

Bunbury City Council

Minutes 3 March 2015



CITY OF BUNBURY
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Western Australia
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Nature of Council's Role in Decision Making

Advocacy: When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

Executive/Strategic: The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Legislative: Includes adopting local laws, town planning schemes and policies.

Review: When Council reviews decisions made by Officers.

Quasi-Judicial: When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

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 March 2015.

Minutes 3 March 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 are advised that the proceedings of this meeting will be recorded for record keeping purposes and to ensure accuracy in the minute taking process, and will also be streamed live via the internet to the public.

3. Announcements from the Presiding Member

There were no announcements from the Presiding Member.

4. Attendance

Present:

Council Members:	
Presiding Member	Mayor G Brennan
Deputy Presiding Member	Deputy Mayor Cr B Kelly
Members	Councillor J Hayward
	Councillor B McCleary
	Councillor S Morris
	Councillor J Jones
	Councillor N McNeill
	Councillor J Miguel
	Councillor K Steele

Council Members:	
	Councillor W Giles
	Councillor D Prosser
	Councillor M Cook
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr A Brien
Director Community Development	Ms S Addison-Brown
Director Planning and Development Services	Mr B Karaszewych
Director Works and Services	Mr P Harris
Council Officers (Non-Voting)	
Manager Governance	Greg Golinski
Acting Media and Communications Officer	Mr J Tatham
Senior Budget Officer	Ms E Lofthouse
Manager Finance	Mr D Ransom
Manager Sustainability, Planning and Development	Mr T Farnworth
Manager Corporate Projects	Ms F Anderson
Team Leader Parking	Mr N Dyer
Council Meeting Support Officer	Ms L Allan
Others (Non-Voting)	
Members of the Public	6
Members of the Press	2

4.1 Apologies

Cr Steck was an apology for the meeting.

4.2 Approved Leave of Absence

Nil.

5. Declaration of Interest

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

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 10.2.6 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.

Cr Prosser declared a Financial Interest in item 10.4.1 titled *“Proposed Scheme Amendment 78 to Rezone Lot 100 Bunning Boulevard, East Bunbury, from “Residential Zone” to “Special Use Zone No. 61 - Local Centre” and “Special Use Zone No. 62 - Mixed Use Frame””* as he has a financial interest in the company who is the applicant. Cr Prosser will vacate the chamber for the duration of discussion.

6. Public Question Time

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

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

6.1 Public Question Time

David Smith of 8 Picton Crescent. Bunbury

Mr Smith asked the following three (3) questions to Council. The responses were provided by the Chief Executive Officer.

Question 1: I refer to the advice given at the Agenda Briefing session by the Director Works and Services that two weeks ago he had written to the Withers Action Group at the request of Cr Hayward seeking information on the Withers Action Group's status and ask on what date the letter or e mail was sent?

Reply: The letter was posted and emailed to the Withers Action Group on Monday 16 February 2015.

Question 2: I also refer to item 10.2.2 (Lots 8 and 256 Tuart Street) and ask what was the date of the valuations by Landgate of the portions of Lot 8 and Lot 256 and what zoning or use of the land was used for valuation purposes?

Reply: The Landgate valuation was dated July 2013 and the zoning was Parks and Recreation.

Question 3: I also refer to item 10.2.3 (Bunbury Marine Facilities Agreement Management of Funds) and ask, given that the funds will be held by the City, who will be responsible for preparing the briefs for the engineering, environmental, and planning studies for these projects, the project managing those studies, including the calling for and awarding of tenders and for assessing when payments should be made?

Reply: All the preparatory work has been completed by the working group and ongoing management is being overseen by the Steering Committee.

6.2 Responses to Public Questions Taken 'On Notice'

Nil.

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the Bunbury City Council held 17 February 2015 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 17 February 2015 be confirmed as a true and accurate record.

Outcome – Council Meeting 3 March 2015

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

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

Council Decision 58/15

The minutes of the Ordinary meeting of the Bunbury City Council held 17 February 2015 be confirmed as a true and accurate record.

CARRIED

12 votes "for" / Nil votes "against"

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Appendix MTBN-1 – Withers Advisory Committee Minutes – 13/02/2015 Appendix MTBN-2 – Bunbury Region RoadWise Committee Minutes – 04/02/2015 Appendix MTBN-3 – Youth Advisory Council Committee Minutes – 11/02/2015

Summary

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

1. Title: Withers Advisory Committee Minutes 13/02/2015
Author: Alison Baker, Executive Assistant Works and Services
Appendix: MTBN-1
2. Title: Bunbury Region RoadWise Committee Minutes 04/02/2015
Author: Rachel Griffiths, Engineering Transport and Traffic Management
Appendix: MTBN-2
3. Title: Youth Advisory Council Committee Minutes 11/02/2015
Author: Elizabeth Larkin, Community Development Officer
Appendix: MTBN-3

Council Committee Recommendation

The following Advisory Committee meeting minutes listed in the report be accepted and noted:

1. Withers Advisory Committee Minutes – 13/02/2015
2. Bunbury Region RoadWise Committee Minutes 04/02/2015
3. Youth Advisory Council Committee Minutes 11/02/2015

Outcome – Council Meeting 3 March 2015

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

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

Council Decision 59/15

The following Advisory Committee meeting minutes listed in the report be accepted and noted:

- 1. *Withers Advisory Committee Minutes – 13/02/2015***
- 2. *Bunbury Region RoadWise Committee Minutes 04/02/2015***
- 3. *Youth Advisory Council Committee Minutes 11/02/2015***

CARRIED

12 votes “for” / Nil votes “against”

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 10.1.4 titled “Review of Terms of Reference – Withers Advisory Committee”, 10.2.2 titled “Disposal to the Water Corporation of a portion of Lots 8 and 256 Tuart Street South Bunbury”, and 10.4.1 titled “Proposed Scheme Amendment 78 to Rezone Lot 100 Bunning Boulevard, East Bunbury, From “Residential Zone” to “Special Use Zone No. 61 – Local Centre” and “Special Use Zone No. 62 – Mixed Use Frame””.

Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Smith’s deputation request to address Items 10.1.4 titled “Review of Terms of Reference – Withers Advisory Committee”, 10.2.2 titled “Disposal to the Water Corporation of a portion of Lots 8 and 256 Tuart Street South Bunbury”, and 10.4.1 titled “Proposed Scheme Amendment 78 to Rezone Lot 100 Bunning Boulevard, East Bunbury, From “Residential Zone” to “Special Use Zone No. 61 – Local Centre” and “Special Use Zone No. 62 – Mixed Use Frame”” and allows a period of up to five (5) minutes to present to Council on each item.

MOTION WAS LOST

Paul Lander on behalf of David South, 21 Wellington Street, Bunbury

Mr Lander requested to address item 10.2.6 titled “Rationalisation of Lots 200, 199, 198, 11 and 66 and associated car park design”

Council Decision 60/15

Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Lander’s deputation request to address Item 10.2.6 titled “Rationalisation of Lots 200, 199, 198, 11 and 66 and associated car park design” and allows a period of up to five (5) minutes to present to Council.

CARRIED

Paul Kotsoglo, Planning Solutions 296 Fitzgerald Street, Perth

Mr Kotsoglo requested to address Item 10.4.1 titled “*Proposed Scheme Amendment 78 to Rezone Lot 100 Bunning Boulevard, East Bunbury, from “Residential Zone” to “Special Use Zone No. 61 - Local Centre” and “Special Use Zone No. 62 - Mixed Use Frame”*”.

Council Decision 61/15

Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Kotsoglo’s deputation request to address Item 10.4.1 titled “Proposed Scheme Amendment 78 to Rezone Lot 100 Bunning Boulevard, East Bunbury, from “Residential Zone” to “Special Use Zone No. 61 - Local Centre” and “Special Use Zone No. 62 - Mixed Use Frame”” and allows a period of up to five (5) minutes to present to Council.

CARRIED

8.4 Council Delegates’ Reports

Nil.

8.5 Conference Delegates’ Reports

Nil.

9. Method of Dealing with Agenda Business

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

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for items 10.1.1, 10.1.2, 10.1.4, 10.1.5, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.3.1 and 10.5.2.

Items 10.1.3, 10.2.6, 10.4.1 and 10.5.1 of the meeting agenda were then discussed and voted on separately and in the order that they appeared on the agenda. The items have been renumbered with the items voted “by exception” listed first.

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

10. Reports

10.1 Parks Centre Parking (*was listed as item 10.1.1 of the Council Agenda*)

File Ref:	CDE-CDE-EDA-00012
Applicant/Proponent:	Community Access Committee
Author:	Isabell Evans, Community Development Officer - Access
Executive:	Stephanie Addison-Brown, Director Corporate and Community Services
Attachments:	Nil.

Summary

The purpose of this report is for Council to consider making a recommendation to the management of the Parks Centre shopping centre to amend the location of their drop-off/pick-up taxi parking bays.

Committee Recommendation

That Council make a recommendation to the management of the Parks Centre shopping centre to amend the location of their drop-off/pick-up taxi parking bays.

Executive Recommendation

That Council note the Recommendation of the Community Access Committee and take no further action as City Staff have already consulted with management of the Parks Centre shopping centre.

Background

On Monday 5 January 2015 Councillor Murray Cook contacted Director Planning and Development Services following concerns from a ratepayer over the location of drop-off/pick-up taxi parking bays at the Parks Centre shopping centre.

The current four (4) taxi bays, located opposite the Bunbury Turf Club and near the Brittain Road roundabout are over 120 metres from the Eastern-most entrance of the shopping centre, presenting difficulty for people with disability in accessing them.

At their meeting dated 6 February 2015 the Community Access Committee discussed potential amendments to the location of taxi parking bays to increase access to taxis at the shopping centre. The abovementioned recommendation was carried 12 votes “for” and nil votes “against”.

