for the GTPS, consideration was given to a number of schemes including commonwealth seniors health card, however based on the individual schemes criteria it was considered that the Age Pension was the most suitable in this application. As only a finite number of bays are to be provided and as the cost to administer GTPS is to be covered by the residents of Bunbury it was considered appropriate that only Bunbury residents are eligible for a GTPS permit.

A draft Work procedure/instruction is attached at Appendix ADV-3 that outlines the objectives and guidelines for the scheme.

Analysis of Financial and Budget Implications

GTPS parking bays are currently provided in two visitor/shopper car parks. These car parks already provide a two (2) hour free period and so the allocation of these bays for a particular class of person has a minimal cost implication as most patrons only use the car park for the free period.

The increase to the number GTPS bays from ten (10) to twenty (20) would have a minimal effect on income within the selected car parks.

Bureau of Statistics information indicate that there are currently 4,200 Bunbury residents over the age of 65 within the City of Bunbury who would be eligible to apply for the GTPS permit.

The costs associated with the proposed changes to the GTPS scheme would include the cost of line marking and signage to the value of approximately \$1,750 which could be accommodated within the current maintenance budget. The other cost associated with a change to the scheme would be the provision of marketing material and permits for the vehicles estimated to be \$2,000 and could be accommodated within parking budget.

Community Consultation

No community consultation has been undertaken, at this time.

Councillor/Officer Consultation

Not applicable

CBD Parking Strategy Committee Meeting Outcome

At the CBDPSC meeting of the 8 April 2013, it was decided that, the CBD Parking Committee resolved to recommend to Council the amendments to the Gold Ticket Parking Scheme, be adopted.

Outcome – Council Committee Meeting 30/31 July 2013

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

In point 1(f) change the age from “65” to “70”

It was requested that the votes be taken in separate parts.

The Mayor put the motion to the vote in separate parts.

Point 1 (a – e) and (g and h): 8 votes “for” / 3 votes “against” CARRIED. 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

Point 1(f): 2 votes “for” / 9 votes “against” LOST

Deputy Mayor Cr Craddock moved, Cr Cook seconded that the original point 1 (f) be included into the recommendation which reads as follows:

“That Council:

1. *Amend the conditions for the Gold Ticket Parking Scheme as follow:*
 - a) *Gold Ticket Parking Permits (GTPP) will be managed by Community Law, Safety and Emergency Management*
 - b) *Permits will only be valid within the City of Bunbury and for a period of two (2) years.*
 - c) *Only one permit will be issued per person and permits are not transferable;*
 - d) *Permits are only valid when properly displayed in accordance with Council Parking and Parking Facilities Local Law.*
 - e) *Permits are only valid and can only be used if the permit holder is an occupant in the vehicle in which the permit is displayed.*
 - f) *To be eligible to obtain a permit the applicant must be:-*
 - *65 years of age or above;*
 - *be eligible to receive an Age Pension as issued by the Australian Government Department of Human Services; and*
 - *be a permanent resident of Bunbury*
 - g) *When a permit is displayed in a vehicle, that vehicle may be parked free of charge and without the need to display a Parking Ticket within any designated GTPP bay, for a period not exceeding 4 hours.*

- h) *The permit may only be used in City of Bunbury car parks or in on-street parking bays with permissive parking signs. Permits do not permit the parking of vehicles in restrictive parking bays, such as loading zones, bus bays, ACROD bays or no stopping areas*
2. *The amended Gold Ticket Parking Scheme conditions only apply to new applications.”*

The Mayor put the motion to the vote and was CARRIED 11 votes “for” / nil votes “against”.

Outcome – Council Meeting 6 August 2013

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

It was requested that the votes be taken in separate parts.

The Mayor put the motion to the vote in separate parts:

Points 1a – e: 11 votes “for” / 1 vote “against” CARRIED. It was requested that the votes be recorded as follows:

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

Against: Cr Jones

Point 1f: 1 vote “for” / 11 votes “against” LOST

Points 1g – h: 11 votes “for” / 1 vote “against” CARRIED. It was requested that the votes be recorded as follows:

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

Against: Cr Jones

Point 2: 11 votes “for” / 1 vote “against” CARRIED. It was requested that the votes be recorded as follows:

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

Against: Cr Jones

Deputy Mayor Cr Craddock moved Cr Steele seconded the following as an amendment to the motion:

Add the following as point 1f:

- “f) *To be eligible to obtain a permit the applicant must be:-*
- *65 years of age or above;*
 - *be eligible to receive an Age Pension or Commonwealth Seniors Health Card as issued by the Australian Government Department of Human Services; and*
 - *be a permanent resident of Bunbury”*

The Mayor put the motion to the vote and was adopted to form part of the Council’s decision on the matter – CARRIED 9 votes “for” / 3 votes “against”.

Council Decision 236/13

That Council:

1. ***Amend the conditions for the Gold Ticket Parking Scheme as follow:***
 - a) ***Gold Ticket Parking Permits (GTPP) will be managed by Community Law, Safety and Emergency Management***
 - b) ***Permits will only be valid within the City of Bunbury and for a period of two (2) years.***
 - c) ***Only one permit will be issued per person and permits are not transferable;***
 - d) ***Permits are only valid when properly displayed in accordance with Council Parking and Parking Facilities Local Law.***
 - e) ***Permits are only valid and can only be used if the permit holder is an occupant in the vehicle in which the permit is displayed.***
 - f) ***To be eligible to obtain a permit the applicant must be:-***
 - ***65 years of age or above;***
 - ***be eligible to receive an Age Pension or Commonwealth Seniors Health Card as issued by the Australian Government Department of Human Services; and***
 - ***be a permanent resident of Bunbury***
 - g) ***When a permit is displayed in a vehicle, that vehicle may be parked free of charge and without the need to display a Parking Ticket within any designated GTPP bay, for a period not exceeding 4 hours.***
 - h) ***The permit may only be used in City of Bunbury car parks or in on-street parking bays with permissive parking signs. Permits do not permit the parking of vehicles in restrictive parking bays, such as loading zones, bus bays, ACROD bays or no stopping areas***
2. ***The amended Gold Ticket Parking Scheme conditions only apply to new applications.***

10.21 WALGA Annual General Meeting – 2013 (was listed as item 10.2.1 on the meeting agenda)

File Ref:	
Applicant/Proponent:	WALGA
Author:	Jack Dyson, Team Leader Corporate Administration
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

The purpose of this report is for Council to adopt a formal position to each of the twelve (12) executive and member motions listed for discussion at the 2013 WA Local Government Association (WALGA) Annual General Meeting (AGM), which is scheduled for Wednesday 7 August 2013. Nomination/confirmation of two (2) voting delegates is also sought.

Council Committee Recommendation

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

Executive Recommendation

That Council

1. Support/Not Support the twelve (12) tabled motions as presented within the 2013 WALGA Annual General Meeting agenda, (copy issued **under separate cover**), as follows:

Item 5.1: Association Constitution – Impacts on Amalgamation	Support / Not Support
Item 5.2: Proposed Amendment to the Western Australian Local Government Association Constitution – State Council Commencement Date	Support / Not Support
Item 5.3: Election of Shire President or Mayor	Support / Not Support
Item 5.4: Proposed Local Government Act Amendment – Exemption from Liability	Support / Not Support
Item 5.5: Impacts of Climate Change	Support / Not Support
Item 5.6: Proposed Local Government Amendment – Council Controlled Organisations	Support / Not Support
Item 5.7: Effects of Structural Reform on WALGA	Support / Not Support
Item 5.8 Eradication of Cotton Bush	Support / Not Support
Item 5.9 Political Advertising	Support / Not Support
Item 5.10 Rate Exemption	Support / Not Support
Item 5.11 Weed Management and Administration of the Biodiversity in Agriculture	Support / Not Support
Item 5.12: Presidential Public Comments	Support / Not Support

2. Confirms that the Mayor and Councillor Prosser shall be City of Bunbury voting delegates at the 2013 WALGA Annual General Meeting.

Background

The WALGA AGM always coincides with the annual WA Local Government Convention. This year's Convention will be held from Wednesday 7 to Friday 9 August at the Perth Convention and Exhibition Centre.

The AGM Agenda contains twelve (12) Executive and Member reports and subsequent motions for consideration, each of which is discussed within the WALGA AGM agenda section entitled "Consideration of Executive and Member Motions", issued under separate cover.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

The 2012 WALGA AGM agenda contains twelve (12) Executive and Member reports/motions for consideration at the AGM.

Council has traditionally supported the WALGA secretariat position on these matters; however they are submitted for consideration by Council, for the guidance of voting delegates.

For the information of Council, the following Councillors are registered to attend the Convention this year; Cr Morris, Cr Leigh, Cr Prosser, Cr Steele, Cr McNeill, Cr Slater and His Worship the Mayor.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications arising from the recommendations of this report.

Community Consultation

Not applicable

Councillor/Officer Consultation

This report seeks a Council position for each of the motions contained within the 2013 WALGA AGM agenda.

Outcome – Council Committee Meeting 30/31 July 2013

Pursuant to Clause 11.1(b) of the City of Bunbury Standing Orders 2012, Deputy Mayor Cr Craddock moved Cr Prosser seconded that the "*debate be adjourned*" until the Council Meeting to be held 6 August 2013 to allow Councillors time to consider their responses to the motions.

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

Outcome – Council Meeting 6 August 2013

Pursuant to Clause 11.6(b) of the City of Bunbury Standing Orders 2012, Deputy Mayor Cr Craddock moved Cr Leigh seconded that the debate on the matter be resumed. The Mayor put the procedural motion to the vote and was CARRIED 11 votes "for" / 1 vote "against".

The Mayor put the WALGA motions to the vote separately to gauge the support for them. Results are as follows:

- | | |
|-----------|--|
| Item 5.1 | 8 votes "for" / 4 votes "against" – SUPPORTED. Cr's Slater, Steck, Leigh and Steele voted against |
| Item 5.2 | 11 votes "for" / 1 vote "against" – SUPPORTED. Cr Steck voted against. |
| Item 5.3 | 12 votes "for" / nil votes "against" – SUPPORTED |
| Item 5.4 | 10 votes "for" / 2 votes "against" – SUPPORTED |
| Item 5.5 | 10 votes "for" / 2 votes "against" – SUPPORTED |
| Item 5.6 | 12 votes "for" / nil votes "against" – SUPPORTED |
| Item 5.7 | 11 votes "for" / 1 vote "against" – SUPPORTED. Cr Steck voted against. |
| Item 5.8 | 12 votes "for" / nil votes "against" – SUPPORTED |
| Item 5.9 | 12 votes "for" / nil votes "against" – SUPPORTED |
| Item 5.10 | 7 votes "for" / 5 votes "against" – SUPPORTED. The Mayor and Cr's Cook, Prosser, Leigh and Slater voted against. |
| Item 5.11 | 12 votes "for" / nil votes "against" – SUPPORTED |
| Item 5.12 | 7 votes "for" / 5 votes "against" – SUPPORTED |

The Executive recommendation (as printed) was moved Cr Steck, seconded Cr Steele and amended as follows:

"That Council

1. *Support the twelve (12) tabled motions as presented within the 2013 WALGA Annual General Meeting agenda, (copy issued under separate cover), as follows:*
 - *Item 5.1: Association Constitution – Impacts on Amalgamation*
 - *Item 5.2: Proposed Amendment to the Western Australian Local Government Association Constitution – State Council Commencement Date*
 - *Item 5.3: Election of Shire President or Mayor*
 - *Item 5.4: Proposed Local Government Act Amendment – Exemption from Liability*
 - *Item 5.5: Impacts of Climate Change*
 - *Item 5.6: Proposed Local Government Amendment – Council Controlled Organisations*
 - *Item 5.7: Effects of Structural Reform on WALGA*
 - *Item 5.8 Eradication of Cotton Bush*
 - *Item 5.9 Political Advertising*
 - *Item 5.10 Rate Exemption*
 - *Item 5.11 Weed Management and Administration of the Biodiversity in Agriculture*
 - *Item 5.12: Presidential Public Comments"*

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

Council Decision 237/13

That Council

1. ***Support the twelve (12) tabled motions as presented within the 2013 WALGA Annual General Meeting agenda, (copy issued under separate cover), as follows:***
 - ***Item 5.1: Association Constitution – Impacts on Amalgamation***
 - ***Item 5.2: Proposed Amendment to the Western Australian Local Government Association Constitution – State Council Commencement Date***
 - ***Item 5.3: Election of Shire President or Mayor***
 - ***Item 5.4: Proposed Local Government Act Amendment – Exemption from Liability***
 - ***Item 5.5: Impacts of Climate Change***
 - ***Item 5.6: Proposed Local Government Amendment – Council Controlled Organisations***
 - ***Item 5.7: Effects of Structural Reform on WALGA***
 - ***Item 5.8: Eradication of Cotton Bush***
 - ***Item 5.9: Political Advertising***
 - ***Item 5.10: Rate Exemption***
 - ***Item 5.11: Weed Management and Administration of the Biodiversity in Agriculture***
 - ***Item 5.12: Presidential Public Comments***

Cr Cook moved Cr Leigh seconded point 2 of the Executive recommendation (as printed).

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

Council Decision 238/13

That Council confirms that the Mayor and Councillor Prosser shall be City of Bunbury voting delegates at the 2013 WALGA Annual General Meeting.

