



Bunbury City Council

Minutes

10 December 2013

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CITY OF BUNBURY
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Western Australia

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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
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
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
DAA	Department of Aboriginal Affairs
DADAAWA	Disability in the Arts Disadvantage in the Arts Australia, Western Australia
DAFWA	Department of Agriculture and Food
DAP	Development Assessment Panel
DCU	Development Coordinating Unit
DER	Department of Environment Regulation
DFES	Department Fire and Emergency Services
DPaW	Department for Parks and Wildlife
DLI	Department of Land Information
DoE	Department of the Environment (Federal)
DoH	Department of Health
DoL	Department of Lands
DoW	Department of Water
DoP	Department of Planning
DoT	Department of Transport
DRD	Department of Regional Development
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

GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
IT	Information Technology
ITC	In Town Centre
ITLC	Former In-Town Lunch Centre (now the "In Town Centre")
LAP	Local Action Plan
LCC	Leschenault Catchment Council
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 10 December 2013.

Minutes

10 December 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 the Mayor, Mr Gary Brennan, at 5.30pm. The Mayor made mention of the attendance at the meeting of Cr Tania Jackson, President of the Shire of Harvey; former Councillors Ross Slater, Stephen Craddock and his wife Maria.

The Mayor acknowledged the attendance of John Castrilli, Member for Bunbury who arrived at the meeting at 5.40pm.

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 thanked the Woodturners Group for their gifts to the Councillors of wooden bowls.

The Mayor advised that he had made a commitment at his first Council meeting that he would periodically report the costs that he incurs as Mayor. Since the Election Day, 19 October 2013, the Mayor has incurred the following charges; tea bags \$12, towels \$20, fuel \$73.03, a new chair for the new Mayor office \$176.72. That brings the total expenditure since October to \$281.

4. Attendance

Present

Council Members:	
Presiding Member	Mayor G Brennan
Deputy Presiding Member	Deputy Mayor Cr B Kelly
Members	Councillor B McCleary
	Councillor K Steele
	Councillor W Giles
	Councillor J Miguel
	Councillor D Prosser
	Councillor J Hayward
	Councillor S Morris
	Councillor J Jones
	Councillor M Steck
	Councillor N McNeill
Councillor M Cook	
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr A Brien
Director Community Development	Ms S Addison-Brown
Director Corporate Services	Mr W Wright
Director Planning and Development Services	Mr B Karaszkewych
Director Works and Services	Mr P Harris
Council Officers (Non-Voting)	
Manager Corporate Performance	Mr G Golinski
Acting Media and Communications Officer	Ms L Wiseman
Administration Officer Corporate	Ms N Hribar
Others (Non-Voting)	
Members of the Public	40 approximately
Members of the Press	3

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.

Section 5.60A: *“a person has a **financial interest** in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”*

Section 5.60B: *“a person has a **proximity interest** in a matter if the matter concerns –*

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land; or*
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or*
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.”*

Regulation 34C (Impartiality): *“**interest** means an interest that could, or could reasonably be perceived to, adversely affect the **impartiality** of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”*

The Mayor declared a financial interest in the item titled ‘*Response to Motion on Notice – City of Bunbury Information Page*’ as the appendices included work undertaken by CARE Consulting of which he is a consultant and his wife was the author of the reports prepared. He will vacate the Chambers and not participate in the vote or discussion on the matter.

Cr Kelly declared an interest in the item titled ‘*Assessment Officer – Report Outcomes*’ as he was a party to the assessment. He will vacate the Chambers and not participate in the vote or discussion on the matter.

Cr Jones declared an interest in the item titled ‘*Assessment Officer – Report Outcomes*’ as she was a party to the assessment. She will vacate the Chambers and not participate in the vote or discussion on the matter.

Cr Steck declared an interest in the item titled ‘*Assessment Officer – Report Outcomes*’ as she was a party to the assessment. She will vacate the Chambers, not participate in the discussion or vote on the matter.

Cr Jones declared an impartiality interest in the item titled ‘*Stirling Street Arts Centre Concept Plan – Closure of Advertising and Review of Submissions*’ as she is a board member of Stirling Street Arts Centre, Chairman of Alliance Housing (141 Forrest Avenue) and a member of Bunbury Aged Persons Housing Collective (139 Forrest Avenue). She will remain in the Chambers, participate in the discussion and vote on the matter.

Cr McNeill declared an impartiality interest in the item titled ‘*Stirling Street Arts Centre Concept Plan – Closure of Advertising and Review of Submissions*’ as he is on the Board of Directors for Lotteries House. He will remain in the Chambers, participate in the discussion and vote on the matter.

Cr Cook declared an impartiality interest in the item titled '*Motion on Notice – DAP Reports to be Presented to Council for Noting*' as he is on the South West Joint Development Assessment Panel. He will remain in the Chambers, participate in the discussion and vote on the matter.

Cr Steck declared a financial interest in the item titled '*Draft Parade Hotel and Quays Precinct Parking Plan*' as her partner owns property in the area. She will vacate the Chambers, not participate in the discussion or vote on the matter.

Cr Prosser declared a financial interest in the item titled '*Draft Parade Hotel and Quays Precinct Parking Plan*' as he has a closely associated person who is a Director of Citygate Properties who owns the Quays. He will vacate the Chambers, not participate in the discussion or vote on the matter.

Cr Cook declared an impartiality interest in the item titled '*Stirling Street Arts Centre Concept Plan – Closure of Advertising and Review of Submissions*' as he is on the Board of Directors for Lotteries House. He will remain in the Chambers, participate in the discussion and vote on the matter.

Director Planning and Development Services declared an interest in the item titled '*Assessment Officer – Report Outcomes*' as he was a party to the assessment. He will remain in the Chambers during the discussion of the matter.

Administration Officer Corporate declared an impartiality interest in the item titled '*Bunbury Farmers Market – Application for Temporary use of Road Reserve Portion of Jubilee Road Glen Iris*' and the petition tabled in respect of the '*Bunbury Farmers Markets*' as she is a signatory to the petition and is a resident directly affected by the traffic issues. She will remain in the Chambers during the discussion of both matters.

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 Chris Gibbs, 5 Sturt Street Bunbury

Mr Gibbs asked questions in relation to item 10.4.2 '*Proposed Home Business (Counselling) – Lot 79, No. 3 Sturt Street South Bunbury*'. The responses were provided by the Mayor.

Question 1: Does this proposal comply with Part B, Clause 8.7(b) of the Local Planning Policy that the approval shall be personal to the applicant and shall not be transferred or assigned to any other person?

Question 2: What tangible evidence by way of a tax return, service bill or other has been used to confirm Dr Sherwood's residence at the premises?

Question 3: To do with the amenity and impact on our street and I believe the most important point of all, Dr Patricia Sherwood is a highly regarded professional and she will conduct herself in a professional nature but does the same requirement of imposing this high level of professionalism pass onto the clients that she sees? Can you convincingly say that every client, whether it is a troubled teen or other such high risk type person that attends this counselling service will conduct themselves in a manner or to the same high standards as Dr Patricia Sherwood?

Response: There has been a request by the applicant to withdraw the matter from the agenda tonight and revisit the issue in January 2014 when Dr Sherwood will be available to respond to any questions. My suggestion would be for you to come back and ask those questions at that time.

Mr Ross Slater, U4/167 Ocean Drive Bunbury

Mr Slater asked question in relation to the Urgent Business item 14.1 '*Bunbury Farmers Market – Application for Temporary use of Road Reserve Portion of Jubilee Road Glen Iris*'.

Question 1: Do the temporary arrangements that the CEO is going to organise and negotiate with the Farmers Market going to include a fee levied for parking as a lot of other places have to pay for parking? If they are using a road reserve at the end of Jubilee for staff

parking then is it intended for a levy to be placed so that the people of Bunbury get a financial return?

Response: CEO: That is one issue that has been considered and if we move down that line then a lease arrangement or some other formal arrangement will be looking at a fee for some of that proposal.

Question 2: Can the Council assure the residents of Glen Iris, Moorlands and Vittoria Road that there will not be an egress/ingress situation at the back of the Farmers Market at the eastern end on Jubilee and Ince Roads?

Response: Mayor: Yes

Question 3: Will Council reconsider and go back to planning about the Masters store and perhaps repositioning them?

Response: Mayor: There will need to be a lot of consideration given to where we are at with the proposed Masters store. It is not on tonight's agenda and it has been dealt with previously by Council. I understand that the actual approval process is with the WA Planning Commission so that needs to run its course. They are an independent body as you will recall. They have the power to make decisions which impact on the City. We will consider their response when it comes back and until then it will remain a bit grey.

6.2 Responses to Public Questions Taken 'On Notice'

Nil

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the Bunbury City Council held 26 November 2013 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 26 November 2013 are confirmed as a true and accurate record.

Outcome – Council Meeting 10 December 2013

Cr Cook asked if the correction to the minutes from the Council meeting held 26 November 2013 that he had asked for had been changed. The CEO confirmed that they had.

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

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

Council Decision 365/13

The minutes of the Ordinary meeting of the Bunbury City Council held 26 November 2013 are confirmed as a true and accurate record.

CARRIED

13 votes "for" / nil votes "against"

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

8.1.1 Petition – Bunbury Farmers Market – Proposed Amendment to Planning Approval to Delete Condition 4 Relating to Fencing along Jubilee Road

Applicant/Proponent:	Residents of Glen Iris
Author:	Councillor Murray Cook
Executive:	<i>If petitions adopted by Council refer to: Bob Karaszewych, Director Planning and Development Services</i>
Attachments:	PET-1

Pursuant to clause 6.10(2) of the City of Bunbury Standing Orders 2012, upon receiving a petition, the Council is to

- a) Receive the petition and refer to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings; or
- b) Reject the petition

Outcome – Council Meeting 26 November 2013

Cr Cook tabled a letter and petition containing 86 signatures from the residents of Glen Iris opposing the proposed Amendment to the Planning approval given to the Bunbury Farmers Markets relating to the removal of the fencing along Jubilee Road.

Pursuant to clause 6.10(2)(a) of the City of Bunbury Standing Orders 2012, Cr Cook moved Deputy Mayor Cr Kelly seconded that the Council receive the petition and refer it to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings

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

Council Decision 366/13

Pursuant to clause 6.10(2)(a) of the City of Bunbury Standing Orders 2012 the Council receives the petition and refers the matter to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings.

CARRIED

13 votes "for" / nil votes "against"

8.2 Presentations

Nil

8.3 Deputations

All deputations were taken during the discussion of the items.

8.4 Council Delegates' Reports

Nil

8.5 Conference Delegates' Reports

Nil

9. Method of Dealing with Agenda Business

Item 10.4.2 was withdrawn by the applicant and will be returned to Council in the New Year.

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 10.1.3, 10.2.1, 10.2.2, 10.3.1, 10.3.2, 10.5.1, 10.5.2, 10.5.3 and 10.5.4.

Items 10.1.1, 10.1.2, 10.4 and 10.4.1 of the meeting agenda were then discussed and voted on separately and in the order that they appeared on the agenda. The items have been renumbered with the items voted “by exception” listed first.

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

Cr Steck requested that her vote “against” item 10.5.3 be recorded.

10. Reports

10.1 Council Priorities – Key Focus Areas (was listed as item 10.1.3 on the meeting agenda)

Applicant/Proponent:	City of Bunbury
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

On 19 November 2013 the Mayor met with the CEO and Directors and discussed future views of importance for the administration and the City's future.

Following this meeting, a set of key focus areas was developed and issued by the Mayor to Elected Members for their consideration.

Executive Recommendation

That Council adopt the following key focus areas for Executive and for the CEO to provide a response including strategies to address each of the following:

- Community Focus
- Customer Service
- Partnerships
- Capital Works
- Project Delivery
- Financial Management
- Administration Operations

Background

Following receipt of Elected Members comments on the items that resulted from the meeting between the Mayor and Executive, the information has now been incorporated in key focus areas that Executive and Council will be able to adhere to.

The Key Focus areas are as follows:

Community Focus

The Executive and Council will focus on promoting a positive relationship in the way the Council and administration interacts with the community.

Customer Service

There will be an absolute focus on customer service whereby all of our staff strives to find solutions exploring avenues that result in positive outcomes for customers despite any legislative restrictions.

Partnerships

The Executive and Council will continue to foster and establish partnerships with the government, business and most importantly the community.

Capital Works

The Executive and Council when considering capital works projects, adopt a whole of life costing to ensure future maintenance and replacement costs are also factored in to our decision making and long term financial planning.

Council will determine the optimal number of projects to undertake each year to ensure that delivery is completed to the highest standard.

Project Delivery

The City will strive for all approved capital works projects to be progressed within the approved financial year to ensure the community are able to see improvement and progress within the City.

Financial Management

The City will review every aspect of Council business to ensure the projects and activities we approve do result in benefits to our community. This will include ensuring proposals for funding are supported by robust evidence and

The City will focus on exploring options of increasing the rate base rather than increasing residential and business rates.

Administration Operations

The Executive will continually review operations to ensure an increase in productivity, wherever possible, including a reduction in the use of external consultants.

Council Policy Compliance

There is no Council Policy applicable to this proposal

Legislative Compliance

There is no legislative compliance applicable to this proposal.

Officer Comments

The Executive support this proposal and feel it would assist when undertaking administrative and operational processes.

To progress these key focus area it is proposed to develop formal position on each of them with reports to be provided to the January 2014 meetings. It is also considered appropriate that these areas be incorporated into performance reporting on a regular basis.

Analysis of Financial and Budget Implications

There are no Financial or Budget implications.

Community Consultation

There is no requirement for community consultation.

Councillor/Officer Consultation

Councillors were informed of the proposal on Tuesday 19 November 2013, when the Mayor invited comments and advised that if supported by majority, the items would be submitted to Council for adoption. There was general support from Elected Members and any issues raised for Councillors will be addressed in the report to Council in January 2014.

Outcome – Council Meeting 10 December 2013

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

Council Decision 367/13

That Council adopt the following key focus areas for Executive and for the CEO to provide a response including strategies to address each of the following:

- *Community Focus*
- *Customer Service*
- *Partnerships*
- *Capital Works*
- *Project Delivery*
- *Financial Management*
- *Administration Operations*

CARRIED

13 votes "for" / nil votes "against"

10.2 Event Status Report (was listed as item 10.2.1 on the meeting agenda)

Applicant/Proponent:	Internal Report
Author:	Dee Smith, Team Leader Events and Tourism
Executive:	Stephanie Addison-Brown, Director Community Development
Attachments:	Appendix DCD-1

Summary

The Events and Tourism team have been requested by Council to conduct reviews and provide a status report for:

1. Kidsfest
2. Bicentennial Square Markets
3. General events review for the City of Bunbury

Executive Recommendation

1. Council notes the Kidsfest report summary
2. Council agrees that the Events and Tourism team further research alternative and more cost effective models that still deliver social and community outcomes through children's activities and events.
3. Council request a report with recommendations in regard to future children's events be presented for consideration in February 2014.
4. Council request a report with recommendations in regard to a future 'Events Grant Program' be presented for consideration in February 2014.
5. Council request a report with recommendations in regard to a revised events calendar for Bunbury be presented for consideration in February 2014.