Council Policy Compliance

There is no Council policy relating to this report.

Legislative Compliance

There is no legislation relating to this report.

Officer Comments

The Team Leader Parking and Community Development Officer – Access have met to discuss the issue and at the February 6 meeting presented the Community Access Committee with a proposal to upgrade the existing ACROD bay outside the Westernmost entrance to the shopping centre and creating a taxi parking bay next to it.

However the Committee felt that given the thoroughfare that is this portion of the car park and the associated difficulties vehicles may encounter in frequently entering and exiting the bay, a taxi bay located outside the quieter Northern entrance would be preferable.

It is noted that upon visits to the site by both the Team Leader Parking and Community Development Officer – Access the four existing taxi bays were not in use.

As the Parks Centre car park is privately managed permission is sought to make recommendation to the centre owners to collaborate in improving the parking situation. The City currently benefits from a productive working relationship with the management of the Centrepunkt shopping centre, particularly in relation to accessible parking, and it is hoped that a similar relationship can be developed with the Parks Centre.

Analysis of Financial and Budget Implications

A baseline budget of \$20,000 exists to administer and review DAIP (disability access and inclusion plan) within which parking improvements are a priority. Should Parks Centre management be supportive of the changes, a portion of this budget may be utilised to assist them in making the amendments.

Community Consultation

A ratepayer initially raised this issue with Councillor Murray Cook.

The Community Access Committee presents this recommendation to Council for consideration.

Councillor/Officer Consultation

The Team Leader Parking has spoken to the Parks Centre Centre Manager with regards to the location of a taxi pick-up drop-off area and proposed amendments to the on-site accessible parking. The Centre manager is supportive in principle of the proposal and is happy to work with the City on this matter however has requested written proposals of any changes prior to formal agreement so that liaison can occur with property owners.

As members of the Community Access Committee Deputy Mayor Brendan Kelly and Councillor Murray Cook are aware of this report.

Outcome – Council Meeting 3 March 2015

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

Council Decision 62/15

That Council note the Recommendation of the Community Access Committee and take no further action as City Staff have already consulted with management of the Parks Centre shopping centre.

CARRIED

12 votes “for” / Nil votes “against”

10.2 Terms of Reference review – Community Access Committee (*was listed as item 10.1.2 of the Council Agenda*)

File Ref:	CDE-CDE-EDA-00012
Applicant/Proponent:	Community Access Committee
Author:	Isabell Evans, Community Development Officer - Access
Executive:	Stephanie Addison-Brown, Director Corporate and Community Services
Attachments:	Nil

Summary

The purpose of this report is for Council to consider amending the Terms of Reference for the Community Access Committee.

Committee Recommendation

That Council adopt the amended terms of reference for the Community Access Committee as follows:

The City of Bunbury Community Access Committee exists to guide the Bunbury City Council towards attaining best practice on matters of access and inclusion. The Community Access Committee is to make recommendations to Council based on the following Terms of Reference:

- 1. To develop proposals and make recommendations to Council on matters of access and inclusion relating to City of Bunbury buildings, facilities, services and information.*
- 2. To seek funding opportunities that improve access and inclusion within the City of Bunbury.*
- 3. To guide City of Bunbury departments and Councillors on decisions of best practice on matters of access and inclusion relating to buildings, facilities, services or information throughout Bunbury.*
- 4. To monitor the implementation of the Disability Access and Inclusion Plan for City of Bunbury buildings, facilities, services and information.*

Executive Recommendation

That Council adopt the amended terms of reference for the Community Access Committee as follows:

The City of Bunbury Community Access Committee exists to guide the Bunbury City Council towards attaining best practice on matters of access and inclusion. The Community Access Committee is to make recommendations to Council based on the following Terms of Reference:

1. *To develop proposals and make recommendations to Council on matters of access and inclusion relating to City of Bunbury buildings, facilities, services and information.*
2. *To seek funding opportunities that improve access and inclusion within the City of Bunbury.*
3. *To provide advice and information to City of Bunbury Officers and Councillors on decisions of best practice on matters of access and inclusion relating to Council buildings, facilities, services or information throughout Bunbury, and*
4. *To provide information to the private sector in relation to access and inclusion to assist in development and redevelopment of buildings and facilities.*
5. *To monitor the implementation of the Disability Access and Inclusion Plan for City of Bunbury buildings, facilities, services and information.*

Background

Point 5 of Decision 335/13 from the Ordinary Council Meeting held on 26 November 2013 was that each Council Committee commences a review of its terms of reference in March 2015, to enable a complete review of the operations to be completed prior to the next Ordinary Elections.

Council Policy Compliance

There is no Council policy relating to this report.

Legislative Compliance

Subdivision 2 of Division 2 of Part 5 of the Local Government Act 1995 deals with committees and their meetings.

Officer Comments

The current terms of reference for the Community Access Committee and suggested amendments are as follows:

The City of Bunbury Community Access Committee exists to guide the Bunbury City Council towards attaining best practice on matters of access [add “and inclusion”]. The Community Access Committee is to make recommendations to Council based on the following Terms of Reference:

1. To develop proposals and make recommendations to Council on matters of access [add “and inclusion relating”] to City of Bunbury buildings, facilities, services and information.
2. To seek funding opportunities that improves access [“and inclusion”] ~~to all areas~~ within the City of Bunbury.

3. To guide City of Bunbury departments and Councillors on decisions of best practice on matters of access [add “and inclusion relating”] to ~~the City of Bunbury~~ buildings, facilities, services or information [add “throughout Bunbury”].
4. To monitor the implementation of the Disability Access and Inclusion Plan for City of Bunbury buildings, facilities, services and information.

Overall the proposed amendments reflect the contemporary focus on inclusion as well as access. The proposed amendment to point three (3) reflects consideration of both Council and privately owned buildings, facilities, services and information. Whilst the intent of this clause is acknowledged and supported, this has the potential to provide a greater impact on development than what may be required under legislation and has the potential to slow down the decision-making process. To facilitate what is considered to be the intent of the recommendation of the Committee an alternative point three to the recommendation is proposed as outlined below.

Alternately, Council may wish to consider approving the amended terms of reference with the following amendments:

3. *To provide advice and information to City of Bunbury Officers and Councillors on decisions of best practice on matters of access and inclusion relating to Council buildings, facilities, services or information throughout Bunbury, and*
4. *To provide information to the private sector in relation to access and inclusion to assist in development and redevelopment of buildings and facilities.*

Analysis of Financial and Budget Implications

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

Community Consultation

The Community Access Committee presents this recommendation to Council for consideration.

Councillor/Officer Consultation

As members of the Community Access Committee Deputy Mayor Brendan Kelly and Councillor Murray Cook are aware of this report. Amendments were proposed to the report following consultation with the Executive Leadership Team.

Outcome – Council Meeting 3 March 2015

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

Council Decision 63/15

That Council adopt the amended terms of reference for the Community Access Committee as follows:

The City of Bunbury Community Access Committee exists to guide the Bunbury City Council towards attaining best practice on matters of access and inclusion. The Community Access Committee is to make recommendations to Council based on the following Terms of Reference:

- 1. To develop proposals and make recommendations to Council on matters of access and inclusion relating to City of Bunbury buildings, facilities, services and information.***
- 2. To seek funding opportunities that improve access and inclusion within the City of Bunbury.***
- 3. To provide advice and information to City of Bunbury Officers and Councillors on decisions of best practice on matters of access and inclusion relating to Council buildings, facilities, services or information throughout Bunbury, and***
- 4. To provide information to the private sector in relation to access and inclusion to assist in development and redevelopment of buildings and facilities.***
- 5. To monitor the implementation of the Disability Access and Inclusion Plan for City of Bunbury buildings, facilities, services and information.***

CARRIED

12 votes "for" / Nil votes "against"

10.3 Review of Terms of Reference –Withers Advisory Committee (*was listed as item 10.1.4 of the Council Agenda*)

Applicant/Proponent:	Withers Advisory Committee
Author:	Phil Harris, Director Works and Services
Executive:	Phil Harris, Director Works and Services
Attachments:	Nil

Summary

The purpose of this report is for Council to consider amendments to the Terms of Reference for the Withers Advisory Committee.

Committee Recommendation

That Council adopt an amended terms of reference for the Withers Advisory Committee as follows:

1. *To review and progress the Withers Action Plan.*
2. *Endorse or amend recommendations subject to conditions as per Council Decision 34/14.*
3. *Receive information from Council and the Withers Community to assist decision making.*
4. *To provide stronger community relations in Withers.*
5. *Oversees projects implemented from the Withers Reserve*

Background

Point 5 of Decision 335/13 from the Ordinary Council Meeting held on 26 November 2013 was that each Council Committee commences a review of its terms of reference in March 2015, to enable a complete review of the operations to be completed prior to the next Ordinary Elections.

The Withers Advisory Committee reviewed its Terms of Reference at its meeting of 13 February 2015.

WAC Decision 5/15

That the Withers Advisory Committee recommend that Council:

Adopt the amended terms of reference for the Withers Advisory Committee as presented.

1. *To review and progress the Withers Action Plan.*
2. *Endorse or amend recommendations subject to conditions as per Council Decisions 34/14.*
3. *Receive information from Council and the Withers Community to assist decision making.*
4. *To provide stronger community relations in Withers.*
5. *Oversees projects implemented from the Withers Reserve*

Council Policy Compliance

N/A

Legislative Compliance

Subdivision 2 of Division 2 of Part 5 of the Local Government Act 1995 deals with committees and their meetings.

Officer Comments

The current terms of reference for the Withers Advisory Committee are as follows:

1. *To review and progress the Withers Action Plan.*
2. *Make priority recommendations to Council.*
3. *Receive information from Council, Withers Community and the Withers Action Group to assist decision making.*
4. *To provide stronger community relations in Withers.*

The Withers Advisory Committee has delegated authority to endorse recommendations or to amend recommendations subject to conditions detailed in Council Decision 34/14 and it is therefore considered appropriate to amend point 2.

