

## **Bunbury City Council**

### **Minutes**

**3 February 2015**



**CITY OF BUNBURY**

4 Stephen Street  
Bunbury WA 6230  
Western Australia

*Correspondence to:*  
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## Table of Contents

Item No	Subject	Page
1.	Declaration of Opening / Announcements of Visitors.....	6
2.	Disclaimer .....	6
3.	Announcements from the Presiding Member.....	6
4.	Attendance .....	7
4.1	Apologies .....	7
4.2	Approved Leave of Absence .....	7
5.	Declaration of Interest.....	8
6.	Public Question Time.....	9
6.1	Public Question Time .....	9
6.2	Responses to Public Questions Taken ‘On Notice’ .....	10
7.	Confirmation of Previous Minutes and other Meetings under Clause 19.1.....	11
7.1	Minutes.....	11
7.1.1	Minutes – Ordinary Council Meeting.....	11
7.1.2	Minutes – Council Advisory Committees and Working/Project Groups .....	11
8.	Petitions, Presentations, Deputations and Delegations.....	12
8.1	Petitions.....	12
8.2	Presentations.....	12
8.3	Deputations .....	12
8.4	Council Delegates’ Reports.....	12
8.5	Conference Delegates’ Reports .....	12
9.	Method of Dealing with Agenda Business.....	13
10.	Reports.....	14
10.1	Schedule of Accounts Paid for the Period 1 December 2014 to 31 December 2014 ( <i>was listed as item 10.2.2 of the Council Agenda</i> ).....	14
10.2	Financial Management Report for the Period Ending 31 December 2014 ( <i>was listed as item 10.2.1 of the Council Agenda</i> ) .....	15
10.3	Rationalisation of Lots 200, 199, 198, 11 and 66 and associated car park design ( <i>was listed as item 10.2.3 of the Council Agenda</i> ) .....	21
10.4	Proposed Closure of Public Access Way – Lot 55 Ramillies Street, South Bunbury ( <i>was listed as item 10.3.1 of the Council Agenda</i> ) .....	26
10.5	South West Education and Health Precinct ( <i>was listed as item 10.4.1 of the Council Agenda</i> ).....	30
10.6	Marlston Hill (including Koombana North and Marlston Waterfront) Parking Study ( <i>was listed as item 10.4.2 of the Council Agenda</i> ).....	35
10.7	Request for Transfer Funds – Expand the Bunbury Senior Computer Club PR-3388 Study ( <i>was listed as item 10.5.1 of the Council Agenda</i> ).....	40
10.8	Alfresco – On Road Dining, Café 140 ( <i>was listed as item 10.5.2 of the Council Agenda</i> ) 43	
10.9	Right of Ways ( <i>was listed as item 10.5.3 of the Council Agenda</i> ).....	46

## Table of Contents

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<b>Item No</b>	<b>Subject</b>	<b>Page</b>
11.	Applications for Leave of Absence.....	50
12.	Motions on Notice .....	50
13.	Questions on Notice .....	50
13.1	Response to Previous Questions from Members taken on Notice.....	50
13.2	Questions from Members.....	53
14.	New Business of an Urgent Nature Introduced by Decision of the Meeting .....	53
15.	Meeting Closed to Public.....	53
15.1	Matters for which the Meeting may be Closed .....	53
15.2	Public Reading of Resolutions that may be made Public.....	53
16.	Closure .....	53

## GLOSSARY OF ABBREVIATED TERMS

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

## GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
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 the Ordinary meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street Bunbury held Tuesday 3 February 2015.

### **Minutes 3 February 2015**

**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.

#### **2. Disclaimer**

All persons present were 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 advised that he had been speaking with the Principal of Bunbury Primary School and about the Lovegrove Avenue Traffic and Parking and noted that the Principal was generally pleased with the outcomes of the work with only a couple of minor works left to do. The Mayor took the opportunity to acknowledge the work undertaken by City Officers to provide this outcome.

#### 4. Attendance

Present:

<b>Council Members:</b>	
Presiding Member	Mayor G Brennan
Deputy Presiding Member	Deputy Mayor Cr B Kelly
Members	Councillor J Hayward
	Councillor B McCleary
	Councillor S McNeill
	Councillor J Jones
	Councillor S Morris
	Councillor J Miguel
	Councillor M Steck
	Councillor K Steele
	Councillor W Giles
	Councillor D Prosser
	Councillor M Cook
<b>Executive Leadership Team (Non-Voting)</b>	
Chief Executive Officer	Mr A Brien
Director Corporate and Community Services	Ms S Addison-Brown
Director Planning and Development Services	Mr B Karaszekwych
Director Works and Services	Mr P Harris
<b>Council Officers (Non-Voting)</b>	
Media and Communications Officer	Ms L Gallo
Acting Media and Communications Officer	Mr J Tatham
Manager Arts and Culture	Mr J Bowron
Manager Corporate Projects	Mrs F Anderson
Manager Corporate Governance	Mr G Golinski
Manager Sustainability and Integrated Land Use Planning	Mr T Farnworth
Council Meeting Support Officer	Mrs L Allan
<b>Others (Non-Voting)</b>	
Members of the Public	7
Members of the Press	1

##### 4.1 Apologies

Nil

##### 4.2 Approved Leave of Absence

Nil

## 5. Declaration of Interest

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

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.”*

Cr Hayward declared a Financial Interest in item 10.2.3 titled *“Rationalisation of Lots 200, 199, 198, 11 and 66 and associated car park design”* as Souths are a client of his business. Cr Hayward will vacate the chamber for the discussion on the matter.

The Mayor, Gary Brennan, declared an impartiality interest in item 10.3.1 titled *“Proposed Closure of Public Access Way – Lot 55 Ramillies Street, South Bunbury”* as he resides approximately 400m from the Right of Way. The Mayor will remain in the chamber for the discussion and the vote on the matter.

Cr Jones declared an impartiality interest in item 10.3.1 titled *“Proposed Closure of Public Access Way – Lot 55 Ramillies Street, South Bunbury”* as she is the Chairman of Aqwest. Cr Jones will remain in the chamber for the discussion and the vote on the matter.

The Mayor, Gary Brennan, declared an impartiality interest in item 10.4.1 titled *“South West Education and Health Precinct”* as his wife is a Board Member of the South West Institute of Technology. The Mayor will remain in the chamber for the discussion and the vote on the matter.

Cr Jones declared an impartiality interest in item 10.4.1 titled *“South West Education and Health Precinct”* as she is the Chairman of Aqwest. Cr Jones will remain in the chamber for the discussion and the vote on the matter.

Cr Giles declared an impartiality interest in item 10.4.1 titled *“South West Education and Health Precinct”* as she is an employee of ECU. Cr Giles will remain in the chamber for the discussion and the vote on the matter.

Cr Jones declared an impartiality interest in item 10.5.3 titled *“Right of Ways”* as she is the Chairman of Aqwest. Cr Jones will remain in the chamber for the discussion and the vote on the matter.



## 6. Public Question Time

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

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

### 6.1 Public Question Time

#### David Smith of 8 Picton Crescent. Bunbury

Mr Smith asked the following questions of Council. The responses were provided by the Chief Executive Officer.

*Question 1: What environmental, flora and fauna, and fire risk studies, and business case studies and public consultation with the College Grove community and environmental groups have been undertaken on this development to date; and*

Reply: Public consultation has been limited to Lot 70 at this stage with no formal studies completed to date.

*Question 2: Is it proposed that Council will be the developer and if so what capital costs will be involved.*

Reply: No decision has been made on who will be the developer

*Question 3: I refer to the long expected announcement by the State Government that the Turkey Point site for the headquarters of Parks and Wildlife is unsuitable and that the preferred site is at Koombana Drive site opposite the Dolphin Centre and ask has Council been provided with a site map for the development and the staging programme or any other details for the development; and*

Reply: No further details apart from what has been made public through the media releases

*Question 4: What are the implications for the College Grove land swap compensation agreement negotiated with the State Government?*

Reply: No implications identified

## **6.2 Responses to Public Questions Taken ‘On Notice’**

At the Council Meeting held 20 January 2015, a question was asked during Public Question Time that could not be answered during the meeting. A copy of the question and the written response forwarded to the questioner following the meeting is provided below for public information:

### **Phil Smith, 23 Dunstan Street, Bunbury WA 6230**

1. Has there been any, and if so how much, consultation has the Department of Transport had with the City of Bunbury and stakeholders about the location of the interpretative display where the Department of Transport want the turnaround?

*Reply: The Department of Transport provided the City of Bunbury with a copy of the correspondence provided in the agenda item.*

*If you would like further information on consultation undertaken it would be best to contact the Department of Transport.*

2. When does the Council expect the Department of Transport will have finished its plans for the end of the causeway? Will a copy be made available to the Bunbury Timber Jetty and Conservation Society?

*Reply: The City has had no indication from the Department of Transport of when the plans for the end of the causeway will be finished.*

*You are welcome to contact the Department of Transport and request a copy of the plans.*

3. The Arrol Crane is in a fragile state and should not be moved. As the Timber Jetty Society had no problems manoeuvring huge vehicles underneath it, we ask if the Council during discussions with the Department of Transport will emphasise that the Arrol Crane remain in its present position.

*Reply: When the Department of Transport progresses with the project development and further approach the City, the matter of the crane can be tabled.*

## **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 20<sup>th</sup> January 2015 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the Bunbury City Council held 20<sup>th</sup> January 2015 be confirmed as a true and accurate record.

#### **Outcome – Council Meeting 3 February 2015**

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

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

#### **Council Decision 35/15**

***The minutes of the Ordinary meeting of the Bunbury City Council held 20 January 2015 be confirmed as a true and accurate record.***

CARRIED

13 votes "for" / Nil votes "against"

#### **7.1.2 Minutes – Council Advisory Committees and Working/Project Groups**

Nil.

## **8. Petitions, Presentations, Deputations and Delegations**

### **8.1 *Petitions***

Nil.

### **8.2 *Presentations***

Nil.