Background

In 2009, the City Promotions Committee, in conjunction with Council, made a recommendation for a children's festival to be established and coordinated for a three (3) year period after which a full review was to be conducted. The third 'Kidsfest' was held in October 2013 and at present no further funding has been allocated to this event for the future.

In addition, the Events and Tourism Team were asked to undertake a review of the events that the City delivers and provide recommendations to Council in regard to this for the 2014/15 financial year and beyond.

The decision relating to the establishment of 'Kidsfest' was as follows:

"Council Decision 192/09

That Council endorse the following concept identified by the community consultation workshops:

1. *A children's festival, which is to be funded in part by the City of Bunbury, and is to be coordinated by the City of Bunbury Events team, will be staged in Bunbury during 2011.*
2. *That the City's Event's Officer in consultation with the Promotions Committee, provide Council with a summary of the plans for the proposed children's festival by May 2010. This submission to include a budget for the festival including a proposal for Council's funding commitment.*
3. *Additionally, an aquatic-themed festival is to be further explored by approaching potentially interested individuals and community groups to determine the level of interest in this concept and a report be submitted to Council by end April 2010."*

Kidsfest

The Events and Tourism Team understands that 'Kidsfest' provides substantial social benefits to the community. The City recognises the importance of delivering a realistic cost effective event program and understands that the 'Kidsfest' event has been substantially subsidised by Council each year. Despite the implementation of different event models each year, this subsidy has not decreased over the three (3) year period. Further investigation into alternative more cost effective solutions is recommended to ensure that Council maintains its focus on delivery of quality events and activities for children while ensuring that it does so in a far more cost effective manner.

A copy of the KidsFest Review Report is attached at Appendix DCD-1.

Event Grant Program

Council currently administers an annual, competitive Community Grants Program which provides \$100, 000 in support of community activities and events. In 2013 Council received over \$350, 000 of applications of which \$120, 000 were purely event related. In addition to this, Council provided \$170, 000 in event subsidies and in kind support to event operators and/or community groups running community events. It is suggested that Council's subsidies could be more effectively managed via an annual 'Events Grant Program' which would be a competitive application process administered in a similar way to the Community Grants Program. This would be geared towards supporting events that bring vibrancy and diversity to the CBD and that deliver strong social and economic benefits for Bunbury.

Guidelines for an 'Event Grant Program' application would encompass how the City would be acknowledged as a key event sponsor and identify what 'in kind' support could be provided such as marketing and promotional support.

Bicentennial Square Markets / Place Making Activities.

The Bicentennial Square Markets ceased operation as the proponent withdrew before their contract expired. The Events and Tourism Team see this as an opportunity to review and refresh how markets and/or other similar activities might be run in future. This would enable a focus on tourism opportunities as well as opportunities which would foster a sense of place making.

The Events and Tourism Team would like to see such activities move from a fixed location (previously Bicentennial Square), to a scheduled selection of locations throughout Bunbury that activate underutilised urban spaces. These activities would be promoted through a range of marketing channels to achieve place-making outcomes.

Whilst still under review, some of the proposed locations for holding the markets could be -

1. Marlston Waterfront
2. Bicentennial Square
3. Paisley Square
4. Queens Gardens/Stirling St Art Centre
5. Back Beach
6. Lucianna Park near World Kitchen
7. Frank Buswell Foreshore near Parade Hotel
8. Big Swamp (next to Accessibility Park)

A concept could be to consider a calendar of events for markets, which may include aspects in relation to eco-tourism, day markets, guest towns, night markets, street market and a winter market, making use of the seasons and spaces available within the CBD area. The program would be designed around providing a range of market style events, with a focus on sustainability, culture and destination.

The Events and Tourism Team will develop recommendations in relation to events, markets and place-making activities in Bunbury and present these recommendations to Council in February 2014. This will align with the proposal for the Event Grant Program and recommendations about the future of events run by the City.

Council Policy Compliance

There is no Council Policy compliance applicable to this matter.

Legislative Compliance

There is no Legislative Compliance applicable to this matter.

Officer Comments

It is vital that the City of Bunbury deliver and/or attract events which have high levels of engagement with community, business and tourism visitors and which deliver social and economic returns. By investigating options for Kidsfest, other City run events, an Event Grant Program and other place making activities, this will ensure we are maximising opportunities and increasing the overall economic benefit that events have in our City.

Analysis of Financial and Budget Implications

The reviews will be conducted internally using our existing budget, so there is no additional budget required at this time.

Any Council endorsed changes will be reflected in future budgets and as part of this review.

Community Consultation

As part of this review, community consultation will be undertaken throughout January 2014.

Councillor/Officer Consultation

Discussions have occurred with Team Leader Events and Tourism, Director Community Development and the Chief Executive Officer to define a way forward for this status report. Further consultation will occur with staff as we complete the final reviews and recommendations.

Economic, Social, Environmental and Heritage Issues

Economic

This review will allow the City of Bunbury to maximise opportunities for the delivery of events, that encourage length of stay and visitor expenditure within the City.

Social

This review will enable City of Bunbury to identify events that provide a high level of social and community outcomes, as well as activating spaces through place making activities within the City.

Outcome – Council Meeting 10 December 2013

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

Council Decision 368/13

- 1. Council notes the Kidsfest report summary**
- 2. Council agrees that the Events and Tourism team further research alternative and more cost effective models that still deliver social and community outcomes through children's activities and events.**
- 3. Council request a report with recommendations in regard to future children's events be presented for consideration in February 2014.**
- 4. Council request a report with recommendations in regard to a future 'Events Grant Program' be presented for consideration in February 2014.**
- 5. Council request a report with recommendations in regard to a revised events calendar for Bunbury be presented for consideration in February 2014.**

CARRIED

13 votes "for" / nil votes "against"

10.3 Endorsement of Appointments to Bunbury Regional Arts Management Board (was listed as item 10.2.2 on the meeting agenda)

Applicant/Proponent:	Internal Report
Author:	Stephanie Addison-Brown, Director Community Development
Executive:	Stephanie Addison-Brown, Director Community Development
Attachments:	Confidential Report CRUSC-2

Summary

In accordance with its constitution, the Bunbury Regional Arts Management Board (BRAMB) has written to the City requesting endorsement of the appointment of Mrs Sharon McDonald the Bunbury Regional Arts Management Board for a two year term.

Executive Recommendation

Pursuant to the constitution of the Bunbury Regional Arts Management Board, the City of Bunbury endorses the appointment of Mrs Sharon McDonald to the Bunbury Regional Arts Management Board for a two (2) year term.

Background

BRAMB manages the Bunbury Regional Arts Galleries (BRAG) based at the former Sisters of Mercy Convent (a City of Bunbury asset). The galleries provide the people of Bunbury and the South West Region with the opportunity to view and interact with all forms of the visual arts in a top class facility.

BRAMB is an independent, not-for-profit community organisation comprising of representatives from the City of Bunbury, AGWA and the community.

According to BRAMB's Constitution, it has a minimum membership of eight (8) and a maximum of ten (10). Membership of the Board is currently as follows:

Representative Members:

Margaret Perkins – Stirling Street Arts Centre representative (Vice Chair)
Cr James Hayward –Councillor representative (appointed 26 November 2013)
Tresslyn Smith – City of Bunbury Art Collection Committee representative
Stephanie Addison-Brown – City of Bunbury representative
TBA – AGWA representative

Community Representatives:

Beth Ferguson (Chair)
Graeme Lush
Dr Donna Mazza
Peter Hill
Vacant
Sonya Dye - temporary member until March 2014

As per BRAMB’s constitution, temporary members can be appointed as necessary for their expertise, and as such do count towards the total membership number. BRAMB currently has one (1) Community representative vacancy and believes Sharon McDonald to be ideally suited for the existing opening.

In accordance with Section 5.93 of the *Local Government Act 1995*, a confidential report (CRUSC-2) containing the applicant’s nomination has been circulated to Elected Members **under separate cover**.

Community Consultation

Not applicable

Analysis of Financial and Budget Implications

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

Council Policy Compliance

There is no Council Policy in relation to this matter.

Legislative Compliance

BRAMB’s constitution requires Council and AGWA endorsement of all Board appointments. Tenure of BRAMB membership is as defined in the BRAMB’s constitution.

Officer Comments

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

Outcome – Council Meeting 10 December 2013

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

Council Decision 369/13

Pursuant to the constitution of the Bunbury Regional Arts Management Board, the City of Bunbury endorses the appointment of Mrs Sharon McDonald to the Bunbury Regional Arts Management Board for a two (2) year term.

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

10.4 Proposed Deed of License – Portion of Reserve 40486, Lot 681 Koombana Drive, Bunbury to Tracey Joanne Pitts and Steven John Rigney (was listed as item 10.3.1 on the meeting agenda)

Applicant/Proponent:	Tracey Pitts and Steven Rigney
Author:	Kristen Anderson, Administration Officer Property and Procurement
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-1

Summary

An application was received from Tracey Pitts and Steven Rigney (the “Applicants”) seeking Council’s consent to accepting a Deed of License over portion of Reserve 40486, Lot 681 Koombana Drive, Bunbury for the use of recreational bicycle and light watercraft hire. A location plan is **attached** at Appendix DCS-1.

Executive Recommendation

Council agrees to grant a Deed of License over a portion of Reserve 40486, Lot 681 Koombana Drive, Bunbury to the Applicants for use of recreational hire of bicycles and light water craft, 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;
2. The Deed of License is for a period of One (1) year with no further option;
3. The Applicant is to take all reasonable steps to ensure no interference occurs to any other user of the Leschenault Inlet, including, but not limited to, community and sporting clubs and members of the general public;
4. The Applicants are to observe and take all reasonable steps to conduct their business in a manner that does not interfere with the Licensor’s events, including but not limited to, the Australia Day Fireworks Spectacular and the Chef’s Long Table Lunch;
5. Consent of the Minister of Lands being attained; and
6. Compliance with any requirements set out by the Department of Transport.

Background

Tracey Pitts and Steven Rigney made an application to the City of Bunbury to License a portion of Reserve 40486, Lot 681 Koombana Drive, Bunbury for use of recreational bicycle and light watercraft hire to utilise throughout the year, when weather permitting, and only during daylight hours.

Their proposal includes the hire of bicycles, kayaks, canoes, paddle boats and paddle boards, with the structure itself being a portable market gazebo, with plastic tables and plastic chairs. These items, along with the watercrafts and bicycles, will be set up and taken down daily.

All relevant City of Bunbury departments and officers have been consulted as part of the application process, all other clubs and community groups who currently utilise the Leschenault Inlet have been consulted individually to gauge the overall impact to those users, and the

Department of Transport, who are responsible for the waterway itself, have also been contacted and given approval.

Council Policy Compliance

There is no Council Policy compliance applicable to this matter.

Legislative Compliance

Section 3.58 of the Local Government Act 1995

Officer Comments

It is recommended that Council grant a Deed of License for a period of One (1) year over portion of Reserve 40486, Lot 681 Koombana Drive, Bunbury to the Applicants for use of recreational bicycle and light watercraft hire.

The Applicants have followed all recommendations and instructions from City officers, including obtaining relevant watercraft licenses and contacting all other clubs and community groups who utilise the Leschenault Inlet.

The Applicants have also been made aware of the City's annual events including, but not limited to, the Australia Day Fireworks Spectacular and the Chef's Long Table Lunch, as these events (and many more) will affect the operation of their business, and have agreed to, where necessary, make all reasonable arrangements to accommodate such events.

Analysis of Financial and Budget Implications

An annual License fee of \$1,000.00 plus GST will be payable to the City of Bunbury.

Community Consultation

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

All clubs and community groups who currently utilise the Leschenault Inlet have been contacted individually and all have had their responses recorded as 'no objection'.

Councillor/Officer Consultation

The City's Development Coordination Unit (DCU) were consulted as part of the application process with a positive reception of the idea overall. The advice given from each department is listed below and each item has been addressed with the Applicants, individual clubs and community groups, and other Government departments:

Engineering:

It is recommended that a short term License be granted to allow for future development of the area

Health:

If a license over the land is issued, a street trading license would not be required. Exclusive use of the area is not recommended as this will limit access by the public to the area. All events should be taken into consideration and the Applicants advised prior to any formal arrangement being made.

Parking:

The waterway itself is not within the City's jurisdiction and the Department of Transport will need to be consulted. All sporting and community groups who utilise the area should be consulted and access to the general community should still be made available. Signage, lighting and parking must all also be taken into consideration.

Civil and Open Space:

No objections to the proposal and no foreseen conflict with current land use or future landscape upgrade plans or the Leschenault Inlet Master Plan. When landscaping of the area is upgraded the License may be affected during the construction phase.

Strategic Planning:

This proposal does not require a formal development application or approval from the City or the Western Australian Planning Commission.

Outcome – Council Meeting 10 December 2013

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

Council Decision 370/13

Council agrees to grant a Deed of License over a portion of Reserve 40486, Lot 681 Koombana Drive, Bunbury to the Applicants for use of recreational hire of bicycles and light water craft, 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;***
- 2. The Deed of License is for a period of One (1) year with no further option;***
- 3. The Applicant is to take all reasonable steps to ensure no interference occurs to any other user of the Leschenault Inlet, including, but not limited to, community and sporting clubs and members of the general public;***
- 4. The Applicants are to observe and take all reasonable steps to conduct their business in a manner that does not interfere with the Licensor's events, including but not limited to, the Australia Day Fireworks Spectacular and the Chef's Long Table Lunch;***
- 5. Consent of the Minister of Lands being attained; and***
- 6. Compliance with any requirements set out by the Department of Transport.***

CARRIED

13 votes "for" / nil votes "against"

10.5 Rezoning and Sale of Reserve Land – Lot 4968 Cornell Crescent, South Bunbury (Reserve 27551) (was listed as item 10.3.2 on the meeting agenda)

Applicant/Proponent:	Internal Report
Author:	Massimo Andreone, Manager Contracts and Property
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Nil

Summary

In Council Decision 310/13, dated 12 November 2013, Council resolved:-

- “1. That Council endorses the Major Projects Committee Decision of 13 August 2013 “that Council requests that the Chief Executive Officer undertakes an investigation to identify suitable alternate parcels of land which could be viable for procurement under compensation to the City”.
2. That Council authorise the conduct of detailed investigations as outlined in the report, into the possible acquisition of the following properties as part of the proposed “land swap”:-
 - 2.1 Lot 616 Dalhousie Street, Carey Park
 - 2.2 Lot 891 Clifton Street, Bunbury
 - 2.3 Lot 497 Ocean Drive, Bunbury
 - 2.4 Lot 886 Ocean Drive, Bunbury
 - 2.5 Lot 4968 Cornell Crescent, South Bunbury
 - 2.6 Lot 5157 Hamersley Drive, Carey Park
 - 2.7 Lot 1059 Beddingfield Street, Davenport”

On 14 November 2013, Council received correspondence from Mr Geoff Hill, the owner of an adjoining property, expressing concern that the City was well advanced in the process of selling off Reserve (‘C’ class) land, and specifically the lot directly adjoining his property, being Reserve 27551 (Lot 4968 Cornell Crescent).