It is also considered that reference to the Withers Action Group be removed from the Terms of Reference.

The Withers Action Group is currently suspended and they currently have membership rights on the Withers Advisory Committee. There is at least one other Community group that represents members of the Withers community and by referring only to the Withers Action Group in the Terms of Reference, it could be perceived that the Withers Advisory Committee is excluding members of other Community Groups.

As the Withers Action Group is part of the Community, amending point 3 of the Terms of Reference will not diminish the opportunity for the Withers Action Group to provide information to the Withers Advisory Committee.

Council is currently reviewing options to implement Precinct Committees within the City which will require a further review of the Composition, Terms of Reference and Function of the Withers Advisory Committee. It is intended that The Withers Advisory Committee be disbanded if and when a Precinct Committee is formed.

Analysis of Financial and Budget Implications

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

Outcome – Council Meeting 3 March 2015

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

Council Decision 64/15

That Council adopt an amended terms of reference for the Withers Advisory Committee as follows:

- 1. *To review and progress the Withers Action Plan.***
- 2. *Endorse or amend recommendations subject to conditions as per Council Decision 34/14.***
- 3. *Receive information from Council and the Withers Community to assist decision making.***
- 4. *To provide stronger community relations in Withers.***
- 5. *Oversees projects implemented from the Withers Reserve***

CARRIED

12 votes “for” / Nil votes “against”

10.4 Terms of Reference Review – Youth Advisory Council *(was listed as item 10.1.5 of the Council Agenda)*

Applicant/Proponent:	Youth Advisory Council
Author:	Elizabeth Larkin, Community Development Officer
Executive:	Stephanie Addison-Brown, Director Corporate and Community Services
Attachments:	Nil

Summary

The purpose of this report is for Council to consider amending the Terms of Reference for the Youth Advisory Council.

Committee Recommendation

That Council adopt the amended Terms of Reference for the Youth Advisory Council as follows.

1. To identify and advise on youth trends, gaps and opportunities in the Bunbury area.
2. To advise Council on the development of policies that is responsive to the needs of youth.
3. To engage with the young people of the Bunbury area to draw consultation and feedback on youth trends, opportunities and gaps to present to Council.
4. To assist and be actively involved in the ongoing development and delivery of youth targeted projects, programs and events. (Annually: Australia Day and National Youth Week)
5. To engage with the wider youth community to create/look for partnerships and opportunities to support young people in the areas of upskilling, youth leadership and the active involvement for youth driven initiatives.

Background

Point 5 of Decision 335/13 from the Ordinary Council Meeting held on 26 November 2013 was that each Council Committee commences a review of its terms of reference in March 2015, to enable a complete review of the operations to be completed prior to the next Ordinary Elections.

At its meeting dated 11th February 2015 the Youth Advisory Council discussed amendments to the Committee's Terms of Reference and proposed some minor amendments.

Council Policy Compliance

There is no Council policy applicable to this report.

Legislative Compliance

Subdivision 2 of Division 2 of Part 5 of the Local Government Act 1995 deals with committees and their meetings.

Officer Comments

The current terms of reference for the Community Access Committee and suggested amendments are as follows:

Terms of Reference *(as adopted 30/10/2012)*

1. To identify and advise on youth ~~issues~~ trends, gaps and opportunities in the Bunbury area.
2. To advise Council on the development of policies that is responsive to the needs of youth.
3. ~~To consult with local youth and feedback results of consultations to Council.~~ To engage with the young people of the Bunbury area to draw consultation and feedback on youth trends, opportunities and gaps to present to Council.
4. To assist and be actively involved in the ongoing development and delivery of youth targeted projects, programs and events. (Annually: Australia Day and National Youth Week)
5. ~~To create opportunities for youth leadership development by acting as a resource for youth activities.~~ To engage with the wider youth community to create/look for partnerships and opportunities to support young people in the areas of upskilling, youth leadership and the active involvement for youth driven initiatives.

Analysis of Financial and Budget Implications

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

Community Consultation

The Community Access Committee presents this recommendation to Council for consideration.

Councillor/Officer Consultation

As members of the Youth Advisory Council Committee Cr Sam Morris, Cr Neville McNeill and Cr Jaysen Miguel are aware of this report.

Outcome – Council Meeting 3 March 2015

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

Council Decision 65/15

That Council adopt the amended Terms of Reference for the Youth Advisory Council as follows.

- 1. To identify and advise on youth trends, gaps and opportunities in the Bunbury area.***
- 2. To advise Council on the development of policies that is responsive to the needs of youth.***
- 3. To engage with the young people of the Bunbury area to draw consultation and feedback on youth trends, opportunities and gaps to present to Council.***
- 4. To assist and be actively involved in the ongoing development and delivery of youth targeted projects, programs and events. (Annually: Australia Day and National Youth Week)***
- 5. To engage with the wider youth community to create/look for partnerships and opportunities to support young people in the areas of upskilling, youth leadership and the active involvement for youth driven initiatives.***

CARRIED

12 votes “for” / Nil votes “against”

10.5 Proposed Deed of Lease – Bunbury Ex-Students Hockey Club Inc., over portion of Reserve 30601 “Hay Park”, Parade Road, Bunbury (was listed as item 10.2.1 of the Council Agenda)

File Ref:	Portion of Reserve 30601 “Hay Park” Parade Road, Bunbury
Applicant/Proponent:	Bunbury Ex-Students Hockey Club Inc.
Author:	Jane Dawson, Senior Property Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-1: Location Plan Appendix CEO-2: Rent Tier Matrix

Summary

An application has been received from the Bunbury Ex-Students Hockey Club Inc. (“applicant”), seeking Council’s consent to renew the lease over portion of Hay Park Reserve 30601 (Lot 3001 on Deposited Plan 43554) Parade Road, Bunbury for a further five (5) years with a further ten (10) year option. The current lease is due to expire on 30 June 2015. A location plan is **attached** at Appendix CEO-1.

Executive Recommendation

Council agrees to grant a Lease over portion of Hay Park Reserve 30601, Parade Road, Bunbury for a term of five (5) years with a further ten (10) year option from 1 July 2015 subject to the terms and conditions as specified in the report:

1. The Applicant to pay all costs associated with the document preparation.
2. Advertising in accordance with Section 3.58 of the *Local Government Act 1995*.
3. Approval of the Minister for Lands.

Background

The applicant has held the lease over the current site since 1990 and owns the clubrooms on the site. The land is comprised within Reserve 30601 (Lot 3001 on Deposited Plan 43554) and is held by the City of Bunbury under Management Order 1902/1967 Crown Land Record Volume 3129 Folio 866 for the purpose of “Recreation” with the power to lease for a term of up to twenty-one (21) years.

Pursuant to section 18 of the Land Administration Act 1997, the Office of the Minister for Lands has granted “in principle” approval for the proposal subject to formal approval being granted on receipt of the Deed.

The applicant has committed its own finances and resources on improving the premises over the years and has satisfied the terms and conditions of the current Lease.

The applicant co-exists with other sporting groups including the Hay Park United Soccer Club, who are currently under a Memorandum of Understanding between the City and the applicant for use of the clubrooms and lease area.

Current Lease Details

Commencement:	1 July 2010
Term:	Five (5) years
Expiry Date:	30 June 2015
Rental:	\$520.00 per annum plus GST and indexed annually by CPI
Rent Review:	Third anniversary date
Outgoings:	Responsibility of the Lessee.
Insurance:	Lessee to maintain Public Risk, Building and General Insurance cover over the premises with Public Liability to be set at \$10 million.

Proposed New Lease Details

Commencement:	1 July 2015
Term:	Five (5) years with a further ten (10) year option.
Expiry Date:	30 June 2020
Rental:	- \$1,000.00 plus GST per annum (Landgate Valuation) - \$340.00 plus GST per annum if adjusted in line with the Rent Tier Matrix
Rent Review:	CPI annually, Market Rent Review every third year.
Outgoings:	Responsibility of the Lessee.
Insurance:	Lessee to maintain Public Risk, Building and General Insurance cover over the premises with Public Liability to be set at \$10 million.
Special Conditions:	- Lessee responsible for all maintenance minor and structural and upkeep of the Demised premises. - Hay Park United Soccer Club to be under a Memorandum of Understanding to use the lease area in conjunction with the applicant
Document Preparation:	The Lessee to pay full cost of document preparation.

Council Policy Compliance

Not Applicable.

Legislative Compliance

The City will give notice of the intention to enter into the Lease for five (5) years with a further ten (10) year option will be published in the City Focus column of the Bunbury Mail Newspaper, displayed at the City's libraries, the Administration centre and on the City's website in accordance with Section 3.58 of the *Local Government Act 1995*.

Officer Comments

The Applicant has satisfactorily fulfilled its obligations and responsibilities under the current Lease.

Analysis of Financial and Budget Implications

The Applicant is responsible for all costs including document preparation.

The lease rental has been calculated on the land component and based on an independent valuer's assessment dated the 30th January 2015, totalling \$1,000.00 plus GST per annum, with the applicant responsible for all outgoings:

- The rent has been adjusted accordingly with the Rent Tier Matrix and reduced to \$340.00 per annum plus GST. This would result in a significant drop in the annual lease rental.
- The Applicant currently pays \$520.00 per annum plus GST and is responsible for all outgoings.
- It is at Council's discretion to decide on the appropriate annual rent to be charged taking into consideration the current rent, the Landgate valuation and the Rent Tier Matrix.

The Rent Tier Matrix is **attached** at Appendix CEO-2.

Community Consultation

Advertising in accordance with the provisions of Section 3.58 of the *Local Government Act 1995* including 14 days in a local newspaper, the City's Public Notice Boards and the City's Website.

Councillor/Officer Consultation

The Development Coordination Unit has no objections to the proposed lease.