### **8.3 *Deputations***

#### **David Smith, 8 Picton Crescent, Bunbury**

Mr Smith requested to address Items 10.5.1 titled "*Request for Transfer Funds – Expand the Bunbury Senior Computer Club PR-3388*" and 10.5.3 "*Right of Ways*".

***Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Smith's deputation request to address Items 10.5.1 titled "Request for Transfer Funds – Expand the Bunbury Senior Computer Club PR-3388" and 10.5.3 "Right of Ways" and allows a period of up to five (5) minutes to present to Council on each item.***

LOST

### **8.4 *Council Delegates' Reports***

Nil.

### **8.5 *Conference Delegates' Reports***

Nil.

## 9. Method of Dealing with Agenda Business

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

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for item 10.2.2.

Items 10.2.1, 10.2.3, 10.3.1, 10.4.1, 10.4.2, 10.5.1, 10.5.2 and 10.5.3 of the meeting agenda were then discussed and voted on separately and in the order that they appeared on the agenda. The items have been renumbered with the items voted “by exception” listed first.

The items “*adopted by exception*” was moved Cr McCleary, seconded Cr Jones.

## 10. Reports

### 10.1 Schedule of Accounts Paid for the Period 1 December 2014 to 31 December 2014 (was listed as item 10.2.2 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Under Separate Cover –

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 December 2014 to 31 December 2014 has been issued to elected members **under separate cover**. The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$7,322,098.98
2. Advance Account – payments totalling \$4,680,486.09
3. Trust Account – payments totalling \$15,916.17
4. Visitor Information Centre Trust Account – payments totalling \$28,545.25
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$164,179.59
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$210,283.35

#### **Executive Recommendation**

The Schedule of Accounts Paid for the period 1 December 2014 to 31 December 2014 be received.

#### **Outcome – Council Meeting 3 February 2015**

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

#### **Council Decision 36/15**

***The Schedule of Accounts Paid for the period 1 December 2014 to 31 December 2014 be received.***

CARRIED  
13 votes "for" / Nil votes "against"

**10.2 Financial Management Report for the Period Ending 31 December 2014** (was listed as item 10.2.1 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-1: Statement of Comprehensive Income Appendix CEO-2: Statement of Financial Activity Appendix CEO-3: Statement of Net Current Assets Appendix CEO-4: Balance Sheet Appendix CEO-5: Capital Works Expenditure Summary Appendix CEO-6: Operating Projects Summary

**Summary**

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

- Statement of Comprehensive Income (**attached** at Appendix CEO-1)  
Actual Financial Performance to 31 December 2014
  - Actual income of \$44.75M is \$277K greater than the year-to-date budgeted income of \$44.47M.
  - Actual expenditure of \$21.19M is \$1.75M less than the year-to-date budgeted expenditure of \$22.94M (refer explanation on next page).
  - Actual operating surplus of \$23.55M is \$2.02M greater than the year-to-date budgeted operating surplus of \$21.53M.

- Balance Sheet (**attached** at Appendix CEO-4)

Council's year-to-date and forecast balances are as follows:

	Year-to-date	Forecast
* Current Assets of \$36.73M includes:		
- Cash and Investments	\$25.22M	\$14.15M
- Rates	\$10.68M	\$0.22M
- Other Current Assets	\$ 0.83M	\$2.04M
* Current Liabilities of \$7.5M includes:		
- Trade and Other Payables	\$2.47M	\$4.30M
- Annual Leave and LSL Provisions	\$3.20M	\$3.70M
* Working Capital (Current Assets less Current Liabilities)	\$29.22M	\$6.40M
* Equity (Total Assets less Total Liabilities)	\$449.83M	\$426.60M

- Capital Works (attached at Appendix CEO-5)
  - Actual capital works of \$5.14M is \$3.6M less than the year-to-date budgeted capital works of \$8.74M, (refer explanation within report).

4. Operating Project Expenditure (attached at Appendix CEO-6)
  - Actual operating project expenditure of \$1.3M is \$834K less than the year-to-date budgeted operating project expenditure of \$2.14M, (refer explanation within report).

### **Executive Recommendation**

The Financial Management Report for the period ending 31 December 2014 be received.

### **Background**

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

- Statement of Comprehensive Income (**attached** at Appendix CEO-1)
- Statement of Financial Activity (**attached** at Appendix CEO-2)
- Statement of Net Current Assets (**attached** at Appendix CEO-3)
- Balance Sheet (**attached** at Appendix CEO-4)
- Capital Works Expenditure Summary (**attached** at Appendix CEO-5)
- Operating Projects Summary (**attached** at Appendix CEO-6)

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

### **Council Policy Compliance**

Not applicable.

### **Legislative Compliance**

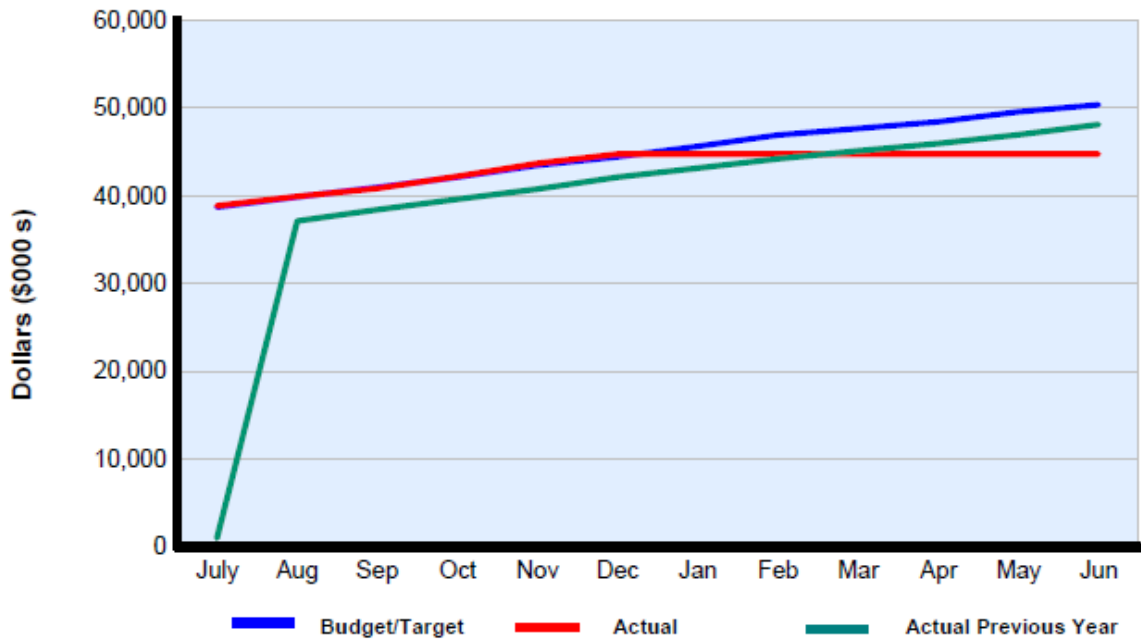
In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix 2) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

### **Officer Comments**

The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.



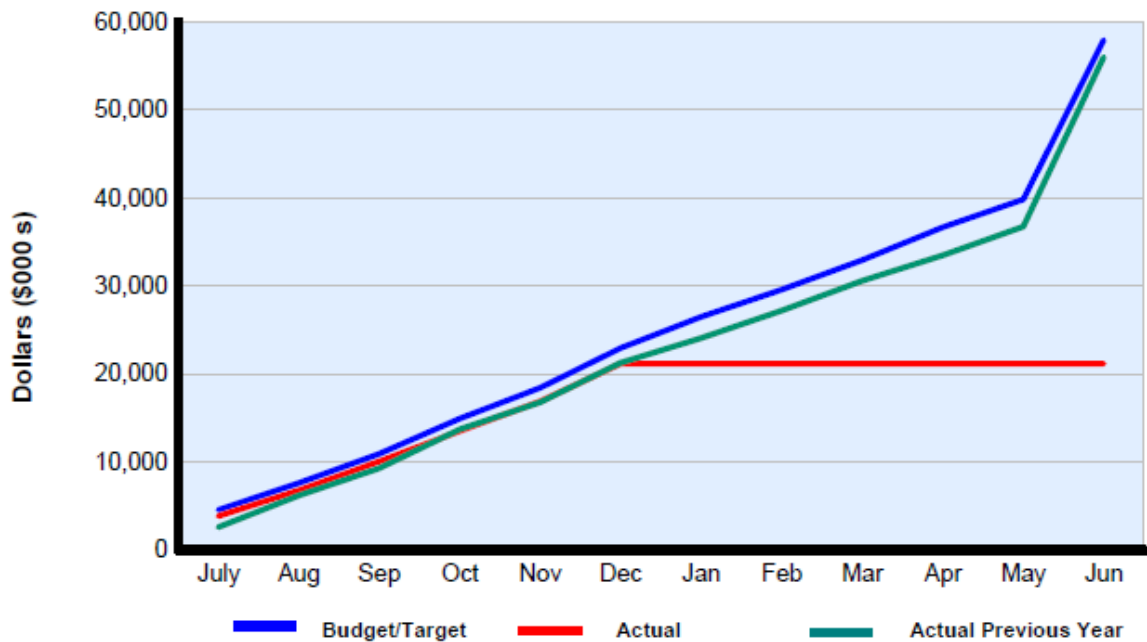
### Operating income (\$000's)



**Note:** Operating income includes: rates, fees and charges, operating grants and subsidies, contributions reimbursements and donataions, interest and other revenue.