Mr Hill expressed concern that Council Decision 310/13 had been taken despite the fact that Council had, during 2010, resolved not to proceed with the disposal of Lot 4968 Cornell Crescent.

Executive Recommendation

1. That Council remove Lot 4968 from any further consideration as possible compensation under the proposed College Grove “land swap”, consistent with Council Decision 52/11.
2. That Council investigate the registration of an appropriate instrument against the Title of relevant land parcels to highlight land subject to a Council resolution.

Background

At the Council Meeting held on 12 November 2013, an Agenda Item proposed the evaluation of various land parcels to determine Crown Sites which may be considered part of the proposed College Grove ‘land swap’, for procurement under compensation to the City.

The proposed recommendation was that Council authorise the conduct of detailed investigations into the possible acquisition of various properties, amongst them Lot 4968 Cornell Crescent, in South Bunbury.

Council had, however, on 22 March 2011, resolved as follows:

“Council Decision 52/11

Council agrees with the Land Rationalisation and Acquisitions Committee meeting resolution of 10 February 2011, not to proceed with disposal of Reserve 27551 Cornell Crescent, Bunbury.”

The decision was arrived at after due consideration of the needs expressed by residents in and around Cornell Crescent.

This resolution was not identified by the Council Officers at the time of consideration of the ‘land swap’ proposals.

A comprehensive investigation has been conducted with regards to the further parcels of land proposed under Council decision 310/13, with no previous Council decisions effecting other land identified in that decision.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

The recommendations and report accord with Council Decision 52/11, and urgent investigations will be conducted by the Contracts and Property Department in order to determine the appropriate administrative action required in order to ensure that Council is at all times aware of relevant decisions pertaining to the transfer or disposal of Land, and to reduce the likelihood of similar administrative errors occurring in the future.

Analysis of Financial and Budget Implications

Not applicable

Community Consultation

Not applicable.

Councillor/Officer Consultation

Not applicable.

Outcome – Council Meeting 10 December 2013

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

Council Decision 371/13

- 1. *That Council remove Lot 4968 from any further consideration as possible compensation under the proposed College Grove "land swap", consistent with Council Decision 52/11.***
- 2. *That Council investigate the registration of an appropriate instrument against the Title of relevant land parcels to highlight land subject to a Council resolution.***

CARRIED

13 votes "for" / nil votes "against"

10.6 Dedication of Roads *(was listed as item 10.5.1 on the meeting agenda)*

Applicant/Proponent:	Internal Applicant
Author:	Beth Kozyrski, Engineering Technical Officer
Executive:	Phil Harris, Director of Works and Services
Attachments:	Appendix DWS-1

Summary

It is proposed that Council resolve to request the Minister to dedicate portions of undedicated roads listed as **attached** at Appendix DWS-1 as “Road” under Section 56 of the Land Administration Act 1997. The Department of Lands requires a Council resolution to allow them to proceed with a request to the Minister.

Executive Recommendation

1. Council request the Department of Lands dedicate sections of undedicated roads being:

- | | | |
|-------|---------------------|---------------------------------|
| i) | Halsey Street | Latreille Road & Spencer Street |
| ii) | Halsey Street | Minninup Road to Latreille Road |
| iii) | Halsey Street | Gibson Street to Minninup Road |
| iv) | Burt Street | Marmion Street to White Street |
| v) | Joseph Buswell Road | Bolton Street to Plaza Street |
| vi) | Elmbank Close | Cul-de-Sac to end of road |
| vii) | Absolon Street | Dixon Street to Winton Street |
| viii) | Clarke Street | Spencer Street to Blair Street |
| ix) | Hough Road | Near Perkins Avenue |
| x) | Johnson Street | North of Paisley Street |
| xi) | Queen Street | North of Paisley Street |
| xii) | Wilkes Street | Northern End |
| xiii) | Gurinda Street | Entire Road |
| xiv) | BalgoreWay | Wilkes Street to Gurinda Street |

as “Road” under Section 56 of the Land Administration Act 1997.

2. Council indemnify the Minister for Lands against all cost associated with the dedication.

Background

The City has identified undedicated sections of road within the City of Bunbury. The sections of road identified have been used as public roads for decades are paved and have all the utility services normally found within a road reserve.

For all intent and purposes the sites are considered to have been vested as “Roads” at the time of construction.

Item	Location	Description	Ownership
1	Halsey St	between Latreille Rd & Spencer St	No data available
2	Halsey St	between Minninup Rd & Latreille Rd	No data available
3	Halsey St	between Gibson St & Minninup Rd	No data available
4	Burt St	from Marmion St to White St	City of Bunbury & Crown
5	Joseph Buswell Rd	between Bolton St and Plaza St	City of Bunbury
6	Elmbank Close	at Cul-de-Sac end of road	Crown
7	Absolon St	Dixon St to Winton St	No data available
8	Clarke St	between Spencer St & Blair St	City of Bunbury
9	Hough Rd	near Perkins Av	Crown
10A	Johnson St	North of Paisley St	No data available
10B	Queen St	North of Paisley St	No data available
11A	Wilkes Street	Northern end	No data available
11B	Gurinda St		No data available
11C	Balgore Way	Between Wilkes St & Gurinda St	No data available

Council Policy Compliance

Not Applicable.

Legislative Compliance

The action is consistent with Section 56 of the Land Administration Act 1997.

Officer Comments

During recent works on asset management it became apparent that a number of the City of Bunbury roads had not been dedicated at the time of construction. The City has by default assumed all care, control and responsibility for these sections of roads which have been subject to routine maintenance and capital upgrades since the original their construction.

Analysis of Financial and Budget Implications

The proposal will have no additional impact on the current budget for road management.

Community Consultation

Under Section 56 of the Land Administration Act 1997 and the relative regulations, community consultation is not required.

Councillor/Officer Consultation

The City's Executive has considered the proposal and has no objection to the proposal. The Contracts and Property Department and the Engineering Transport and Traffic Management Department have been collaboratively working on this item for many months.

Outcome – Council Meeting 10 December 2013

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

Council Decision 372/13

1. ***Council request the Department of Lands dedicate sections of undedicated roads being:***
 - i) ***Halsey Street Latreille Road & Spencer Street***
 - ii) ***Halsey Street Minninup Road to Latreille Road***
 - iii) ***Halsey Street Gibson Street to Minninup Road***
 - iv) ***Burt Street Marmion Street to White Street***
 - v) ***Joseph Buswell Road Bolton Street to Plaza Street***
 - vi) ***Elmbank Close Cul-de-Sac to end of road***
 - vii) ***Absolon Street Dixon Street to Winton Street***
 - viii) ***Clarke Street Spencer Street to Blair Street***
 - ix) ***Hough Road Near Perkins Avenue***
 - x) ***Johnson Street North of Paisley Street***
 - xi) ***Queen Street North of Paisley Street***
 - xii) ***Wilkes Street Northern End***
 - xiii) ***Gurinda Street Entire Road***
 - xiv) ***BalgoreWay Wilkes Street to Gurinda Street***

as "Road" under Section 56 of the Land Administration Act 1997.
2. ***Council indemnify the Minister for Lands against all cost associated with the dedication.***

CARRIED

13 votes "for" / nil votes "against"

10.7 Koombana Bay Rail Bridge (was listed as item 10.5.2 on the meeting agenda)

Applicant/Proponent:	Internal Applicant
Author:	Phil Harris, Director Works and Services
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix DWS-2

Summary

The Public Transport Authority has requested that the City of Bunbury consider accepting the ownership and responsibility for the disused Koombana Bay Rail Bridge.

A copy of the correspondence received from the Public Transport Authority is **attached** at Appendix DWS-2.

Executive Recommendation

1. Council advise the Public Transport Authority that it will not accept the transfer of the Koombana Bay Rail Bridge in its current condition.
2. Request the Public Transport Authority consider demolition of the superstructure and constructing a new pedestrian bridge across the channel.
3. Request the State fund the relocation of the reticulation main and footpath if a new pedestrian bridge is not constructed.

Background

The rail bridge over the channel connecting the Leschenault Inlet to Koombana Bay was constructed by the State of Western Australia in the 1970's and ceased to become active in the 1980's.

The bridge had a well utilised pedestrian walkway and during the Landcorp redevelopment of the Marlston Water front area a 150 mm pipeline was attached to the structure to provide water for reticulation to parks and reserves in the area.

In August 2013, the Public Transport Authority, wrote to the City advising that they closed the bridge to undertake programmed maintenance works while suggesting that the pedestrian link to Koombana Bay may be more aligned to Councils core business with a recommendation that Council approach the Department of Lands for a Management Order over the site and bridge.

City officers requested a structural assessment of the bridge.

On 18 November 2013, staff received a copy of the structural assessment report which indicated that the bridge was non compliant with current standards requiring an estimated \$400,000 - \$500,000 to make complaint.

Council Policy Compliance

Not Applicable

Legislative Compliance

Not Applicable

Officer Comments

City staff have been investigating options to relocate the reticulation main and divert the pedestrian path to the road bridge with initial advice that the most economical method of relocating the reticulation main may be to bore the main under the channel.

Given the City's experience with the Bunbury Timber Jetty, taking on responsibility of a non-complaint marine structure places unnecessary financial risks for Council and Ratepayers.

Analysis of Financial and Budget Implications

The capital improvement costs of approximately \$400,000 to \$500,000 do not form part of Councils Long Term Financial Plan nor has any whole of life costs been calculated.

Community Consultation

No community consultation has been undertaken in relation to this matter although there have been numerous calls from members of the public expressing displeasure at the ongoing closure of the pedestrian access

Outcome – Council Meeting 10 December 2013

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

Council Decision 373/13

- 1. Council advise the Public Transport Authority that it will not accept the transfer of the Koombana Bay Rail Bridge in its current condition.**
- 2. Request the Public Transport Authority consider demolition of the superstructure and constructing a new pedestrian bridge across the channel.**
- 3. Request the State fund the relocation of the reticulation main and footpath if a new pedestrian bridge is not constructed.**

CARRIED

13 votes "for" / nil votes "against"

10.8 Depot Reserve (was listed as item 10.5.3 on the meeting agenda)

Applicant/Proponent:	Internal Applicant
Author:	Phil Harris, Director of Works and Services
Executive:	Phil Harris, Director of Works and Services
Attachments:	Nil

Summary

The number of occupation safety, health and welfare related issues at the depot are increasing as the facilities age. This report requests Council consider transferring funds from the Depot Reserve to allow occupational health and welfare issues to be addressed at Nuytsia Road Depot.

Executive Recommendation

Council approve the transfer of \$70,000 from the Depot Reserve to the 2013/14 budget for urgent repairs to the Nuytsia Road Depot.

Background

The Nuytsia Road Depot was originally built in the 1950s to accommodate Councils outside workforce and has operated for nearly 60 years with very few improvements over that time.

In 2006/07 Council created a depot reserve for the purposes of constructing a new depot. In 2012/13 Council resolved to utilise \$1,068,255 from the depot reserve for the deconstruction of the Bunbury Timber Jetty.

There are many structures and aspects in the depot that have been identified during safety audits where remedial action has been deferred numerous times in the context that a new depot will be constructed soon.

Typically ablution facilities, egress to and from work and storage areas, access doors to sheds, traffic movement, open drains, bulk material storage, electrical switchboards, security and wash down areas appear regularly on hazard reports and team meetings agendas.

Council Policy Compliance

This matter is covered by the City of Bunbury Work Procedure/ Instruction, Occupational Safety and Health Procedure Number 3.2.

Legislative Compliance

Occupational Safety and Health Act 1984 and Occupational Safety and Health Regulations 1996

Officer Comments

Councils Long Term Financial Plan indicate that the construction of new facilities on the existing site or relocation operations to an alternative site may not occur until beyond 2022/2023 therefore Council has an obligation to ensure that staff facilities comply with the relevant Occupational Health, Welfare and Safety provisions.

Approximately seventy (70) staff operates out of the City Depots with numerous small storage sheds and eight (8) containers used as storage for items such as IT equipment, Community Events, City of Bunbury Records Archives and the old Bunbury Hospital artefacts

Particular concerns are manual handling injuries, conflict between pedestrians and vehicles/ trucks and machinery and lack of ablution facilities.

Analysis of Financial and Budget Implications

The proposal will require \$70,000 of the remaining Depot Reserve to be transferred to the 2013/14 budget.

Community Consultation

Not Applicable

Outcome – Council Meeting 10 December 2013

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

Council Decision 374/13

Council approve the transfer of \$70,000 from the Depot Reserve to the 2013/14 budget for urgent repairs to the Nuytsia Road Depot

CARRIED

12 votes "for" / 1 vote "against"

Cr Steck requested that her vote against this item be recorded.

10.9 Bunbury Timber Jetty Heritage Interpretation Plan (was listed as item 10.5.4 on the meeting agenda)

Applicant/Proponent:	Heritage Council of Western Australia
Author:	Jason Gick, Manager Engineering
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix DWS-3, DWS-4, DWS-5, DWS-6, DWS-7, DWS-8

Summary

The deconstruction of the Bunbury Timber Jetty was approved subject to several statutory conditions relating to the heritage interpretation of the site. A draft Heritage Interpretation Plan has been prepared for Council consideration.

Executive Recommendation

That Council:

1. Note the report prepared by Savagely Creative.
2. Develop a program of works to the value of \$130K (\$65K from Council and \$65K from State Government) to meet the Development Approval requirements.
3. Following outcomes of the Bunbury Marine Facilities Steering Committee and Marlston North LandCorp Development, further investigations be undertaken to look at expansion of heritage works as outlined in the Plan and as funding becomes available.

Background

The future of the Bunbury Timber Jetty was debated by the Council for many years. There had been a strong body of support to retain and refurbish the jetty (or significant parts of it), supported primarily by the Bunbury Timber Jetty Environment and Conservation Society (BTJECS). The prospect of the jetty's refurbishment was linked to Government funding as part of the (then) State Government (LandCorp) Bunbury Waterfront Project being considered in 2007.

In October 2007 the Council accepted an offer from the State Government of up to \$3.5M towards the refurbishment of the jetty, subject to a matching Council contribution.

The Council spent several years debating the project and eventually invited the BTJECS to prepare a development plan for the jetty. At its 14 September 2010 meeting the Council decided:

"Council Decision 192/10

1. *Subject to additional external funding sources being available, Council endorses, in principle, Stage 1 (drawing 090910) concept plan as presented by Insitu Planning and endorsed by the Bunbury Timber Jetty Environment & Conservation Society.*
2. (a) *That a suitably qualified engineer be appointed to prepare detailed plans, specification and tender documents to be prepared for –*
 - (i) *the concurrent deconstruction of 80% and restoration of 20% of the jetty*
 - (ii) *the deconstruction/demolition of 100% of the jetty*

- (b) That fees for the preparation of these plans come from the Jetty Preservation reserve account*
- (c) As part of the tender for 2(a) (i) tenderers be required to estimate the annual maintenance cost for the restored section of the jetty.*
- 3. *That the tender documents in relation to 2(a) be limited to the core portion of jetty restoration, as shown on drawing 090910 stage: 1 concept plan, the additional construction of items such as the offices, museum, boating berths form part of a later contract, dependant on additional external funding sources becoming available.*
- 4. *That the State Heritage Council be thanked for their letter dated 10 September 2010 and advised of these Council resolutions.*
- 5. *The tender process to be completed within 6 months.”*

A copy of the BTJECS Stage 1 Concept Plan (DWG 090910) is **attached** at Appendix DWS-3.