Outcome – Council Meeting 3 March 2015

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

Council Decision 66/15

Council agrees to grant a Lease over portion of Hay Park Reserve 30601, Parade Road, Bunbury for a term of five (5) years with a further ten (10) year option from 1 July 2015 subject to the terms and conditions as specified in the report:

- 1. The Applicant to pay all costs associated with the document preparation.***
- 2. Advertising in accordance with Section 3.58 of the Local Government Act 1995.***
- 3. Approval of the Minister for Lands.***

CARRIED

12 votes "for" / Nil votes "against"

10.6 Disposal to the Water Corporation of a portion of Lots 8 and 256 Tuart Street South Bunbury (was listed as item 10.2.2 of the Council Agenda)

Applicant/Proponent:	Internal Report
Author:	Massimo Andreone, Manager Contracts and Property
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-3: Location Plan Lots 8 and 256 Tuart Street Appendix CEO-4: Certificate of Title – Lot 256 Tuart Street Appendix CEO-5: Submission regarding Lots 8 and 256 Tuart Street

Summary

Council Decision 177/14, resolved to dispose to the Water Corporation portions of Lots 8 and 256 Tuart Street, South Bunbury situated around Lot 50 Tuart Street (which belongs to the Water Corporation), and measuring 1800m², for an amount of \$40,896, inclusive of GST, in order to upgrade the Water Corporations pump station. A Site Location Plan is **attached** at CEO-3.

Executive Recommendation

That Council:

1. Notes the submission from Mr Summers and Council advise him of their decision.
2. Accepts the Water Corporation's proposal to acquire portions of Lots 8 and 256 Tuart Street, South Bunbury, as per Council Decision 177/14.
3. Authorises the Chief Executive Officer to do all things necessary in order to procure settlement of the sale.

Background

Council Decision 177/14 reads as follows:-

That Council agrees:-

- 1 *Not to proceed with the modified Town Planning Scheme Amendment No. 21 insofar as it relates to Lot 8.*
- 2 *To the disposal to the Corporation of portions of Lots 8 and 256 Tuart Street, situated around Lot 50, measuring 1800m², for an amount of \$40,896.00 inclusive of GST, subject to statutory advertisement of the proposed disposal and Councils subsequent endorsement thereof in terms of the Local Government Act 1995 ("the Act").*
- 3 *That the Corporation shall, at its discretion, be entitled to lodge a caveat noting its interest in the Subject Lot; possession and unobstructed access to the Subject Lot, upon payment of the deposit; and subject to the Corporation being responsible for the following:-*
 - *Preparation and costs of the Contract of Sale;*

- *Payment of any costs associated with Western Australian Planning Commission conditions that require services to be supplied to the future of Lots 8 and 256 Tuart Street;*
- *Payment of all costs associated with the subdivision procedure for the required portion of land and for the application for new titles associated with the subdivision;*
- *Payment to the City of 10% of the total agreed purchase price as a deposit within fourteen (14) days of the Contract of Sale documentation being signed by both parties;*
- *Payment of the balance of the purchase price at settlement, to occur within twenty one (21) days of the Deposited Plan being in 'Order for Dealing' at Landgate; and*
- *Payment of all costs associated with the preparation of documents and registration at Landgate.*

Lots 8 and 256 are currently zoned 'Parks and Recreation' under Town Planning Scheme 7.

The portion of land is a small area of wetland, which, according to the Landgate valuation, lies approximately 2.5 metres below the road, forming part of the natural drainage area. The land has been valued in accordance to its current zoning 'Parks and Recreation', assuming there is no prospect of any alternative development potential, no contamination issues and that the proposed sites are to be utilised by the Water Corporation.

The Department of Environmental Regulation has confirmed that Lot 256 has not been reported as a contaminated or potentially contaminated site, and that Lot 8 has not been classified under the *Contaminated Sites Act* 2003. A copy of the Record of Certificate of Title for Lot 256 is **attached** at CEO-4. Whilst the Record of Title, which is a Multi-Lot Title, references a Memorial under the *Contaminated Sites Act*, it does not reflect Lot 256, but reflects potential issues for other lots within this Multi-Lot Title.

Council had initially considered a rezoning of Lot 8, to 'Residential 40', for development purposes, but the rezoning was never instigated.

During consultation, it emerged that the Water Corporation had intentions to expand its existing infrastructure located on Lot 50, and would seek to acquire land adjacent to this lot from the City.

Council has agreed not to proceed with the modified Town Planning Scheme Amendment 21 insofar as it relates to Lot 8, and to dispose of the property to the Water Corporation, subject to statutory advertisement of the proposed disposition.

The Department of Planning were advised of Council Decision 177/14 on 3 June 2014.

Upon advice received from the Water Corporation's solicitors, although the Department of Water (and the Minister for Water) fall within the status, immunities and privileges of the Crown, the Water Corporation itself is not an agent of the Crown. As such the exemptions under section 30 of the Local Government Regulations do not apply, and the City was obligated to proceed with the statutory advertising.

The Landgate Market Valuation formed part of the original Agenda Item and valued the portions of the lots initially required by the Water Corporation, as follows:-

- Portion of Lot 8, measuring approximately 1300m² @ \$22.31/m² = \$29,000 inclusive of GST

- Portion of Lot 256, measuring approximately 1100m² @ \$22.72/m² = \$25,000 inclusive of GST

The Water Corporations proposal for the 1800m² was calculated at the rate of \$22.72m², totalling \$40,896 inclusive of GST, and this is the value endorsed by Council.

The Water Corporation has prepared the draft Contract of Sale which has been reviewed by the Manager Contracts and Property.

Legislative Compliance

Local public notice of the proposed disposition under Section 3.58 of the Act, inviting submissions to the proposed disposal, was advertised in the City Focus section of the Bunbury Mail newspaper on 21 January 2015 with submissions closing on 5 February 2015.

Exemptions under section 30 of the Local Government Regulations do not apply to the Water Corporation, and the City was obligated to proceed with the statutory advertising.

Submission

At the date of closing, one submission had been received from Mr. Alan Summers, dated 29 January 2015. A copy is **attached** at CEO-4. The submission states that the price proposed is insufficient based on Mr Summers assumptions. An independent valuation was undertaken by Landgate and is deemed by officers to be appropriate consideration based on the zoning, and that it is reasonable for the disposal to proceed.

Dot points 1, 2 and 3 raised on page 1 of Mr Summers' submission are matters for Aqwest to address.

Regarding dot point 4, according to Landgate's records, Lots 2 and 4 Tuart Street were sold to Cotton Holdings Pty Ltd in 2002.

Council Policy Compliance

The disposal meets the requirements of the Land Rationalisation and Acquisitions Policy adopted on 11 November 2014

Officer Comments

The Executive Recommendation accords with Council's previous decision and is a progression of Council's initial authority in the matter.

Analysis of Financial and Budget Implications

The Water Corporation is to pay to the City a deposit of 10% of the purchase price, in sum of \$4089.60, within fourteen days after execution of the Contract of Sale, with the balance of the proceeds payable on settlement.

Community Consultation

The Community has been advised and encouraged to make submissions during the advertising period 21 January 2015 to 5 February 2015.

Officer Consultation

The City's Manager Assets and Projects has confirmed that there will be no stormwater issues as a result of the disposal.

Planning and Development have advised that a condition be placed in the agreement requiring the Water Corporation to inform the local community about the development and advise them on how any potential social and environmental issues will be managed, upon advice from the City.

Outcome – Council Meeting 3 March 2015

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

Council Decision 67/15

That Council:

- 1. Notes the submission from Mr Summers and Council advise him of their decision.***
- 2. Accepts the Water Corporation's proposal to acquire portions of Lots 8 and 256 Tuart Street, South Bunbury, as per Council Decision 177/14.***
- 3. Authorises the Chief Executive Officer to do all things necessary in order to procure settlement of the sale.***

CARRIED

12 votes "for" / Nil votes "against"

10.7 Bunbury Marine Facilities Agreement – Management of Funds *(was listed as item 10.2.3 of the Council Agenda)*

Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Confidential Appendix CRUSC-3: RfR Financial Assistance Agreement

Summary

As part of the Marine Facilities Project, the South West Development Commission has requested the City's assistance by managing the funds for engineering, environmental and planning studies.

Under the agreement the State Government will provide the City with \$1,000,000 as custodians for the Bunbury Marine Facilities Studies funds until required by the South West Development Commission in the future. There is no cost to the City.

Executive Recommendation

That Council approves the Mayor and CEO signing the Bunbury Marine Facilities agreement between the City and the State of Western Australia, for the City to manage the funds for engineering, environmental and planning studies to be conducted by the South West Development Commission.

Background

The Bunbury Marine Facilities is a joint project between State Government Departments and Agencies with support from the City of Bunbury. The project comprises three components which are being undertaken concurrently, these being the Environmental, Engineering and Planning Studies, Area 7 (outer harbour) and the Landscape component from the Dolphin Discovery Centre to the Outer Harbour. Council staff are managing the Landscape Component and are involved in the other two components. As part of this process the funding for the environmental and engineering is to be provided to Council to assist in the administration and coordination of various consultancies.

Funding of \$1,000,000 for this project will be provided by the State Government through the Department of Regional Development to the City. The City will assist by managing the funds for the project in a Western Australian Treasury Corporation account until funds are requested by the South West Development Commission for the purpose of the Bunbury Marine Facilities Studies.

Council Policy Compliance

There is no Council Policy applicable to this matter.

Legislative Compliance

There is no Legislative Compliance applicable to this matter.

Officer Comments

The City is able to assist in the Bunbury Marine Facilities project by managing the funds provided by the State Government for engineering, environmental and planning studies. There is no cost to the City in providing this assistance.

Analysis of Financial and Budget Implications

There is no financial or budget implication in the City agreeing to manage the funds for the Bunbury Marine Facilities Studies.