CARRIED

11 votes "for" / 1 vote "against"

10.22 Report on Business Improvement District (BID) (was listed as item 10.2.4 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Bob Karaszekwych, Director Planning and Development Services
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-3

Summary

Council requested a report outlining the viability and benefits of a Business Improvement District (BID).

Council Committee Recommendation

That Council:

1. Note the report on the development of a BID's program;
2. A working group comprising of Council Staff, two Councillors, Chamber of Commerce representatives and the South West Development Commission to prepare a formal proposal to progress the development of a BID program for the City of Bunbury; and
3. This proposal to be provided to Council for consideration by December 2013.
4. Nominate Councillors Michelle Steck and Stephen Craddock as the Councillor Representatives on the working group.

Background

Council at its meeting on 21 May 2013, resolved to *“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.”*

Council Policy Compliance

There is no Council Policy applicable to this item.

Legislative Compliance

Section 6.37 of the *Local Government Act 1995* relates to Service Charges and states *“that a local government may impose on owners or occupiers of land within the district of a defined part of the district, a service charge for a financial year to meet the costs to the local government in the provision of a prescribe work, service or facility in relation to the land.”*

Officer Comments

Information sources from other local governments and searches of the web on the background, viability and benefits of a BID and examples currently implemented by other local authorities is **attached** at Appendix CEO-3.

It is felt that despite concerns and debates that have surfaced, there is some consensus that the BID model represents a success story, because it generally functions to harness private sector creativity, solving complex municipal problems effectively and efficiently.

BIDs are commonly perceived as ‘net contributors to public life’ and a response to the ‘obsolescence of traditional municipal boundaries’ as governance migrates upward to respond to challenges best addressed on the regional level at the same time that it moves downward to handle opportunities best realised through a ‘local focus’.

Analysis of Financial and Budget Implications

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

Community Consultation

Community consultation has not yet been undertaken.

The *Local Government Act 1995* requires Council advertise its differential rates prior to adopting the budget. With this they need to advertise the purpose for each differential rate where submissions are sought from Ratepayers on their support / non-support or otherwise and Council must consider these prior to adopting the budget.

Councillor/Officer Consultation

This report contains input from members of the Executive Leadership Team.

Strategic and/or Regional Relevance

This proposal links to Objective 2.3 *Create an environment that will attract new businesses* and Strategy 2.3.3 *Promote commercial and residential development and redevelopment within the City*.

This proposal also relates to the following Economic Objectives and Strategies contained in the City Vision Strategy – Shaping the Future of Bunbury:

- *Eco1*: Ensure that major key infrastructure that supports industrial and commercial development is maintained and developed to attract investment and new businesses, supports operational efficiency and facilitates economic diversity.
- *Eco2*: Consolidate and expand the City of Bunbury as a headquarters for business and government enterprises.
- *Eco3*: Attract and facilitate commercial development in the Strategic Regional Centre within the context of commercial centre planning for the South West Planning Framework and the Bunbury Wellington Region.

Outcome – Council Committee Meeting 30/31 July 2013

The Executive recommendation (as printed) was moved Cr Steck, seconded Deputy Mayor Cr Craddock with an amendment to include the following:

In point 2 – include “two Councillors” after “Council staff”

The Mayor put the amended motion to the vote and was CARRIED 11 votes “for” / nil votes “against”.

Cr Steck moved Deputy Mayor Cr Craddock seconded the addition of the following Councillors names as representatives – “Cr Steck and Cr Craddock”.

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

Outcome – Council Meeting 6 August 2013

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

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

Council Decision 239/13

That Council:

- 1. Note the report on the development of a BID’s program;***
- 2. A working group comprising of Council Staff, two Councillors, Chamber of Commerce representatives and the South West Development Commission to prepare a formal proposal to progress the development of a BID program for the City of Bunbury; and***
- 3. This proposal to be provided to Council for consideration by December 2013.***
- 4. Nominate Councillors Michelle Steck and Stephen Craddock as the Councillor Representatives on the working group.***

CARRIED

12 votes “for” / nil votes “against”

10.23 Bunbury Regional Arts Management Board and Bunbury Regional Art Galleries – Direction Forward (was listed as item 10.2.6 on the meeting agenda)

File Ref:	A04597
Applicant/Proponent:	Internal Report
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

Elected Members and Members of the Bunbury Regional Arts Management Board (BRAMB) met on Wednesday 26 June 2013 to enable discussion on the recommendations contained in the Peter Alexander Report and to determine appropriate options on a way to move forward.

A copy of the Meeting Notes of the discussions held on the evening, have previously been circulated to Elected Members and Members of BRAMB.

The matter is now referred back to Council to determine the process forward.

Council Committee Recommendation

1. That Council agree that BRAMB remain as a separate entity.
2. That Council take no further action on the recommendations of the Alexander report.
3. (a) That Council liaises with BRAMB to establish a working group comprising of representatives of all stakeholders to review the operational structures and functions of BRAG.
(b) That this working group submit a proposed brief for this review to Council by 17 September 2013.
(c) That the working group report (including recommendations) be submitted to Council by 30 January 2014, in time for any recommended changes to be included in the budget process.
4. As a result of the 2010 and 2012 studies, Council acknowledges that the capital costs of a new gallery are beyond its means at this time, however Council will continue to investigate future opportunities as they may arise.
5. That the Alexander report be publicly released.

Background

During the first half of 2012 Council received presentations relating to two (2) feasibility studies in regards to the possible development of a new Bunbury Regional Art Gallery on two (2) different sites:

1. Foreshore Art Gallery conducted in 2012 (examining the possibility of constructing a new art gallery on the Leschenault Inlet Foreshore)
2. Bunbury Regional Art Galleries Extension conducted in 2010 (examining the site adjacent to the existing Galleries as a possible site to extend the current Galleries)

Council requested that following consideration of both reports, a way forward be recommended to Council at its June 2012 meeting. The Council decision is noted below.

“Council Decision 179/12

1. *That Council commits to supporting a long term strategy for development of the Bunbury Regional Art Galleries.*
2. *That Council no longer consider the Three Waters site as a possible site for a new Bunbury Regional Art Gallery.*
3. *That the City of Bunbury Executive Leadership Team work with BRAMB and the Art Collection Committee to further explore the possibility of developing the site identified in the 2010 Bunbury Regional Art Galleries Feasibility Study for a new Bunbury Regional Art Gallery and develop a detailed strategy (to include timeframes, a funding model etc.) in this regard.*
4. *That the City of Bunbury Executive Leadership Team, BRAMB and the Art Collection Committee present a draft strategy for the future of the Bunbury Regional Art Galleries to Council within six months.”*

The City participated in and facilitated discussions with a working group including representatives from BRAMB, City Art Collection Committee and the City of Bunbury. It is noted that Mr Peter Alexander was also included at the invitation of Mr Bill Cowan, Chairperson of BRAMB.

Once a there was agreement on spatial requirements, Mr Peter Alexander was engaged by the City of Bunbury to provide a report.

At the Council Briefing held 8 January 2013 Mr Peter Alexander presented and discussed with Council his final recommendations and findings.

The matter was then listed at the Council Meeting of 12 February 2013, wherein Council resolved:

“Council Decision 44/13

That Council:

1. *Agree to provide a copy of Mr Alexander’s report under a signed confidentiality agreement to BRAMB members and Councillors to enable dialogue between the City and the Board on matters relating to the operation of Bunbury Regional Art Galleries (BRAG) and the Bunbury Regional Arts Management Board (BRAMB).*
2. *All BRAG employees including the Galleries Director are excluded from discussions to ensure impartiality and probity of process; the report is to remain confidential.*
3. *The City and BRAMB members meet to discuss the way forward in respect to the recommendation by 28 February 2013.*
4. *The Executive return a recommendation to Council Committee on 19 March 2013.”*

The matter was then listed again for the Council meeting of 26 March 2013 wherein Council further resolved:

“Council Decision 89/13

That Council:

1. *Authorise the release of Mr Peter Alexander’s Report titled “Appendix to the 2010 Bunbury Regional Art Galleries (BRAG) Study The Final Chapter” released 8 January 2013 to the Director, Sonya Dye subject to the signing of a confidentiality agreement.*

2. *Provide a revised confidentiality agreement to all BRAMB Members consistent with the discussions held on 14 March 2013.*
3. *Request BRAMB to consider the report and meet with Council prior to the end of May 2013.”*

Following this meeting, the Chief Executive Officer was requested to arrange an information discussion evening between Elected Members and Members of BRAMB. This occurred on Wednesday 26 June 2013.

It was noted that no formal decision was able to be made at the meeting due to this being a discussion forum wherein Councillors had no power to make resolutions.

At this meeting, it was determined that a report would be presented back to Council for determination on the way forward.

Community Consultation

Not applicable.

Analysis of Financial and Budget Implications

There is no Budget or financial implications.

Council Policy Compliance

There is no Council Policy in relation to this matter.

Legislative Compliance

There are no legislative requirements appropriate to determining the process forward.

Delegation of Authority

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

Officer Comments

Elected Members and Members of BRAMB were previously circulated with a copy of the Meeting Notes from the discussions held Wednesday 26 June 2013.

Council is now required to determine its position on the Peter Alexander Report and the direction forward.

At this point in time, BRAMB has not provided any formal response or sought direction on any matters contained within the notes from the joint meeting.

Whilst the Local Government Elections are to be conducted in October this year, it is considered appropriate to have the working group established as soon as possible to allow for input of all Councillors involved in the previous discussions.

A copy of the Executive Recommendation has been provided to members of BRAMB at which point they have also been advised that the matter is listed for the Council Committee Meeting of 30 July 2013.

Outcome – Council Committee Meeting 30/31 July 2013

Ms Beth Ferguson, Chairperson of the Bunbury Regional Arts Management Board addressed the Council in favour of the recommendation.

The Deputy Mayor Cr Craddock moved Cr Leigh seconded the following motion:

- “1. *That Council agree that BRAMB remain as a separate entity.*
2. *That Council take no further action on the recommendations of the Alexander report.*
3. (a) *That Council liaises with BRAMB to establish a working group comprising of representatives of all stakeholders to review the operational structures and functions of BRAG.*
(b) *That this working group submit a proposed brief for this review to Council by 17 September 2013.*
(c) *That the working group report (including recommendations) be submitted to Council by 30 January 2014, in time for any recommended changes to be included in the budget process.*
4. *As a result of the 2010 and 2012 studies, Council acknowledges that the capital costs of a new gallery are beyond its means at this time, however Council will continue to investigate future opportunities as they may arise.*
5. *That the Alexander report be publicly released.”*

It was requested that the votes be taken in separate parts.

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

Point 1: 9 votes “for” / 2 votes “against” CARRIED. 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 Steck, Cr Steele, Cr McNeill, Cr Cook
Against: Cr Kelly, Cr Morris

Point 2: 10 votes “for” / 1 vote “against” CARRIED. 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

Point 3(a): 11 votes “for” / nil votes “against” CARRIED
Point 3(b) & (c): 11 votes “for” / nil votes “against” CARRIED

Point 4: 9 votes “for” / 2 votes “against” CARRIED. 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, Cr Morris
Against: Cr Steck, Cr Jones

Point 5: 6 votes “for” / 5 votes “against” CARRIED. It was requested that the votes be recorded as follows:
For: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Leigh, Cr Steele, Cr McNeill, Cr Cook

Against: Cr Prosser, Cr Jones, Cr Steck, Cr Kelly, Cr Morris

Outcome – Council Meeting 6 August 2013

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

It was requested that the Mayor put the motion to the vote in separate parts.

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

- Point 1: 12 votes "for" / nil votes "against" CARRIED
Point 2: 12 votes "for" / nil votes "against" CARRIED
Point 3: 12 votes "for" / nil votes "against" CARRIED
Point 4: 10 votes "for" / 2 votes "against" CARRIED. 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 Slater, Cr Kelly, Cr McNeill, Cr Cook, Cr Morris
Against: Cr Jones, Cr Steck
- Point 5: 9 votes "for" / 3 votes "against" CARRIED. It was requested that the votes be recorded as follows:
For: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Jones, Cr Leigh, Cr Steele, Cr Slater, Cr McNeill, Cr Cook, Cr Morris
Against: Cr Prosser, Cr Steck, Cr Kelly

Council Decision 240/13

- 1. That Council agree that BRAMB remain as a separate entity.**
- 2. That Council take no further action on the recommendations of the Alexander report.**
- 3. (a) That Council liaises with BRAMB to establish a working group comprising of representatives of all stakeholders to review the operational structures and functions of BRAG.**
(b) That this working group submit a proposed brief for this review to Council by 17 September 2013.
(c) That the working group report (including recommendations) be submitted to Council by 30 January 2014, in time for any recommended changes to be included in the budget process.
- 4. As a result of the 2010 and 2012 studies, Council acknowledges that the capital costs of a new gallery are beyond its means at this time, however Council will continue to investigate future opportunities as they may arise.**
- 5. That the Alexander report be publicly released.**

10.24 Amendment to Council Meeting Calendar (was listed as item 10.2.8 on the meeting agenda)

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

Summary

The purpose of this report is for Council to consider amending its 2013 Council meeting schedule to facilitate better integration with the 2013 local government elections.

Executive Recommendation

That Council:

1. Amend its 2013 meeting schedule by cancelling the Council Committee Meeting and Ordinary Council Meeting currently scheduled for 15 and 22 October respectively.
2. Request the Chief Executive Officer undertakes the requisite statutory advertising in this regard.

Background

Council resolved its current meeting arrangements on 25 September 2012 (refer decision 290/12). At that time, there was no consideration given to the implications of the 2013 local government elections to be held on 19 October 2013.