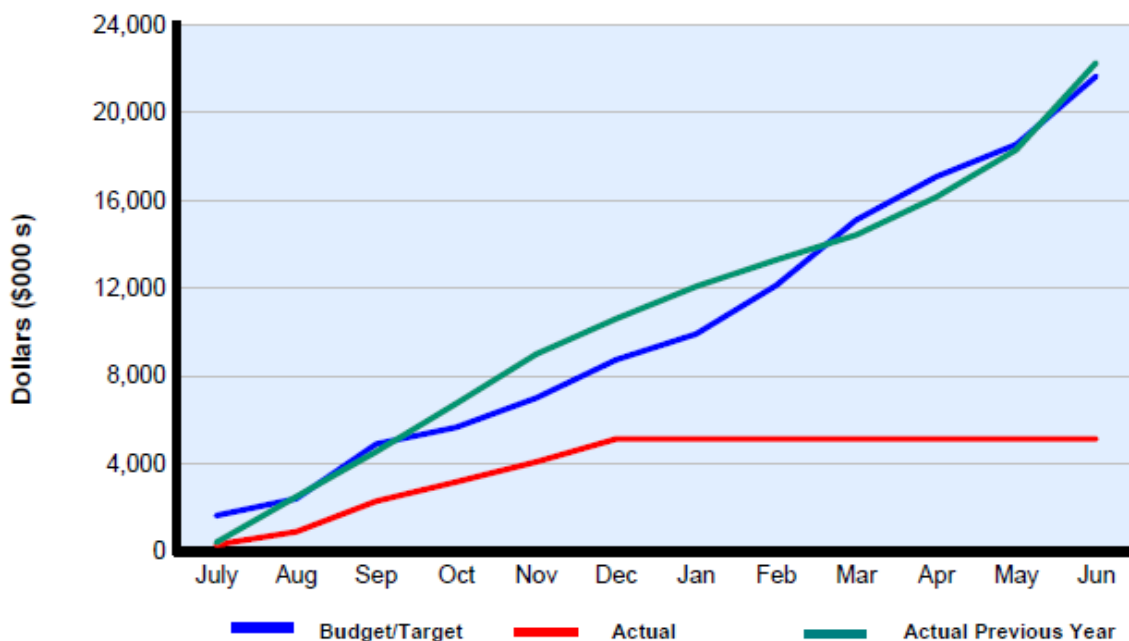
There is a favourable actual to budget variance of \$277K to 31 December 2014 due to \$113K favourable variance from contribuion and reimbursement income, \$152K favourable variance from fees and charges and \$57K favourable variance from interest received.

### Operating expenditure (\$000's)



**Note:** Actual operating expenditure for both base and operating projects is \$1.75M under the year-to-date budget due to timing of works commencing. This is monitored on a monthly basis and any changes will be included in the February Budget review.

### Capital Expenditure (\$ 000's)



**Note:** The capital expenditure variance to the end of December 2014 of \$3.61M is due to the delay in commencement or progress of various projects as reported in the monthly Capital Works Expenditure Summary Report to Council.

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

Statement of Comprehensive Income	YTD Actual to Budget Variance
<b>Operating Income</b>	
<b>Rates</b> <i>Rate Interim Income</i> – Due to an error with a Landgate GRV valuation this resulted in a rates refund of \$50K. No change anticipated to the end of year forecast.	(\$29,474) (37%)
<b>Contributions Reimbursements and Donations</b> <i>Contribution Income</i> – Favourable variance of \$35,554 mainly due to higher than expected sponsorship income received (\$8K) for the Sister Cities conference and Insurance rebates (\$31K) received that was not budgeted.  <i>Reimbursements Income</i> – Favourable variance of \$81,933, mainly due to \$62K of workers compensation reimbursements not budgeted, (which is offset by payments made to employees), \$10K utility reimbursements (which is offset by an increase in utility usage) and \$12K of legal reimbursements not anticipated from building and enforcement of parking.	\$112,627 26%
<b>Fees and Charges</b> <i>Fine and Penalty Fee Income</i> – Favourable variance of \$48,991 due to higher than anticipated parking fines received year-to-date. Any additional income is transferred into reserves. This will be monitored on a monthly basis.	\$152,673 2%

<p><b>Fees and Charges (continued)</b> <i>Miscellaneous Fee and Charge Income</i> – Favourable variance of \$93,297 due to higher than anticipated dog registrations received (\$69K), additional art hire fees received (\$7K), higher than anticipated wildlife park merchandise and café sales (\$9K), and additional meat inspection income (\$10K) which is transferred to reserve at the end of year.</p>	
<p><b>Operating Expenditure</b></p>	
<p><b>Employee Costs</b> <i>Salary Expenses</i> - Actual Employee Costs are \$286,580 above budget-to-date. This is due to payments of employee annual leave, long service leave and other entitlements. Annual leave and long service leave entitlements will not affect the end of year surplus as this expenditure has a matching provision in the balance sheet. This will even out over the financial year and does not affect the end of year forecast for employee costs.  <i>Other Employee Related Expense</i> – Actual Employee Related expenses are currently \$235,153 under budget due to the final workers compensation insurance invoice not yet received.</p>	<p>(\$51,731) (0.4%)</p>
<p><b>Materials and Contracts</b> <i>Materials Expense</i> – Favourable variance of \$566,077. This is monitored on a monthly basis.  <i>Contract Employment Expense</i> – Currently over year-to-date budget by \$25,036. This will be monitored on a monthly basis.  <i>Contractors Expense</i> – Favourable variance of \$1,029,251 due to timing of operating projects. This will be monitored on a monthly basis.  <i>Software Licence or Maintenance Expenses</i> – Favourable variance of \$105,534 due to timing of invoices. Account to be monitored on a monthly basis.</p>	<p>\$1,763,435 23%</p>
<p><b>Utilities</b> <i>Gas Expenses</i> – The gas expenditure is currently \$26,138 over the year-to-date budget due to heating the pool after the tiling project was finalised and the pool was refilled.</p>	<p>\$44,048 3%</p>
<p><b>Other Expenditure</b> <i>Miscellaneous Expense</i> – Currently \$54,854 under year-to-date budget due to the employee training and conferences that have not yet occurred.</p>	<p>\$4,742 0.3%</p>

Statement of Financial Activity	YTD Actual to Budget Variance
<b>Operating Revenues</b>	
See explanation above included in the Statement of Comprehensive Income variances.	\$309,737 2.6%
<b>Operating Expenses</b>	
See explanation above included in the Statement of Comprehensive Income variances.	\$1,749,252 7.6%
<b>Capital Expenses</b>	
<b>Acquisition of Assets</b> – Variance due to delay in progress of various projects. Note that there is committed expenditure of \$3.25M. Refer to Capital Expenditure report for project details.	\$3,601,638 41.2%

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

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

### **Community Consultation**

There is no requirement for community consultation on this report.

### **Councillor/Officer Consultation**

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

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

### **Outcome – Council Meeting 3 February 2015**

The recommendation (as printed) was moved Cr Steele, 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 37/15**

***The Financial Management Report for the period ending 31 December 2014 be received.***

CARRIED

13 votes "for" / Nil votes "against"

**10.3 Rationalisation of Lots 200, 199, 198, 11 and 66 and associated car park design (was listed as item 10.2.3 of the Council Agenda)**

<b>Applicant/Proponent:</b>	Internal Applicant
<b>Author:</b>	Felicity Anderson - Manager Major Projects Neil Dyer– Team Leader Parking Kristen Anderson – Property and Procurement Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-8: Souths Carpark Overview Appendix CEO-9: Lot 66 Title and Diagram Appendix CEO-10: Letter regarding ROW and car park redesign Appendix CEO-11: Response regarding ROW and car park redesign

**Summary**

The City is seeking to rationalise multiple lots to one title to maximise future opportunity and to immediately improve the design and safety of the car park bordered by Wellington, Wittenuom and Prinsep Streets. To achieve this, the acquisition of a small Right of Way (“ROW”), measuring 3.06m wide, is to be acquired through due process. Currently the owner of Lot 12 Wellington Street, which immediately adjoins the ROW, has the legal benefit of accessing the ROW. The City proposes the creation of an alternative ROW, measuring 5m wide, to provide continued access to Lot 12, in addition to existing accessibility that is available from both a laneway running adjacent to the eastern boundary of Lot 12 and direct street frontage.

**Executive Recommendation**

1. Council endorse the closure of Lot 66 Prinsep Street as a dedicated Right of Way, subject to Section 58 of the Land Administration Act 1997 and the conditions as specified within this report;
2. Council endorse the Minister to acquire as Crown land Lot 66 Prinsep Street, subject to Section 52 of the Land Administration Act 1997 and the conditions as specified within this report;
3. Council authorise the Chief Executive Officer to undertake the following actions:
  - i. Close Lot 66 Prinsep Street as a dedicated Right of Way, subject to Section 58 of the Land Administration Act 1997;
  - ii. Request the Minister to acquire as Crown land Lot 66 Prinsep Street, subject to Section 52 of the Land Administration Act 1997;
  - iii. Request the subsequent acquisition and amalgamation of Lot 66 Prinsep Street in to the adjoining freehold titles, subject to Section 87 of the Land Administration Act 1997;
  - iv. Rationalise Lots 200, 199, 198, 11 and 66 by way of amalgamation and the creation of one freehold title;
  - v. The subsequent creation of a newly formed freehold title by way of sub-division, designated for the purpose of Right of Way, to enable access to the adjoining property located at Lot 12 Wellington Street.

## **Background**

An overview of the site and lots associated is **attached** at Appendix CEO-8.

### Lot 66

When considering the car park site for rationalisation to one title, a small holding of 51m<sup>2</sup> at the southern boundary of Lot 11, now known as Lot 66, was found not to be owned by the City of Bunbury as was initially believed. Detailed investigations show that the lot was created in 1954 when the then owner Doris Steere subdivided what was Lot 201, essentially creating Lots 11 and 12 Wellington Street.

Lot 11 was transferred in 1955 to Mr Barboutis who subsequently transferred Lot 11 to the City of Bunbury in 1987. Lot 11 was sold to Mr Harry South in 1954 (now owned by Mr David South) and the remaining portion of land, being Lot 66, remained in the name of the original sub-divider, Doris Steere, as was common practise at the time, but who essentially had no real interest in the land, and alienating Lot 66 on the title as a Right of Way (as **attached** at Appendix CEO-9).