At its 8 February 2011 meeting the Council appointed MP Rogers & Associates to provide consultancy to the City to deliver the tender documentation required under Decision 192/10.

“Council Decision 30/11

With respect to Request for Quote 2010 2011-22 for the preparation of detailed plans, specification and tender documents for the deconstruction / restoration of the Bunbury Timber Jetty, the Council resolves to:

- 1. *Accept the tendered lump sum fee submitted by MP Rogers & Associates; and*
- 2. *Record details of the successful tender in the City of Bunbury Tender Register.”*

During this time the condition of the jetty had deteriorated further and condition reports were prepared for consideration. A final condition report demonstrated that the structure had deteriorated so badly that the prospect of its refurbishment became a very difficult and, therefore, a very costly option.

The BTJECS Stage 1 Concept Plan was developed further during the design phase, and the Council adopted Concept 1 (DWG D903-01-01[A]) as its preferred development option. A copy of Concept 1 is **attached** at Appendix DWS-4.

The Bunbury Timber Jetty was registered on the Heritage Council of Western Australia’s (HCWA) Register of Heritage Places. This status required the City to liaise with the State Heritage Office to ensure the heritage values of the site were taken into account in the preferred development option. In late 2011 the HCWA Office was invited to comment on the Councils preferred development option.

The Heritage Council of WA provided several comments with the preferred development option modified to reflect these heritage values. During the project planning phase the statutory approvals for the heritage aspects of the project were obtained. These are:

WAPC Approval Conditions		
1.	The development taking place in accordance with the approved plans attached to this approval;	Carried out during the deconstruction project.

5.	Prior to demolition works being undertaken satisfactory arrangements being made with the Heritage Council of Western Australia for a design of a new jetty structure;	At its 31 January 2012 meeting, (Council Decision 20/12) the Council adopted Concept 4 (attached) as its preferred development option. This concept design was supported by the HCWA and included in the tender documents as the “construct new” item. The HCWA supported a further modified replacement structure as shown in letter dated 18 May 2012, as attached.
6.	Satisfactory arrangements being made with the Heritage Council of Western Australia for a watching brief to be carried out by a qualified marine archaeologist during demolition works; and	Carried out during the deconstruction project, by Eureka Archaeological Research and Consulting in conjunction with the Department of Maritime Archaeology, Western Australian Museum.
WAPC Advice to Applicant		
4.	<i>Any future redevelopment at the site may require an amendment to the Greater Bunbury Region Scheme. Please contact the Department of Planning, Bunbury office to discuss the amendment process at such time as the redevelopment plans have been finalised.</i>	To be completed.
5.	<i>The design and content of interpretive didactic panels and its implementation program shall be to the satisfaction of the Executive Director of the Office of Heritage.</i>	Subject of this agenda item.
6.	<i>Retention of as much physical fabric of the jetty as possible for reuse as part of the interpretation.</i>	200 tonnes of timber has been retained, as well as numerous items such as bollards, rail, carriages, workers shed etc.
Heritage Council of WA – assessment of Concept Design Report		
1.	<i>The new jetty should not replicate the design of the original jetty nor be dressed to look like a timber structure</i>	At its 31 January 2012 meeting, (Council Decision 20/12) the Council adopted Concept 4 (attached) as its preferred development option. This concept design was supported by the HCWA and included in the tender documents as the “construct new” item. The HCWA supported a further modified replacement structure as shown in letter dated 18 May 2012, as attached at Appendix DWS-5.
2.	<i>The proposed concepts of the 1909 style timber head are not supported due to the potential for confusion as the original jetty was not a “T” head jetty design. The length and width of the jetty is better</i>	As above.

	<i>interpreted in didactic panels, physical markers and other interpretive methods rather than in the design and length of the new jetty.</i>	
3.	<i>Interpretive didactic panels should be installed at the abutment end of the jetty.</i>	Subject of this agenda item.
4.	<i>Reuse of jetty timbers for interpretive purposes.</i>	200 tonnes of timber has been retained, as well as numerous items such as bollards, rail, carriages, workers shed etc.

A copy of Concept 4 (DWG D903-01-04 [B]) is **attached** at Appendix DWS-6.

In calling for tenders, the Council considered four project options:

- Demolition only
- Demolition and construct new structure
- Deconstruction only
- Deconstruction and construct new structure

The prices received indicated that the Council could not afford to build the replacement structure shown in the tendered documents, and it awarded the deconstruction project only.

In informing the Council of its options, the officers obtained cost estimates from the three (3) shortlisted deconstruction tenderers to determine likely costs to construct a short replica jetty abutment. This reduced scope replacement design is depicted in the **attached** (at Appendix DWS-7) DWG D1009-02-01[A]. The HCWA advised in a letter dated 18 May 2012 that it supported this proposal, but reiterated the need for high quality interpretation.

It was at this time that there was significant discussion about whether a replacement structure of any kind should be developed. There has not been any further Council Decisions regarding the Heritage Interpretation.

The interpretation of the site and the jetty structure can be undertaken at a small or large scale. In early 2013 the Council was briefed on the project outline. The options presented to the Council at that Briefing were:

Heritage Interpretation Option	Description	Indicative Cost guesstimates
Option 1 Minimalist	address statutory obligations only and walk away	\$50k to \$100k
Option 2 Story telling	expand statutory obligations to include a greater level of interest for visitors, past stakeholders and link up to other City stories and features	\$100k to \$250k
Option 3 Heritage Precinct	expand story-telling to include existing Arrol Crane, new features using old timber, artistic displays, passive recreation, night time lighting, other site	\$250k to \$1.5M

	drawcards	
Option 4 Small Jetty replacement structure	Wharf option with expanded heritage precinct, possible café / shop and tourist venue	\$1.8M to \$4.0M
Option 5 Holistic Koombana / Casuarina development	Included in a larger scale state funded development that incorporates Koombana North, Casuarina Bay and Outer Harbour (DoT, LandCorp, BPA)	Estimated \$20M to \$100M

In addressing the WAPC and HCWA conditions relating to heritage interpretation, the City has engaged Savagely Creative consultants to prepare a heritage interpretation plan for consideration. The plan is attached and was subject to a Council Briefing on 6 December 2013.

Council Policy Compliance

Not applicable

Legislative Compliance

The deconstruction project was subject to statutory approval of the Western Australian Planning Commission and the Heritage Council of Western Australia.

The delivery of appropriate heritage interpretation will address the statutory conditions imposed by the Western Australian Planning Commission and the State Heritage Office.

Officer Comments

The planning for, design of and implementation of the jetty deconstruction project has been a massive undertaking for the City. The project is practically complete and the Council needs to decide on what level of interpretation it wants to implement. A large amount of work has gone into preparing replacement structure concepts, designs and cost estimates.

The interpretation for the old jetty can be delivered at a moderate or grand scale. It is difficult to quantify the need for interpretation as it is often driven by community expectations. In this case, the project has attracted statutory conditions by the WAPC and the HCWA that require at least the installation of didactic panels telling the story of the jetty.

The demands for a replacement structure have been largely driven by the Bunbury Timber Jetty Environment and Conservation Society.

The WAPC has not expressed a strong opinion on the matter and has simply reiterated the HCWA requirements in its approval.

The HCWA was initially very determined to ensure the design of the potential replacement structure adhered to sound principles of heritage preservation. It has been less inclined to comment on the heritage interpretation since it became clear that the Council appointed a contract to deconstruct the jetty only.

The implementation of the heritage interpretation plan will address the statutory conditions and will allow the project to be completed.

As an aside the South West Development Commission is considering a privately driven proposal to build a new fishing platform near the site of the old jetty.

Analysis of Financial and Budget Implications

The deconstruction project has cost \$3.6M including the contract, project superintendence, project management and meeting statutory approvals (primarily dolphin monitoring).

The State Government has reiterated its commitment of up to \$3.5M for the demolition / part restoration of the jetty on a dollar for dollar basis, and has indicated a willingness to use these funds to cover costs outside the deconstruction contract, as long as these costs can be verified. A copy of the Ministers letter dated 12 June 2012 is **attached** at Appendix DWS-8.

The City has claimed \$1.4M towards the works so far. The City will make another claim of about \$250,000 once the contractors works are completed (expected to be in late December 2013).

The project budget for 2013/14 included a provisional amount of \$100,000 for heritage interpretation, however, due to the massive volume of seabed clean up required; all contingencies and surpluses within the budget have been consumed. The budget remaining for heritage interpretation is about \$65,000 with matching state contribution of \$65,000.

Community Consultation

Savagely Creative consulted with the Bunbury Timber Jetty Environmental and Conservation Society in preparing the draft Interpretation Plan.

Councillor/Officer Consultation

The project has been discussed with the Executive, the City's Heritage Officer, the finance department, and the Museum Curator.

Outcome – Council Meeting 10 December 2013

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

Council Decision 375/13

That Council:

- 1. Note the report prepared by Savagely Creative.***
- 2. Develop a program of works to the value of \$130K (\$65K from Council and \$65K from State Government) to meet the Development Approval requirements.***
- 3. Following outcomes of the Bunbury Marine Facilities Steering Committee and Marlston North LandCorp Development, further investigations be undertaken to look at expansion of heritage works as outlined in the Plan and as funding becomes available.***

CARRIED

13 votes "for" / nil votes "against"

10.10 Assessment Officer – Report Outcomes (was listed as item 10.1.1 on the meeting agenda)

Applicant/Proponent:	Internal Report
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Confidential Report CRUSC-1

Summary

In accordance with Council decision 252/13 there is a requirement for the provision of a report to Council on the outcomes of matters referred to the Assessment Officer. This report deals with three (3) matters which were referred to the Assessment Officer.

Executive Recommendation

That Council:

1. Note that three (3) complaints were received and referred to the Assessment Officer for review during the period 1 August to 30 November 2013.
2. Note that one of the complaints relate to:
 - a) Release of confidential information; and
 - b) Improper or derogatory comments
3. Note in relation to the release of confidential information and improper or derogatory comments noted in point 2 above, there is sufficient evidence to conclude that a Councillor released information that was confidential to the City and that a Councillor made improper or derogatory comments.
4. Based on the findings outlined in point 3 above refer the matter to the Standards Panel for consideration.
5. Note that there was insufficient information or a lack of evidence to substantiate the remaining complaints.
6. Based on the findings in relation to the two (2) other matters, Council take no further action
7. Authorise the CEO to discuss the process in relation to the use of the External Assessment Officer with the Department of Local Government, including where appropriate the release of the information considered confidential by Council.

Background

The decision to appoint an External Assessment Officer was made by Council following the calling of quotes in July and other extensive discussion with the Department of Local Government. Gold Security Group was appointed on 6 August 2013 to provide the service to Council.

Council Policy Compliance

There is no Council Policy applicable to this proposal however, at the time of endorsing the appointment of the Gold Group Council adopted guidelines associated with this. This report is consistent with these guidelines.

Legislative Compliance

Council's Code of Conduct 2008 and the Rules of Conduct Regulations apply to this agenda item.

Additionally, in accordance with section 5.120 of the *Local Government Act 1995*, each local government is to designate a senior employee (as defined under section 5.37) to be its complaints officer. The appointment of the external assessment officer is outside of this legislative provision and it was therefore suggested that the externally appointed position be referred to as "Assessment Officer", removing any confusion with the position of Complaints Officer under the Act.

Officer Comments

At the Ordinary Meeting of 6 August 2013 Council appointed Gold Security Group to undertake an investigation into potential breaches of the Code of Conduct by elected members. These matters have been investigated by the Gold Security Group and reports have now been provided to Council for consideration. In addition a further complaint was received and referred by the Acting CEO in relation to potential derogatory comments. Again this matter has been investigated and a report provided to Council for consideration.

In accordance with section 5.93 of the *Local Government Act 1995*, a confidential report (CRUSC-1) containing each of the report summaries has been circulated to Elected Members under separate cover. Copies of the full reports have not been provided however should Councillors wish to view these, copies can be made available.

Analysis of Financial and Budget Implications

In accordance with the Council resolution on this matter, there is a requirement to provide an overview of the costs of the investigations undertaken. The total costs of the matters are \$17,988.43 which is to be funded from the Office of CEO Legal expenses and will be reviewed as part of the February Budget review.

Community Consultation

There is no requirement for community consultation.

Councillor/Officer Consultation

Council had been previously briefed on this proposal on 23 July 2013. The matter was then further resolved at the Council Meeting of 6 August 2013.

Outcome – Council Meeting 10 December 2013

Deputy Mayor Cr Kelly, Cr Steck and Cr Jones all declared interests in this matter (see section 5). They left the chambers at 5.49pm and were not present for the discussion or vote on the matter.

Prior to the Council meeting the CEO circulated an amended Executive recommendation based on advice received. It reads as follows:

“That Council:

1. *Note that three (3) complaints were received and referred to the Assessment Officer for review during the period 1 August to 30 November 2013.*
2. *Note that one of the complaints relate to:*
 - a) *Release of confidential information; and*
 - b) *Improper or derogatory comments*
3. *Note in relation to the release of confidential information and improper or derogatory comments noted in point 2 above, there is sufficient evidence to conclude that a Councillor released information that was confidential to the City and that a Councillor made improper or derogatory comments.*
4. *Based on the findings outlined in point 3 request that the CEO discuss the outcomes and finalise the matter with officers of the Department of Local Government.*
5. *Note that there was insufficient information or a lack of evidence to substantiate the remaining complaints.*
6. *Based on the findings in relation to the two (2) other matters, Council take no further action.*
7. *Authorise the CEO to discuss the process in relation to the use of the External Assessment Officer with the Department of Local Government, including where appropriate the release of the information considered confidential by Council.”*

The Executive recommendation (as amended) was moved Cr Prosser, seconded Cr Miguel.

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

Council Decision 376/13

That Council:

1. ***Note that three (3) complaints were received and referred to the Assessment Officer for review during the period 1 August to 30 November 2013.***
2. ***Note that one of the complaints relate to:***
 - a) ***Release of confidential information; and***
 - b) ***Improper or derogatory comments***
3. ***Note in relation to the release of confidential information and improper or derogatory comments noted in point 2 above, there is sufficient evidence to conclude that a Councillor released information that was confidential to the City and that a Councillor made improper or derogatory comments.***
4. ***Based on the findings outlined in point 3 request that the CEO discuss the outcomes and finalise the matter with officers of the Department of Local Government.***
5. ***Note that there was insufficient information or a lack of evidence to substantiate the remaining complaints.***
6. ***Based on the findings in relation to the two (2) other matters, Council take no further action.***

- 7. Authorise the CEO to discuss the process in relation to the use of the External Assessment Officer with the Department of Local Government, including where appropriate the release of the information considered confidential by Council.**

CARRIED

10 votes “for” / nil votes “against”

Deputy Mayor Cr Kelly, Cr Jones and Cr Steck returned to the chambers at 5.50pm.