Community Consultation

No Community consultation has occurred relating to this matter.

Councillor/Officer Consultation

This matter has been discussed with the Executive Leadership Team and the Mayor.

Outcome – Council Meeting 3 March 2015

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

Council Decision 68/15

That Council approves the Mayor and CEO signing the Bunbury Marine Facilities agreement between the City and the State of Western Australia, for the City to manage the funds for engineering, environmental and planning studies to be conducted by the South West Development Commission.

CARRIED

12 votes "for" / Nil votes "against"

10.8 Schedule of Accounts Paid for the Period 1 January 2015 to 31 January 2015 (*was listed as item 10.2.4 of the Council Agenda*)

Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-6 Schedule of Accounts Paid

The City of Bunbury "Schedule of Accounts Paid" covering the period 1 January 2015 to 31 January 2015 has been issued to elected members **attached** at Appendix CEO-6. The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$4,661,086.17
2. Advance Account – payments totalling \$2,408,139.50
3. Trust Account – payments totalling \$17,895.12
4. Visitor Information Centre Trust Account – payments totalling \$28,232.70
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$631,789.38
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$541,902.99

Executive Recommendation

The Schedule of Accounts Paid for the period 1 January 2015 to 31 January 2015 be received.

Outcome – Council Meeting 3 March 2015

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

Council Decision 69/15

The Schedule of Accounts Paid for the period 1 January 2015 to 31 January 2015 be received.

CARRIED

12 votes "for" / Nil votes "against"

10.9 Financial Management Report for the Period Ending 31 January 2015 *(was listed as item 10.2.5 of the Council Agenda)*

Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-7 Statement of Comprehensive Income Appendix CEO- Financial Activity Appendix CEO-Net Current Assets Appendix CEO-Balance Sheet Appendix CEO-Capital Expenditure Summary Appendix CEO-Operating Project Expenditure Summary

Summary

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

- Statement of Comprehensive Income (**attached** at Appendix CEO-7)
Actual Financial Performance to 31 January 2015
 - Actual income of \$45.70M is \$149K greater than the year-to-date budgeted income of \$45.55M.
 - Actual expenditure of \$24.32M is \$2.12M less than the year-to-date budgeted expenditure of \$26.44M (refer explanation on next page).
 - Actual operating surplus of \$21.38M is \$2.27M greater than the year-to-date budgeted operating surplus of \$19.11M.

- Balance Sheet (**attached** at Appendix CEO-10)

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

	Year-to-date	Forecast
• Current Assets of \$33.75M includes:		
- Cash and Investments	\$25.95M	\$14.48M
- Rates	\$ 6.85M	\$0.22M
- Other Current Assets	\$ 0.95M	\$2.04M
• Current Liabilities of \$7.5M includes:		
- Trade and Other Payables	\$2.46M	\$4.30M
- Annual Leave and LSL Provisions	\$3.20M	\$3.70M
• Working Capital (Current Assets less Current Liabilities)	\$26.25M	\$6.72M
• Equity (Total Assets less Total Liabilities)	\$447.66M	\$426.97M

- Statement of Financial Activity (**attached** at Appendix CEO-8)
 - Forecast position is showing an increase in the 2014/2015 surplus of \$324,107 to \$790,773. Further adjustments will be made to this forecast and formalised in the 2015 February Budget Review.

4. Capital Works (**attached** at Appendix CEO-11)
 - Actual capital works of \$5.96M (which excludes \$3.44M of committed expenditure) is \$3.96M less than the year-to-date budgeted capital works of \$9.92M, (refer explanation within report).

5. Operating Project Expenditure (**attached** at Appendix CEO-12)
 - Actual operating project expenditure of \$1.45M (which excludes \$667K of committed expenditure) is \$962K less than the year-to-date budgeted operating project expenditure of \$2.41M, (refer explanation within report).

Executive Recommendation

The Financial Management Report for the period ending 31 January 2015 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-7)
- Statement of Financial Activity (**attached** at Appendix CEO-8)
- Statement of Net Current Assets (**attached** at Appendix CEO-9)
- Balance Sheet (**attached** at Appendix CEO-10)
- Capital Works Expenditure Summary (**attached** at Appendix CEO-11)
- Operating Projects Summary (**attached** at Appendix CEO-12)

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.

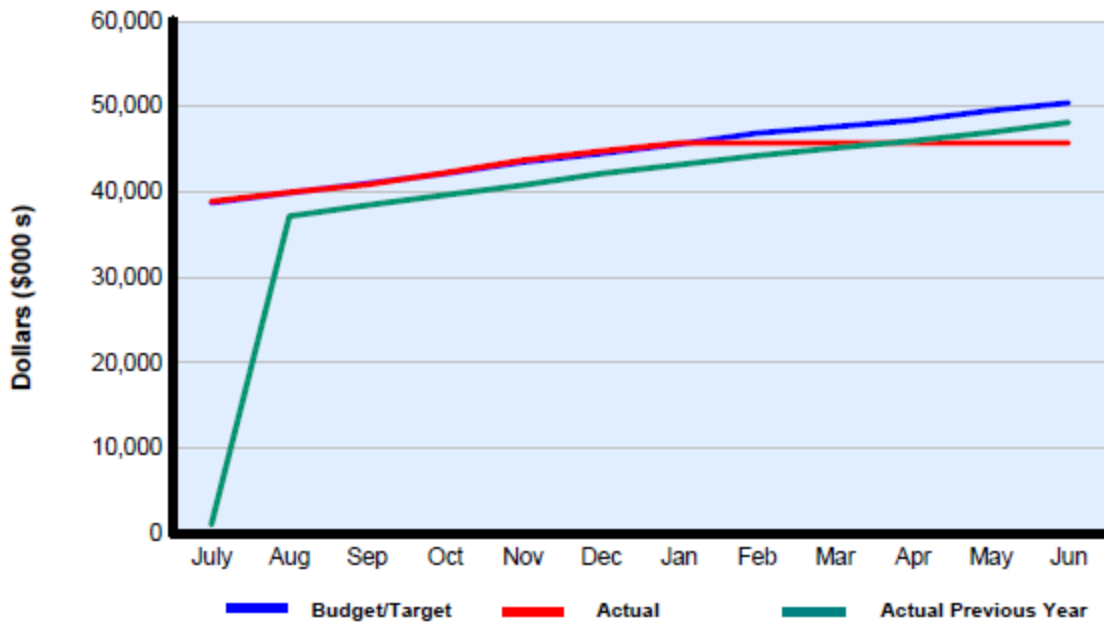
Legislative Compliance

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.

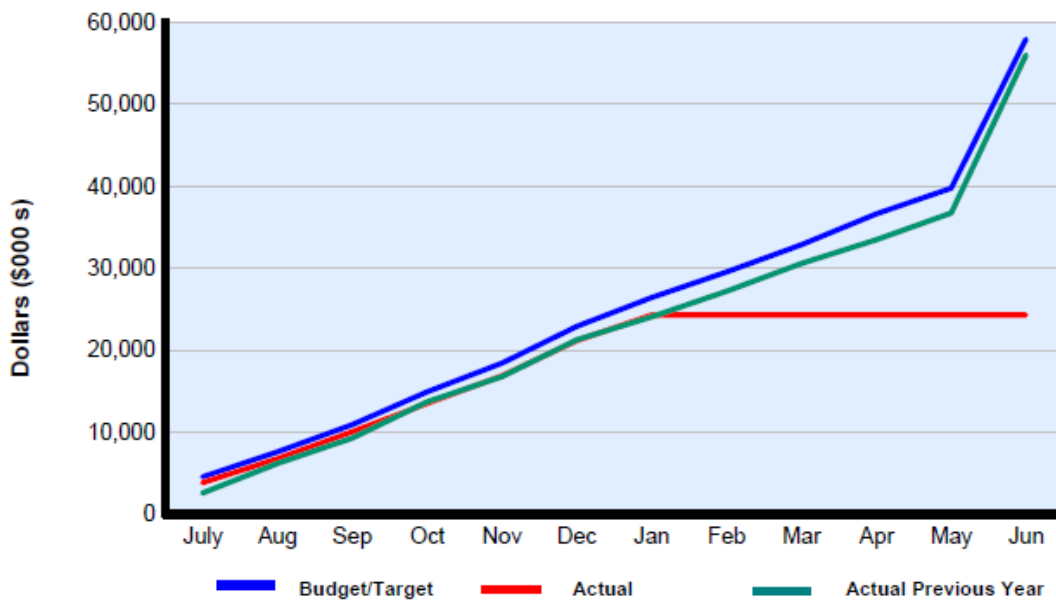
Operating income (\$000's)



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

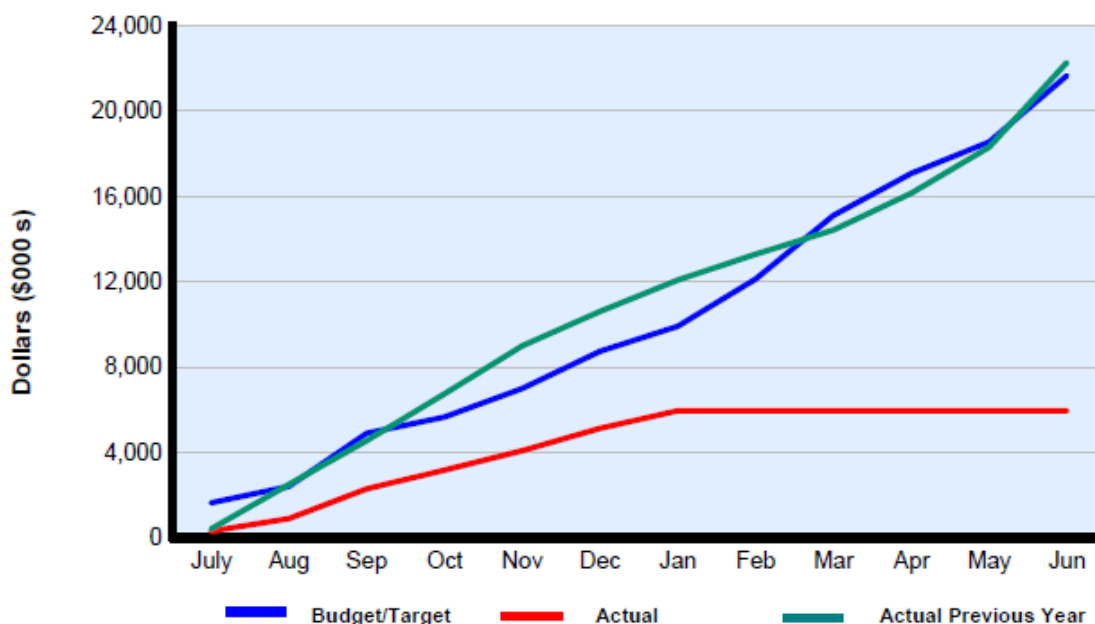
There is a favourable actual to budget variance of \$148,835 due to \$127K favourable variance from contribuion and reimbursement income, \$113K favourable variance from fees and charges, \$51K favourable variance from interest received and a \$13\$ favourable variance from other revenue, which is offset by an unfavourable variance of \$107K operating grants and subsuides and \$48K unfavourable variance in interim rates.