Confirmation from the Bunbury Cemetery Board has confirmed, via cremation records, that the registered proprietor of Lot 66, Doris Steere, passed away in 1996, however, Lot 66 was not acquired by the Crown at that stage and further consultation with the Department of Lands confirmed that no monetary claim or any interest in the land could be claimed by any living descendant.

The Officers were able to contact a known distant relative of Doris Steere and have advised them of the City's intentions in relation to Lot 66. A formal letter of this advice was provided to the descendants; however, a response was not received in return.

### Car Park

As part of the consideration of rationalising the site to one title together with the ongoing design and safety issues the Manager Community, Law, Safety and Emergency Management and Manager Major Projects met with the owner of Lot 12 Mr David South on 11 December 2014 to discuss the car park redesign and proposed re-alignment of the ROW. A copy of the letter written 18 December 2014 outlining the conversation and proposed plan provided is **attached** as Appendix CEO-10.

Having received no response from Mr South by 7<sup>th</sup> January 2015, the Manager Major Projects and Team Leader Parking again met with Mr South on Friday 9 January 2015. During that discussion Mr South indicated he was in the process of writing a response and that he would provide his response for consideration by Wednesday 14 January 2015 to enable the matter to be taken to Council. During discussion the intent to rationalise the existing car park site to one title was raised noting that the car park may not always remain as a car park and by providing a new ROW on a specific title the City were proposing to secure and ensure his access.

On Tuesday 13 January 2015 the City received a letter requesting the matter be postponed until Mr South's lawyer has had time to research some aspects (**attached** at Appendix CEO-11).

Respecting Mr South's request for time to allow his position to be assessed, the proposed Executive recommendation has been amended to request delegation of authority to the CEO, thus enabling due process to proceed while allowing Mr South time to further consider his position.

### **Legislative Compliance**

Section 52 of the *Land Administration Act 1997*;  
Section 58 of the *Land Administration Act 1997*;  
Section 87 of the *Land Administration Act 1997*;

### **Officer Comments**

#### Lot 66

Extensive consultation has been undertaken in conjunction with the Department of Lands to ensure that due process in terms of the City's legislative requirements has been conducted.

The property itself holds no monetary claim or otherwise to the descendants of the original sub-divider and the rationalisation of this site will ensure that any future development of the site can be conducted in a structured and more timely manner.

#### Car Park

The existing layout of the Wittenoom Street (South's) car park does not currently conform to the relevant standards with regards to parking bay sizes and the overall configuration. Because of this, and the current arrangement which involves the use of a portion of the car park to provide service access to the adjoining business the City is in receipt of a number of complaints. These complaints include, but are not limited to the inability of vehicles to park fully in a parking bay causing impairment to motorist line of vision while entering and exiting each row of cars parked and damage to vehicles resulting from commercial vehicles moving through the car park.

To address these concerns two concept designs were prepared; one maintained the service access through the middle of the car park and the other provided a separate and independent service access adjacent to the adjoining building.

As the most recent design layout approved by Council still maintained the service access through the car park, this is an appropriate time to reconsider that position with the view of removing all commercial service vehicles from the public parking area. This small change will immediately improve the safety of motorists within the car park and it will separate privately owned vehicles and pedestrians from the adjoining commercial service activities.

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

#### Lot 66 and rationalisation to one title

The Title Fees will be approximately \$400.00.

The Cost of Survey Plan including sub-division and amalgamation could cost up to \$10,000.

To purchase the land from the Crown, the estimated value would be approximately \$47,000.00 based on a valuation received by LMW Hegney. However, the Crown would request a valuation from the Valuer General's Office to satisfy their legislative requirements. It would be anticipated that a valuation carried out by the Valuer General's office would be of a similar value to that of LMW Hegney, however, an exact cost would not be known at this stage.

It is intended the City will request the Minister for Lands to transfer the land to the City for either nil consideration or a nominal fee and it will be the Officer's responsibility to provide a comprehensive case to the Department of Lands to achieve this outcome.

#### Car Park

PR-2103 – *Reseal of the Wittenoom Street (South's) car park* has allocated funds to carry out as necessary.

#### **Community Consultation**

##### Lot 66

In relation to the rationalisation of the site, extensive consultation has been undertaken in conjunction with the relevant Government Agencies, service providers, adjoining land owner and the known descendants of the original sub-divider.

Advertising in accordance with Sections 58 and 52 of the Land Administration Act 1997 will be undertaken following Council's endorsement of the executive recommendation.

#### Car Park

The City has a Project allocated in the 2014/15 financial year for the resealing and reconfiguration of the Wittenoom Street car park – PR-2103 – *Reseal of the Wittenoom Street (South's) car park*.

Prior to this project being approved by Council, the design was adopted by Council, consultation was undertaken with the adjoining business owners and the design was supported on the 8 April 2013 by the Central Business District Parking Strategy Control Group (CBDPSCG) that included representatives from the retail sector, Bunbury Chamber of Commerce and Industry (BCCI) and the Council.

On 11 December 2014 the Manager Community, Law, Safety and Emergency Management and Manager Major Projects met with the owner of Lot 12 Mr David South.

The Manager Major Projects and Team Leader Parking again met with Mr South on Friday 9 January 2015.

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

The Executive Leadership Team, Manager Community, Law, Safety and Emergency Management, Manager Contracts and Property, Manager Major Projects, Team Leader Parking and the Property and Procurement Officer have all been involved in investigations and consultation relating to this item.

#### **Outcome – Council Meeting 3 February 2015**

Cr Hayward declared a Financial Interest and vacated the chamber at 5:37pm.

A request had been received from David South, owner of Souths, for the item to be deferred to allow him to seek further advice.



In accordance with clause 5.3(5)(g) of the City of Bunbury's Standing Orders Local Law 2012, Cr Kelly moved, Cr Steele seconded the procedural motion "That the item titled "Rationalisation of Lots 200, 199, 198, 11 and 66 and associated car park design" be referred back to the Council Meeting to be held 3 March 2015."

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

**Council Decision 38/15**

***That the item titled "Rationalisation of Lots 200, 199, 198, 11 and 66 and associated car park design" be referred back to the Council Meeting to be held 3 March 2015."***

CARRIED

11 votes "for" / 1 vote "against"

Cr Jones asked that her vote "against" be recorded.

All other Councillors and the Mayor voted "for" the motion.

Cr Hayward returned to the chamber at 5:39pm.

**10.4 Proposed Closure of Public Access Way – Lot 55 Ramillies Street, South Bunbury** *(was listed as item 10.3.1 of the Council Agenda)*

<b>File Ref:</b>	Lot 55 Ramillies Street
<b>Applicant/Proponent:</b>	Richard N. Morgan
<b>Author:</b>	Jane Dawson, Senior Property Officer, Contracts and Property
<b>Executive:</b>	Stephanie Addison-Brown - Director Corporate and Corporate Services
<b>Attachments:</b>	Appendix DCCS-1: Site Plan Lot 55 Lot 235 Ramillies Street

**Summary**

An application has been received from the Owner, Mr Richard Morgan (“the Applicant”) of Lot 235 Ramillies Street, South Bunbury, requesting the closure and amalgamation of the whole or portion of public access way being Lot 55 Ramillies Street, South Bunbury, which runs adjacent to his property. The public access way is 39.74 metres long and four metres wide. A location plan is **attached** at Appendix DCCS-1.

**Executive Recommendation**

Council does not agree to the proposed closure of the public access way Lot 55 Ramillies Street, South Bunbury in accordance with the relevant provisions of the WA Land Administration Act 1997, for the following reasons:

1. Both the Department of Planning and the City of Bunbury Development Coordination Unit object to the proposal because the it would limit pedestrian access in the locality resulting in greater walking distances with public safety potentially compromised as it would mean one less escape route from the reserve (fire-fighters and emergency vehicles access/egress) to protect homes from bushfire within the adjacent reserve.
2. The nearest alternative access is another ROW some 240m south too distant to provide immediate and safe access to the rear of the adjacent properties.

**Background**

The Applicant wishes to purchase the whole or a portion of Lot 55 Ramillies Street, South Bunbury. Lot 235 Ramillies Street is zoned Residential and is 1144.782m<sup>2</sup> in area and the R20 coding that enables two dwellings. This Lot sits adjacent to the northernmost fence line of Lot 235 Ramillies Street, South Bunbury.

The Applicant eventually plans to have two houses on Lot 235, with the driveway running along the edge of Lot 55. Both proposals the applicant has presented will allow for more driveway room and ease of access to both future houses on the property and has provided the City with two proposals in relationship to the changes to Lot 55:

1. If the pedestrian walkway is still being used by a significant number of people and therefore a necessary public asset, the Applicant has proposed a partial amalgamation of Lot 55 into Lot 235. He proposes that half of the width of Lot 55, i.e. two metres, be amalgamated into Lot 235 leaving a two metre wide public walkaway.

2. If the public walkway is no longer needed, the Applicant proposes that Lot 55 is completely amalgamated into Lot 235.

The land is “Crown Land” on Certificate of Title Volume 2725 Folio 22. The Applicant has completed and returned the application requesting the closure of a portion(s) of the public access way.

#### **Council Policy Compliance**

Not Applicable.

#### **Legislative Compliance**

Section 58 of *the Land Administration Act 1997*

Section 87 of *the Land Administration Act 1997*

#### **Officer Comments**

All Service Providers have been contacted and the responses are as follows:

<b>Aqwest</b>	Aqwest has no specific objection to closing the public access way at Lot 55 Ramillies Street, though a water main is currently installed throughout this land. The provision of the water Services Act 2012 and Water Services Regulation 2013 Apply.
<b>Water Corporation</b>	The Water Corporation have no assets that would be affected by the proposals and therefore has no objection.
<b>Department of Planning</b>	The Department of Planning <b>object</b> to the above proposal because the it would limit pedestrian access in the locality, resulting in greater walking distances, and safety would be compromised as it would mean one less escape routes from the parkland (or ingress for emergency services), in the event of a bushfire or other emergency event.
<b>Western Power</b>	Has no specific comments at this time to the proposal, but would appreciate being kept informed of any developments as there are overhead and/or underground cables, adjacent to or traversing Lot 55 Ramillies Street.
<b>ATCO Gas</b>	Has no objection to the proposals providing existing property boundaries and levels are maintained.