The current meeting schedule nominates that a Council Committee Meeting be held on Tuesday 15 October (the week prior to the election), and the subsequent Ordinary Council Meeting on Tuesday 22 October (the week following the election).

Such an arrangement is less than ideal given that the Council will certainly have at least one new member as a result of the vacancy currently being held resulting from the resignation of former Cr Bridges in 2012.

Council Policy Compliance

There is no Council Policy applicable to this item.

Legislative Compliance

Section 5.3(2) of the *Local Government Act* 1995 states that Ordinary Council meetings are not to be held more than three (3) months apart.

Officer Comments

A brief perusal of the current 2013 Council meeting schedule shows that the simplest resolution to this conflict is for Council to consider cancelling the Council Committee and Ordinary Council meetings that are currently scheduled for 15 and 22 October respectively.

Such an outcome would result in a full week following Election Day for the conduct of a Special Council Meeting to swear in the newly elected Council, as well as any training/briefings etc. that may take place.

Council's regular three-weekly meeting cycle would then recommence from Tuesday 29 October as currently scheduled.

This would also result in the final Ordinary meeting of the current Council being on Tuesday 17 September 2013, with a recess period leading into Election Day. Such an outcome is considered favourable as it also allows those retiring Councillors who are considering renominating for the Mayor/Councillor vacancies some additional time to run their campaigns, separated from the routine operations of Council.

Analysis of Financial and Budget Implications

Nil

Outcome – Council Meeting 6 August 2013

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

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

Council Decision 241/13

That Council:

- 1. Amend its 2013 meeting schedule by cancelling the Council Committee Meeting and Ordinary Council Meeting currently scheduled for 15 and 22 October respectively.***
- 2. Request the Chief Executive Officer undertakes the requisite statutory advertising in this regard.***

CARRIED

11 votes "for" / 1 vote "against"

10.25 Proposed Transfer of a Portion of Mervyn Street Road Reserve and Amalgamation with Lot 38 (4) Mervyn Street and Lot 107 (42) Strickland Street, East Bunbury (was listed as item 10.3.2 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Citygate Properties Pty Ltd
Author:	Jane Porter, Senior Property Officer
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-2

Summary

An application has been received from Citygate Properties Pty Ltd (“the applicant”) requesting the Transfer of a portion of Mervyn Street road reserve and amalgamation with Lot 38 (4) Mervyn Street and Lot 107 (42) Strickland Street, East Bunbury, an area of approximately 1,622m². A location plan is **attached** at Appendix DCS-2.

To amalgamate the land with an adjoining freehold property(s) – Section 87 of the Land Administration Act 1997 is applied. Road Reserves are owned by the Crown or State Government with Local Government allocated the care, control and management of the minor roads. Under the Act, Local Government must begin the road closure process on behalf of the applicant/s and State Land Services (SLS), an office within the Department of Regional Development and Lands.

Council Committee Recommendation

Council agrees to the transfer of portion of Mervyn Street road reserve and amalgamation with Lot 38 (4) Mervyn Street and Lot 107 (42) Strickland Street, East Bunbury to enable the applicant to plan for the roofing of the Bunning’s outside yard area, subject to the terms and conditions as specified in the report, and the following:

1. A partial or full road closure is initiated through Section 58 of the Land Administration Act 1997 (“Act”).
2. The applicant to pay all costs associated with the advertising in accordance with the provisions of Section 58 of the Land Administration Act 1997.
3. It will be the applicant’s responsibility to transfer and amalgamate a portion of Mervyn Street into Lot 38 Mervyn Street and Lot 107 Strickland Street creating one Lot.
4. The applicant is to agree to an easement over the stormwater drainage system.
5. Access to the road is to remain open at all times to the public (as an open carriageway).
6. The applicant will be solely responsible for maintaining the existing road, paths and landscaping.
7. The applicant is to pay all fees and charges in relation to the transfer and purchase of the road reserve.
8. The applicant is to provide the City with a Deposited Plan from a licensed surveyor approved by State Land Services.

Background

The applicant wishes to transfer a portion of Mervyn Street road reserve and amalgamate the reserve with Lot 38 (4) Mervyn Street and Lot 107 (42) Strickland Street, East Bunbury forming one Lot, to enable the applicant to plan for the roofing of the Bunning's outside yard area. The applicant is not proposing to build on the proposed section of road reserve to be transferred. It is a condition that the road reserve will remain open for public use and stormwater easements, if applicable, need to be created and noted on the survey plans.

The Applicant has completed and returned the relevant application documents.

Council Policy Compliance

Not Applicable.

Legislative Compliance

In accordance with section 58 of the Land Administration Act 1997 and Section 87 of the Land Administration Act 1997.

Officer Comments

All Service Providers have been contacted and their responses are as follows:

Aqwest:	Citygate will relocate the existing services to now be situated on the outside of the new boundary and the remaining Aqwest assets, being internal pipework only will be gifted to Citygate to be fully serviced and maintained
Water Corporation	The Water Corporation has no objection to the proposed transfer of part of Mervyn Street
Department of Planning	The Department of Planning has no objections to the above.
Western Power	Will only object if alignments, easements or clearances are encroached or breached. If any existing infrastructure needs to be relocated due to any requirement of any proposed transfer, Citygate are to contact Western Power. In the event Western Power has to install an asset on this property to supply the Lot, Western Power staff will require 24 hours unencumbered access. The position and type of locks used on any fencing are to be accessible to Western Power employees and a standard key be provided along with a separate padlock. Otherwise Western Power has no objection to the proposal.
Alintagas	Have no gas infrastructure within the area of road to be amalgamated, and have no objections to the application.

Analysis of Financial and Budget Implications

The Applicant is responsible for all costs including document preparation, advertising and surveying.

Community Consultation

Advertising in accordance with Section 58 of the Land Administration Act 1997 for a period of 35 days will be in the South Western Times, the City's public notice boards and the City's website.

Councillor/Officer Consultation

Consultation has been undertaken with the following officers, Director Works and Services, Manager Engineering, Director Planning and Development Services, Team Leader Planning and Assets, and Manager Infrastructure and Assets Works and Services.

Director Works and Services has recommended the City agree to the transfer of road reserve based on:

- The road services are within a private development,
- Access to the existing driveway that services the property at the corner of Lot 17 (34) Mervyn and Albert remain a public road,
- That stormwater easements, if applicable, need to be created and noted on survey plans.

Outcome – Council Committee Meeting 30/31 July 2013

Councillors Prosser and Steck declared financial interests in this matter (see section 5). They both vacated the chambers at 9.56pm and did not participate in the discussion or vote on the matter.

Mr Steve Prosser representing Citygate Properties addressed the Committee in support of the recommendation.

The Executive recommendation (as printed) was moved Cr Jones, 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 Steele, Cr Kelly, Cr McNeill, Cr Cook, Cr Morris
Against: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Leigh

Outcome – Council Meeting 6 August 2013

Councillors Prosser and Steck declared financial interests in this matter (see section 5). They both vacated the chambers at 7.46pm and did not participate in the discussion or vote on the matter.

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

The mover and seconder were asked to agree to amend the preamble to read as follows:

“Council agrees to advertise the proposal to transfer the portion of Mervyn Street road reserve and amalgamation with Lot 38 (4) Mervyn Street and Lot 107 (42) Strickland Street, East Bunbury to enable the applicant to plan for the roofing of the Bunning's outside yard area, subject to the terms and conditions as specified in the report, and the following:”

This amendment was agreed to.

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

Council Decision 242/13

Council agrees to advertise the proposal to transfer the portion of Mervyn Street road reserve and amalgamation with Lot 38 (4) Mervyn Street and Lot 107 (42) Strickland Street, East Bunbury to enable the applicant to plan for the roofing of the Bunning's outside yard area, subject to the terms and conditions as specified in the report, and the following:

- 1. A partial or full road closure is initiated through Section 58 of the Land Administration Act 1997 ("Act").***
- 2. The applicant to pay all costs associated with the advertising in accordance with the provisions of Section 58 of the Land Administration Act 1997.***
- 3. It will be the applicant's responsibility to transfer and amalgamate a portion of Mervyn Street into Lot 38 Mervyn Street and Lot 107 Strickland Street creating one Lot.***
- 4. The applicant is to agree to an easement over the stormwater drainage system.***
- 5. Access to the road is to remain open at all times to the public (as an open carriageway).***
- 6. The applicant will be solely responsible for maintaining the existing road, paths and landscaping.***
- 7. The applicant is to pay all fees and charges in relation to the transfer and purchase of the road reserve.***
- 8. The applicant is to provide the City with a Deposited Plan from a licensed surveyor approved by State Land Services.***

CARRIED

9 votes "for" / 1 vote "against"

It was requested that the votes be recorded as follows:

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

Cr's Prosser and Steck returned to the chambers at 8.43pm and were present to vote on the remaining items except item 10.4.7 due to declarations of interest.

10.26 Proposed Deed of Lease over Portion of Reserve 15927, Lot 358 Cobblestone Drive, Bunbury to the Bunbury Central Croquet Club Incorporated (was listed as item 10.3.4 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Bunbury Central Croquet Club Incorporated
Author:	Kristen Anderson, Administration Officer Property and Procurement
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-5

Summary

The Bunbury Central Croquet Club Incorporated currently leases Portion of Reserve 15927, Lot 358 Cobblestone Drive Bunbury. The current Deed of Lease is due to expire 31 October 2013 and the club wishes to proceed with another Deed of Lease. A location plan is **attached** at Appendix DCS-5.

Council Committee Recommendation

Council agrees to grant the Bunbury Central Croquet Club Incorporated a Deed of Lease over Portion of Reserve 15927, Lot 358 Cobblestone Drive, Bunbury for a period of five (5) years with a further option of five (5) years subject to the terms and conditions as specified in the report, and the following:

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

Background

The Bunbury Central Croquet Club Incorporated was founded over 100 years ago and has been located at The Queens Gardens since the 1930's.

The club is currently comprised of twenty-five (25) members, with other social and community groups including senior groups and Home and Community Care attending the facility on a regular basis. The club has also been involved in the City's 'Count Me In' Multi-sports Programme where primary aged children were encouraged to participate in different sports and activities.

As a direct consequence of the 'Count Me In' Multi-sports Programme the club are now hoping to set up a six (6) week programme to run on two (2) occasions at the end of 2013 and in the beginning of 2014 for local school-aged children to attend.

The Bunbury Central Croquet Club Incorporated has had a Deed of Lease over this portion of land and the building since 1959 and in that time the club has met all terms and conditions of each renewed Lease agreement and have maintained the facilities to a satisfactory standard consisting of recent upgrades which included replacing the existing shed and installing a disabled access ramp in to the building at the club's own cost.

Council Policy Compliance

There is no Council Policy applicable to this item.

Legislative Compliance

Section 3.58 of the Local Government Act 1995 applies.

Officer Comments

The Bunbury Central Croquet Club Incorporated has proven to be a Lessee with the ability to maintain and operate their facility with minimal assistance from the City within the conditions of the Lease agreement.

They are community minded and encourage healthy living for local members of the public.

For these reasons a Deed of Lease is recommended to provide the club with a facility for a further term.

Analysis of Financial and Budget Implications

An increase in Annual Lease Rental from \$912.62 plus GST to \$1,300.00 plus GST has been agreed to by both the City Officers and the Bunbury Central Croquet Club Inc.

Rental Amount of \$1,300.00 plus GST will be payable annually to the City of Bunbury.

A full Market Rent Review will be applied every three (3) years from the date of commencement with an increase based on the Consumer Price Index being practiced annually. This method is outlined in the table below and forms part of the Deed of Lease:

Rent Review Date	Method of Review
1/11/2014	CPI
1/11/2015	CPI
1/11/2016	Market Review
1/11/2017	CPI
1/11/2018	CPI

Community Consultation

In accordance with the provisions of Section 3.58 of the Local Government Act 1995 the following advertising will take place; a public notice will be placed in the South Western Times and notices placed in the Withers Library, Parkfield Library, Council Administration Building and the South West Sports Centre for a period of fourteen (14) days.

Councillor/Officer Consultation

The City's Sport and Recreation and Strategic Integration Departments were consulted in relation to a proposed Deed of Lease over this portion of Land, including the consideration of any impact on the Leschenault Inlet Master Plan and no objections were received.

Outcome – Council Committee Meeting 30/31 July 2013

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

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

Outcome – Council Meeting 6 August 2013

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

During the discussion of this item Cr Cook left the chambers (8.42pm) and did not return in time to vote on the matter.

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

Council Decision 243/13

Council agrees to grant the Bunbury Central Croquet Club Incorporated a Deed of Lease over Portion of Reserve 15927, Lot 358 Cobblestone Drive, Bunbury for a period of five (5) years with a further option of five (5) years subject to the terms and conditions as specified in the report, and the following:

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

CARRIED

11 votes "for" / nil votes "against"

Cr Cook returned to the chambers at 8.45pm and was present for the discussion and voting on the remaining items on the agenda.

10.27 Community Purposes Sites – Lotterywest Grant Stirling Street Arts Centre Master Plan, and Jaycee Park Master Plan (was listed as item 10.4.2 on the meeting agenda)

File Ref:	A05491,A05492
Applicant/Proponent:	City of Bunbury/Lotterywest
Author:	Neville Dowling, Planning Officer
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-2, DPDS-3, DPDS-4, DPDS-5, DPDS-6

Summary

Consultants TME, in association with Psycorp, have liaised community groups in order to finalise concept plans for the Stirling Street Arts Centre (SSAC) and Jaycee Park.