Operating expenditure (\$000's)



Note: Actual operating expenditure for both base and operating projects is \$2.12M 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. Note that there is committed expenditure of \$667K.

Capital Expenditure (\$ 000's)



Note: The capital expenditure variance to the end of January 2015 of \$3.96M is due to the delay in commencement or progress of various projects as reported in the monthly Capital Works Expenditure Summary Report to Council. Note that there is committed expenditure of \$3.44M.

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

Statement of Comprehensive Income	YTD Actual to Budget Variance
Operating Income	
Rates <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.	(\$45,618) (53%)
Contributions Reimbursements and Donations <i>Contribution Income</i> – Favourable variance of \$33,643 mainly due to higher than expected Insurance rebates of \$31K received that was not budgeted, budget forecasts have been amended and included in the February budget review. <i>Reimbursements Income</i> – Favourable variance of \$98,386, mainly due to \$70K of workers compensation reimbursements not budgeted, (which is offset by payments made to employees), \$16K utility reimbursements (which is offset by an increase in utility usage) and \$14K of legal reimbursements not anticipated from enforcement of parking.	\$126,746 26%
Fees and Charges <i>Fine and Penalty Fee Income</i> – Favourable variance of \$110,686 due to higher than anticipated parking fines received year-to-date of \$61K, (note that any additional income is transferred into reserves)	\$113,118 1%

Statement of Comprehensive Income	YTD Actual to Budget Variance
<p>and higher than anticipated dog registration fines of \$61K. The budget forecast has been amended and included the February budget review.</p> <p>Fees and Charges (continued)</p> <p><i>Building and Planning Fee Income</i> – Unfavourable year-to-date variance of \$31,283 due to reduced Planning applications and associated fees. The budget forecast has been amended and included the February budget review.</p> <p><i>Miscellaneous Fee and Charge Income</i> – Favourable variance of \$103,022 due to higher than anticipated dog registrations received (\$80K), additional art hire fees received (\$7K), Library merchandise income from book sales that was unbudgeted (\$4K), and additional meat inspection income (\$12K) which is transferred to reserve at the end of the year. Forecasts have been amended and included in the February budget review.</p>	
Operating Expenditure	
<p>Employee Costs</p> <p><i>Salary Expenses</i> - Actual Employee Costs are \$147,090 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.</p>	<p>(\$177,407) (1%)</p>
<p>Materials and Contracts</p> <p><i>Materials Expense</i> – Favourable variance of \$675,685. Savings have been identified and forecasts have been amended and included in the February budget review. This is monitored on a monthly basis.</p> <p><i>Contract Employment Expense</i> – Currently over year-to-date budget by \$30,029. This will be addressed in the February budget review.</p> <p><i>Consultants Expense</i> – Favourable year-to-date variance of \$120,146 mainly due to the timing of operating projects. This will be monitored on a monthly basis.</p> <p><i>Contractors Expense</i> – Favourable year-to-date variance of \$1,184,096 due to timing of operating projects. Savings have been identified and forecasts have been amended and included in the February budget review. This will be monitored on a monthly basis.</p> <p><i>Software Licence or Maintenance Expenses</i> – Favourable variance of \$84,706 due to timing of invoices. Savings have been identified and forecasts have been amended and included in the February budget review. This will be monitored on a monthly basis.</p>	<p>\$2,083,306 24%</p>

Statement of Comprehensive Income	YTD Actual to Budget Variance
<p>Utilities <i>Gas Expenses</i> – The gas expenditure is currently \$30,715 over the year-to-date budget mainly due to heating the pool after the tiling project was finalised and the pool was refilled. Forecasts have been amended and included in the February budget review.</p>	<p>\$50,873 3%</p>
<p>Other Expenditure <i>Contributions, Donations and Sponsorship Expense</i> – Favourable year-to-date variance of \$92,257 due to the timing Other Expenditure (continued) of operating projects. This will be monitored on a monthly basis.</p> <p><i>Miscellaneous Expense</i> – Currently \$69,054 under year-to-date budget due to the employee training and conferences that have not yet occurred. Savings have been identified and forecasts have been amended and included for February budget review.</p>	<p>\$181,146 11%</p>

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Revenues	
See explanation above included in the Statement of Comprehensive Income variances.	\$197,343 1.5%
Operating Expenses	
See explanation above included in the Statement of Comprehensive Income variances.	\$2,120,209 8%
Capital Expenses	
Acquisition of Assets – Variance due to delay in progress of various projects. Note that there is committed expenditure of \$3.44M. Refer to Capital Expenditure report for project details.	\$3,955,783 40%

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 monitor 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 March 2015

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

Council Decision 70/15

The Financial Management Report for the period ending 31 January 2015 be received.

CARRIED

12 votes "for" / Nil votes "against"

10.10 Proposed 2014/15 Community Funding Allocations – Small Grants Round (*was listed as item 10.3.1 of the Council Agenda*)

Applicant/Proponent:	Internal
Author:	Krystine Ingram Executive Assistant Project Officer
Executive:	Stephanie Addison-Brown, Director Corporate and Community Services
Attachments:	Appendix DCCS-1: Council Policy: Council Funding Appendix DCCS-2: Corporate Guideline Community Funding Confidential Appendix CRUSC-1: Proposed Funding Allocations

Summary

The purpose of this report is for Council to consider the allocation of funds under Council Policy: Council Funding (**attached** at Appendix DCCS-1).

The outcomes of the Assessment Panel meeting held on the 12th February 2015, containing recommendations for each proposed allocation is **attached** as a Confidential Report at CRSC-1 and submitted to Council for endorsement of the proposed funding allocations.

Executive Recommendation

That Council endorse the allocation of \$21,582.50 as per the recommendation from the Community Grants Assessment Panel.

Background

In September 2014 \$78,417.50 was allocated to Community Grants applicants in accordance with the Community Funding Policy. Council also approved a Small Grants Round to be called in January 2015 for one-off small grants as outlined in the Community Funding Guidelines. This Small Grants Round was only available to applicants who had received no funding through Council, Community Funding or Events Funding in the preceding 12 months. Funding for this round was to be capped at \$21,582.50.

In September 2014 Council Decided (343/14);

That Council;

- 1) *In accordance with the Community Funding Policy distribute \$78,417.50 from the 2014/2015 Community Funding allocation to the recipients as outlined.*
- 2) *To enable the expenditure of the remaining \$21,582.50 of the Community Funding allocation allow a Small Grants Round to be called in January 2015 for one-off small grants, as outlined in the Community Funding Guidelines (**attached** at Appendix DCCS-2), available only to applicants who have received no funding through Council, Community Funding or Events Funding in the 12 months preceding the application.*

Applications will be assessed by an Assessment Panel comprising three (3) Elected Members and two (2) Council Officers and recommendations brought to Council for endorsement.

At its meeting held 24 June 2014, Council decided (221/14):

“That Council nominate and endorse the three (3) Elected Members listed below to form the Assessment Group for the 2014/15 community funding application assessments:

1. *Cr McCleary*
2. *Cr Steele*
3. *Cr Jones”*

The Assessment Panel met on Thursday the 12th of February 2015 comprising: Cr McCleary; Cr Jones; Deana Sullivan – Team Leader, Community Development. Also in attendance for advice and support were Stephanie Addison-Brown – Director Corporate and Community Service; Julian Bowron – Manager Arts and Culture; and Krystine Ingram – Executive Assistant Project Officer. Cr Steele was an apology, however has indicated her support of the recommendation.

Members of the Panel had been provided with the guidelines, copies of all applications, and a matrix document in accordance with the Guidelines.

Council Policy Compliance

The process undertaken complies with Council Policy: Council Funding.

Legislative Compliance

Nil.

Officer Comments

There were 9 applications received totalling \$22,100.00. The available funds totalled \$21,582.50

All of the applications met the criteria under the Community Funding Guidelines, and have been recommended to receive funding. One application was received outside the advertised period and was not accepted by the Assessment Panel.

In 2013/14 a Funding Workshop was held in the Council Function Room to provide not only funding information but to also reinforce what is required by funding providers when making application, upon receiving funding and at acquittal time.

In October 2014 a workshop was held by the Office of Multicultural Interests and the City of Bunbury to provide funding information, grants advice and the opportunity to meet with various grant providers.

Analysis of Financial and Budget Implications

A total funding pool of \$100,000 is available in the 2014/15 financial year.

In August 2014 the Council allocated \$78,417.50 of the Community Funding allocation leaving \$21,582.50 for a Small Grants Round.