The Applicant has been advised of the objections voiced by the Department of Planning. As a further option in response to this objection, the applicant is quite happy to have a gate at the top of his block, which would give an escape route in the event of a fire. He has also made note that there is a second pedestrian access between Lots 230 and 231 Ramillies Street, which is approximately 150m walking distance from Lot 235 Ramillies Street.

After advice to the Applicant of the Department of Planning’s objections to the proposal, the Applicant put forward two other options for council to consider, as follows:

1. A partial closure of the pedestrian access, the footpath outside the property is 2 metres whereas this pathway is 4 metres wide.
2. Complete closure of the pedestrian access.

The alternative options would still limit or prevent pedestrian access in the event of a bushfire or emergency, as advised by the Department of Planning.

The Owner of Lot 234 Ramillies Street, Mr Vic Puzey, adjoins Lot 55 Ramillies Street **Objects** to the proposal and advises this would create a very narrow public access which is used daily and believes the proposal may also create a likely concealment for burglars.

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

The Applicant is responsible for all costs including document preparation, advertising and surveying.

#### **Community Consultation**

Advertising in accordance with the provisions of Section 58 of the Land Administration Act 1997 for a period of 35 days in the South Western Times, the City's Public Notice Boards and the City's Website.

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

The Development Coordination Unit object to the application, as follows:

1. This would restrict vehicular access for a light tanker fire appliance, to protect homes from bushfire within the adjacent reserve. The nearest alternative access is another ROW, some 240m south, which is too distant to provide immediate and safe access to the rear of the adjacent properties.
2. The preservation of this easement would provide an emergency escape for any fire-fighters committed to fire in the reserve, where the fire management track was impacted by fire.

#### **Outcome – Council Meeting 3 February 2015**

The Mayor, Gary Brennan declared an impartiality interest (see Section 5).

Cr Jones declared an impartiality interest (see Section 5).

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

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

**Council Decision 39/15**

***Council does not agree to the proposed closure of the public access way Lot 55 Ramillies Street, South Bunbury in accordance with the relevant provisions of the WA Land Administration Act 1997, for the following reasons:***

- 1. Both the Department of Planning and the City of Bunbury Development Coordination Unit object to the proposal because the it would limit pedestrian access in the locality resulting in greater walking distances with public safety potentially compromised as it would mean one less escape route from the reserve (fire-fighters and emergency vehicles access/egress) to protect homes from bushfire within the adjacent reserve.***
- 2. The nearest alternative access is another ROW some 240m south too distant to provide immediate and safe access to the rear of the adjacent properties.***

CARRIED

12 votes "for" / 1 votes "against"

Cr McCleary asked that her vote "against" be recorded.

All other Councillors and the Mayor voted "for" the motion.

**10.5 South West Education and Health Precinct** *(was listed as item 10.4.1 of the Council Agenda)*

<b>File Ref:</b>	AO5708
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Bob Karaszekwych, Director Planning, Development and Regulatory Services
<b>Executive:</b>	Bob Karaszekwych, Director Planning, Development and Regulatory Services
<b>Attachments:</b>	Appendix DPPS-1: South West Super Campus – Initial Consultation – November 2014

**Summary**

In July 2014, as a first step towards considering the concept of an overall precinct plan South West Education and Health Precinct, ECU engaged TME to review the existing background documentation and to carry out preliminary investigations and consultation with precinct partners and the City of Bunbury to identify interest in developing a precinct plan.

The report **attached** at Appendix DPPS-1 documents the process and outcomes of the most recent consultations.

The City has been requested to provide feed-back on the attached consultation document entitled: South West Super Campus - Initial Consultation - November 2014, to ECU

**Executive Recommendation**

That Council provide in-principle support for ongoing dialogue and collaboration with ‘precinct partners’ to progress the development of a strategic approach to the preparation of a master ‘precinct plan’ consistent with the Initial Consultation Report November 2014 prepared by TME for the ECU, including the consideration of:

1. Consultations with the MRWA as the responsible authority for Robertson Drive and Bussell Highway in relation to vesting the road reserve (parallel with Robertson Drive) to the campus stakeholders, to facilitate the precinct’s recognition as one of the City’s key economic drivers in education and health care in the South West and more particularly the Bunbury Wellington area.
2. The potential use of Hay Park for parking as an alternative to onsite parking incorporating a park and ride or shuttle bus service.
3. Lessening reliance on vehicle usage in the precinct and improved accessibility for pedestrians and bicycle users.
4. Multi-level car parking stations within the precinct to lessen the impact on developable lands and encroachment into natural areas.

## **Background**

The City has worked closely with education and health precinct stakeholders to support a strategic planning approach towards the preparation of a Masterplan to enable stakeholders to seek government funding for ongoing conservation, facilities and services development at Edith Cowan University; Manea Senior College; St John of God Hospital, South West Institute of Technology and the Bunbury Regional Hospital.

Discussions between the ‘precinct partners’ on the possible long term development of an integrated regional education and health precinct commenced in 2005 when the City of Bunbury hosted a stakeholder workshop. Although the resulting report was the subject of on-going discussions between a number of the stakeholders, no firm decisions were made regarding the approach to be taken.

## **Council Policy Compliance/ Legislative Compliance**

Not applicable

## **Officer Comments**

In early 2011, the concept of an overall precinct plan was again discussed with existing landowners, the City of Bunbury, the Department of Planning and the (then) Department of Environment and Conservation. The key issues identified at that time were the need to:

- \* develop a coordinated public transport plan for access to the precinct
- \* develop an integrated traffic and parking plan for the precinct, which incorporates access in the case of emergencies
- \* manage any development on the site identified as contaminated from its previous use as a shooting range
- \* respond to flora and fauna issues

No formal action on a precinct plan was undertaken however during on-going dialogue on common issues and opportunities the precinct partners expressed a desire to re-visit the matter

Since 2011, a series of pressures on site utilisation, risk management issues and infrastructure needs have affected the precinct. For example:

- \* Significant population and economic development forecast for the region
- \* Manea Senior College is growing beyond its present capacity
- \* Bunbury Regional Hospital is short of car parking and likely to have difficulties in expanding its building footprint
- \* Access and public transport are limited in the precinct
- \* There is limited residential student accommodation
- \* Environmental constraints may limit future development

In September 2013, a stakeholder reference group meeting was convened by the City, to facilitate open and transparent dialogue with a view to establishing collaboration towards the preparation of a master precinct plan to accommodate longer-term physical planning, infrastructure, facilities and services, accommodation, accessibility, car parking, public transport, safety and security.

Acknowledging those issues, 'precinct partners' remain interested in exploring the benefits and opportunities of long-term precinct planning such as sharing resources and facilities and enhanced public safety and security.

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

Nil as Officer time is absorbed in daily operations.

### **Community Consultation**

TME, working to the ECU project brief, has undertaken the following key tasks:

1. Reviewed existing background documentation in regard to the precinct.
2. Held individual meetings with the following precinct partners and the City of Bunbury to explore their views and aspirations as a foundation for a precinct partner workshop:
  - ECU
  - South West Institute of Technology
  - Manea Senior College
  - Bunbury Regional Hospital + WACHS + St John of God Hospital
  - City of Bunbury
3. Conducted a half-day workshop with the above organisations to facilitate sharing of information and to gauge interest in developing an overall precinct plan.

Individual meetings with TME representatives were held between 30 July and 3 September 2014. For convenience, meetings were held at the respective institutions.

Given that Bunbury Regional Hospital and St John of God Hospital Bunbury are collocated, those two institutions, along with the WACHS, decided to have a combined meeting with TME.

The purpose of the individual meetings was to explore the views and aspirations of the individual institutions as a foundation for a precinct partner workshop.

A joint workshop for representatives of all precinct partners and the City of Bunbury was conducted at the ECU Bunbury Campus on 23 September 2014. A summary of responses from the Individual Meetings was presented by TME, which had revealed a range of common views together with some different perspectives and some fresh, thought-provoking ideas. The main workshop focus was on identifying opportunities for the precinct, exploring support for a shared vision and defining what the vision might look like.

Having established the opportunities, the workshop addressed the 'appetite' of the resident institutions to develop and pursue a shared vision. The co-located hospitals have had 10 years of experience on which to examine the impact on individual budgets and collective savings, as well as non-financial outcomes.

Within the precinct as a whole, there was recognition that some opportunities had been lost in the past, but that the will exists to benefit from past experiences and go forward in a more integrated way.

The initial consultation has demonstrated a high degree of commonality between the views and aspirations of the resident institutions (precinct partners) in terms of:



- \* the issues confronting them;
- \* available opportunities (individually and collectively);
- \* strong support for development of, and commitment to, a whole-of-precinct (super campus) strategic plan; and
- \* a shared vision for what it might look like.

Whilst at the individual meetings some reservations were expressed about how the *other* institutions might react to the concept of an overall precinct plan, the respective institutions and the City of Bunbury all supported the concept.

At the combined workshop it was evident that not only is there a high degree of commonality between the views and aspirations of the respective institutions, but there is also significant goodwill between the institutions that provides an excellent foundation to build the relationships that will underpin successful development and implementation of an overall precinct plan.

This initial consultation phase on development of a super campus strategic plan represents an important step in the evolution of the precinct with the potential to deliver enhanced benefits to the precinct partners, the region and the State.

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

At the time of finalising this agenda item Councillor feed-back includes but is not limited to:

- \* Council to consider vesting or transfer of the road reserve parallel with Robertson Drive to the campus stakeholders.
- \* Suggested use of Hay Park parking areas as an alternative to onsite parking.
- \* The MRWA as the responsible authority for Robertson Drive and Bussell Highway as well as Aqwest and the Astronomy group to be consulted.
- \* Exploration of ways to remove or lessen the reliance on vehicle usage and access to the precinct and improved accessibility for pedestrians/bicycle users.
- \* Support the precinct as one of the City's key economic drivers in education and health care in the South West and more particularly the Bunbury Wellington area.