Council's consent is sought to advertise the proposal for each site; and begin the appropriate land administration procedures.

The draft concept plan for both the SSAC and Jaycee Park are **attached** at Appendix DPDS-2 and Appendix DPDS-3.

Council Committee Recommendation

That Council resolves to:

1. Accept the concept plans prepared for both the Stirling Street Arts Centre Master Plan and Jaycee Park Master Plan for the purpose of public advertising for a minimum advertising period of 42 days.
2. Agree to the commencement of land administration procedures to change the purpose of Reserve 31563 from "Parking & Recreation" to "Community Purpose".
3. Agree to the commencement of land administration procedures to change the purpose of Reserve 25317 from "Municipal Purposes" to "Community Purpose".

[Note: "Community Centre" is the preferred description by the Department of Lands for mix of recreational and community purpose land uses proposed for each site.]

Background

On 1 May 2012, an agreement for funding was received from Lotterywest for \$48,490 for consultants TME and Psycorp to undertake master plans for both the SSAC (Reserve 31563, corner Blair and Stirling Streets) and Jaycee Park (Reserve 25317), Forrest Avenue.

The concept plans are intended to accommodate "Not for Profit" (NFP) organisations in locations best suited to their needs. The SSAC was chosen to house groups with floor space under 200m² whilst Jaycee Park was identified, due to its large size of 2 hectares, to house organisations that require larger areas of floor space not dependent on being within close proximity of the CBD.

At its meeting of 24 July 2012, Council resolved to:

“Council Decision 224/12

1. *Endorse the proposal for Masterplans to be prepared for the Stirling Street Arts Centre and Queens Gardens area and Jaycee Park in order to facilitate the accommodation of not for profit community services groups on these sites.*
2. *Acknowledge the Hon Premier’s approval for the Lotterywest grant of \$48,490 and the endorsement of TME and Psycorp being the preferred supplier for the Stirling Street Arts Centre and Jaycee Park Masterplans.*
3. *Agree to the formulation of a Project Management Group that will include at least one councillor to provide supervision to the compilation of the master plans for the Stirling Arts Centre and Jaycee Park sites.”*

Consultants have liaised with 55 community groups as either requiring office accommodation or having a specific interest. The concept plans had been presented to City officers and Lotterywest for comment. The outcomes of those consultations are **attached** in Appendices DPDS-2 and DPDS-3.

Summary tables of each of the community organisations comments can be found **attached** at Appendix DPDS-4 for the SSAC site and Appendix DPDS-5 for the Jaycee Park site.

Council Policy Compliance

Assessment of Cultural Heritage Significance; Development Application Process for Heritage Places; Heritage Conservation and Development Policy for Heritage Places

Any development of the Stirling Street Arts Centre will need to be cognisant of the abovementioned especially in relation to the portion of the site that is occupied by the former State Government Infant School 1917 included in the TPS 7 Heritage List.

Stirling Street Heritage Area

The Stirling Street Arts Centre is located within the Stirling Street Heritage Area; therefore any development will need to have regard to this policy in terms of heritage based design guidelines.

Access and Parking for Pedestrians, Bicycles and Vehicles - No. 3.1

Detailed design of the location, design, dimensions of access and parking areas will need to have regard to this policy.

Legislative Compliance

Local Planning Scheme

TPS 7 indicates that both sites are Local Scheme Reserves designated “Parks and Recreation”. Development approval may be given for a “Community Purpose” use in accordance with section 3.4 of the Scheme.

Officer Comments

The Stirling Street Arts Centre and Jaycee Parks sites were chosen as the preferred Community Services sites for the following reasons:

- Both sites are crown land vested in the City of Bunbury and therefore there is no purchase cost as in the case with private land.
- The use of these sites for community purposes is not considered to present a conflict with their present use and public perception.
- Both sites can be readily serviced by infrastructure such as reticulated sewer, water, power, roads and telecommunications.
- Both sites are areas where organisations can benefit from existing and/or future shared facilities such as:
 - a. parking and vehicle access
 - b. meeting and function rooms
 - c. community spaces for relaxation and recreational activities.
 - d. canteens & kitchens
 - e. child care facilities
 - f. shared transport (i.e. buses)
 - g. Information services
 - h. storage and maintenance facilities
- The Stirling Street Arts Centre offers a site in the CBD to cater for NFP groups who need proximity to other services such as the Courthouse, Local and State Government agencies (e.g. Advocacy South West and Bunbury Community Legal Centre).
- Jaycee Park, covering an area of nearly 2 hectares is a large site considering its location within ten (10) minutes driving time to the CBD. It is relatively free of physical constraints and can accommodate large buildings and parking areas. Also, buildings can be set back a considerable distance from Forrest Avenue and therefore will not be close to existing houses.
- The Jaycee Park site can be accessed by people in the region that have access to the Australind Passenger Train service as the Bunbury train station lies immediately north of the site which also acts as a bus station.

Analysis of Financial and Budget Implications

Lease arrangements or re-vesting orders will need to be determined and administered by Council's Property Services in conjunction with the organisations that will occupy the site.

Community Consultation

Extensive liaison with the various involved community groups and key stakeholders has been undertaken over the last four months. Now that the concept plans are near to finalisation, it is intended that the proposals for each site be publicly advertised. An advertising period of 42 days is recommended in accordance with the requirements of TPS 7, Section 9.4.

Councillor/Officer Consultation

In relation to the Lotterywest funding assistance, senior council staff had been in consultation since August 2011.

A Project Management Group was set up as per Council resolution of 26 July 2012. There have been two Project Management Group meetings and copies of the Minutes can be found **attached** at Appendix DPDS-6.

Outcome – Council Committee Meeting 30/31 July 2013

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

It was requested that the vote be taken in separate parts.

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: 10 votes "for" / 1 vote "against" CARRIED
Point 2: 11 votes "for" / nil votes "against" CARRIED
Point 3: 10 votes "for" / 1 vote "against" CARRIED. 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

Outcome – Council Meeting 6 August 2013

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

Add point 4 which reads:

"4. Have the area currently identified as future expansion on the Stirling Street site shown as auditorium/exhibition space (noting that it is to be excluded from the lotteries funding component, but is to be included in all design and costing stages to ensure the total integration of the design and feasibility for the future management of the site)."

It was requested that the mover and seconder agree to add a point 5 which reads as follows:

"5. After the completion of the public advertising the CEO and the Mayor are to consult on the need to call a Special Council meeting to consider the next steps."

This amendment was agreed to. The full motion, as amended, reads as follows:

"That Council resolves to:

- 1. Accept the concept plans prepared for both the Stirling Street Arts Centre Master Plan and Jaycee Park Master Plan for the purpose of public advertising for a minimum advertising period of 42 days with the following amendment and clarification;*
- 2. Agree to the commencement of land administration procedures to change the purpose of Reserve 31563 from "Parking & Recreation" to "Community Purpose".*
- 3. Agree to the commencement of land administration procedures to change the purpose of Reserve 25317 from "Municipal Purposes" to "Community Purpose".*
- 4. Have the area currently identified as future expansion on the Stirling Street site shown as auditorium/exhibition space (noting that it is to be excluded from the Lotteries funding component, but is to be included in all design and costing stages*

to ensure the total integration of the design and feasibility for the future management of the site).

5. *After the completion of the public advertising the CEO and the Mayor are to consult on the need to call a Special Council meeting to consider the next steps.”*

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

Council Decision 244/13

That Council resolves to:

1. ***Accept the concept plans prepared for both the Stirling Street Arts Centre Master Plan and Jaycee Park Master Plan for the purpose of public advertising for a minimum advertising period of 42 days with the following amendment and clarification;***
2. ***Agree to the commencement of land administration procedures to change the purpose of Reserve 31563 from “Parking & Recreation” to “Community Purpose”.***
3. ***Agree to the commencement of land administration procedures to change the purpose of Reserve 25317 from “Municipal Purposes” to “Community Purpose”.***
4. ***Have the area currently identified as future expansion on the Stirling Street site shown as auditorium/exhibition space (noting that it is to be excluded from the Lotteries funding component, but is to be included in all design and costing stages to ensure the total integration of the design and feasibility for the future management of the site).***
5. ***After the completion of the public advertising the CEO and the Mayor are to consult on the need to call a Special Council meeting to consider the next steps.***

CARRIED

12 votes “for” / nil votes “against”

10.28 Joint Development Assessment Panel Decision – Proposed Four (4) Storey “Office” Building Lot 600 (16) Victoria Street, Bunbury (was listed as item 10.4.4 on the meeting agenda)

File Ref:	DA.2013.133.1, JDAP Application reference 13/00388
Applicant/Proponent:	Hodge, Collard and Preston for Tahoe Developments P/L
Author:	Bob Karaszewych, Director Planning and Development Services
Executive:	Bob Karaszewych, Director Planning and Development Services
Attachments:	Appendix DPDS-10, DPDS-11, DPDS-12, DPDS-13

Summary

On 16 July 2013, the Joint Development Assessment Panel (consisting of Mr Rory O’Brien (Chair), Matthew Young, Rob Nicholson and Mayor David Smith) considered the proposal to develop a four (4) storey office building with associated undercroft and deck car park (value of \$7,742,00) upon Lot 600, 16 Victoria Street, Bunbury.

Council Committee Recommendation

That Council

1. Note and accept the report.
2. The CEO write to the Director–General, Department of Planning outlining concerns relating to the JDAP meeting procedures and the impact of decisions on local government planning scheme provisions and adopted City policy.

Background

The Officers report provides for a comprehensive technical and objective assessment of the proposal refer to **attached** Appendix DPDS-10.

The report recommended approval, but in doing so, highlighted an inadequate provision of 35 car park spaces (required by the Scheme and Council’s adopted Policy), furthermore concerns regarding aspects of building design to address traffic and pedestrian safety.

Chair requested Officers, the day before the meeting, for additional technical explanation in relation to the number of car park spaces refer **attached** Appendix DPDS-11.

In relation to the calculation of cash-in-lieu for car park spaces, including further explanation on a number of recommended Conditions of approval, refer **attached** Appendix DPDS-12.

Despite the comprehensive officer’s assessment, the provision of additional information and technical traffic impact analysis by the City’s consultant traffic experts OPUS the panel unanimously supported the view not to require payment for the provision of the shortfall in car park spaces, refer **attached** Appendix DPDS-13.

Of particular concern is, some car park spaces are to be made available for visitors parking, including bicycle parking without the panel providing clarity surrounding which and how many car park spaces are to be allocated further diminishing the availability of spaces for the reasonable operation of the intended use of the building.

Any future Change of Use, as the application suggests, to create an active street frontage is likely to intensify activity and generate demand for additional car park spaces.

Officer Comments

Meeting discussions were primarily focussed on those few recommended Conditions of approval relating to Car Park Spaces, Building Design and Access and Traffic. The Department of Planning was represented by Ian Patterson, JDAP Secretariat.

The Motion to not require the provision of cash-in-lieu for any shortfall in car park spaces was unanimously supported without any examination of the officers reasoning or the expertise of the City's traffic consultants OPUS that underlay the Officers recommendation. No reason was elucidated by the panel why it had made a decision at significant variance to the officer's recommendation.

All panel members supported the Motion to not require a cash-in-lieu contribution. Depending on the car park configuration, the amount of unrealised cash-in-lieu funds is in the proximity of \$774,900 to \$1,033,200.

Community Consultation

The proposed "Office" development is a "P" use in the city centre zone under the Scheme; hence no public consultation was required.

Councillor/Officer Consultation

The Development Application was referred to all internal divisional areas for technical input into the Officers report.

Strategic Relevance

The Council has a longstanding intent to investigate, design and construct a deck car park. The JDAP's decision does set an undesirable precedence. It is likely that other applicants for "Office" development will rely on this decision in future to successfully argue that no cash-in-lieu apply whether it be to the Council, the JDAP or the SAT.

To project this scenario forward the Car Park Reserve has little hope of realising sufficient funds to develop either an at-grade or deck car park in the future. Increasingly, the cost burden is being shifted from the developer to Council to fund future car park spaces in the CBD, unless this practice is arrested through at least a Scheme review specifically focussed on addressing the minimum requisite car park spaces for various development types.

Outcome – Council Committee Meeting 30/31 July 2013

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

It was requested that the votes be taken in separate parts.

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

Point 1: 9 votes "for" / 2 votes "against" CARRIED. It was requested that the votes be recorded as follows:

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

Against: Cr Jones, Cr Leigh

Point 2: 9 votes “for” / 2 votes “against” CARRIED. It was requested that the votes be recorded as follows:

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

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

Outcome – Council Meeting 6 August 2013

Cr Jones left the chambers at 9.08pm and was not present for the discussion or vote on this matter.

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

It was requested that the votes be taken in separate parts. The Mayor put the motion to the vote in separate parts and the outcome was adopted to become the Council’s decision on the matter.