10.11 Response to Motion on Notice – City of Bunbury Information Page (was listed as item 10.1.2 on the meeting agenda)

Applicant/Proponent:	Internal Report
Author:	Kate Phillips, Media and Communications Officer Lucy Wiseman, Marketing Officer Felicity Anderson, Manager Major Projects
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-1, CEO-2, CEO-3

Summary

The City of Bunbury has a responsibility to keep the community informed and up to date. At present a number of different communication channels are being used to do this, however as an outcome of the discussions in relation to the Motion on Notice by Cr Steck, the question was posed “Are they being used the right way?” This item provides an overview of the City’s current communication channels and recommendations on how to better maximise reach and promote the work Council does in the community.

Executive Recommendation

1. That Council note the information contained within the draft Communications Review;
2. That Council endorse the implementation of the following marketing and communications initiatives:
 - a. Increase the City Focus advertisement to a full page;
 - b. Cease our printed City Beat publication and establish an e-newsletter;
 - c. Broaden the use of digital technologies including, but not limited to:
 - i. Development of an app for iPhones and Androids designed specifically for use by ratepayers including the ability to submit consultation surveys; report problems; waste information; and news and events.
 - ii. Ongoing updates to the City’s website as identified through user feedback and improvements in technology;
 - iii. Increase traffic to digital mediums such as the use of QR codes.
 - d. Update the Community Engagement Strategy and Operational Guidelines developed in 2010 to reflect current community consultation practices and greater use of technology for future practices;
 - e. Incorporate Marketing and Communications plans for all major activities and projects of Council.

Background

The City has a number of communications channels that are used across Directorates. These are a combination of traditional and new methods that include social, digital, and traditional media. There is now a stronger focus on social and digital media, which if used well can assist in promoting the City to a larger audience and highlight more of the positive things the City does in the community. Refer to **attached** Appendix CEO-1 for a detailed analysis on the benefits of using a combination of traditional, social and digital media and how it can be used positively in Local Government.

Social media is a faster and free channel in disseminating information out to the community.

A copy of the Community Engagement Strategy is **attached** at Appendix CEO-2 and the Community Engagement Operational Guidelines is **attached** at Appendix CEO-3.

City of Bunbury's current communication channels:

Media	
Media Releases	Distributed to media contacts via email that lead to widespread media coverage locally and state wide.
Printed	
City Beat	Bi-monthly printed and mailed newsletter with positive stories and information.
Neighbourhood Watch	Quarterly printed and mailed newsletter.
Other	Department specific brochures, flyers, and so on.
Advertising	
City Focus	Weekly advertisement in the Bunbury Mail containing information and public notices.
Public Notices and Advertisements	Department specific, own budgets.
Social Media	
Twitter	City of Bunbury.
Facebook	City of Bunbury, Bunbury Wildlife Park, Youth Advisory Council, Kidsfest, Bunbury – Where You're Free to Be.
Instagram	City of Bunbury, Youth Advisory Council.
Digital	
Internet	City of Bunbury, Bunbury Wildlife Park, South West Sports Centre, Bunbury – Where You're Free to Be.
YouTube	City of Bunbury.
Intranet	Internal City of Bunbury information.

Council Policy Compliance

Policy No. CEO-9 Media Statements Policy refers.

Legislative Compliance

There is no legislative compliance applicable to this matter.

Officer Comments

It is a good practice to regularly review the effectiveness of communications channels and methods the City uses, especially as a new range of online methods are becoming available. However, it is clear from previous reviews (2010, 2011) that members of the community still enjoy traditional forms of advertising. The solution is to use a range of options to ensure maximum reach and encourage participation. The current communication channels available to the City should be able to achieve this combined with the initiatives that form part of this Executive Recommendation.

Analysis of Financial and Budget Implications

The implementation of the Executive Recommendation will have the following financial implications:

- a. Increase the City Focus advertisement to a full page:
 - The final cost is yet to be confirmed. Currently a full page standard advertisement in the Bunbury Mail costs \$920 per issue (current spend is \$568 per issue) however it is anticipated that this figure will be negotiated down. There will be a significant reduction in individual departmental advertising spend as more advertising can be placed within this section.
- b. Cease our printed City Beat publication:
 - This will result in an annual saving of \$36,000 per year.
- c. Establish an e-newsletter:
 - Cost of \$75 per month, or \$900 per year (assuming 5000 – 10,000 contacts). This would be absorbed within the current Corporate Marketing baseline budget.
- d. Broaden the use of digital technologies including, but not limited to:
 - i. Development of an app for iPhones and Androids:
 - The cost is yet to be determined however it is expected that this would be covered by the existing 2013/14 Corporate Marketing baseline budget from the savings realised by ceasing City Beat. The Corporate Marketing Officer has had preliminary discussions with WALGA who indicated that they may be creating a standard app for purchase by Local Governments that will have the ability to be personalised. If undertaken by WALGA, this could result in a reduced cost of development.
 - ii. Ongoing updates to the City's website as identified by user feedback and technology changes:
 - Cost would be dependent on types of changes, however it is anticipated that the majority would be covered within current budgets.
 - iii. Marketing activities to increase traffic to digital mediums such as the use of QR codes:
 - No cost.
- e. Research and prepare a report to Council on the City's current community consultation practices and recommendations for future practices:
 - Bang the Table (YourSayBunbury) is increasing in price for the 2014 calendar year to \$26,500. Preliminary research has indicated alternative platforms could be more cost effective and have an equal or greater impact.
- f. Develop and implement the use of the Marketing and Communications plans for all Council projects:
 - No cost.

Community Consultation

Consultation was undertaken in 2010 and 2011 which helped to form the recommendations.

Councillor/Officer Consultation

Councillors, Executives and staff were all consulted.

Outcome – Council Meeting 10 December 2013

The Mayor declared an interest in this item (see section 5). He left the chambers at 5.51pm and was not present for the discussion or vote on the matter. Deputy Mayor Cr Kelly presided over the meeting during the Mayors absence.

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

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

Council Decision 377/13

- 1. That Council note the information contained within the draft Communications Review;**
- 2. That Council endorse the implementation of the following marketing and communications initiatives:**
 - a. Increase the City Focus advertisement to a full page;**
 - b. Cease our printed City Beat publication and establish an e-newsletter;**
 - c. Broaden the use of digital technologies including, but not limited to:**
 - i. Development of an app for iPhones and Androids designed specifically for use by ratepayers including the ability to submit consultation surveys; report problems; waste information; and news and events.**
 - ii. Ongoing updates to the City's website as identified through user feedback and improvements in technology;**
 - iii. Increase traffic to digital mediums such as the use of QR codes.**
 - d. Update the Community Engagement Strategy and Operational Guidelines developed in 2010 to reflect current community consultation practices and greater use of technology for future practices;**
 - e. Incorporate Marketing and Communications plans for all major activities and projects of Council.**

CARRIED

12 votes "for" / nil votes "against"

The Mayor returned to the chambers at 5.51pm and resumed presiding over the meeting at that point.

10.12 Stirling Street Arts Centre Concept Plan – Closure of Advertising and Review of Submissions (was listed as item 10.1.4 on the meeting agenda)

Applicant/Proponent:	Internal
Author:	Neville Dowling, Planning/Projects Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-4

Summary

On 6 August 2013, Council accepted the public exhibition of draft concept plans for both the Stirling Street Arts Centre (SSAC) and Jaycee Park developments to accommodate community service providers. On Thursday 14 November 2013, a Community Forum was held to discuss the Stirling Street Arts Centre site.

This report provides the Council with a summary of submissions and officers responses as well as incorporating the concerns raised from the Community Forum held 14 November 2013.

It is to be noted that a separate community forum is to be held to discuss the Jaycee Park development and a separate report will be presented to Council following this.

Executive Recommendation

That Council:

1. Accept that the original concept plan as proposed was not acceptable as an option for progressing to the next stage of concept design.
2. Authorise the CEO to progress the development of alternative design options in conjunction with user groups and residents for the development of the Stirling Street Arts Centre site taking into consideration the following:
 - a. Review of the location of onsite parking areas so as to adequately provide for the needs of the staff and users of the site whilst minimising any potential impacts on adjoining residential land.
 - b. Reduction of impacts of building bulk and height by maximising the area of ground floor space and reducing or eliminating the area required for second floor space. Any required second floor space is to be located in the northern portion of the site to reduce impacts on streetscape and adjoining residential land.
 - c. Ensuring that the existing heritage values of the site are not compromised and that the built form and character of the proposed building is designed in conformity with Council's Stirling Street Heritage Area – Policy No.61 and Assessment of Cultural Heritage Significance – Policy No.32.
 - d. That the design be supplemented by a traffic management plan to provide for efficient and safe vehicle, pedestrian and cycle movement. Traffic management planning is to be complementary with proposals for the Leschenault Inlet Masterplan Area – Precinct 4.
 - e. Consideration of any potential noise issues that may be generated from the site, including the location of rehearsal rooms for musical groups in the northern portions of the site.

3. In conjunction with the proposed user groups and residents prepare a concept briefing paper for consideration by Council for the purposes of progressing to tender for concept design.
4. In the event that a solution cannot be agreed to by the user groups and residents, the CEO be authorised to undertake further investigations into alternative sites in conjunction with Lotterywest and bring a report to Council no later than February 2014 with options for consideration.
5. Council note that following the Jaycee Park Community Forum the CEO will provide a further report to Council.

Background

At its meeting held 6 August 2013, Council Decided (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.”*

Advertisements for the concept plans were placed in Bunbury Mail on 28 August 2013, 4 September 2013, and 18 September 2013, and 2 October 2013. (Please note: we don't advertise in the South Western Times other than for adopted Local Planning Policies' and Gazetted Scheme Amendments).

Information was placed on the City's website on Wednesday 28 August 2013.

Copies of both concept plans were placed in the foyer of the Administration Building and at the City Library on 28 August 2013.

The submission period closed on 9 October 2013. The schedule of submission, including Officer comments is **attached** at Appendix CEO-4 for the SSAC. A community forum was then held on Thursday 14 November 2013.

Council Policy Compliance

The project is to be consistent with the following policies:

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 above, 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 redevelopment 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

Consideration of the location, detail design, amenity, access and egress to parking areas will need to have regard to this policy.

Legislative Compliance

Local Planning Scheme

TPS 7 indicates that the Stirling Street Arts Centre site is a Local Scheme Reserve 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

In addition to the 102 submissions received during the consultation period, a number of letters and emails were provided to Council and Councillors individually in relation to the Stirling Street Arts Centre concept plan. There were ten (10) submissions in support of the proposal, sixteen (16) submissions were advice or no objection from government agencies, twenty (20) objections to the proposal and forty-six (46) submissions that did not object outright to the proposal, but raised various concerns. The main concerns and issues raised are as follows:

- Lack of parking
- Impact on street parking in relation to existing residences
- Bulk and scale of building especially in terms of the proposal for two storeys.
- Inappropriate development in a residential area
- Loss of privacy for adjoining residents if building is to be two (2) storeys
- Traffic management and safety issues especially in regard to children and the elderly that frequent the site.
- Increased noise
- Negative impacts on heritage building (architectural style)
- Office style usage not considered compatible with current recreational uses.

- Suggested inclusion of a café
- More traffic parking and activity in 'Laneway' (Lot 451) behind residences 36 – 46 Spencer Street causing loss of amenity.
- Council should purchase a building in the CBD instead of undertaking a development in a residential area.
- City of Bunbury Brass Band requires its own exclusive space
- Loss of arts centre identity with inclusion of offices
- Adequate facilities for the disabled
- Lack of areas allocated for storage
- Recreation Reserve being utilized for office purposes
- Possible encroachment of commercial activities

Other points raised regarding internal design issues (e.g. storage spaces for trophies); however these are considered matters that can be dealt with at the detailed design stage. For the Stirling Street Arts Centre, the issues of parking provision and the presence of a second storey are the most significant challenges for design in terms of the overall site planning.

All of the items raised through the submissions and at the community forum can be addressed through the proposed recommendation with the exception of the following:

- Not-for-Profit (NFP) Office accommodation not supported on the SSAC site; and
- Only development on the site is in relation to the expansion of the SSAC.

If the community and the Councillors are prepared to negotiate on these two (2) matters, the project can proceed to the next stage in a logical and structured manner. It is considered appropriate that the development of an alternative concept plan be explored with user groups and residents before any further alternative sites are considered.

Analysis of Financial and Budget Implications

The ability of the Council to acquire the site in freehold as part of the compensation from the Preston River to Ocean Regional Park will provide an opportunity to use the freehold ownership as part contribution to the project.

The expansion of the NFP and SSAC in a joint project arrangement will see improvements for all users through the maximisation of funding opportunities by combining the NFP and SSAC improvements into the one project.

Lease arrangements or re-vesting orders will need to be determined and administered by Council's Contract and Property Department in conjunction with the organisations that will occupy the site.

Community Consultation

Extensive liaison with community groups and key stakeholders was undertaken in the first few months of 2013. The concept plans have been publicly advertised for a period of forty-two (42) days in accordance with the requirements of TPS 7, Section 9.4.

On 14 November 2013, a community forum was held to discuss the Stirling Street Arts Centre site. During this forum, there were a number of questions raised and answers provided by the CEO. These are contained below:

Mrs Joan Birkett – Jaycee Park Resident

Joan requested clarification that tonight's working is only to discuss SSAC and not the progress of the Jaycee Park Site.

The CEO confirmed that tonight's forum was to be focussed on SSAC, however, Jaycee Park is part of the overall proposal and if required there would be a similar workshop held to discuss it.

Mr Gerard Murphy - Resident

Why is the City of Bunbury looking to build a two (2) storey office development on a Heritage Site being the only such heritage precinct in WA?

The CEO advised that the intent of any building on the site was to explore options to incorporate the provisions of upgrades to the SSAC and to incorporate NFP facilities. The Concept Plan is only a concept plan and this is not set in stone. The concept is able to be amended and incorporate feedback from the forum.

Mr Ian Bawden – Resident

Mr Bawden advised he was also representing his neighbour George Pinfold. Mr Bawden advised that his neighbour's property which is located directly backing onto the SSAC would be the highest effected person with the proposed development. Mr Bawden provided a history of Mr Pinfold's property advising that the house was built for the original Manager of the City and then occupied by the Port Manager. The property was then purchased by the Pinfolds about 50 years ago who have since, kept the property in its original form incorporating the heritage of the site.

Mr Bawden advised that his understanding on the TPS 7 was that all new building are required to have the floor level set above the 1 in 100 years flood level. Therefore, this would result in any new building on the site, being approximately 1.1 meters above the crown of the road.

Mr Bawden felt that consultation at the start of the process was dismal, especially as the proposal commenced in 2010.

Mr Bawden wished to express that he was not against seeing the site developed for arts, but did not wish to see the NFP on the Site or a two (2) storey building close to the residents. He also asked that should any upgrades be undertaken that traffic be brought down via Blair Street and that any new developments be constructed to the North closer to the inlet side.

The CEO advised the City endeavoured to undertake consultation as soon as a concept plan was available. The period prior to the plan being available was made up of preliminary discussions with Lotterywest and consultation with Elected Members. The Consultation that has been undertaken to date was extensive with media releases, letterbox drops, submissions being called, further mail outs and now this evening.