A Small Grants Round was called in January 2015 for one-off small grants, as outlined in the Community Funding Guidelines, available only to applicants who have received no funding through Council, Community Funding or Events Funding in the preceding 12 months.

Community Consultation

The Small Grants Round was advertised in the City Focus and information was distributed through the SWAP network, and posted on the City's website.

The Grants Coordination Officer sent emails to all those on the funding request email database several times during the period, reminding people of the closing date and offering support.

Applicants had the opportunity to discuss their applications with the Team Leader Community Development prior to applying.

Applications for this round closed on Friday the 30th of January at 5:00pm.

Councillor/Officer Consultation

The Grants Coordinator met with all Council staff who attended the Group at least once prior to the Group convening. The process for matrixing the applications against the criteria was discussed and documentation provided.

On Thursday the 12th of February the applications were considered in detail by the Assessment Panel.

Relevant Precedents

Council Decision 343/14

That Council;

- 1) In accordance with the Community Funding Policy distribute \$78,417.50 from the 2014/2015 Community Funding allocation to the recipients as outlined.
- 2) To enable the expenditure of the remaining \$21,582.50 of the Community Funding allocation allow a Small Grants Round to be called in January 2015 for one-off small grants, as outlined in the Community Funding Guidelines (**attached** at Appendix DCCS-2), available only to applicants who have received no funding through Council, Community Funding or Events Funding in the 12 months preceding the application.

Outcome – Council Meeting 3 March 2015

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

Council Decision 71/15

That Council endorse the allocation of \$21,582.50 as per the recommendation from the Community Grants Assessment Panel.

CARRIED

12 votes "for" / Nil votes "against"

10.11 PR-1021 Construct Hay Park Multi Sports Pavilion- Approval to Advertise for Construction Tender *(was listed as item 10.5.2 of the Council Agenda)*

Applicant/Proponent:	Internal
Author:	Mark Robson, Senior Building and Structures Officer
Executive:	Phil Harris, Director Works & Services
Attachments:	Confidential Appendix CRUSC-2: Confidential Quantity Surveyors Design Development Estimate

Summary

Kent Lyon Architects has produced final detailed drawings and specifications for construction of the Hay Park Regional Multi-Sports Facility. The design has been assessed and approved by an independent Building surveying, fire safety engineering and building regulation consultancy firm who is satisfied it meets the relevant compliance requirements, it also meets the sporting groups requests, the revised grant conditions and based on the latest Quantity Surveyors report is achievable with the available budget.

Council endorsement is now required to proceed with advertising a tender for construction.

Executive Recommendation

1. That Council approve the advertising of the construction tender for PR-1021 Construct Hay Park Regional Multi Sport Pavilion.

Background

In October 2014 the City engaged Kent Lyon Architect to develop full detailed drawings, project costings, specifications and provide a superintendent service for the construction of a multi-sports facility to Hay Park south.

This design has progressed with ongoing consultation with the sporting groups and stakeholders whilst ensuring the City meets the grant funding and budget obligations. This design now consists of three individual buildings these being:

1. A unique purpose designed Pavilion building containing two separable function rooms, kitchens, store rooms, offices, male and female toilets a universal access toilet with a total floor area of 498m².
2. A double sided under covered and tiered grandstand with capacity to seat 230 people on each side (total 460)
3. A modern purpose designed change room facility which consists of four individual change rooms, four unisex ablutions, first aid room, umpires rooms, strapping rooms and store rooms also with a total floor area of 498m².

Planned forward works have been progressing with the provision of the essential services to the site is in preparation for the builder and to support other council infrastructure in Hay Park South. The forward works are aimed at reducing the building construction period, reducing the

consultancy fees and removing any uncertainties the successful tenderer may have or any contingencies they may factor into their tendered sum.

Council Policy Compliance

The advertising and tendering process will be managed by the City and in accordance with Councils Procurement Policy.

Legislative Compliance

Part 4 Provision of Goods and Services of the Local Government (Functions and General) Regulations 1996

Officer Comments

The Project Team have been working closely with the sporting stakeholders including Bunbury Forum Force and the South West Warriors Rugby League Club who have contributed to the design and support this project.

The Manager Football West has also been consulted during the design process and is satisfied the final design meets the current National Premier Leagues by laws and supports this project.

The Department of Sport and Recreation South West Regional Manager has been provided with monthly updates and is also supportive of this design.

To ensure the project time plan remains on track, Council approval to advertise this tender becomes a crucial milestone as it is desirable to have a Builder engaged and the concrete footings and slabs completed prior to the onset of winter. This will help to reduce any delays due to inclement weather and the possibility of dewatering.

Analysis of Financial and Budget Implications

This project has secured grant funding totalling \$3,168,657 from the Department of Sports and Recreation with \$755,000.00 received to date.

Upon signing a contract for construction \$1,000,000 is to be released, a further \$1,000,000 when construction reaches 50% completion with the remaining \$413,657.00 released at completion of the project. The City has contributed \$1,831,343 towards this project.

The Quantity Surveyors Design Development Estimate is **attached** at Confidential Appendix CRUSC-2.

Community Consultation

The main user groups and stakeholders have been consulted on a regular basis and have an expectation that this project will progress without further delay.

Councillor/Officer Consultation

Sporting group representatives have attended various meetings, presented their individual requirements and have been consulted on a regular basis. The Director of Works and Service's has provided the CEO and the Executive Leadership Team with regular updates.

The most recent meeting held on 10th February 2015 was well attended by some Councillors, Managers, Directors, the Chief Executive Officer and the following sporting groups:

- Bunbury BMX Club
- Bunbury United Soccer Club
- Country Coastal Junior Soccer Association
- Football Federation South West
- Bunbury and Districts Hockey Association
- South West Phoenix
- South West Warriors Rugby league Club

The general outcome of this meeting revealed attendees were supportive and looked forward to completion of this facility.

Outcome – Council Meeting 3 March 2015

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

Council Decision 72/15

That Council approve the advertising of the construction tender for PR-1021 Construct Hay Park Regional Multi Sport Pavilion.

CARRIED

12 votes "for" / Nil votes "against"

10.12 Review of Terms of Reference – Bunbury Region RoadWise Committee (*was listed as item 10.1.3 of the Council Agenda*)

Applicant/Proponent:	Bunbury Region RoadWise Committee
Author:	Phil Harris, Director Works and Services
Executive:	Phil Harris, Director Works and Services
Attachments:	Nil

Summary

The purpose of this report is for Council to consider a review of the Terms of Reference for the Bunbury Region RoadWise Committee.

Committee Recommendation

That Council:

1. Note the Committee's review of its Terms of Reference and that no change has been proposed.
2. Approve the renaming of the committee to the Bunbury RoadWise Committee

Background

Point 5 of Decision 335/13 from the Ordinary Council Meeting held on 26 November 2013 was that each Council Committee commences a review of its terms of reference in March 2015, to enable a complete review of the operations to be completed prior to the next Ordinary Elections.

At the Bunbury Region RoadWise Committee meeting of 4 February 2015 the committee reviewed the Terms of Reference and unanimously agreed that it should not be changed. Those present also discussed the name of the committee and agreed that it should be renamed to Bunbury RoadWise Committee as the Shire of Dardanup has an existing RoadWise Committee and the Shire of Capel have indicated that they are considering the formation of a RoadWise Committee.

Council Policy Compliance

N/A

Legislative Compliance

Subdivision 2 of Division 2 of Part 5 of the Local Government Act 1995 deals with committees and their meetings.

Officer Comments

The current terms of reference for the Bunbury Region RoadWise Committee are as follows:

Committee Terms of Reference

The Bunbury Region RoadWise Committee is to make recommendations to Council based on the following Terms of Reference:

1. *Formation, Meetings and General Procedures*

- 1.1 *The formation and conduct of the Bunbury Region RoadWise Committee is to be as determined by the Bunbury City Council in accordance with the requirements of the Local Government Act 1995 and any statutory requirements e.g. Section 20 of the City of Bunbury Standing Orders Local Law; except the requirement of the Standing Orders in relation to the 'quorum' for the meeting.*
- 1.2 *The quorum for a meeting of the committee to be at least 50% of the filled number of positions of membership on the committee.*
- 1.3 *The term of membership on the committee shall be a two-year period with membership reviewed and elections held for members to coincide with biennial Local Government Elections.*
- 1.4 *Members shall act in the best interests of the committee and their represented organisation at all times.*
- 1.5 *The committee to meet regularly at intervals sufficient to administer its affairs.*
- 1.6 *Any requests for public comment made to the committee members by the media shall be referred to the committee's Presiding Member or in his/her absence, the Deputy Presiding Member.*
- 1.7 *The Committee is an Advisory Committee of the Bunbury City Council and as such its recommendations will be presented to Council for consideration and a decision.*
- 1.8 *Minutes of Bunbury Region RoadWise Committee Meetings shall be presented to Council on a regular basis to keep the Council informed of the committee's activities.*
- 1.9 *The Bunbury Region RoadWise Committee shall not direct Council Officers.*
- 1.10 *Members of the general public will be encouraged to make written submissions to the committee for discussion at meetings.*

The committee may call upon consultants or special guest speakers from time to time to attend meetings and provide advice, but it should be noted these persons will not be entitled to vote at the meeting.