Point 1: 11 votes “for” / nil votes “against” CARRIED

Point 2: 9 votes “for” / 2 votes “against” CARRIED. It was requested that the votes be recorded as follows:

For: Cr Prosser, Cr Leigh, Cr Steck, Cr Steele, Cr Slater, Cr Kelly, Cr McNeill, Cr Cook, Cr Morris

Against: Mayor D Smith, Deputy Mayor Cr Craddock

Council Decision 245/13

That Council

- 1. Note and accept the report.***
- 2. The CEO write to the Director-General, Department of Planning outlining concerns relating to the JDAP meeting procedures and the impact of decisions on local government planning scheme provisions and adopted City policy.***

10.29 Petition Report - Happy Wife Café Lot 4 (DP: 1540) No.98 Stirling Street Bunbury (was listed as item 10.4.7 on the meeting agenda)

File Ref:	P09113
Applicant/Proponent:	Paul Thomas Griffin – Happy Wife Café
Author:	Damien Morgan, Acting Manager Development Assessment and Building Certification
Executive:	Bob Karaszewych, Director Planning and Development Services
Attachments:	Appendix DPDS-20, DPDS-21, DPDS-22, DPDS-23, DPDS-24

Summary

The proprietor of the Happy Wife Café submitted a Petition for Council's consideration that in essence requests Council to make an exception in respect of the matter of car park requirements for a planned expansion of the Happy Wife Café.

The Happy Wife Café operates pursuant to the grant of Planning Approval on 26 October 2010 as a "Gourmet Deli" (use-class Restaurant). The proprietors now wish to capitalise on the apparent success of the facility, and extend the seating capacity (approximately 40m²) to the rear of the premises.

Such an extension necessitates a separate Development Application that is required to address the requirements of the Town Planning Scheme 7, and the Council adopted Local Planning Policy "Access and Parking for Pedestrians, Bicycles and Vehicles", including health and building requirements.

Council Committee Recommendation

That Council Resolves to:

1. Receive the Petition (dated 11 June 2013) from the proprietor of the Happy Wife Café containing 856 signatures in support of the premises being able to expand without the provision of any on-site requirement for car-parking;
2. Advise the proprietor of the Happy Wife Café to ensure that the operation of the Café remains consistent with the planning approval (dated 26 October 2010);
3. Advise the proprietor of the Happy Wife Café that should he wish to expand the Café, a new Development Application for the proposed expansion is required to be submitted compliant with the Town Planning Scheme 7, legislated health and building requirements, and Council's adopted Local Planning Policy "Access and Parking for Pedestrians, Bicycles and Vehicles";
4. Advise the proprietor of the Happy Wife Café that Council is prepared to reduce the required car parking bays to four (4) offsite car bays;
5. Support the preparation of the Local Area Plan for each suburban local neighbourhood shopping centre to stimulate private sector investment and public sector funding for capital works, such as car park spaces and associate infrastructure and streetscaping that will contribute to the enhancement and revitalisation of local centres.
6. (a) Request the Director Works and Services in consultation with the Director Planning and Development Services and the superintendent of Parking, to prepare a plan with costing's for angle parking adjacent to the Frank Buswell Foreshore in the

vicinity of the Happy Wife Café and the Quays together with a recommendation for a proposed contribution from the proprietors of the Happy Wife Café.

- (b) These plans and recommendations to be returned to Council for the September round of Council meetings.

Background

The Happy Wife Café was granted Planning Approval (plans **attached** at Appendix DPDS-20) on 26 October 2010 for the use-class “Restaurant” (Gourmet Deli). Drawings that had formed part of the approval provided for one (1) car park space for the business (and one car park space for the remainder of the development on Lot 4).

At the time the Application was assessed (Planning Approval dated 26 October 2010) no car park spaces were actually required by the controlling Clause in the Scheme, as it allowed for the consideration of premises less than 500m² in area to be exempt from the provision of car park spaces.

The Scheme meant *only* to apply this provision to premises located in the CBD. The Scheme has since been amended.

Nonetheless, two (2) car park spaces had been approved as part of the development approval and irrespective of the circumstances represents a minimal provision for at least the proprietors benefit.

The effect of the amendment to the Scheme is that any expansion of development requires the proprietor to make a new Development Application that will undergo assessment in relation to car parking, health and building requirements, as well as, the Scheme and Policy for the composite (existing and expansion) area of the premises.

The premises are part of a larger landholding (lot 4 Stirling Street) of 445.40m² in area.

The City is in receipt of a request from the proprietor (11 June 2013) that states:

“...we write to notify Council of our intention to lodge a public petition to Council in June 2013, concerning a matter applicable to our family business activities operating at 98 Stirling Street Bunbury”.

The City received a formal complaint (16 June 2013) from the owners of the Corners on King Café (formerly Mangrove Café) regarding the lack of car park spaces on the subject land and the potentially adverse impact on nearby established businesses. A copy of the complaint from Corners on King Café is **attached** at Appendix DPDS-21.

The City received further communication (email dated 17 June 2013) from the Corners on King Café (proprietor Mr Russell Green) who advised:

“...it has been brought to our attention that the City of Bunbury Councillors are considering a petition submitted by the proprietors of the Happy Wife, to grant permission to trade without adequate parking for their intended use. We are writing to outline our concerns for such a decision and the impacts this will have on neighbouring businesses due to the limited parking already within the area.”

With a view to resolving the matter of the complainant, the proprietor met with the City’s Compliance Officer to discuss possible resolution. The owner submitted two (2) separate car park layouts; both layouts were non-compliant with relevant off-street car park standards.

In order to progress the matter, and as part of formal consideration of the Petition by Council, the City's Compliance Officer asked the proprietor to submit a plan to indicate their intended future development layout. This plan is **attached** at Appendix DPDS-22.

Council Policy Compliance

Any expansion of existing premises as proposed is required to comply with Council's adopted policy entitled "Access and Parking for Pedestrians, Bicycles and Vehicles".

Legislative Compliance

In respect to the Petition compliance is in order. However, the existing premises is non-compliant and the proprietor is required to satisfy the requirements of the Planning and Development Act 2005 and Council Policy

Officer Comments

The following comments are relevant to Council consideration:

Petition

The petition submitted by the applicant requests Council to make an exception, in this instance, in respect of the matter of car park spaces, and to set aside any Scheme requirement in relation to car park spaces and to allow the proposed extension to the premises.

In relation to the legislated requirements of the Scheme, building and health requirements the petition has no weight in deciding whether or not to support the expansion of the premises. Should a Development Application be lodged for the expansion of the premises, the application would be advertised to determine the extent of impact on surrounding businesses, traffic movements and manoeuvrability, the availability of car park spaces, and legislated planning, building and health requirements. In this instance, the applicant could support the application with a petition for officer's and Council's consideration.

Compliance with Development Approval

The proprietor was initially not operating in compliance with the planning approval, but since being notified of non-compliant activity has been compliant.

At the time of granting planning approval the premises (88sqm of building and 14sqm of outdoor seating area) the premises was compliant with legislated planning, building and health requirements and Council policy.

Proposed expansion of the premises

Preliminary assessment of the proprietors proposed expansion illustrates the absence of car park spaces, plus a requirement for additional public ablution facilities that are key issues yet to be addressed by the proprietor.

Any new Development Application would trigger consideration under the current Scheme provisions and the Policy entitled "Access and Parking for Pedestrians, Bicycles and Vehicles".

The proposal (an additional 40m² of outdoor seating area) would trigger a requirement for six (6) (maximum 24 seats) car park spaces, plus 2 (two) existing spaces indicated on the original drawings and a total requirement of eight (8) car park spaces.

It is readily apparent that the applicant is not able to provide any further car park spaces on the premises without significant modifications, particularly as the proposed expansion occupies the existing two (2) car park bays, as required by the current development approval.

Key considerations likely to be central to any expansion are:

Exemptions

“..there are no exemptions or exclusions permitted under the Scheme with respect to vehicle access and parking” (Clause 6).

Requirement for a Development Impact Statement

Clause 8.4.6 states: *“application for planning approval for a use class that does not have a minimum requirement for parking specified under the Scheme and/or this Local Planning Policy is to be accompanied by a Development Impact Statement (traffic and parking) which demonstrates that a proposed development or use of a premises incorporates sufficient parking supply to service the proposed development or use.*

Off- street parking requirement

Clause 8.7.1 states: “subject of the Scheme and this Local Planning Policy, car park bays shall be provided in relation to any use or development as off-street”.

Parking could be provided on other premises

Clause 8.7.2 states: “subject to Local Government approval, where there is a deficiency in the number of vehicle parking bays provided to service a premises, off-site parking shall be provided in accordance with Section 10 of this Local Planning Policy; whereby parking bays for a use/development on a lot/development site may be provided jointly with any one or more other premises, subject to the satisfaction of the Local Government and in accordance with the standards and requirements of the Scheme and this Local Planning Policy.”

Provision of addition car park spaces on-street or off-street within the road reserve or nearby Council owned/managed land

Any proposal by Council to allow the proprietor to provide additional car park spaces in the above manner does require further investigation, namely:

1. Any additional provision of car park spaces should not be nominated exclusive to the development as this could set an undesirable precedent for other premises in the locality.
2. Utilisation of the Leschenault Inlet foreshore for car parking would reduce existing reserve areas for public enjoyment and the local resident community may oppose the ‘commercialisation’ of the foreshore reserve (refer to **attached** Appendix DPDS-23.

3. Scope does exist within both the Stirling Street and Austral Parade road reserves to accommodate the additional eight (8) parallel public car parking spaces. This option requires detailed design and costing. The provision of those additional on-street car park spaces should be at the cost of the proprietor as a generating additional demand for parking in the locality (refer to **attached** Appendix DPDS-24
4. Scope does exist for staff to considered the preparation of a Local Area Plan (formerly Detailed Area Plan or a DAP) that considers an overall development and parking strategy for this locality and a developer contribution plan for the provision of car park spaces to accommodate both existing and future redevelopment/ car park space requirements.

The latter sets-the-scene for Council to potentially support the preparation of a Local Area Plan for each suburban local neighbourhood shopping centre to stimulate private sector investment and public sector funding for capital works that contribute to the enhancement and revitalisation of local centres.

The preparation of Local Area Plan(s) can be undertaken in-house as the City has the required human resources skills in strategic and statutory land use and policy planning, architectural and urban design, development engineering and car park design.

Analysis of Financial and Budget Implications

Should Council support the proposed expansion (beyond its current approved floor space and associated increase in seating capacity and related increase in patrons car parking) without satisfactorily addressing the requirements of the current TPS as it relates to car park spaces, health and building requirements, then such decision may Council itself to fund additional car park spaces whether on-street or off-street in close proximity to premises, to address the shortfall in car park spaces on the subject site.

Costs associated with either option are dependent on design detail and associated infrastructure and facilities. This would have an adverse cost impact on the municipal Budget. Life-cycle maintenance costs (Capital Works Project) is not yet determined. In addition, the Leschenault Inlet Masterplan is in an early stage and any reactive capital works may undermine and otherwise preferred scenario for foreshore enhancement, particularly to the Frank Buswell Foreshore.

Community Consultation

Not Applicable.

Councillor/Officer Consultation

Council officers representative of the Works and Services Division and Planning and Development Services have contributed to this report. The Executive Leadership Team has been consulted and provided input into the Executive Recommendation.

Strategic Relevance

The Strategic Community Plan 2030, Theme One “Support for Local Business”...*“planning decisions that enhance and support the development of local businesses are considered to be essential if Bunbury is to continue to prosper....this included the removal of obstacles to local business development”...create an environment that will attract new business...enhance our sense of place, pride and participation in our community”.*

Council has adopted the Leschenault Inlet Masterplan that foreshadows the proposed (staged) planning, design and physical enhancement of the foreshore, which could reasonably be extended to the provision of public parking to gain access to foreshore facilities.

Economic, Social, Environmental and Heritage Issues

Economic

The locality contains a relatively small nonetheless diverse range of local shopping experiences with various premises having redevelopment potential and enhancement of surrounds, such that is likely to positively impact on the local economy, attract job creation and tourism particularly with improvements to the Leschenault Inlet foreshore.

Social

The current diversity in local shopping, eateries and service experiences with potential for redevelopment in close proximity to the local resident community, it is poised to be established, over time, as a local hub of activity.

Environmental

Provided the local shopping area is well-planned and designed including a sensitive treatment to the natural values of the Inlet water quality and beautification and maintenance of foreshore areas should enhance the experience.

Relevant Precedents

There is one known precedent, whereby the Council had recently approved the provision of parallel on-street car parking on Plaza Street in relation to a Change of Use due to the inadequacy of parking spaces on-site. This was at the cost of and accepted by the applicant.

Outcome – Council Committee Meeting 30/31 July 2013

Cr Steck declared a proximity interest in this matter (see section 5). She left the chambers at 9.56pm and was not present for the discussion or vote on the matter.

Cr Prosser declared an impartiality interest in this matter (see section 5). He remained in the chambers and was present for the discussion and vote on the matter.

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

“That Council Resolves to:

- 1. Receive the Petition (dated 11 June 2013) from the proprietor of the Happy Wife Café containing 856 signatures in support of the premises being able to expand without the provision of any on-site requirement for car-parking;*
- 2. Advise the proprietor of the Happy Wife Café to ensure that the operation of the Café remains consistent with the planning approval (dated 26 October 2010);*
- 3. Advise the proprietor of the Happy Wife Café that should he wish to expand the Café, a new Development Application for the proposed expansion is required to be submitted compliant with the Town Planning Scheme 7, legislated health and*

building requirements, and Council’s adopted Local Planning Policy “Access and Parking for Pedestrians, Bicycles and Vehicles”;

4. *Advise the proprietor of the Happy Wife Café that Council is prepared to reduce the required car parking bays to four (4) offsite car bays;*
5. *Support the preparation of the Local Area Plan for each suburban local neighbourhood shopping centre to stimulate private sector investment and public sector funding for capital works, such as car park spaces and associate infrastructure and streetscaping that will contribute to the enhancement and revitalisation of local centres.*
6. (a) *Request the Director Works and Services in consultation with the Director Planning and Development Services and the superintendent of Parking, to prepare a plan with costing’s for angle parking adjacent to the Frank Buswell Foreshore in the vicinity of the Happy Wife Café and the Quays together with a recommendation for a proposed contribution from the proprietors of the Happy Wife Café.*

(b) *These plans and recommendations to be returned to Council for the September round of Council meetings.”*

Mr Russell Green and Mr Craig Thompson, proprietors of Corners on King addressed the Committee stating that they object to the parking matters only as there is not enough parking in the area for even their customers.