The CEO advised that he was more than happy to have an architect incorporate the suggestions and was glad to hear that the whole proposal is not opposed by Mr Bawden, should these suggestions be incorporated in a revised Plan.

Mrs Del Ambrosius – Resident

Mrs Ambrosius provided a history of the area and recalled the length that it took to get the area heritage listed in the Town Planning Schemes over 20 years ago. She wished to convey to all those present, that it is not about their individual houses and impacts, but it is about the heritage of the whole area and that in effect, the construction of offices for NFP on the site is essentially moving the CBD to the site.

Mrs Ambrosius advised that she was a little concerned that when she has been in contact with Lotterywest, she was advised that they don't fund arts infrastructure as this is normally left to the Department of Arts.

Ms Juliet Harrop

Ms Harrop advised that she served for three (3) years on the Lotteries House Board and was disappointed personally with the consultation that was undertaken with the NFP Board tenants at the current lotteries building located in Victoria Street. She advise that we need to more forward sensibly and would like to see a positive result not just for the NFP agencies, but for all parties involved.

Mark from Lotteries responded to Mrs Ambrosius and Ms Harrop. Mark clarified that where the project is seen to have a community component of where mixed potential uses are identified, this opens the boundaries for Lotteries to assist. Lotteries do not support the "Art for Art Sake" type projects (for individuals) as these are directed to the Department of the Arts and the funding that they provide to the Department. However, where this is greater or considered community benefits/outcomes, projects may be considered on a case by case basis. Mark explained he also regrets Ms Harrop's experience whilst on the Board and would follow this up with her.

Mrs Deb Bowman - Resident

Mrs Bowman advised that the NFP Survey that was undertaken in 2011 lists a number of sites for consideration however, the SSAC site was never mentioned in this document. How and when did it become a site of interest and how it is appropriate to construct an office block on a residential street?

The CEO advised that the original document did not show the SSAC however, from memory when Council staff assessed each of the sites in late 2011 and prepared a report to Council Briefing wherein four (4) sites (including Jaycee Park and SSAC site) were identified. The SSAC site was identified as a possible suitable site due to its close proximity to the CBD and it was seen that it may be a great opportunity to provide the upgrades to the SSAC which the City could not have funded otherwise.

The CEO advised he would further investigate the exact dates that this was presented to Council and would confirm this information by written response.

POST MEETING NOTE: *The following responses were provided to Mrs Bowman following the meeting:*

"As presented in the overview of activities at the beginning of the forum on Thursday evening, the following timeline of information identifies the processes that lead to Council deciding to investigate the feasibility of the SSAC site.

<i>August – ~December 2011</i>	<i>Analysis of the NFP Accommodation Report and further investigations undertaken by Strategic Integration staff</i>
<i>February 2012</i>	<i>Strategic Integration sought expressions of interest to quote for a feasibility/needs analysis in relation SSAC and Jaycee Park as NFP Sites. This was to provide estimated costs to submit with a Lottery West funding application.</i>
<i>7 May 2012</i>	<i>The City received advice that the Lotterywest application to undertake NFP feasibility/needs analysis in relation to the SSAC and Jaycee Park sites was successful.</i>
<i>12 July 2012</i>	<i>Strategic Integration provided a briefing to Council</i>
<i>24 July 2012</i>	<i>Council resolved to undertake feasibility/ needs analysis of NFP for a SSAC and Jaycee Park concept.</i>

Mrs Ann LeFroy – Resident

Mrs LeFroy expressed her support for NFP but her disappointment of recently purchasing a property (August this year) in the area and now is faced with the possibility of office type buildings being built in the residential area.

Mrs Bernie Evans - Resident

Mrs Evans expressed her concerns in relation to the current concept plan and in particular lane in front of the houses and the parking as this shows the overview will be in an A Class Reserve which is currently zoned Recreation. Mrs Evans asked what approval has the City sought and from which authority has this been obtained, for the change of use to allow the parking on the area. Mrs Evans asked that if the building was to go ahead as a single storey (expand the ground footprint to accommodate the original size) wouldn't it require more land? If so, who currently owns that land? Mrs Evans also requested who was paying for all of the current investigations etc. in relation to the proposal?

The CEO advised that through the submission period, this was identified from the submitters and this is something that we are now able to consider amending on the designs. In relation to the land, Council is currently trying to acquire this site from the State Government. It was noted that the footprint would need to be address at the final design stage but with saying that, the footprint would not extend further than the current site as there is sewerage drainage and the land has some areas highlighted as contaminated.

Mr Kieron Merritt– NFP Involvement Advocacy Southwest

Mr Merritt advised that the existing building located in the CBD is not adequate and they are keen to secure long term accommodation and they are looking for a sensible office location and there is a range of users. Mr Merritt did state that he feels that the SSAC is not the ideal site and that other others should be explored however, it would be suitable.

Mr Adrian Egan –Resident

Mr Egan advised that the City Vision document recognised as one of the top issues was traffic management. He felt that any changes in the traffic configuration would have an impact on surrounding rounds including a flow on affect to Austral Parade. Mr Egan advised that the revised

concept plan would need to take into account traffic management, parking and include traffic calming and urged that the city use reasonable, sensible planning when doing so. He reiterated that how you manage vehicles and movement of people will impinge on the Frank Buswell foreshore, the playgrounds, picnic area etc. and then it requires “bigger picture planning”.

The CEO advised that traffic issues would be taken into consideration and when the Leschenault Inlet Master Plan was developed it looked at the whole of inlet. Any development would be required to integrate with the details contained in that plan.

Mrs Beth Ferguson – Resident

Mrs Ferguson recalled that the parking located north of the SSAC was original temporary overflow parking though now it is full every day and a permanent site.

Mrs Ferguson advised a concern she had been that that the SSAC was built in 1917 and deserves to have some funds spent on it, even if the NFP concept does not go ahead. She did not want the SSAC to miss out if the concept plan does not eventuate.

Mr Richard Taggart – Manager of Bunbury Community Legal Centre

Mr Taggart spoke on his experience as a NFP agency. He advised there was minimal earlier consultation however this had improved and encouraged this to continue. He explained that the service they run caters for up to a couple of dozen people per day which is mostly clients from low income based backgrounds. In relation to the issue of noise that was raised, he felt they would be quieter than other users i.e.: Band. He highlighted concerns that he felt the group of people they service are already marginalised and he feels the develop needs to be seen as main stream.

Mr Geoff Ogden – Bunbury City Band Chairman

Mr Ogden advised that he was surprised that the focus has been on the redevelopment of the SSAC as there are other users at the Centre, such as the Bunbury City Band. The Band has been at the location for over 100 years on the site and the rotunda room was demolished in 1974 and the current building built. He would like to see this design incorporated in any new building.

Mr Ogden advised he supports the proposal conditionally but he is concerned that the Band may lose their independence/location and this would be detrimental as there is a lot of equipment that is stored and practices held at the venue. He would like to see the word “Performing Arts” used rather than just “Arts” as this encompasses a wider range. He also advised that the BCC would like to remain independent to the SSAC but still be able to cohesively use the site.

The CEO advised that the BCB refurbishment is included in the whole precinct plan which is incorporated in the City’s Long Term Financial Plan.

Mrs Sue Dart – SSAC Member

Mrs Dart advised she was concerned future planning of the area. The first plan was only for upgrades to the SSAC and she could not see the relationship between the Centre and NFP.

Mrs Dart advised that more parking is need due to the members of the club (some of these are elderly) and the fact that the SSAC is a community centre. She felt the NFP require their own building on a different site.

Ms Peta Kierath – NFP agency – Advocacy Southwest

Ms Keirath would prefer to see the current NFP building refurbished and for the agencies to stay there however, the proposed site of SSAC would be accepted due to its close proximity to the CBD.

Gerard Murphy – Resident

Mr Murphy requested that given the consultation with user-groups and NFP agencies on the project, is it a possibility that there can be resident representation on this group?

The CEO advised that if there was the interest going forward, this would certainly be an option that could be explored. Mayor Brennan also advised that he was in favour of representation on this group and that it was a sensible step moving forward.

Mrs Chris McDonald – SSAC Members

Mrs McDonald questioned if there would be funding available for the SSAC (maintenance etc.) if the project does not go ahead?

The CEO advised that the Auditorium/Performing Arts Space is contained in the City's Long Term Financial Plan. Should the project not go ahead, Council would need to look at different sources of funding and investigate possible options. The CEO clarified that general funding for the maintenance of SSAC is allocated each financial year and Council would continue to provide this funding on a yearly basis.

Mr John Gliddon – Resident

Mr Gliddon advised he had concerns with parking and can't see this being solved easily. He felt the Dale Alcock building should have never gone ahead and the City needs to address the issue of Parking.

Mrs Deb Bowman - Resident

Ms Bowman provided an overview of the history SSAC heritage advising that the building was the formal infants school, the Building itself still houses the original fixtures and fittings and there are a number of trees (palms, Christmas trees) that date back to being planted as far as 1926. Ms Bowman questioned why has no heritage plan on the SSAC building and entire site been prepared especially when the Centre receives correspondence from the City advising that works need to be carried out which include removing some of the original fixtures and fittings and where is a Conservation Plan in the list of priorities?

The CEO advised that there are a large number of sites across the City and that we are trying to manage the preparation of these plans as effectively as we can. In relation to the correspondence from the City, the CEO agreed that removal of any original fixtures or fittings should not be undertaken.

The CEO advised that due to the Heritage Officer being currently on Leave, the City would provide Ms Bowman with a response of the matter in writing.

POST MEETING NOTE: *The following responses were provided to Mrs Bowman following the meeting:*

“While there is no Conservation Plan that exists for the Stirling Street Arts Centre (Bunbury Infants School), the City’s Heritage Office had previously identified the need for such a plan.

Preparation of a conservation plan for the former Bunbury Infant’s School (known as the Stirling Street Arts Centre) commenced in 2012. It is being undertaken with in-house resources, Leigh Barrett and Annabel Wills (Historian and Architect respectively).”

Mr Gavin O’Dea - Resident

Mr O’Dea asked if it could be guaranteed that should the proposal go ahead, can the City guarantee that there would be no change to the current road configuration, therefore, Stirling Street would not be opened up to the main road?

Andrew advised that there were no plans to open the road and that this would be a key issue to be raised included in the report.

Mrs Marilyn Palmer – NFP Worker

Mrs Palmer advised she was a NFP Social Worker and she felt the City needs to look at revisiting and intensifying development in the CBD not expanding footprints on Reserves.

Mayor Brennan advised that the City is currently organising CBD Discussion Groups with the first meeting to be held on Monday 25 November 2013.

Mrs Joan Birkett – Resident near Jaycee Park

Mrs Birkett raised her concerns regarding the Jaycee Park aspect of the proposal. She felt that this is one of the remaining open spaces left in the area and is not in favour of the proposal. Mrs Birkett was concerned that if the SSAC site did not go ahead, that the Jaycee Park site would incorporate these.

The CEO acknowledged Mrs Birkett’s concerns and advised that a separate community forum could be held regarding the Jaycee Park site.

Mr Gerard Murphy – Resident

Mr Murphy asked if the proposal was to go ahead, how will it be managed, would existing tenants get priority? Also if the land was rezoned, can you guarantee that this will not be sold off for private or commercial development?

The CEO advised both existing and new user groups would be consulted. In relation to the land on being sold, the CEO advised that is not the intention, however, he could not guarantee that of a future Council. The CEO advised there are certain conditions normally associated with the transfer, for example, the Paisley Centre was freehold acquired with the conditions of purely community purposes. A similar condition could potentially be put on the SSAC site.

Councillor/Officer Consultation

Since August 2011, senior council staff had been in consultation with Lotterywest in relation to funding assistance.

A Project Management Group was set up as per Council resolution of 26 July 2012.

Economic, Social, Environmental and Heritage Issues

Economic

Funding for development of the sites is to be sought from Lotterywest who have been a key facilitator in providing funding for the research and planning of community purpose sites in the Bunbury region. The ongoing costs associated with the running of the not for profit organisations will be the responsibility of each organisation.

Social

The needs of the various Not for Profit organisations was recognised as being in considerable shortfall in the JM Community/CT Management Group Development Study (Finalised April 2011). This endeavour will enable those organisations to effectively provide for a large part of the community that is in need of assistance in terms of income, disability, ethnicity or other social disadvantage.

Environmental

Potential environmental issues have received significant scrutiny from Council's Environmental Officers. A possible contaminated site has been identified in the northern portion of the SSAC site and this is currently under investigation. A report is to be received on 30 October 2013. If a portion of the eventual building is to be located in an affected area geotechnical investigations will need to be carried out to determine any materials that may need to be excavated and backfilled, prior to construction.

Heritage

The heritage value of the Bunbury Infant School is a key issue for the site in terms of protecting the integrity of this building. Any development adjacent to the heritage building will need to complement the architectural vernacular of this building and be designed so as not to detract from its heritage values.

Outcome – Council Meeting 10 December 2013

Cr's Jones, Cook and McNeill declared an interest in this matter (see section 5). They remained in the chambers, participated in the discussion and voted on the matter.

Mr Gerard Murphy, 49 Stirling Street Bunbury, was present at the meeting to address the Council and spoke against the recommendation. He outlined to the Council his reasons of why the Council should not support the recommendation.

Mrs Del Ambrosius, 56 Stirling Street Bunbury, was present at the meeting to address the Council and spoke against the recommendation. She outlined to the Council her reasons of why the Council should not support the recommendation.

Pursuant to Clause 11.1(b) of the City of Bunbury Standing Orders 2012, Deputy Mayor Cr Kelly moved, Cr Prosser seconded that the "debate on the matter be adjourned" until the new year to enable further discussion with all stakeholders.

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

Council Decision 378/13

Pursuant to Clause 11.1(b) of the City of Bunbury Standing Orders 2012, the debate on this matter is adjourned until the new year to enable further discussion with all stakeholders to take place.

CARRIED

11 votes "for" / 2 votes "against"

10.13 Draft Parade Hotel and Quays Precinct Parking Plan (was listed as item 10.4.1 on the meeting agenda)

Applicant/Proponent:	Internal Report
Author:	Neil Dyer, Team Leader Parking
Executive:	Bob Karaszewych, Director Planning and Development Services
Attachments:	Appendix DPDS-1, DPDS-2

Summary

The Council, at its meeting on 17 September 2013, requested a parking study be undertaken in the vicinity of the Parade Hotel and the Leschenault Inlet Master Plan “Quays Precinct” seeking a recommendation as to how to increase the number of car park bays.

Executive Recommendation

Council agree to advertise the Draft 2013 Parade Hotel and Quays Precinct Parking Plan for a period of forty-two (42) days and a further report submitted to Council in February 2014.

Background

On 17 September 2013, Council considered a Development Application (DA 2013-268) with regard to an extension to the Happy Wife Café, at Lot 4 (98) Stirling Street Bunbury. As the application involved changing an existing car park area into an area for alfresco dining, it was necessary for the applicant to make a contribution towards the provision of car parking in the area.