#### **Outcome – Council Meeting 3 February 2015**

The Mayor, Gary Brennan declared an impartiality interest (see Section 5).

Cr Jones declared an impartiality interest (see Section 5).

Cr Giles declared an impartiality interest (see Section 5).

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

The Mayor advised he would take each point of the motion (executive recommendation) separately. The Mayor put each point of the motion to the vote.

#### Point 1

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

Point 2

CARRIED 11 votes “for” / 2 vote “against”

- Votes “for”: Mayor Brennan; Cr Kelly; Cr Cook; Cr Giles; Cr Hayward; Cr McCleary; Cr McNeill; Cr Miguel; Cr Morris; Cr Prosser; Cr Steck
- Votes “against”: Cr Jones; and Cr Steele

Point 3

CARRIED 12 votes “for” / 1 vote “against”

- Votes “for”: Mayor Brennan; Cr Kelly; Cr Cook; Cr Giles; Cr Hayward; Cr McCleary; Cr McNeill; Cr Miguel; Cr Morris; Cr Prosser; Cr Steck; Cr Steele
- Votes “against”: Cr Jones

Point 4

CARRIED 12 votes “for” / 1 vote “against”

- Votes “for”: Mayor Brennan; Cr Kelly; Cr Cook; Cr Giles; Cr Hayward; Cr Jones; Cr McCleary; Cr McNeill; Cr Miguel; Cr Morris; Cr Prosser; Cr Steele
- Votes “against”: Cr Steck

As each point was carried, these formed Council’s decision on the matter. For ease of Reference, this is listed below.

**Council Decision 40/15**

***That Council provide in-principle support for ongoing dialogue and collaboration with ‘precinct partners’ to progress the development of a strategic approach to the preparation of a master ‘precinct plan’ consistent with the Initial Consultation Report November 2014 prepared by TME for the ECU, including the consideration of:***

- 1. Consultations with the MRWA as the responsible authority for Robertson Drive and Bussell Highway in relation to vesting the road reserve (parallel with Robertson Drive) to the campus stakeholders, to facilitate the precinct’s recognition as one of the City’s key economic drivers in education and health care in the South West and more particularly the Bunbury Wellington area.***
- 2. The potential use of Hay Park for parking as an alternative to onsite parking incorporating a park and ride or shuttle bus service.***
- 3. Lessening reliance on vehicle usage in the precinct and improved accessibility for pedestrians and bicycle users.***
- 4. Multi-level car parking stations within the precinct to lessen the impact on developable lands and encroachment into natural areas.***

CARRIED

**10.6 Marlston Hill (including Koombana North and Marlston Waterfront) Parking Study** *(was listed as item 10.4.2 of the Council Agenda)*

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Neil Dyer, Team Leader Parking
<b>Executive:</b>	Bob Karaszewych, Director Planning, Development and Regulatory Services
<b>Attachments:</b>	Appendix DPPS-2: Strategic Parking Investigation – Marlston Hill, Koombana North and Marlston Waterfront Appendix DPPS-3: Principles and Strategies Marlston Hill Parking Study

**Summary**

At the request of Council and funded by LandCorp, a strategic approach to car parking was commissioned by the City to assess parking needs in the Marlston Hill, Koombana North and Marlston Waterfront areas. The resultant document entitled the Strategic Parking Investigation – Marlston Hill, Koombana North and Marlston Waterfront (“the study”) is able to assist the City to determine where the future car parking is able to be provided, as need arises, in relation to ongoing development.

A copy of the study is **attached** at Appendix DPPS-2.

**Executive Recommendation**

That Council:

1. Endorse the “Principles” and “Strategies” contained in the Strategic Parking Investigation – Marlston Hill, Koombana North and Marlston Waterfront as an appendix to the adopted CBD Parking Strategy (as amended) noting whilst the report identifies potential foreshore areas for parking, this is contrary to the current thinking of Council and therefore this component is not supported.
2. Consider funding for provision of parking, in concert with future development proposals and car parking demand, in the Marlston Hill, Koombana North and Marlston Waterfront localities.
3. Consider the implementation of any of the strategies as part of future budget deliberations.

**Background**

In the preparation of the Koombana North Structure Plan, it was identified that this locality had potential to generate a shortfall of parking. The previous Council recognised potential implications at the Council meeting of the 21 May 2013 and requested a study be undertaken to assess the current parking provided and recommendations regarding the provision of future car parking.

LandCorp, the developer of Koombana North, although not accepting responsibility for any future parking shortfalls that may arise from development of its lands, did recognise the concerns of Council and offered to fund a parking study. The City used funding provided by LandCorp to engage an independent consultant (SKM) to undertake the study.

The Council Decision relating to this study is as follows.

*“Council Decision 138/13*

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

**Council Policy Compliance**

Not applicable to this report.

**Legislative Compliance**

Not applicable to this report.

**Officer Comments**

The Marlston Hill, Koombana North and Marlston Waterfront are located to the north of the Bunbury CBD. This includes residential and commercial properties, and mix residential and commercial uses. The Marlston Hill and Marlston Waterfront areas have a high degree of activity both during and after normal business hours due to commercial business activities and entertainment venues such as restaurants and nightclubs.

Although there are three public and one private car park that service the Marlston Hill and Marlston Waterfront area, more than half of the parking provided is on-street.

**Current off-street car parks**

Jetty Road - 2hr free car park	49 bays
Ommaney Street car park	70 bays
Holman Street - 2hr free car park	45 bays
Casuarina Drive private car park	55 bays

A total of 236 on-street parking bays are provided in Bonnefoi Blvd, Casuarina Drive (service road), Stingray Pass, Carey Street and Victoria Street.

In accordance with the adopted CBD Parking Strategy, two of the aforementioned car parks are Visitor/Shopper 2 hour free car parks and the remaining car parks are all-day paid parking. All of the on-street parking bays are paid parking with time limits varying between half-hour, two (2) hours, four (4) hours and eight (8) hours (all day).

As recommended in the 2007 parking review, surveys of the vehicles parking in these areas are undertaken by staff in February and August each year to determine the average occupancy rates. The data obtained from surveys confirm that the amount of parking provided in this area remains adequate, at this time.

The 2012 review of the implementation of the 2007 CBD Parking Strategy confirmed that the CBD Parking Strategy remains valid. It also identified the need to continually assess the parking activity within the CBD and to investigate options for the provision of additional parking as parking demands increase through increased activity or development.

The CBD Parking Strategy does not provide specific advice as to where parking can be provided within the City, unlike the Study that identifies a number of potential locations and an estimate of the number of parking bays that can be provided at each location.

It is considered that the study will complement the existing CBD Parking Strategy and if included as an appendix to the Strategy, will assist this Council when considering the provision of future parking locations as demand increases through new development or development intensification of the existing properties.

The recommendations contained within the Study are not however definitive and would therefore require site specific investigation including comprehensive consultation prior to any of the identified recommendations being implemented.

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

There are no current financial or budgetary implications relating this this report and LandCorp funded the Study. Funding for car parking would be considered and determined in concert with future development proposals and increases in car parking demand.

### **Community Consultation**

The Study was primarily undertaken using existing survey material and documents. Whilst in draft format, the documents were referred to LandCorp and the BCCI for comment. The BCCI were requested to provide comments by close of business, 12 December 2014. At the time of drafting this report, no further information/comments had been received from the BCCI. The information that had been received previously from the BCCI has been included in the summary table **attached** at Appendix DPPS-3.

The Study provides a number of potential locations parking could be provided, however as this would be dependent on the type of proposed development or use, site specific investigation/consultation would be required to be undertaken.

### **Councillor/Officer Consultation**

The study was developed in consultation with the Planning and Development and Regulatory Services. Officer comments relating to the Principles and Strategies contained within the study is contained in Appendix DPPS-3.

### **Strategic Relevance**

In August 2007, Council adopted the Central Business District Parking Strategy providing direction for future parking in the CBD and had been implemented.

In May 2012, a review of the implementation of the August 2007 CBD Parking Strategy was undertaken. The review that was undertaken by Luxmore Parking Consultants, investigated the implementation of the Strategy and they concluded that the Strategy remains valid and that the implementation of the actions in the Parking Works Program has been professionally undertaken and comprehensive.

The adopted strategy is reviewed annually for currency.

The CBD Parking Strategy is aligned with the City's Local Planning Policy (LPP) 3.1 - Access and Parking for Pedestrians, Bicycles and Vehicles. LPP 3.1 is utilised to assess and determine the overall access and parking requirements for proposed developments.

The inclusion of the study with the aforementioned documents will assist Council with regards to the provision of future parking within the study area as the development of the areas occurs.

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

#### *Economic*

The continued provision of adequate and appropriate parking and accessibility is required for ongoing economic viability and success of the CBD and its urban environs.

Marlston Hill and Koombana North accommodate a variety of land uses, including but not limited to, unrestricted residential, commercial office, retail shopping, community and waterfront recreation purposes that generate patronage and repeat visitation.

#### *Social*

The provision of adequate and appropriate car parking is required to accommodate the social and employment needs that contribute to the viability of the Central Business District, Marlston Hill, Koombana North and Marlston Waterfront localities.

### **Delegation of Authority**

The study was undertaken as per Council Decision 138/13. The item has been returned to Council for consideration and endorsement of the study as an appendix to the adopted CBD Parking Strategy.

### **Outcome – Council Meeting 3 February 2015**

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

Cr Kelly moved an amendment to Point 1 of the Executive Recommendation to read:

- “1. Include the “Principles” and “Strategies” contained in the Strategic Parking Investigation – Marlston Hill, Koombana North and Marlston Waterfront as an appendix to the adopted CBD Parking Strategy (as amended) noting whilst the report identifies potential foreshore areas for parking, this is contrary to the current thinking of Council and therefore this component is not supported.*

Cr Morris agreed to the amendment to the motion.