It was requested that the votes be taken in separate parts.

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

- Point 1: 10 votes “for” / nil votes “against” CARRIED
- Point 2: 10 votes “for” / nil votes “against” CARRIED
- Point 3: 10 votes “for” / nil votes “against” CARRIED
- Point 4: 5 votes “for” / 5 votes “against”. The Mayor used his casting vote in favour of the motion. CARRIED
- Point 5: 10 votes “for” / nil votes “against” CARRIED
- Point 6: 10 votes “for” / nil votes “against” CARRIED

Outcome – Council Meeting 6 August 2013

Cr’s Prosser and Steck declared a proximity interest in this matter (see section 5). They left the chambers at 9.09pm and were not present for the discussion or vote on the matter.

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

Cr Jones returned to the chambers at 9.10pm and was present for the discussion and vote on the remaining items on the agenda.

It was requested that the votes be taken in separate parts.

The Mayor put the motion to the vote in separate parts and the outcomes were adopted to become the Council’s decision on the matter.

- Point 1: 10 votes “for” / nil votes “against” CARRIED
- Point 2: 5 votes “for” / 5 votes “against”. The Mayor used his casting vote against the recommendation - LOST

- Point 3: 10 votes “for” / nil votes “against” CARRIED
Point 4: 6 votes “for” / 4 votes “against” CARRIED
Point 5: 10 votes “for” / nil votes “against” CARRIED
Point 6: 10 votes “for” / nil votes “against” CARRIED

Note: The Council decision has been renumbered to reflect the outcome.

Council Decision 246/13

That Council Resolves to:

- 1. Receive the Petition (dated 11 June 2013) from the proprietor of the Happy Wife Café containing 856 signatures in support of the premises being able to expand without the provision of any on-site requirement for car-parking;***
- 2. Advise the proprietor of the Happy Wife Café that should he wish to expand the Café, a new Development Application for the proposed expansion is required to be submitted compliant with the Town Planning Scheme 7, legislated health and building requirements, and Council’s adopted Local Planning Policy “Access and Parking for Pedestrians, Bicycles and Vehicles”;***
- 3. Advise the proprietor of the Happy Wife Café that Council is prepared to reduce the required car parking bays to four (4) offsite car bays;***
- 4. Support the preparation of the Local Area Plan for each suburban local neighbourhood shopping centre to stimulate private sector investment and public sector funding for capital works, such as car park spaces and associate infrastructure and streetscaping that will contribute to the enhancement and revitalisation of local centres.***
- 5. a) Request the Director Works and Services in consultation with the Director Planning and Development Services and the superintendent of Parking, to prepare a plan with costing’s for angle parking adjacent to the Frank Buswell Foreshore in the vicinity of the Happy Wife Café and the Quays together with a recommendation for a proposed contribution from the proprietors of the Happy Wife Café in the event of an alternate location for off-street parking not being provided.***
 - b) These plans and recommendations to be returned to Council for the September round of Council meetings.***

Cr’s Prosser and Steck returned to the chambers at 9.36pm and were present for the discussion and vote on the remaining items on the agenda.

It was also requested that the owners of the Quays be informed of Council’s decision.

10.30 Naming of the Roads within Hay Park (was listed as item 10.5.3 on the meeting agenda)

File Ref:	R00561-12
Applicant/Proponent:	Councillor Murray Cook
Author:	Alison Baker, Executive Assistant Works and Services
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix DWS-2, DWS-3, DWS-4, DWS-5, DWS-6

Summary

Following an incident earlier this year where it took forty five (45) minutes for an ambulance to attend Moorabinda Croquet Club, Councillor Cook requested an investigation into whether the 'internal/private' roads within Hay Park been named to assist visitors and emergency services.

Executive Recommendation (amended)

1. Name the 'internal/private' roads within Hay Park as per the map DWS-2 and as follows:
 - Road 1 – Ashes Road
 - Road 2 – Wallabies Way
 - Road 3 – Olympic Lane
 - Road 4 – Socceroos Place
 - Road 5 – Wimbledon Way
2. Council approve to name the 'internal/private' roads within Hay Park based on the sporting theme.
3. The Council approved names to be submitted to the Geographe Names Committee for approval, including the existing Rotary Avenue

Background

Councillor Cook requested that the naming of 'internal/private' roads at Hay Park be investigated; refer **attached** Appendix DWS-3. Landgate has advised applying official names to five (5) roads would be appropriate, refer **attached** Appendix DWS-2. The access to the various car parks should not be named. Landgate advised that Hay Park's only named road – Rotary Avenue is an unapproved name; however this can be easily rectified in the approval for the naming of the other private roads.

Landgate recommends:-

- Short names (no more than four / five letters) should be selected for Roads 1 and 2 with the road type – Road, Street or Way
- Road 3 should have the road type Lane
- Road 4 should have a road type View, Vista or Place as this appears to end as a cul-de-sac
- Road 5 should have a road type Road, Street or Way.

Council Policy Compliance

The proposal does not contravene any Council policies or work procedures. All applications are to be resolved by Council for addition to Council's Reserve and Street Name Register.

Council officers are currently preparing a policy for Naming of Street, Roads, Parks, Bridges and other places to be submitted to the Policy Committee.

Legislative Compliance

There is no Legislative Compliance relative to this item.

Officer Comments

Council is required to comply with the Policies and Standards for Geographical Naming in Western Australia, regardless if it is a private or public road. Some of these include but not limited to:

- There is evidence of broad community support for the proposal
- If a person's name, the person has been deceased for at least two (2) years
- If the applicant requesting the name is not an immediate relative, written permission of the family must be obtained
- The person being honoured by the naming had either some direct or long-term association, twenty (20) or more years, with the feature or has made a significant contribution to the area in which it is located
- Only surname is used and shall not include first or given names
- Maximum of 15 duplicated names within the state.

A suggestion has been received from Moorabinda Croquet Club to name Road 5, Wimbledon Way, refer to **attached** Appendix DWS-4. Continuing on the theme of using names associated with the various sports played with Hay Park the following is submitted for consideration.

- Road 1 – Ashes Road
- Road 2 – Wallabies Way
- Road 3 – Olympic Lane
- Road 4 – Socceroos Place
- Road 5 – Wimbledon Way

Preliminary enquiries with Landgate indicate that these names are suitable, subject to Wallabies and Socceroos being referred to their governing bodies to ensure that it is not infringing on copyright. Requests have been sent to the Australian Rugby Union and Football Australia. A map showing the sports associated with Hay Park are **attached** at Appendix DWS-5.

As an alternative, Council can elected to choose names from the approved roads for Bunbury as per the **attached** Appendix DWS-6.

Upon approval of the names, Landgate will publish the named roads which will be available to emergency services and mapping services.

Analysis of Financial and Budget Implications

The costs would be for manufacture and installation of the street signs, estimated to be \$300 each, being a total cost of \$1,500.

Community Consultation

No community consultation has been undertaken.

Councillor/Officer Consultation

Councillor Cook requested that an investigation into the naming of the roads at Hay Park. Manager Sports, Leisure and Active Lifestyles has been advised that this report will be submitted

Councillor Cook has passed on a suggestion from Moorabinda Croquet Club to name Road 5 – Wimbledon Way'.

Outcome – Council Committee Meeting 30/31 July 2013

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

The Mayor put the names of the roads to the vote in separate parts:

The name Wimbledon Way – 9 votes “for” / 1 vote “against” CARRIED

All the other names – 9 votes “for” / 1 vote “against” CARRIED. The Mayor requested that his vote against be recorded.

The Executive recommendation was not voted on in its entirety, therefore there is no Council Committee recommendation as such. The Executive recommendation will be amended to reflect the voting on the names in the agenda for the Council meeting to be held 6 August 2013.

Outcome – Council Meeting 6 August 2013

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

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

Council Decision 247/13

1. ***Name the ‘internal/private’ roads within Hay Park as per the map DWS-2 and as follows:***
 - ***Road 1 – Ashes Road***
 - ***Road 2 – Wallabies Way***
 - ***Road 3 – Olympic Lane***
 - ***Road 4 – Socceroos Place***
 - ***Road 5 – Wimbledon Way***
2. ***Council approve to name the ‘internal/private’ roads within Hay Park based on the sporting theme.***
3. ***The Council approved names to be submitted to the Geographe Names Committee for approval, including the existing Rotary Avenue***

CARRIED

11 votes “for” / 1 vote “against”

It was requested that the Mayor’s vote against the motion be recorded.

11. Applications for Leave of Absence

Nil

12. Motions on Notice

12.1 Motion on Notice – Establishment of a Withers Advisory Committee

Applicant/Proponent:	Councillor Michelle Steck
Author:	Councillor Michelle Steck
Executive:	If adopted by Council refer to: Andrew Brien, Chief Executive Officer
Attachments:	

Cr Steck submitted the following motion for the Council Meeting on 6 August 2013:

- "1. That Council agree to establish a Withers Advisory Committee as a formal committee of Council.
2.
 - a) Comprising of three (3) Elected members – voting
 - b) The Director of Community Development – non voting
 - c) One (1) Secretarial support Staff - non voting
 - d) Advertise and appoint three (3) ordinary community members. – voting
 - e) Public advertising for community representation shall be in accordance with advertising deadlines but immediately following Council decision.
3. The purpose of the committee is to submit recommendations to council pertaining to current projects and future considerations relating to the Withers Action Plan
4. To review and progress the Withers Action Plan.
5. Make priority recommendations to council.
6. Receive information from council and the Withers Community Reference Group to assist decision making.
7. To provide stronger community relations in Withers."

Comments - Cr Steck

In support of her motion, Cr Steck states that, "During the Council (Standing) Committee meeting of 30 July it was apparent a formal Committee of Council is required due to keen public interest.

A conduit of information exchange between the community and Council will allow for a stronger community connection to work collaboratively to progress outcomes of the Withers community. The committee will provide a better conduit of information exchange between the community and the council and continued working progress.

The issue of financial investment and agreed projects in Withers has recently been troubling the community and has caused considerable frustration to many members of the community. The community feel the community needs a stronger influence inside council, so that they are comfortable they are being heard and contributing to decision making.

There is also the Withers Community Reference Group which is assisting council to progress the adapted recommendations from the Withers Action Group to achieve the community and several council agreed outcomes. This will require information exchange in relation to community expectations, assist in council decision making and continued community support."

Executive Comments

Due to the lateness of the submission there is no Executive comment available.

Cr Steck's Motion

1. That Council agree to establish a Withers Advisory Committee as a formal committee of Council.
2.
 - a) Comprising of three (3) Elected members – voting
 - b) The Director of Community Development – non voting
 - c) One (1) Secretarial support Staff - non voting
 - d) Advertise and appoint three (3) ordinary community members. – voting
 - e) Public advertising for community representation shall be in accordance with advertising deadlines but immediately following Council decision.
3. The purpose of the committee is to submit recommendations to council pertaining to current projects and future considerations relating to the Withers Action Plan
4. To review and progress the Withers Action Plan.
5. Make priority recommendations to council.
6. Receive information from council and the Withers Community Reference Group to assist decision making.
7. To provide stronger community relations in Withers.

Outcome – Council Meeting 6 August 2013

The Motion on Notice (as printed) was moved Cr Steck, seconded Cr Kelly to become the motion under discussion

Mr Glen Willetts, representing the Withers Action Group, addressed the Council in favour of the motion and stated that if this committee was in place initially the issues that have arisen would not exist. He believes that representatives of the Withers Action Group should be members on the committee as they have been across the issue from the very beginning.

Mr Bernard Kemps, representing the Withers Action Group, addressed the Council in favour of the motion and requested that the Council consider amending the motion to add a point 8 would read as follows: *"To promote confidence, transparency and accountability for the Withers community."*

Cr McNeill moved Cr Morris seconded an amendment to point 2 d) to change the number of community members from three (3) to four (4), which reads as follows:

"d) Advertise and appoint four (4) ordinary community members – voting"

The Mayor put the amendment to the vote and was CARRIED 12 votes "for" / nil votes "against"

Deputy Mayor Cr Craddock moved Cr Steele seconded a further amendment to point 2 d) to read as follows:

“d) Advertise and appoint four (4) ordinary community members – voting two (2) of whom are to be members of the Withers Action Group”

The Mayor put this amendment to the vote and was CARRIED 12 votes “for” / nil votes “against”.