“Council Decision 293/13

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

1. *Approve the proposed extension to the Happy Wife Café at Lot 4 (98) Stirling Street, Bunbury, and application reference DA/2013/268/1 in accordance with Town Planning Scheme No.7 of City of Bunbury, subject to the following conditions:*
 - 1.1 *At all times, the development the subject of this planning approval must comply with the definition of restaurant as contained in Schedule 1 of the City’s Local Planning Scheme.*
 - 1.2 *All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.*
 - 1.3 *This planning approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.*
 - 1.4 *A contribution of \$14,000 being provided to the City of Bunbury towards the construction of 4 car parking bays in the Stirling Street Road Reserve.*
 - 1.5 *Application to comply with the requirements of the Health Act 1911 and the Health Local Laws 2001 and to the satisfaction of the Manager of Health.*
2. *That, separate to the matters relating to the Happy Wife, Council Executive staff be requested to prepare a report for the December round of Council meetings on*

recommendations as to how to increase the number of parking bays in the vicinity of the Parade Hotel/Quays precinct.”

Council Policy Compliance

There is no Council Policy compliance applicable to this matter.

Legislative Compliance

Requires WAPC planning approval.

Officer Comments

The report **attached** at Appendix DPDS-1 provides information regarding on the provision of additional car park bays in proximity to the Parade Hotel and Quays Precinct area.

The Draft 2013 Parade Hotel and Quays Precinct Car Parking Plan is a pragmatic approach to the provision adequate of and appropriate location of car park spaces.

The draft plan is generally in accordance with Council’s adopted Leschenault Inlet Master Plan for the Quays Precinct, in that the object is to achieve a cohesive local centre by:

1. Enhancing the village streetscape;
2. Improving safety and reinforce pedestrian connections;
3. Creating a strong village character; and
4. Promoting an active building frontage.

Analysis of Financial and Budget Implications

Implementation of the Draft 2013 Parade Hotel and Quays Precinct Car Park Plan has the following budget implications:

1. Development of a detailed precinct car park plan (undertaken in-house). Design and consultation cost estimated at some \$20,000.
2. The construction of car park bays within the Frank Buswell Reserve (designs **attached** at Appendix DPDS-2) between \$64,000 (Stage 1) and \$116,000 (Stage 2).

Alternatively, The preparation of a detailed car park precinct plan illustrating on-street (90 degree angled) parking i.e. lengthening car park bays into the Frank Buswell Reserve and traffic calming measures on the approach road to lessen risks to pedestrians and motorists on Stirling Street.

Community Consultation

There has been no public consultation in the development of the Draft 2013 Parade Hotel and Quays Precinct Park Plan.

The recommendation provides for the plan to be advertised for a period forty-two (42) to enable public comment and referred back to Council with the results of the consultation in February 2014.

Councillor/Officer Consultation

Consultation has occurred with relevant staff from the Executive Leadership Team, Engineering and Planning departments.

Outcome – Council Meeting 10 December 2013

Cr's Prosser and Steck declared an interest in this item (see section 5). They vacated the chambers at 6.08pm and were not present for the discussion or the vote on the item.

Prior to the meeting an alternate Executive recommendation was circulated which reads as follows:

1. *Council note the report "Parade Hotel and Quays Precinct Parking Plan".*
2. *Officers commence consultations with relevant business property owners/occupiers within the Stirling Street/Austral Parade locality on various options on both the location of additional on-street and off-street car park spaces.*
3. *Officers prepare a report to the March 2014 Council round of meetings, for consideration."*

The alternate Executive recommendation (as printed) was moved Deputy Mayor Cr Kelly, 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 379/13

1. *Council note the report "Parade Hotel and Quays Precinct Parking Plan".*
2. *Officers commence consultations with relevant business property owners/occupiers within the Stirling Street/Austral Parade locality on various options on both the location of additional on-street and off-street car park spaces.*
3. *Officers prepare a report to the March 2014 Council round of meetings, for consideration.*

CARRIED

11 votes "for" / nil votes "against"

10.14 Proposed Home Business (Counselling) – Lot 79, No. 3 Sturt Street South Bunbury DA 2013.257 (was listed as item 10.4.2 on the meeting agenda)

Applicant/Proponent:	Patricia Sherwood
Author:	Gary Fitzgerald, Manager Development Assessment and Building Certification
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-3, DPDS-4, DPDS-5, DPDS-6, DPDS-7, DPDS-8

Summary

A Development Application (DA 2013.257) has been received from Neil Benson requesting that a Home Business (Counselling) be permitted at 3 Sturt Street, Bunbury. The proposal satisfies the requirements of Town Planning Scheme No.7 (TSP7) and criteria outlined in the Local Planning Policy – Home Based Businesses and Family Day Care, sufficient to issue a time-limited grant of Planning Approval.

Executive Recommendation

That Council, pursuant to the *Planning and Development Act 2005* (as amended), hereby resolves to grant Planning Approval for the proposed Home Business (Counselling) to Dr Patricia Sherwood at 3 Sturt Street, Bunbury, subject to the following conditions:

- a) At all times the development (the subject of this planning approval) must comply with the definition of Home Business as contained in Schedule 1 of the City of Bunbury Town Planning Scheme No.7.
- b) Development shall be in accordance with the approved development plans which form part of this Planning Approval.
- c) The Planning Approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue or within any extended period of written consent granted by the City of Bunbury.
- d) The development is to operate in compliance with approval and with the Local Planning Policy entitled “Home Based Businesses and Family Day Care”.
- e) The applicant must notify the City (in writing) on the commencement of the development as the approval is issued for a twelve (12) month period in accordance with the City’s Local Planning Policy guidelines.
- f) The permissible times of operation are Monday to Friday (9am - 5pm); and Saturdays, Sundays and public holidays (nil hours permitted).
- g) The development is to be operated on an ‘*appointments only*’ basis, with a maximum of one (1) client on the premises at any one time.
- h) Except with the prior approval of the City of Bunbury, the development must cease on 31 December 2014.

[Note: Should the applicant wish to continue to operate they will be required to reapply for Planning Approval. The application shall be received within one (1) month prior to the expiration of this approval.]

- i) The City of Bunbury advises that the development must comply with the *Environmental Protection Act 1986* and the Environmental Protection (Noise) Regulations 1997, in relation to noise emissions.
- j) The development, must comply with the requirements of the *Health Act 1911*.
- k) The development, must comply with the City of Bunbury Health Local Laws 2001.
- l) Adequate provision must be made for toilet facilities for clients on site to the satisfaction of the City.
- m) All car-parking for the development shall be contained within the subject property maintained to the satisfaction of the City.

Background

The subject lot is zoned Residential R20. A location plan is **attached** at Appendix DPDS-3. The use-class “Home Business” is an “A” use in the Residential Zone under TPS 7 and accordingly, the proposal was advertised for fourteen (14) days. A site plan is **attached** at Appendix DPDS-4. It is proposed that the Home Business is operated from an outbuilding in the rear yard of the subject property (a plan and photograph of the outbuilding are **attached** at Appendix DPDS-5.

Council Policy Compliance

The relevant Local Planning Policy (LPP) is titled “Home Based Businesses and Family Day Care” (Copy **attached** at Appendix DPDS-6). The proposed development is compliant.

Legislative Compliance

It is considered that all necessary action has been taken in respect of legislative compliance and particularly in respect of the *Planning and Development Act 2005* and the Town Planning Regulations 1967.

Officer Comments

The Applicant has advised that the facility will be for Dr Patricia Sherwood who will work as a Psychotherapist Dr Sherwood will see clients referred from GPs.

The applicant proposes to operate the business from an outbuilding in the rear yard of the subject property. The outbuilding measures approximately 37m² in area.

The following criteria are considered relevant in terms of properly considering the matter, and in terms of Council considering whether it will or will not grant planning approval for the proposed development.

The relevant use-class “Home Business” is an “A” use (requiring public advertising),

The proposal meets the following criteria:

- Employment – the only person proposed to be employed is Dr Sherwood (the definition of Home Business allows a maximum of two (2) people not members of the occupier’s household).
- Amenity – it is considered that there should be no substantial adverse impact on the established level of amenity in the neighbourhood if the service provided is by

appointment only and if the hours of operation are limited to Council’s satisfaction, and on the basis that the activities are contained within the property boundaries.

- Size – the area of the proposed activity does not exceed 50sqm (maximum limit as listed in the definition of Home Business), and is therefore compliant.
- Retail Selling/Hiring – This is proposed to be controlled by a condition of any grant of approval (i.e. the Planning Approval will require compliance with the definition of Home Business).
- Vehicles – all vehicle parking is contained within the property boundary, and should not “result in traffic difficulties”.
- Services – it is considered that there will be no requirement for “an essential service of greater capacity than normally required in the zone” therefore the development is compliant.

The relevant Local Planning Policy (LPP) – Home Based Businesses & Family Day Care states:

“If an application is received for a ‘Home Business’ or ‘Cottage Industry’ external to a ‘Frame Area’, the application will be considered on its merits in accordance with the objectives of this policy. The subject lot is external to a ‘frame area’”.

The Policy further states:

“...a Development Impact Statement (with terms of reference determined by the Local Govt.) shall be submitted as part of an application for planning approval (external to ‘Frame Areas’.)”

Each *objective* of the LPP is dealt with in order as follows:

1. Streetscape character: It is considered that on balance there would be no adverse impact on the character of the streetscape, and the amenity in the area in that the proposed activity is contained within the curtilage of the subject property.
2. Amenity, noise and odour emissions: The professional nature of the business there would be minimal or nil impact from and noise and odour perspective.
3. Traffic impact, safety of road users and pedestrians: Because of the professional nature of the business there should be no adverse impact.
4. Incidental to residential character: The business is “incidental” to the “residential” use of the land.
5. Economic importance of home based businesses: By its very nature, would “acknowledge evolving work practices and technology” by being a specialised home-based business.

The applicant has submitted a Development Impact Statement (**attached** at Appendix DPDS-7) considered as having adequately addressed the relevant LPP (“Home Based Businesses and Family Day Care”), hence the development satisfactorily meets the requirements and objectives of the policy.

Public advertising: the City has received three (3) written submissions (refer Schedule of Submissions **attached** at Appendix DPDS-8).

Issues raised:

1. Traffic.

2. Safety.
3. Noise.
4. Privacy.
5. Hours of operation.
6. Parking concerns.
7. Risk of “unknown” clientele attending and volume of clients.
8. Level of services may be more than counselling and may include medical services.
9. Signage.
10. Safety of children.
11. Impact on amenity of neighbourhood.

One (1) submission incorporated a copy of a Petition (**attached** at Appendix DPDS-9) signed by 20 persons who live in close proximity to the proposed development.

The Petition reads:

“We, the undersigned, do respectfully request that the City reject the application for a home based business (counselling) to be run from the premises situate at lot 79 and being 3 Sturt Street, South Bunbury, because the application, if successful, will have major impact on the amenity of the residential neighbourhood” (“Note: correspondence in respect of this Petition should be addressed to Mr Chris Gibbs, 5 Sturt Street, South Bunbury, WA 6230”.)”

The proposed business is of a professional nature, and there does not appear to be conflict having regard to the established level of amenity in the immediate neighbourhood.

There should be no noise emitted from the premises on the basis that the nature of the business would involve “counselling” and the giving of professional advice. Appointments are a requirement (maximum of one client at any one time).

Vehicles would be required to be parked within the boundaries of the premises and not on the verge, from a traffic management perspective no different from visitors or friends arriving at a typical residential premise.

The hours of operation are limited to less than allowable (in relation to Acceptable Development Criteria), in the Local Planning Policy (LPP). The LPP states that hours of operation should be Monday – Saturday (7am – 7pm) and Sunday (nil). The recommendation proposes times of operation be limited to Monday – Friday (9am – 5pm) and Saturdays, Sundays and public holidays (nil hours).

It is accepted Council practice to grant approval to Home Occupations and Home Businesses, on an annual basis. The first year of the operation of the business can be used to test the efficacy of the proposal and the actual impact of the home business on the established level of amenity in the residential area. Council has the right to not support any subsequent request for renewal; in effect any approval is time-limited.

The proposal is not considered to compromise residential amenity; the proposal complies with the requirements of TPS7; and satisfies criteria in Local Planning Policy – Home Based Businesses and Family Day Care.

Analysis of Financial and Budget Implications

A commercial use of property will likely attract an increase in rates payable to the City.

Community Consultation

The proposal was advertised for (fourteen) 14 days in accordance with Clause 9.4 of TPS7.

Councillor/Officer Consultation

The application has been referred to the City's Development Control Unit for assessment and referred on to the Executive leadership Team for comment.

Outcome – Council Meeting 10 December 2013

Prior to the meeting the Executive received notice from the applicant of their wish to withdraw the item and for the matter to be deferred until January 2014. The item was withdrawn from the agenda with consent of the meeting and no further discussion took place.

11. Applications for Leave of Absence

11.1 Request for Leave of Absence – Councillor Wendy Giles

Applicant/Proponent:	Councillor Wendy Giles
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary/Background

Councillor Giles requests leave of absence from all Council-related business from 21 to 28 January 2014 inclusive.

Section 2.25 of the Local Government Act 1995, allows a council to grant leave of absence to one of its members provided that the period of leave does not exceed six consecutive ordinary meetings of the Council.

Executive Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Giles is granted leave of absence from all Council-related business from 21 to 28 January 2014 inclusive.

Outcome – Council Meeting 10 December 2013

The Executive recommendation (as printed) was moved Cr Steele, seconded Deputy Mayor Cr Kelly.

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

Council Decision 380/13

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Giles is granted leave of absence from all Council-related business from 21 to 28 January 2014 inclusive.

CARRIED

13 votes "for" / nil votes "against"

12. Motions on Notice

12.1 Motion on Notice – DAP Reports to be Presented to Council for Noting

Applicant/Proponent:	Councillor Murray Cook
Author:	Councillor Murray Cook
Executive:	If adopted by Council refer to: Bob Karaszkewych, Director Planning and Development Services
Attachments:	Nil

Cr Murray Cook submitted the following motion for the Council Meeting on 10 December 2013:

"That all papers prepared by staff relating to Development Applications destined for DAP consideration (whether mandatory or voluntary) be provided to Council as an agenda item for noting, concurrent with the lodgement being made to DAP."

Comments - Cr Cook

In support of his motion, Cr Cook states that, *"Development Applications (DAs) with an anticipated value greater than \$7M dollars must be placed before DAP for approval or, if a development is between \$3M & under \$7M, the proponent can elect to have the decision made by the Local Authority (Elected Members) or by DAP."*

In the first instance, the process is pretty much the same as in the past; the proponent places the DA before Council Officers for their consideration but then, instead of the matter coming to Council for approval, it is sent to DAP for their determination.

There has been a belief, in the past, that DAs could not come before Council for consideration. That is not so – it is Council's decision as to whether DAs bound for DAP come to Council for noting, or go straight to DAP. This resolution, if passed by Council, would ensure that all DAs come to Council. It is understood that Subiaco City has a policy that ensures that all DAs (whether DAP related or not) are placed before Council for consideration.

It should be noted that Elected Members do not have any right of Veto and even if Elected Members (and/or the Community) do not want the development to proceed, it can still be approved by DAP and go ahead.