The Mayor put the following motion to the vote, which was Lost, and no subsequent decision was made in this regard.

Motion

*That Council:*

- 1. Include the “Principles” and “Strategies” contained in the Strategic Parking Investigation – Marlston Hill, Koombana North and Marlston Waterfront as an appendix to the adopted CBD Parking Strategy (as amended) noting whilst the report identifies potential foreshore areas for parking, this is contrary to the current thinking of Council and therefore this component is not supported.*
- 2. Consider funding for provision of parking, in concert with future development proposals and car parking demand, in the Marlston Hill, Koombana North and Marlston Waterfront localities.*
- 3. Consider the implementation of any of the strategies as part of future budget deliberations.*

LOST

6 votes “for” / 7 votes “against”

Crs Steele, Giles, Prosser, Steck, Jones, Cook and Hayward asked that their votes “against” be recorded.

All other Councillors and the Mayor voted “for” the motion.

**10.7 Request for Transfer Funds – Expand the Bunbury Senior Computer Club PR-3388 Study** *(was listed as item 10.5.1 of the Council Agenda)*

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Mark Robson, Senior Building and Structures Officer
<b>Executive:</b>	Phil Harris, Director Works & Services
<b>Attachments:</b>	Nil.

**Summary**

In November 2014 a Request for Quotation was released for a second time seeking competitive prices to construct a universal access toilet and a minor expansion to the Seniors Computer Club in Island Queen Street Withers – PR 3388. At closing three responses were received with all responses exceeding the available funding.

For this project to progress Council approval is required for the transfer of additional funds.

**Executive Recommendation**

That Council authorise additional funding for project PR-3388 to proceed, with funding transfers to be finalised through February Budget Review.

**Background**

The Bunbury Seniors Computer Club Building is a community building located in Island Queen Street in Withers with its primary use being to provide computer courses and training sessions for Seniors. The building was identified for an upgrade in 2013 due to general deterioration of conditions, the lack of available space and the need to provide universal access toilet facilities to meet the requirements of this Community Group.

This project was first advertised in February 2014 with responses also exceeding the available budget. The scope of works was reduced with the intention of meeting the project budget of \$38,577.00.

**Council Policy Compliance**

Not Applicable.

**Legislative Compliance**

Section 5.42 of the Local Government Act 1995  
Part 4 of the Local Government (Functions and General) Regulations 1996

**Officer Comments**

Additional funding is required in order to complete the specified works and a compliant universal access toilet, as there is no provision for a further reduction to the scope of works without abandoning the project.

Officers have reviewed a number of options in relation to the proposal including:



- \* Do nothing
- \* Defer the project to 2015/16 with an increase in funding subject to Council 15/16 budget deliberations
- \* Relocate the seniors computing facilities to another City-owned property
- \* Seek external grant funding to supplement Councils contribution - no opportunities have been identified in recent months.

The lease of the building was recently renewed with the tenants on a peppercorn lease for a period over five (5) years with a further option of five (5) years.

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

The project has insufficient funds to progress with the works.

Project budget is	+\$38,577.00
Expenditure to date: Design, Documentation and Drawings	-\$4,475.00
Expenditure to date: Building Energy Compliance Audit	-\$600.00
Lowest Tendered response	-\$49,850.00
<b>BUDGET SHORTFALL (ex GST)</b>	<b>-\$16,348.00</b>

It is proposed to:

1. The transfer of \$15,005 savings from PR-1255 Replace Lift at the SWSC as this project is now compete to PR 3388
2. Transfer \$1,343 from Building and Trades Building maintenance budget to accommodate the shortfall to PR 3388

#### **Community Consultation**

No formal Community consultation has been under taken, however the user groups have an expectation that the works will progress.

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

This matter has been discussed by the Executive Leadership Team.

#### **Outcome – Council Meeting 3 February 2015**

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

Cr McCleary moved the following procedural motion, which was seconded Cr Giles:

- “1. That the matter be laid on the table for two weeks so that an Officer can investigate options to relocate the Seniors Computing Club to an alternate location.
2. Council Officers obtain a valuation to dispose of Lot 23 Island Queen Street.”

The Mayor put the motion to the vote and the vote was Lost 6 votes “for”, 7 votes “against”.

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

**Council Decision 41/15**

***That Council authorise additional funding for project PR-3388 to proceed, with funding transfers to be finalised through February Budget Review.***

CARRIED

8 votes "for" / 5 votes "against"

**10.8 Alfresco – On Road Dining, Café 140** (was listed as item 10.5.2 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Phil Harris, Director Works and Services
<b>Executive:</b>	Phil Harris, Director Works and Services
<b>Attachments:</b>	Appendix DWS-1: Letter from Woodlands /Alex & Kristy Garbelini Appendix DWS-2: Concept Drawings

**Summary**

Council staff have been working with a number of business owners over the last six (6) months to facilitate the ongoing establishment of alfresco areas - 'On Road Dining' in the CBD. Prior to Christmas the correspondence was received from the owner and managers of Café 140 to establish alfresco dining on its Stirling Street frontage. The proposal also requested that Council provide partial funding for the establishment repayable over a five (5) year period.

**Executive Recommendation**

That Council:

1. Approve in principal the establishment of an On Road Dining area at Café 140, Stirling Street, Bunbury
2. Approve funding of \$13,928 repayable over a five (5) year period in accordance with the arrangement with the Victoria Street Cappuccino Strip arrangements.
3. Request the CEO establish documentation that defines repayment conditions
4. Fund the request from PR-3725.

**Background**

Officers have been meeting with the owners of Café 140 Alex and Kristy Garbelini and their representatives since September 2014 as concepts were developed to enhance their existing alfresco dining to On Road Dining. The final proposal from Café 140 entails the establishment of a dining area in an existing motorcycle bay on Stirling Street. Café 140 have limited existing Alfresco dining on the Stirling Street footpath.

The proposal is fairly simple requiring the relocation of the motorcycle bay with the design taking into consideration ongoing access to stormwater infrastructure. The location is protected by a large street tree which will be featured in the dining opportunity.

The estimated cost to establish the area is \$30,603 for which the Garbelini's are requesting Council assistance in prefunding via the means of a loan to the value of \$13,928, repayable over a five (5) year period in accordance with the Victoria Street Cappuccino Strip arrangements.

**Council Policy Compliance**

There is no Council Policy applicable to this matter although a draft policy dealing with On Road Dining is scheduled for tabling at the next Policy Review and Development Committee meeting.

### **Legislative Compliance**

There is no Legislative Compliance applicable to this matter.

### **Officer Comments**

Officers are aware of two previous requests for similar arrangements which were initially established during the development of the Cappuccino Strip in 2013. The 2013 precedent part funded the procurement and installation of the shade structures which are repayable over a five year period.

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

Subject to Council endorsement it is proposed that the \$13,603 will be funded from PR-3725.

### **Community Consultation**

No Community consultation has occurred relating to this matter.

### **Councillor/Officer Consultation**

A cross directorate working group which includes Health, Parking, Engineering and the Director of Works and Services has spent significant time working with the proponents.

### **Outcome – Council Meeting 3 February 2015**

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

Cr McCleary moved an amendment through an inclusion of a Point 5 to read:

5. *That the final on-road dining design shall be reviewed by the Director Works and Services to ensure that road safety issues are addressed adequately.*

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

**Council Decision 42/15**

***That Council:***

- 1. Approve in principal the establishment of an On Road Dining area at Café 140, Stirling Street, Bunbury***
- 2. Approve funding of \$13,928 repayable over a five (5) year period in accordance with the arrangement with the Victoria Street Cappuccino Strip arrangements.***
- 3. Request the CEO establish documentation that defines repayment conditions***
- 4. Fund the request from PR-3725.***
- 5. That the final on-road dining design shall be reviewed by the Director Works and Services to ensure that road safety issues are addressed adequately.***

CARRIED

13 votes "for" / Nil votes "against"

**10.9 Right of Ways** *(was listed as item 10.5.3 of the Council Agenda)*

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Phil Harris, Director Works & Services
<b>Executive:</b>	Phil Harris, Director Works & Services
<b>Attachments:</b>	Appendix DWS-3: Advice from Slee Anderson and Pidgeon Appendix DWS-4: Process for Laneways and Right of Ways in Perpetual Trust Appendix DWS-5: List of Right of Ways Appendix DWS-6: ROW – Bunbury 1 Appendix DWS-7: ROW – Bunbury 2 Appendix DWS-8: ROW – South Bunbury 1 Appendix DWS-9: ROW – South Bunbury 2 Appendix DWS-10: ROW – East Bunbury 1 Appendix DWS-11: ROW – East Bunbury 2 Appendix DWS-12: ROW – Carey Park

**Summary**

The City of Bunbury is responsible for 105 Right of Ways (ROWs) with a further 59 Private Right of Ways owned by others. The Right of Ways were established around the turn of the century to facilitate sanitary collections from the rear of property prior to the installation of reticulated sewerage. They usually remained in the ownership of the original subdivider when the Plan or Diagram of Survey were sold off.

As a result of property resale there are currently 59 ROW that are in ‘balance of title’ and held in perpetual trust or whereabouts of owners unknown which frequently attract requests for maintenance by the City. A list is **attached** at DWS-5 with aerial plans **attached** at DWS-6, DWS-7, DWS-8, DWS-9, DWS-10, DWS-11 and DWS-12.

The purpose of this agenda item is to provide clarity on future options in the management of these Laneways.

**Executive Recommendation**

That Council:

1. Note the advice provided by Slee Anderson & Pidgeon that Council does not have property rights in respect to the land nor does it have any obligation under statute or common law in respect to its use
2. Endorse that the City of Bunbury funding shall no longer be utilised to maintain these Right of Ways that are not controlled by the City
3. That affected property owners are notified in writing of the outcomes including the option to undertake remedial works at their cost.