The amended motion reads as follows:

- “1. That Council agree to establish a Withers Advisory Committee as a formal committee of Council.*
- 2. a) Comprising of three (3) Elected members – voting*
 - b) The Director of Community Development – non voting*
 - c) One (1) Secretarial support Staff - non voting*
 - d) Advertise and appoint four (4) ordinary community members. – voting two (2) of whom are to be members of the Withers Action Group*
 - e) Public advertising for community representation shall be in accordance with advertising deadlines but immediately following Council decision.*
- 3. The purpose of the committee is to submit recommendations to council pertaining to current projects and future considerations relating to the Withers Action Plan*
- 4. To review and progress the Withers Action Plan.*
- 5. Make priority recommendations to council.*
- 6. Receive information from council and the Withers Community Reference Group to assist decision making.*
- 7. To provide stronger community relations in Withers.”*

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

Council Decision 248/13

- 1. That Council agree to establish a Withers Advisory Committee as a formal committee of Council.***
- 2. a) Comprising of three (3) Elected members – voting***
 - b) The Director of Community Development – non voting***
 - c) One (1) Secretarial support Staff - non voting***
 - d) Advertise and appoint four (4) ordinary community members. – voting two (2) of whom are to be members of the Withers Action Group***
 - e) Public advertising for community representation shall be in accordance with advertising deadlines but immediately following Council decision.***
- 3. The purpose of the committee is to submit recommendations to council pertaining to current projects and future considerations relating to the Withers Action Plan***
- 4. To review and progress the Withers Action Plan.***
- 5. Make priority recommendations to council.***
- 6. Receive information from council and the Withers Community Reference Group to assist decision making.***
- 7. To provide stronger community relations in Withers.***

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

12.2 Motion on Notice – Referendum on Amalgamations

Applicant/Proponent:	Councillor Michelle Steck
Author:	Councillor Michelle Steck
Executive:	If adopted by Council refer to: Andrew Brien, Chief Executive Officer
Attachments:	

Cr Steck submitted the following motion for the Council Meeting on 6 August 2013:

"That Council write to the Electoral Commission and inform the Commission that the City of Bunbury intends to hold a referendum on Amalgamations and commits up to \$5,000 in funding, for the affirmative and the negative cases, to be duly presented to the community prior to the 2013 Local Government Election. The purpose is so that the community can have their say. "

Comments - Cr Steck

In support of her motion, Cr Steck states that, *"The City of Bunbury has promoted the idea that the City supports amalgamations however; the community has not had adequate opportunity to have their say on the issue of Amalgamations.*

Holding a referendum on the issue of Amalgamations during the Local Government Election is the rightful time to provide opportunity for our community to have their say. The results of the referendum will adequately inform us all what the community wants.

Other local communities will be affected by amalgamations and up to now, all other councils do not want to amalgamate with Bunbury. There are also several rumours in regards to Amalgamations, the facts need to be presented to the community and the citizens of Bunbury have a right to be heard.

I will also be encouraging other councils to commit to a referendum on Amalgamations, as the results will assist us all."

Executive Comments

Not available

Cr Steck's Motion

That Council write to the Electoral Commission and inform the Commission that the City of Bunbury intends to hold a referendum on Amalgamations and commits up to \$5,000 in funding, for the affirmative and the negative cases, to be duly presented to the community prior to the 2013 Local Government Election. The purpose is so that the community can have their say.

Outcome – Council Meeting 6 August 2013

The Motion on Notice was moved Cr Steck, seconded Cr Leigh (proforma) to become the motion under discussion.

During the discussion on the matter, Cr Prosser moved, Cr McNeill seconded the procedural motion 11.1(d) that the question be now put. The Mayor put the procedural motion to the vote and was CARRIED 10 votes “for” / 2 votes “against”.

The Mayor put the motion to the vote and was LOST 1 vote “for” / 11 votes “against”. Cr Steck requested that her vote in favour of the motion be recorded.

12.3 Motion on Notice – Bunbury Men’s Shed

Applicant/Proponent:	Councillor Brendan Kelly
Author:	Councillor Brendan Kelly
Executive:	If adopted by Council refer to: Wayne Wright, Director Corporate Services
Attachments:	

Cr Kelly submitted the following motion for the Council Meeting on 6 August 2013:

"That Council endorse an allocation of \$47,785 for the Bunbury Men’s Shed in the 2013/14 budget to be ratified at the October 2013 budget review."

Comments - Cr Kelly

In support of his motion, Cr Kelly states: *"The Rotary Club of South Bunbury were allocated funds of \$47,785 for a Men’s Shed project in the 2010/11 Community Funding round.*

The Community Funding Policy at the time required funded activity to take place during a twelve month period commencing four months after the relevant closing date. An acquittal report was then required to be submitted within three months of the activity completion.

In this instance, the funds were unable to be expended or acquitted as a final site was not agreed or approved until September 2011.

Bunbury Men’s Shed have since presented to Council on several occasions.

In September 2011 Council decision 216/11 resolved as follows:

"Council Decision 216/11

That Council resolves to:

- 1. Adopt the revised Emergency & Community Services Hub Concept Plan (August 2011) as a guide to the future development of Reserve 23839 and associated portion of Adam Road Reserve.*
- 2. That any development proposals for Reserve 23839 be advertised in accordance with the provisions of clause 9.4.3 of the City of Bunbury Town Planning Scheme No. 7.*
- 3. Adopt the changes to the revised Emergency & Community Services Hub Concept Plan (August 2011), as recommended to Council in the memo dated 6 September 2011.*
- 4. Note that the Hub Concept plan (August 2011) includes plans for a Men’s Shed"*

This resolution clearly provides support by acknowledging that a Men’s Shed is to be included as part of the "Hub Concept" on Reserve 23839 Bussell Highway.

Bunbury Men’s Shed is now in a position to expend these funds to progress the Bunbury’s Men’s Shed project.

Furthermore, a Council commitment to provide funds for this purpose is a prerequisite for a LotteryWest funding application that the Bunbury Men’s Shed have submitted, which closes

on 31 July. That application is for \$110,000. The Bunbury Men's Shed have indicated that they themselves have also raised approximately \$84,000 to go toward this project.

This motion has been submitted for consideration as a budget line item for 2013/14 rather than through the Community Funding process, as the financial particulars of this project fall outside the parameters of the Community Funding Pool, and need to be considered as a budget allocation under the current Policy."

Executive Comments

Given the history around the earlier approval of grant funds for this project, Cr Kelly's motion is supported in this instance.

Cr Kelly's Motion

That Council endorse an allocation of \$47,785 for the Bunbury Men's Shed in the 13/14 budget to be ratified at the October 2013 budget review.

Outcome – Council Meeting 6 August 2013

The Motion on Notice (as printed) was moved Cr Kelly, seconded Deputy Mayor Cr Craddock to become the motion under discussion.

Mr Bruce Lynch representing South Bunbury Rotary Club addressed the Council in support of the motion and stated that without the promise of funds from the Council the Men's Shed program will run the risk of not going ahead. He outlined the history of the Men's Shed program and the funding request to the Council.

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

Council Decision 249/13

That Council endorse an allocation of \$47,785 for the Bunbury Men's Shed in the 13/14 budget to be ratified at the October 2013 budget review.

CARRIED

12 votes "for" / nil votes "against"

12.4 Motion on Notice – A 10 Point Plan for Endorsing Community Priorities

Applicant/Proponent:	Councillor Kelly
Author:	Councillor Kelly
Executive:	If adopted by Council refer to: Andrew Brien, Chief Executive Officer
Attachments:	

Cr Kelly submitted the following motion for the Council Meeting on 6 August 2013:

"The City of Bunbury receives the ALGA document 'A 10 point Plan for Endorsing Community Priorities' and commends ALGA for its timely contribution."

Comments - Cr Kelly

In support of his motion, Cr Kelly states: *"The Australian Local Government Association (ALGA) has recently circulated a document entitled A 10 Point Plan for Resourcing Community Priorities (the Plan), which outlines policy proposals of the local government sector in the lead up to the 2013 Federal election. This plan was forwarded to all Councillors by the Mayor in July.*

The Plan presents a way forward for local communities to achieve their potential with support from the Federal Government. The Plan calls for a commitment to:

- 1. Constitutional change to support continued direct Commonwealth payments to local government.*
- 2. More sustainable funding to meet local community priorities, including through Financial Assistance Grants.*
- 3. Better and safer roads through a permanent 'Roads to Recovery' program.*
- 4. Agreement that funding should accompany new responsibilities and put an end to cost shifting.*
- 5. Support for community infrastructure.*
- 6. Help to adapt to climate change.*
- 7. A coordinated approach to national biodiversity.*
- 8. Better arrangements for natural disaster mitigation.*
- 9. Investment to improve online business capacity.*
- 10. Adequate funding to deliver municipal services to Indigenous communities.*

ALGA should be applauded for taking a proactive approach in ensuring that the issues affecting the local government industry are raised publicly in the lead up to the 2013 Federal election."

Executive Comments

As the proposed motion on notice, if supported, would see Council exercising its powers of advocacy, The City's Executive support Cr Kelly's motion.

Cr Kelly's Motion

The City of Bunbury receives the ALGA document 'A 10 point Plan for Endorsing Community Priorities' and commends ALGA for its timely contribution.

Outcome – Council Meeting 6 August 2013

The Motion on Notice (as printed) was moved Cr Kelly, seconded Cr Cook 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.

Council Decision 250/13

The City of Bunbury receives the ALGA document 'A 10 point Plan for Endorsing Community Priorities' and commends ALGA for its timely contribution.

CARRIED

10 votes "for" / 2 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 Slater, Cr Kelly, Cr McNeill, Cr Cook, Cr Morris
Against: Cr Jones, Cr Steck

12.5 Motion on Notice – Development of a Travel Policy

Applicant/Proponent:	Councillor Michelle Steck
Author:	Councillor Michelle Steck
Executive:	If adopted by Council refer to: Andrew Brien, Chief Executive Officer
Attachments:	Nil

Cr Steck submitted the following motion for the Council Meeting on 6 August 2013:

- “1. That Council request that the Chief Executive Officer develop a travel register recording all travel undertaken by Elected Members or their partners on Council business at Council’s expense.
2. That a Travel and Member Entitlements Policy in regard to partners travel be developed by the Policy Review and Development (Standing) Committee.”

Comments - Cr Steck

In support of her motion, Cr Steck states that, "As a matter of good governance all travel undertaken by the Mayor, partners or Councillors paid for by the ratepayers should be on public record.

Both the Federal Parliament and State Parliament have public records for travel undertaken by elected members and their partners for the purpose of transparency, accountability and keeping the community informed.

The Committee should also define the terms of reference for official engagements, general duties and define what is appropriate for partners accompanying in travel overseas. Currently council does not have a policy that addresses all members’ entitlements especially in regards to travel.

Extract from the Federal Government Website: “The committee also took into account the current arrangement for Ministerial overseas travel which provides that, as a general rule, ministers should not be accompanied by their spouses on official overseas travel. The committee recognised the value of senators and members participating in travel on parliamentary delegation. However it was not persuaded that there is a continuing justification for the spouse or partner to accompany a parliamentarian at public expense.”

Given the Council has paid for the Mayors wife to travel and expenses overseas, an appropriate policy should be developed. A system which has a single authority with responsibility for determining and reporting the rules and travel costs should be available to the public, at present we just have a motion, with no expense entitlement on record, with no rules in regards to spouse travel.

Council should produce a more coherent set of entitlement rules than a system in which a motion appears before council to consider. General rules should be set out in an overarching statement of policy.

The general public within the municipality rightly expects the elected members to observe the statements of ethical principles when accessing their entitlements or benefits.

Publishing a member’s entitlements expenditure is a key compliance tool and it is consistent with the principles of accountability and transparency.

I urge councillors to support the motion."

Executive Comments

The City's Executive has no issue with Cr Steck's proposed motion.

Cr Steck's Motion

1. That Council request that the Chief Executive Officer develop a travel register recording all travel undertaken by Elected Members or their partners on Council business at Council's expense.
2. That a Travel and Member Entitlements Policy in regard to partners travel be developed by the Policy Review and Development (Standing) Committee.

Outcome – Council Meeting 6 August 2013

The Motion on Notice (as printed) was moved Cr Steck, seconded Cr Cook 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.

Council Decision 251/13

1. ***That Council request that the Chief Executive Officer develop a travel register recording all travel undertaken by Elected Members or their partners on Council business at Council's expense.***
2. ***That a Travel and Member Entitlements Policy in regard to partners travel be developed by the Policy Review and Development (Standing) Committee.***

CARRIED
10 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 Prosser, Cr Leigh, Cr Steck, Cr Kelly, Cr McNeill, Cr Cook, Cr Morris
Against: Cr Slater, Cr Steele

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

Nil

13.2 Questions from Members

Cr Steck submitted the following question (in writing) prior to the close of the meeting agenda. A response has been provided by the Chief Executive Officer:

Question: What is the Mayor's total remuneration as it currently stands including meeting allowances, allowances and any other payments?

Response: From 2013/14 the position of Mayor of the City of Bunbury attracts an Annual Meeting Fee allowance of \$29,500, an Annual Mayoral allowance of \$60,000 and an Annual Communications and Information Technology Allowance of \$3,500 (less the cost of any monthly plan fees and any private usage). The total Annual amount therefore is \$93,000.

Question: What is the total remuneration paid to the mayor since he came to office, including all travel costs for himself and the Mayoress?

Response: Since the Mayor came to office in May 2005, and up to 30 June 2013, the total remuneration paid to the Mayor is \$445,200. In terms of travel and accommodation incurred, this is as follows by financial year (from 2008/09):

- 2012/13 - \$6,613
- 2011/12 - \$7,817
- 2010/11 - \$12,371
- 2009/10 - \$7,142
- 2008/09 - \$5,628

Question: What are the total amounts previously allowed for the Mayor and what he was being paid?