There are a couple of compelling reasons why Elected Members should have access to DAs that are destined to be determined by DAP:

- 1. Being informed about potential developments in the City. Being aware and prepared for resident's queries on the subject development.*
- 2. Council cannot refuse a DA that is to be determined by DAP but they can make a submission to DAP so that theirs and the Community's concerns are heard. The present method of bypassing Elected Members does not afford that opportunity."*

Executive Comments

Council officers are continuing to liaise with the City of Subiaco staff to determine their processes and procedures.

The City of Subiaco has committed a large amount of time seeking legal advice on this matter and we are hopeful that we are able to information share with them.

It is anticipated that a report will be presented to the next Policy Review and Development Committee Meeting to be endorsed by Council.

Officers Recommendation

The intent of Councillor Cooks Motion be incorporated in to a Draft Policy to be presented to the Policy Review and Development Committee.

Cr Cook's Motion

That all papers prepared by staff relating to Development Applications destined for DAP consideration (whether mandatory or voluntary) be provided to Council as an agenda item for noting, concurrent with the lodgement being made to DAP.

Outcome – Council Meeting 10 December 2013

The Motion on Notice was moved Cr Cook, seconded Deputy Mayor Cr Kelly 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 381/13

That all papers prepared by staff relating to Development Applications destined for DAP consideration (whether mandatory or voluntary) be provided to Council as an agenda item for noting, concurrent with the lodgement being made to DAP.

CARRIED

13 votes "for" / nil votes "against"

12.2 Motion on Notice – Birch Street Beach access and Park reserve

Applicant/Proponent:	Councillor James Hayward
Author:	Councillor James Hayward
Executive:	If adopted by Council refer to: Bob Karaszkewych, Director Planning and Development Services
Attachments:	Nil

Cr James Hayward submitted the following motion for the Council Meeting on 10 December 2013:

“That Council:

- a) Requests the CEO to consult with the local community to determine their specific aspirations for a small parcel of land area directly south of ‘Fawltly Towers Development’ to be utilised for the construction of an access way from Birch Street to Ocean Drive and for the development of an area for a small park with the remaining part of the Reserve R31823 being set aside as an environmental reserve with no further development.*
- b) Request the CEO to prepare costing’s for the construction and maintenance of the proposed access way and small park*
- c) Requests that the developers of the Fawltly Towers development be approached to contribute to the cost of the construction of the proposed access way and small park*
- d) Request the CEO to submit a report to Council on these matters no later than end of March 2014;*
- e) Further consider these proposals as part of the 2014/15 annual budget deliberations.”*

Comments - Cr Hayward

In support of his motion Cr Hayward states: *“The intent of this motion is to allow council officers the ability to be able to commence works and negotiate with the developers of the Fawltly Towers Development in terms of a possible contribution to the cost of establishment.*

The desire for the open space development came from a number of meetings with residence who shared concerns about the ‘Fawltly Towers’ rezoning application.

During that process it became clear local residents had felt significantly aggrieved by the process.

Many concerns were raise some were immediately remedied, others are still a work in progress and some were not able to be resolved other than improved communication between the parties.

One project which the community clearly communicated was a request that an improvement to the amenity of the area, the reestablishment of a walkway from Birch Street and a possible park or recreational area was requested.”

Executive Comments

As previously advised, the walkway access (\$35/38,000) between Birch Street and Ocean Drive will most likely attract a further cost towards the provision for vehicle parking bays within the Birch Street road reserve, and ongoing maintenance costs. Option - improve the existing walkway access between the nearby head of Joel Crescent and Ocean Drive at considerably lesser cost to Council/ developers contribution.

The notion of a playground with associated facilities on Birch Street is estimated to cost \$80-100,000. Option - survey the residential neighborhood to ascertain the need for playground facilities in the established park at the head of Ashford Place.

As a cost comparison, rehabilitation of the dune system is estimated to cost a total amount of \$20,000, over a period of 5 years.

The draft new City of Bunbury Town Planning Scheme 8 has a preference for the entire Reserve as an environmental asset to the wider Bunbury community.

The builder indicated willingness to assist with the reinstatement of the former dune (closest to the development) that had been disturbed some years earlier by the previous builder.

Cr Hayward's Motion

That Council:

- a) Requests the CEO to consult with the local community to determine their specific aspirations for a small parcel of land area directly south of 'Fawlty Towers Development' to be utilised for the construction of an access way from Birch Street to Ocean Drive and for the development of an area for a small park with the remaining part of the Reserve R31823 being set aside as an environmental reserve with no further development.
- b) Request the CEO to prepare costing's for the construction and maintenance of the proposed access way and small park
- c) Requests that the developers of the Fawlty Towers development be approached to contribute to the cost of the construction of the proposed access way and small park
- d) Request the CEO to submit a report to Council on these matters no later than end of March 2014;
- e) Further consider these proposals as part of the 2014/15 annual budget deliberations.

Outcome – Council Meeting 10 December 2013

The Motion on Notice was moved Cr Hayward, seconded Cr Miguel 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 382/13

That Council:

- a) ***Requests the CEO to consult with the local community to determine their specific aspirations for a small parcel of land area directly south of 'Fawlty Towers Development' to be utilised for the construction of an access way from Birch Street to Ocean Drive and for the development of an area for a small park with the remaining part of the Reserve R31823 being set aside as an environmental reserve with no further development.***
- b) ***Request the CEO to prepare costing's for the construction and maintenance of the proposed access way and small park***
- c) ***Requests that the developers of the Fawlty Towers development be approached to contribute to the cost of the construction of the proposed access way and small park***

- d) Request the CEO to submit a report to Council on these matters no later than end of March 2014;**
- e) Further consider these proposals as part of the 2014/15 annual budget deliberations.**

CARRIED

13 votes "for" / nil votes "against"

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

Nil

13.2 Questions from Members

Nil

14. New Business of an Urgent Nature Introduced by Decision of the Meeting

The following item was tabled by the CEO as an urgent item to be considered by the Council.

In accordance with clause 5.4(1) of the City of Bunbury Standing Orders Local Law 2012, Cr Prosser moved, Cr McCleary seconded that item 14.1 was to be considered as urgent business. The Mayor put the procedural motion to the vote and was CARRIED 13 votes “for” / nil votes “against”.

14.1 Bunbury Farmers Market – Application for Temporary use of Road Reserve Portion of Jubilee Road Glen Iris

Applicant/Proponent:	TME – Town Planning Management Engineering
Author:	Bob Karaszewych, Director Planning and Development Services
Executive:	Bob Karaszewych, Director Planning and Development Services
Attachments:	Appendix DPDS-10, DPDS-11

Summary

The Bunbury Farmers Market commenced operations on 29 November 2013 in their new location with unprecedented popularity. A number of contributing factors resulted in traffic congestion adversely impacting within the site on the surrounding road network.

City Staff and TME for the proprietors of Bunbury Farmers Market have in the past week had ongoing discussions to address short and long term operational performance to ensure the adequacy of car park spaces, vehicle manoeuvrability, pedestrian safety and neighbourhood amenity.

As an outcome of the discussions TME have written to Council offering a practical solution to address the above issues. The proposed solution involves the temporary use of the Jubilee Road reserve for overflow car parking as show at **attached** Appendix DPDS-10. TME has prepared a revised car park layout with improved vehicle circulation including the incorporation of additional parking (refer to **attached** Appendix DPDS-11).

Subject to Council support, the intention is to enter into an MOU to facilitate the immediate commencement of works (at the full cost of the Bunbury Farmers Markets) to accommodation the anticipated demand leading up to Christmas.

Following the Christmas period, Bunbury Farmers Markets intend to request the Council for a Deed of Licence for the long term use of the road reserve, which includes full construction at the full cost to the Bunbury Farmers Markets proprietors.

Executive Recommendation

1. That Council authorise the CEO to implement a temporary arrangement to utilise portion of the Jubilee Road reserve to accommodate overflow car parking associated with the Bunbury Farmers Markets;
2. That the CEO be authorised to advertise the proposal and take all administrative action required to effect the temporary solution; and
3. That a further report to Council be provided in January 2014 outlining a more permanent solution.

Background

TPS7 required the provision of 124 car bays, the developers provided 149 bays. The developers contributed \$135,000 towards the future upgrades of Vittoria Road, and complied with the requirement to have the interim access design reviewed through a road safety audit and implemented the recommendations.

Some of the factors contributing to the traffic conflicts are:

1. Significant patronage.
2. Temporary part closure of Estuary Drive.
3. Patrons unfamiliarity with the site.
4. Patrons parking on the Vittoria Road verge, across shared paths.
5. Patrons and staff parking on the vacant property opposite.
6. Patrons waiting near the entrance for car bays to become vacant.
7. Service delivery vehicles having to go through the car park as the drive through delivery area is blocked.
8. The site has one vehicle access point.

Current measures undertaken by both the developers and the City to minimise the internal and surrounding traffic conflicts, are:

1. The service delivery area is being cleared and drivers requested to enter from the South West Highway end of Vittoria Road, minimising service delivery conflicts with patrons.
2. Parking near the entrance re-configured and developers are providing traffic wardens to keep patron traffic flowing to the rear of the store where significant number of bays is provided.
3. The City has installed no parking signs on both sides of the verge in Vittoria Road, and Rangers are undertaking regular patrols.
4. Developers to restrict public parking on private vacant land opposite the Farmers Market.
5. Barriers installed adjacent to the last house in Jubilee Road.

Council Policy Compliance

There is no Council policy applicable to this matter.

Legislative Compliance

Local Government Act 1995 sections 3.50 and 3.50(A) relate:

3.50. Closing certain thoroughfares to vehicles

- (1) *A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.*
- (1a) *A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.*
- (2) *The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.*
- [(3) *deleted*]
- (4) *Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to –*

- (a) *give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and*
 - (b) *give written notice to each person who –*
 - (i) *is prescribed for the purposes of this section; or*
 - (ii) *owns land that is prescribed for the purposes of this section;**and*
 - (c) *allow a reasonable time for submissions to be made and consider any submissions made.*
- (5) *The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).*
- (6) *An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.*
- [(7) *deleted*]
- (8) *If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.*
- (9) *The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.*

[Section 3.50 amended by No. 1 of 1998 s. 11; No. 64 of 1998 s. 15; No. 49 of 2004 s. 26.]

3.50A. Partial closure of thoroughfare for repairs or maintenance

Despite section 3.50, a local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure –

- (a) *is for the purpose of carrying out repairs or maintenance; and*
- (b) *is unlikely to have a significant adverse effect on users of the thoroughfare.*

[Section 3.50A inserted by No. 64 of 1998 s. 16.]

Analysis of Financial and Budget Implications

Bunbury Farmers Markets will bear the full cost of both temporary and permanent works. The City will provide design and supervision support to ensure all works are to acceptable standards and ongoing maintenance.

Both the MOU and Deed of Licence will in all probability bring revenue to the City.

Community Consultation

On 29 November, officers became aware of the above issues and immediately hand delivered a letter to 70 neighbouring residents with the advice the City was addressing concerns raised.

Councillor/Officer Consultation

Councillors have been kept informed on officers initiatives to address matters of concern.

Economic, Social, Environmental and Heritage Issues

The Bunbury Farmers Markets provides an important economic and employment benefit to the city.

Delegation of Authority

Council can authorised the CEO to negotiate a temporary arrangement with a further report to be provided in January 2014, regarding the proposal to lodge a Deed of Licence.

Relevant Precedents

Recent precedents, include:

- Plaza Shopping Centre - car park bays on Council road reserve.
- Citygate – car parks partially on the Blair Street road reserve.
- Citygate – relinquishing part of Mervyn Street.

Conclusion

Both an MOU and a Deed of Licence will address both the immediate and the longer term popularity of the Bunbury Farmers Markets.

Outcome – Council Meeting 10 December 2013

The Executive recommendation (as printed) was moved Cr McNeill, 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 383/13

- 1. That Council authorise the CEO to implement a temporary arrangement to utilise portion of the Jubilee Road reserve to accommodate overflow car parking associated with the Bunbury Farmers Markets;**
- 2. That the CEO be authorised to advertise the proposal and take all administrative action required to effect the temporary solution; and**
- 3. That a further report to Council be provided in January 2014 outlining a more permanent solution.**

CARRIED

11 votes “for” / 2 votes “against”

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

MOVED Cr Jones SECONDED Cr Cook

In accordance with Section 5.23(2)(c) and (2)(a) 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 Tender for Hay Park Multi-Sports Pavilion

15.1.2 CEO Performance Review

The Mayor put the motion to the vote and was CARRIED 13 votes "for" / nil votes "against". The meeting was closed to all members of the public and press at 6.31pm.

15.1.1 Tender for Hay Park Multi-Sports Pavilion

Applicant/Proponent:	Internal Report
Author:	Jason Gick, Manager Engineering
Executive:	Phil Harris, Director Works and Services
Attachments:	Confidential Report CRUSC-3

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 to be discussed at the meeting.

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 Meeting 10 December 2013

The following Executive recommendation was moved Cr Cook seconded Cr McNeill:

"That Council:

- 1. Advise the tenderers that all tenders exceeded Council's budget for the project and therefore no tender has been accepted.*
- 2. Requests the CEO to undertake an investigation to redesign the multi sports pavilion in accordance with current funding and stakeholder requirements.*
- 3. Requests a further report be provided in January 2014 outlining a proposed way forward"*

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

Council Decision 384/13

That Council:

- 1. Advise the tenderers that all tenders exceeded Council's budget for the project and therefore no tender has been accepted.***
- 2. Requests the CEO to undertake an investigation to redesign the multi sports pavilion in accordance with current funding and stakeholder requirements.***
- 3. Requests a further report be provided in January 2014 outlining a proposed way forward.***

CARRIED

12 votes "for" / 1 vote "against"

15.1.2 CEO Performance Review

Applicant/Proponent:	Internal Report
Author:	Councillor Brendan Kelly
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Confidential Report CRUSC-5

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 affecting an employee or employees.

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 Meeting 10 December 2013

The Mayor requested that all staff present to vacate the chambers. The staff left the meeting at 6.44pm and were not present for the discussion on the matter.

The following recommendation was moved Deputy Mayor Cr Kelly seconded Cr McNeill:

“That Council:

- 1. Receive the City of Bunbury Chief Executive Officer’s Annual Performance Review 2012/13 report;*
- 2. Endorse the Panel’s recommendations for the CEO’s Key Performance Areas 2013/14; and*
- 3. Approve the Chief Executive Officer’s total salary package for 2013/14.”*

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

Council Decision 385/13

That Council:

- 1. Receive the City of Bunbury Chief Executive Officer’s Annual Performance Review 2012/13 report;***
- 2. Endorse the Panel’s recommendations for the CEO’s Key Performance Areas 2013/14; and***
- 3. Approve the Chief Executive Officer’s total salary package for 2013/14.***

CARRIED

13 votes “for” / nil votes “against”

15.2 Public Reading of Resolutions that may be made Public

Cr McCleary moved Cr Steele seconded that the meeting be reopened to the public and press.

The Mayor put the motion to the vote and was CARRIED 13 votes “for” / nil votes “against”. The meeting was reopened to the public and press at 7.09pm.

The Mayor read out the two (2) resolutions made behind closed doors to the members of the public present.

16. Closure

The Mayor thanked the members of the public present for their support of Council and wished them all a Merry Christmas and safe and happy New Year.

The meeting was declared closed at 7.10pm.