## **Background**

It should be noted that this agenda item is not relevant to Public Access Ways designed for pedestrian access.

City staff receive numerous calls, emails and letters each year for works such as grading, pothole repair, vegetation control, drainage and scouring to be undertaken in ROWs. In most instances the ROWs are on land that is not under the control of the City.

The City maintains ROWs that have stormwater infrastructure as and when required. Other ROWs that have Aqwest or Watercorp infrastructure are not maintained by the City of Bunbury.

## **Council Policy Compliance**

Not Applicable.

## **Legislative Compliance**

Section 167A of the Land Administration Act 1997

## **Officer Comments**

In 2014 following regular complaints about the condition of ROWs the Assets and Infrastructure team inspected and documented each ROW in the City, identifying usage, occupancy, services and condition including digital imaging. The information has subsequently been used to clarify the extent of the City's liability in relation to maintenance requirements.

Prior to seeking legal advice in November 2014 officers reviewed the ongoing issues associated with number of requests for Council to maintain assets that did not belong to the City. Options identified included:

1. Do nothing – Not Council's Land
2. Acquire the land via the crown upgrade services to a minor public road – upgrade to include drainage, bitumen, kerbing and lighting to standard.
3. Meet with impacted residents to discuss options being:
  - a) That residents jointly fund the upgrade of the (ROW) via a Special Area Rate ;
  - b) That residents jointly engage a legal practitioner to research and resolve Perpetual Trust ownership issues through the Register of Births, Deaths and Marriages;
  - c) The City engages its legal practitioner to research and resolve Perpetual Trust Ownership issues through the Register of Births, Deaths and Marriages funded via a Special Area Rate.

**Attached** at DWS-3 is a letter from Slee Anderson and Pigeon – Right of Way – Tuart Street and Sampson Road.

**Attached at** DWS-4 Email detailing process for laneways right of ways held in perpetual trust.

Typically the ROW identified in the area bounded by Parkfield Street, Sampson Road and Tuart Street could cost in the range of \$166,000 to \$240,000 to either seal and install drainage or install lawn pavers/slabs which allow natural drainage.

Acquiring the land for all 59 ROWs and upgrading to minor public roads is estimated to cost in the vicinity of \$15m

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

At this point in time it is not possible to quantify the potential savings. Potential savings will be put back into future road maintenance programs.

### **Community Consultation**

It is proposed that Council decision will provide direction on how officers consult with effected residents in the future. The Department of Lands was consulted in relation to this matter.

### **Councillor/Officer Consultation**

This matter has been discussed by the Executive Leadership team and managers from various departments.

### **Outcome – Council Meeting 3 February 2015**

Cr Jones declared an impartiality interest (see Section 5).

Cr Hayward foreshadowed the following motion:

1. *Note the advice provided by Slee Anderson & Pidgeon that Council does not have property rights in respect to the land nor does it have any obligation under statute or common law in respect to its use.*
2. *The City of Bunbury commence a program, in consultation with adjoining landowners, to facilitate permanent outcomes for each (ROW), potentially including:*
  - *Amalgamation of the land into existing properties.*
  - *Transfer of the land to the City*
  - *Agreement with property owners to contribute to the cost of upkeep through a special rate*
  - *Agreement with the land owners for them to maintain the land using their own resources.*
4. *The City continues to maintain these (ROW) for a maximum period of 18 months, or until a permanent solution is found, whichever is shorter.*
5. *That affected property owners are notified in writing of the outcomes including the option to undertake remedial works at their cost.*

The recommendation (as printed) was moved Cr Steck, seconded Cr Giles. The Mayor put the motion to the vote and the Executive Recommendation was adopted to become Council's decision on the matter.



**Council Decision 43/15**

***That Council:***

- 1. Note the advice provided by Slee Anderson & Pidgeon that Council does not have property rights in respect to the land nor does it have any obligation under statute or common law in respect to its use***
- 2. Endorse that the City of Bunbury funding shall no longer be utilised to maintain these Right of Ways that are not controlled by the City***
- 3. That affected property owners are notified in writing of the outcomes including the option to undertake remedial works at their cost.***

CARRIED

8 votes "for" / 5 votes "against"

## **11. Applications for Leave of Absence**

Nil.

## **12. Motions on Notice**

Nil.

## **13. Questions on Notice**

### **13.1 Response to Previous Questions from Members taken on Notice**

The following questions were submitted by Cr Steck on 21 January 2015. Responses are provided below:

1. *Why did the CEO not print some of my questions on notice in the 20.1.2014 Agenda in relation to the Bunbury Art Gallery?*

There were no questions in relation to the Bunbury Art Gallery provided prior to the Ordinary Meeting for inclusion on the Agenda. The only questions provided related to Bush Fire Management and these were answered.

2. *During the function of the "6230" at the Art Gallery on Saturday the 17th of January, who managed the cash bar and took the takings? Council or some other entity?*

The two cash bars at the Re.Discover after party were managed and operated by external entities.

3. *Has council received any money or profit sharing towards the Art Gallery for allowing the "6230 function"?*

No money from the Re.Discover After Party came to council. Bunbury Regional Art Galleries co-hosted the event as part of its sponsorship of Re.Discover 2015.

The event aimed to cover its costs rather than make money.

4. *Why did council grant the original approval for wine from 6 – 8pm for the function yet the poster printed stated the time as 7.30 pm – midnight?*

BRAG obtained a license for and managed the Re.Discover exhibition opening (including the bar) which took place from 6-8pm. The 7.30 – midnight After Party was a related but separate function.

5. *What promotion of Art took place during the 7.30 – 12 event?*

The purpose of the After Party was to mark the end of Re.Discover and celebrate its success. There were no speeches and it was not intended to be a promotional event.

6. *Who gave authority for the Bunbury Art Gallery to be permanently painted with a mural on the external brick works of the back of the building?*

The Manager Community Arts & Culture (who is also Director of Bunbury Regional Art Galleries) encouraged and supported the proposal as being entirely consistent with the current use of the building and a means of engaging the community with contemporary art and encouraging them to visit the gallery.

A planning application was applied for which was referred to the State Heritage Office and Regional Heritage Advisor. The application was supported without conditions and approval was issued 20 October DA/2014/64/3

7. *What relevance does the mural have to historical value of the Bunbury Art Gallery?*

The artwork has been created on the new walls of the lift tower. The tower does not hold the same heritage significance as the original building. The location of the artwork is at the rear of the building and doesn't impact on the views of heritage significance.

The artist has worked with the elements of the extension which were designed to reflect the original form of Convent of Mercy. The artwork gives consideration to the horizontal elements and materials that were used to reflect the original building, and is sympathetic to the current use as well as the previous use as a school and convent. The artwork is an important work by an artist with a substantial National and International reputation and has met with widespread approval from numerous Bunbury residents and visitors.

8. *Was council provided with a proposed artworks plan of the mural before granting approval?*

The planning application included a design drawing, elevations and examples of the artist's work at various sites around the world.

9. *Has council received internal floor plans for the proposed new licensed venue at 3 Victoria Street, trading as "Yours and Mine", as would occur with any change of use?*

The City received development plans in relation to a Development Application for a small wine bar at **24 Victoria Street** (Yours and Mine). The plans showed an area of 36 square metres on City managed land at the rear of the BREC (3 Blair Street) for waste arrestor and wash down area.

*If so, why wasn't the floor plan attached to the appendices in the 20.1.2014 Agenda?*

The floor plans were not considered necessary in relation to the lease arrangements being proposed for consideration by Council on **20 January 2015**.

10. *Has the floor plan been circulated to the relevant state departments for comment?*

Assessment of the change of use application was not required to be referred on to government agencies for comment, nonetheless the Water Corporation has a copy of the Planning Approval and approved plans of development.

11. *If the floor plans had been circulated to the relevant state departments, why was the information on their comments not circulated in the officer reports in the agenda or in the appendices?*

The Agenda item was in relation to the leasing of the land and was not about the building licence or other matters associated with the proposed development.

12. *What method did council use in deciding the annual rent for portion of lot 3 Blair Street?*

The following was included in the Agenda Item - A valuation was carried out by LMW Hegney Property Valuers which valued the rental rate of the 36sqm area at \$875.00 per annum excluding GST. The City intends to charge the Applicant the full valuation amount and the Applicant has agreed.

13. *Why did council offer the land "under" current CBD flat land rents?*

Refer to response to Question 12

14. *Why did council offer the land at \$24.30 per square metre when the land is worth \$ 40 per square metre?*

Refer to response to Question 12

15. *Does council think it is acceptable to lose rent revenue of \$565 per annum which equates to \$2,825 of lost revenue over five years?*

This is a matter that Councillors considered in adopting the Officer's Recommendation.

16. *Did council explore any other rent revenue opportunities on the land such as CBD parking? If not why not?*

No other requests had been received and based on the request the matter was provided to Council for consideration

17. *Did council look at the possible revenue of \$ 400 per day in turning this land to car park?*

An opportunity exists for the City to design and construct car park spaces adjacent to the lease area.

The area in question was not considered for any other use.

18. *Is one of councils core business function to provide sound economic management?*

Yes

19. *Does council consider this transaction as good economic management, considering the outcome will lose rent revenue for council and its ratepayers?*

The Council was not receiving any revenue for the site, hence the additional income is seen as a positive outcome and consistent with the economic growth for the City. Firstly, the operation of a new business including creation of new employment and secondly, additional revenue through the leasing of an underutilised portion of a land parcel.

20. *Was the property offered for sale? If the land was of little use to council why not?*

A lease arrangement was considered to be appropriate in this instance – in the event that Council wishes to consider disposal through sale, this could be explored by Council officers.

21. *Has council moved away from providing information for open and accountable governance?*

No

### **13.2 Questions from Members**

Nil.

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

Nil.

### **15. Meeting Closed to Public**

#### **15.1 Matters for which the Meeting may be Closed**

Nil.

#### **15.2 Public Reading of Resolutions that may be made Public**

Nil.

### **16. Closure**

The meeting was declared closed at 6:11pm.