Response: In the financial years of 2005/06, 2006/07, 2007/08 and 2008/09, the Office of the Mayor received Annual Sitting Fees of \$14,000, a communications allowance of \$2,400 and an Annual Mayoral allowance of \$23,300 per annum; a total package of \$39,700.

In 2009/10 and 2010/11, the Mayoral allowance was increased to \$45,000 plus the provision of a motor vehicle (sitting fees of \$14,000 and a communications allowance of \$2,400 were maintained).

In 2011/12 and 2012/13, the Mayoral allowance was increased to \$60,000 (plus sitting fees of \$14,000 and communications allowance of \$2,400).

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

A late confidential agenda item was tabled at the meeting. Cr Steck moved, Cr Kelly seconded that the matter be considered Urgent and to be dealt with behind closed doors.

The Mayor put the motion to the vote and was CARRIED 12 votes “for” / nil votes “against”

15. Meeting Closed to Public

MOVED Cr Jones, SECONDED Deputy Mayor Cr Craddock

In accordance with Section 5.23(2)(a) and (2)(c) 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 Withdrawal of Parking Infringements

15.1.2 Tender for the Engagement of a Real Estate Agent to Provide a Marketing and Sales Service for Disposal of Surplus Freehold Land RFT 1213 00030

15.1.3 Offer to Purchase Lot 632 Parade Road

15.1.4 Offer to Purchase Lot 626 Ocean Drive

15.1.5 Appointment of an Assessment Officer

The Mayor put the motion to the vote and was CARRIED 12 votes “for” / nil votes “against”. The meeting was closed to the public and press at 11.03pm.

The Urgent item (15.1.5) was dealt with first. The confidential items have been rearranged in the order that they were discussed.

15.1 Matters for which the Meeting may be Closed

15.1.1 Appointment of an Assessment Officer *(this agenda item was tabled on the night as item 15.1.5)*

Applicant/Proponent:	Internal Report
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Confidential Report CRUSC-7

This report is confidential in accordance with Section 5.23(2)(c) of the Local Government Act 1995, which also permits the meeting to be closed to the public for business relating to the following:

A contract entered into, or which may be entered into, by the Local Government and which relates to a matter discussed at the meeting.

Outcome – Council Meeting 6 August 2013

The following motion was moved Cr Kelly, seconded Cr Cook.

- “1. That Council endorse the appointment of Gold Security Group (International) Pty Ltd for the provision of an Assessment Officer in accordance with the relevant provision of the attached guidelines.*
- 2. That Council endorse the attached guidelines.”*

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

Council Decision 252/13

- 1. That Council endorse the appointment of Gold Security Group (International) Pty Ltd for the provision of an Assessment Officer in accordance with the relevant provision of the attached guidelines.**
- 2. That Council endorse the attached guidelines.**

CARRIED

12 votes “for” / nil votes “against”

15.1.2 Withdrawal of Parking Infringements *(was listed as item 15.1.1 on the meeting agenda)*

File Ref:	
Applicant/Proponent:	Internal
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive officer
Attachments:	Confidential Report CRUSC-1

This report is confidential in accordance with Section 5.23(2)(a) 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 – a matter affecting an employee or employees.

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report CRUSC-1). The report is not for circulation.

Outcome – Council Committee Meeting 30/31 July 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 6 August 2013 when the Council makes its decision in regards to this matter.

Outcome – Council Meeting 6 August 2013

The Chief Executive Officer and Director Corporate Services left the chambers at 11.19pm and were not present during the discussion of the matter.

The recommendation from the Council Committee was moved Cr Steck, seconded Cr Kelly which reads as follows:

- “1. That Council note the advice from the Corruption and Crime Commission.
2. That Council will develop a policy whereby any request to withdraw or otherwise alter an infringement notice issued to a City of Bunbury staff member by the City of Bunbury will be referred to the Complaints Officer.
3. That Council will provide the CCC with a copy of the policy once adopted, if requested.
4. The CCC be advised of the Council’s decision.”

The mover and seconder were asked to agree to amending the motion to read as follows:

1. That Council note the advice from the Corruption and Crime Commission.”
2. That Council will develop a policy whereby any request to withdraw or otherwise alter an infringement notice issued to a City of Bunbury staff member or Elected Members by the City of Bunbury will be referred to the Council.
- 3 That Council will provide the CCC with a copy of the policy once adopted, if requested.
4. The CCC be advised of the Council’s decision.”

This amendment was agreed to.

Deputy Mayor Cr Craddock moved, Mayor D Smith seconded the following amendment:

Add a point 5 and 6 which reads as follows:

- “5. *That Council advise the CCC that the CEO has been informed that council believes his actions in driving in the park and his request for the removal of the fine were inappropriate.*
6. *A copy of the correspondence regarding this matter be placed within the personal file of the CEO within Council and the contents conveyed to the CEO Appraisal Panel at the time of their next review.”*

The Mayor put the amendment to the vote in separate parts:

- Point 5: 3 votes “for” / 9 votes “against” LOST. The Mayor, Deputy Mayor Cr Craddock and Cr Cook requested that their votes for be recorded.
- Point 6: 3 votes “for” / 9 votes “against” LOST. The Mayor, Deputy Mayor Cr Craddock and Cr Cook requested that their votes for be recorded.

The Mayor put the substantive motion to the vote in separate parts:

- Point 1: 11 votes “for” / 1 vote “against” CARRIED. The Mayor requested his vote against the motion be recorded.
- Point 2: 12 votes “for” / nil votes “against” CARRIED
- Point 3: 12 votes “for” / nil votes “against” CARRIED
- Point 4: 12 votes “for” / nil votes “against” CARRIED

Council Decision 253/13

- 1. *That Council note the advice from the Corruption and Crime Commission.***
- 2. *That Council will develop a policy whereby any request to withdraw or otherwise alter an infringement notice issued to a City of Bunbury staff member or Elected Members by the City of Bunbury will be referred to the Council.***
- 3. *That Council will provide the CCC with a copy of the policy once adopted, if requested.***
- 4. *The CCC be advised of the Council’s decision.***

The Chief Executive Officer and Director Corporate Services returned to the chambers at 12.03am and was present for the discussion of the remaining items.

15.1.3 Tender for: Engagement of a Real Estate Agent to Provide a Marketing and Sales Service for Disposal of Surplus Freehold Land RFT 1213-00030 (was listed as item 15.1.2 on the meeting agenda)

Applicant/Proponent:	Internal Report
Author:	Massimo Andreone, Manager Contracts and Property
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Confidential Report CRUSC-2

This report is confidential in accordance with Section 5.23(2)(c) of the Local Government Act 1995, which also permits the meeting to be closed to the public for business relating to the following:

A contract entered into, or which may be entered into, by the Local Government and which relates to a matter discussed at the meeting.

Summary

The City of Bunbury has invited submissions via tender, from REIWA registered real estate agents, for the marketing and sale of the following surplus freehold lots owned by the City:

- Lot 210 Holywell Street, South Bunbury
- Lot 211 Holywell Street, South Bunbury
- Lot 66 Ocean Drive, Bunbury
- Lot 24 (No.1) Fielder Street, South Bunbury
- Lot 200 Mangles Street, South Bunbury
- Lot 201 Mangles Street, South Bunbury
- Lot 1 Lockwood Crescent, Withers

The seven (7) Lots initially identified were used as a basis for the tender and subsequent evaluation.

Council Committee Recommendation

Council endorses the engagement of SDEA Nominees Pty Ltd to provide a marketing and sales service for disposal of surplus freehold land.

Background

This tender was advertised in the “West Australian” and the Bunbury “South West Times” newspapers on 15 and 16 of May 2013. The documentation was made available via www.tenderlink.com/bunbury.

A total of two hundred and sixty eight (268) tenderlink alerts were released, ten (10) companies downloaded the documentation and at closing, five (5) responses were received as follows:

1. Trenfocus Holdings Pty Ltd t/a Ray White Bunbury, of 24 Stirling Street, Bunbury, WA 6230;
2. Real Court Pty Ltd, of 2/78 Blair Street, Bunbury, WA 6230;
3. Milah Holdings Pty Ltd t/a Century 21 Advance Realty, of 1/7 Stirling Street, Bunbury, WA 6230;
4. Commercial Realty (WA) Pty Ltd as Trustees for the Commercial Realty WA Unit Trust, together with Axia Corporate Property, of 147 Victoria Street, Bunbury, WA 6230; and

5. SDEA Nominees Pty Ltd, of 13 Stirling Street, Bunbury, WA 6230

An evaluation panel comprising of the City's Senior Building and Structures Officer, Manager Contracts and Property, and Administration Officer Property and Procurement, assessed the responses.

Tender responses were evaluated using the following criteria:

- Compliance Criteria
- Weighted Selection Criteria:
 - a. Methodology and marketing plan (50%)
 - b. Understanding of the project and critical issues (20%)
 - c. Key personnel (20%)
 - d. Fee proposal (10%)
- Price

Evaluation of the tendered fee proposals (and ranking) has been assessed but because the results are "commercial in confidence" details are listed in a Confidential Report (CRUSC-2) that has been circulated to members under separate cover.

Council Policy Compliance

No Council Policy is applicable to this item.

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".

Officer Comments

All members of the evaluation panel have signed a confidentiality and impartiality agreement.

Analysis of Financial and Budget Implications

The sale of the properties will provide a revenue stream to fund projects outlined in the City of Bunbury Long Term Financial Plan and Corporate Business Plan.

Sale of the properties has been provided for in Council's Long Term Financial Plan for the 2014/2015, 2015/2016, and 2016/2017 financial years, as follows:

- Lot 66 Ocean Drive – PR 3381 – 2015/2016
- Lot 210 Holywell Street – PR 3382 - 2016/2017
- Lot 211 Holywell (Pandal) Street – PR 3383 – 2016/2017
- Lot 200 Mangles Street – PR 3384 – 2014/2015
- Lot 201 Mangles Street – PR 3385 – 2014/2015
- Lot 1 Lockwood Crescent – PR 3386 – 2014/2015
- Lot 24 (No.1) Fielder Street – PR 3387 – 2014/2015

Delegation of Authority

This tender 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 Committee Meeting 30/31 July 2013

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

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

Outcome – Council Meeting 6 August 2013

Cr Cook left the chambers at 12.03am and did not participate in the discussion or vote on this matter.

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

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

Council Decision 254/13

Council endorses the engagement of SDEA Nominees Pty Ltd to provide a marketing and sales service for disposal of surplus freehold land.

CARRIED

10 votes "for" / 1 votes "against"

Cr Cook returned to the chambers at 12.05am and present for the discussion and vote on the remaining items on the agenda.

15.1.4 Offer to Purchase Lot 632 Parade Road *(was listed as item 15.1.3 on the meeting agenda)*

Applicant/Proponent:	Internal Report
Author:	Massimo Andreone, Manager Contracts and Property
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Confidential Report CRUSC-5

This report is confidential in accordance with Section 5.23(2)(c) of the Local Government Act 1995, which also permits the meeting to be closed to the public for business relating to the following:

A contract entered into, or which may be entered into, by the Local Government and which relates to a matter discussed at the meeting.

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report CRUSC-5). The report is not for circulation.

Outcome – Council Committee Meeting 30/31 July 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 6 August 2013 when the Council makes its decision in regards to this matter.

Outcome – Council Meeting 6 August 2013

The following motion was moved Deputy Mayor Cr Craddock, seconded Cr Steck:

“That Council not accept the offer to purchase Lot 632 Parade Road Usher and the CEO be authorised to negotiate in accordance with Option One outlined in the Confidential Report to Council of 6 August 2013.”

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

Council Decision 255/13

That Council not accept the offer to purchase Lot 632 Parade Road Usher and the CEO be authorised to negotiate in accordance with Option One outlined in the Confidential Report to Council of 6 August 2013.

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

15.1.4 Offer to Purchase of Lot 626 Ocean Drive

Applicant/Proponent:	Internal Report
Author:	Massimo Andreone, Manager Contracts and Property
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Confidential Report CRUSC-6

This report is confidential in accordance with Section 5.23(2)(c) of the Local Government Act 1995, which also permits the meeting to be closed to the public for business relating to the following:

A contract entered into, or which may be entered into, by the Local Government and which relates to a matter discussed at the meeting.

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report CRUSC-6). The report is not for circulation.

Outcome – Council Committee Meeting 30/31 July 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 6 August 2013 when the Council makes its decision in regards to this matter.

Outcome – Council Meeting 6 August 2013

The following motion was moved Deputy Mayor Cr Craddock, seconded Cr Steck:

“That Council not accept the offer to purchase Lot 626 Ocean Drive Usher and the CEO be authorised to negotiate in accordance with Option One outlined in the Confidential Report to Council of 6 August 2013.”

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

<p>Council Decision 256/13</p> <p><i>That Council not accept the offer to purchase Lot 626 Ocean Drive Usher and the CEO be authorised to negotiate in accordance with Option One outlined in the Confidential Report to Council of 6 August 2013</i></p> <p>CARRIED 12 votes “for” / nil votes “against”</p>

15.2 Public Reading of Resolutions that may be made Public

MOVED Cr Jones, SECONDED Deputy Mayor Cr Craddock that Council in accordance with Clause 6.2 of the City of Bunbury Standing Orders Local Law 2012 RESOLVES that the meeting be now held with Open Doors.

The Mayor put the motion to the vote and was CARRIED 12 votes “for” / nil votes “against”.
The meeting was reopened to the public at 12.09am

The Chief Executive Officer read out the resolutions that were made behind closed doors.

16. Closure

The meeting was declared closed at 12.10am.