2. *Aims and Objectives*

The Bunbury Region RoadWise Committee will work with the Peel South West Regional Road Safety Committee and Road Safety Council to:

- 2.1 *Prepare, implement and evaluate a local road safety action plan.*

- 2.2 *Engage the local community (including individuals, community groups and government and commercial organisations) on matters relating to road safety issues.*
- 2.3 *Establish and maintain an effective network of road safety stakeholders within the area.*
- 2.4 *Use road safety statistics and state wide campaigns to increase the community awareness of major road safety issues in the area.*
- 2.5 *Coordinate agency responses to identify road safety issues in the area in partnership with the community.*
- 2.6 *Provide information and feedback to Local, State and Regional levels concerning road safety issues relevant to Bunbury.*
- 2.7 *Identify and become involved in programs, projects and initiatives, including funding.*
- 2.8 *Promote Bunbury Region RoadWise and its programs to the community.*
- 2.9 *Delegate tasks amongst members to share the expertise and human resources of the committee.*
- 2.10 *Evaluate on an ongoing basis, the effectiveness of projects and committee operations.*

Analysis of Financial and Budget Implications

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

Councillor/Officer Consultation

This report was presented to the Bunbury Region RoadWise Committee for consideration on 4 February 2015.

Outcome – Council Meeting 3 March 2015

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

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

Council Decision 73/15

That Council:

- 1. Note the Committee's review of its Terms of Reference and that no change has been proposed.***
- 2. Approve the renaming of the committee to the Bunbury RoadWise Committee***

CARRIED

11 votes "for" / 1 vote "against"

10.13 Rationalisation of Lots 200, 199, 198, 11 and 66 and associated car park design *(was listed as item 10.2.6 of the Council Agenda)*

Applicant/Proponent:	Internal Applicant
Author:	Felicity Anderson - Manager Major Projects
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-13: South's car park overview Appendix CEO-14: Lot 66 Title and Diagram Appendix CEO-15: Letter regarding ROW and car park redesign Appendix CEO-16: 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, Wittenoom 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 at the request of Mr South a new ROW across the proposed amalgamated block and benefitting Lot 12 in substantially the same location as the existing ROW and an alternative ROW, measuring 5m wide to provide continued access to Lot 12, in addition to existing accessibility. The new ROW across the amalgamated site will continue until terminated in accordance with the clause as noted below in the Executive Recommendation.

Executive Recommendation

That Council:

1. Endorse the closure of Lot 66 Prinsep Street as a dedicated Right of Way to allow the amalgamation of Lots 200, 11, 199 and 198 Wellington Street and Lot 66 Prinsep Street subject to Section 58 of the Land Administration Act 1997;
2. Endorse the Minister acquiring as Crown land Lot 66 Prinsep Street, subject to Section 52 of the Land Administration Act 1997;
3. 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; and
 - vi. Create a new ROW subject to a 'specific sunset clause' being placed across the newly amalgamated site, substantially the same location and noted on the new

title to provide legal access across the car park to the western access door of the adjoining property at Lot 12 Wellington Street, which would be revoked by defined terms.

The 'specific sunset clause' is to be written by way of formal and legal agreement to:

- a. Revoke/extinguish the new ROW listed on the new title upon any sale of the land or a development approval on the land.
 - b. Invoke formal preparation and use of the proposed new ROW accessible from Wellington Street along the western wall of the adjoining property at Lot 12 Wellington Street.
- vii. Consider upon invoking and formalising the ROW with access off Wellington Street to:
- a. Allow Mr South, at his expense to install a wind break/weather cover for the unloading area at the side of South's building over the ROW.
 - b. Provide a mechanism to manage access and unlawful parking in the ROW e.g. chain gate.

Background

An overview of the site and lots associated is **attached** at Appendix CEO-13.

Lot 66

When considering the car park site for rationalisation to one title, a small holding of 51m² 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-14).

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-15.

Having received no response from Mr South by 7th 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-16).

Respecting Mr South's request for time to allow his position to be assessed, the proposed Executive recommendation had 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.

At the Ordinary Council Meeting 3 February 2015 Council resolved as follows (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."

Prior to returning the item to Council for decision, officers contacted Mr South to determine if there were any matters he wished the City to further consider.

A meeting was organised between Mr South, his Lawyer Mr Paul Lander, Manager Major Projects and Team Leader Parking and held Monday 23 February 2015.

At that meeting Mr South's representative Mr Paul Lander identified that whilst it is the preferred position not to change anything they did understand and respect the Councils wish to amalgamate the lots to one title and the potential for future development of the site.

Mr Lander proposed that they were willing to extinguish the existing ROW across Lot 66 to enable consolidation of the site on the understanding that:

1. A new ROW subject to a 'specific sunset clause' be placed across the new amalgamated site and noted on the new title to provide legal access across the car park to the western access door which would be revoked by defined terms.

The 'specific sunset clause' would be written by way of formal and legal agreement to:

- a. Revoke/extinguish the new ROW listed on the new title upon any sale of the land or a development approval on the land.
 - b. Invoke formal preparation and use of the proposed new ROW accessible from Wellington Street along the western wall of Lot 12 Wellington Street (South's building)
2. Mr South and Mr Lander also requested that Council consider that upon invoking and formalising the ROW with access off Wellington Street that the Council consider:
 - a. Allowing the Mr South the installation of a wind break/weather cover for the unloading area at the side of South's building over the ROW.

- b. Providing a mechanism to manage access and unlawful parking in the ROW e.g. chain gate.

There are no objections from officers in relation to Mr South's or Mr Landers requests for consideration. Officers deem that by agreeing to the requests there appears to be a positive win-win outcome for both parties.

The Team Leader Parking advises that the proposed design for the car park will suitably accommodate the truck access required by Mr South and Mr Landers and the request will not adversely affect the capacity or principle design of the car park.

Mr South and Mr Lander indicated should the City be able to support and work with their requests then they would be supportive of the recommendation to rationalise the lots and associated car park design and would not be requiring to attend or address Council.

Further correspondence and telephone discussions on 25 February 2015 with Mr Lander requested that the City bear all reasonable costs incurred by Mr South associated with the final review and signing of legal documentation to extinguish existing ROW and prepare new ROW's as proposed.

In addition clarity was sought from Mr South and Mr Lander that the City would be responsible for all costs associated with subdivision and creation of the proposed new two ROW's. It was confirmed this was the City's intention.

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 subdivider 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 current 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 and damage to vehicles as a result of commercial vehicles being parked within the car park and obstructing normal flow of vehicles moving through the car park. At no time has the delivery vehicle been directly involved in any collisions.

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. There was consideration to remove the commercial vehicles within the car park however in discussions between the Team Leader Parking, Mr South and Mr Lander it was determined that access may be safely maintained. It is proposed the redesign will provide improved accessibility and line of sight for all motorists.

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.

Whilst Mr Lander has requested Council pay all of the reasonable costs of Mr South, this is not considered to be an appropriate course of action and there is no precedent for this.

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 March 2015

Cr Hayward declared a Financial Interest and vacated the chamber at 5:38pm.

Mr Paul Lander, on behalf of David South, addressed Council requesting amendment to the Executive Recommendation.

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

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

Council Decision 74/15

That Council:

1. **Endorse the closure of Lot 66 Prinsep Street as a dedicated Right of Way to allow the amalgamation of Lots 200, 11, 199 and 198 Wellington Street and Lot 66 Prinsep Street subject to Section 58 of the Land Administration Act 1997;**
2. **Endorse the Minister acquiring as Crown land Lot 66 Prinsep Street, subject to Section 52 of the Land Administration Act 1997;**
3. **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; and**
 - vi. **Create a new ROW subject to a ‘specific sunset clause’ being placed across the newly amalgamated site, substantially the same location and noted on the new title to provide legal access across the car park to the western access door of the adjoining property at Lot 12 Wellington Street, which would be revoked by defined terms.**

The ‘specific sunset clause’ is to be written by way of formal and legal agreement to:

- a. **Revoke/extinguish the new ROW listed on the new title upon any sale of the land or a development approval on the land.**
- b. **Invoke formal preparation and use of the proposed new ROW accessible from Wellington Street along the western wall of the adjoining property at Lot 12 Wellington Street.**
- vii. **Consider upon invoking and formalising the ROW with access off Wellington Street to:**
 - a. **Allow Mr South, at his expense to install a wind break/weather cover for the unloading area at the side of South’s building over the ROW.**
 - b. **Provide a mechanism to manage access and unlawful parking in the ROW e.g. chain gate.**

CARRIED

10 votes “for” / 1 vote “against”

Cr Steele asked that her vote “against” be recorded.

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

Cr Hayward returned to the chamber at 5:43pm.

10.14 Proposed Scheme Amendment 78 to Rezone Lot 100 Bunning Boulevard, East Bunbury, from “Residential Zone” to “Special Use Zone No. 61 - Local Centre” and “Special Use Zone No. 62 - Mixed Use Frame” (was listed as item 10.4.1 of the Council Agenda)

File Ref:	A06038 (2014/4/1)
Applicant/Proponent:	Planning Solutions Australia Pty Ltd
Author:	Thor Farnworth, Manager Sustainability, Planning and Development Anthony Pick, Planning Officer
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-1: Proponent Scheme Amendment Report Appendix DPDS-2: Proponent Revised Structure Plan Appendix DPDS-3: Draft Scheme Amendment 78 Appendix DPDS-4: Draft Scheme Amendment 78 Modifications Drawing Appendix DPDS-5: Scheme Amendment 11 – Schedule of Submissions Appendix DPDS-6: Scheme Amendment 11 – Reasons for Refusal

Summary

Lot 100 Bunning Boulevard (the subject site) has an extensive planning history. In 2008, the Minister for Planning rejected Scheme Amendment 11 to the City of Bunbury Town Planning Scheme No. 7 (TPS7), through which the landowner Hornell Nominees Pty Ltd had sought to rezone the land from “Residential Zone” with a residential density coding of “R15” to that of predominantly “Mixed Business Zone” fringed by “Residential Zone” with an “R40” residential density coding.

The consulting firm Planning Solutions Australia Pty Ltd acting on behalf of the landowner, has now submitted a proposed scheme amendment (**attached** at Appendix DPDS-1) and an accompanying draft structure plan (**attached** at Appendix DPDS-2) to rezone the subject site to a Special Use Zone predominantly for a ‘Local Centre’ with a fringing Special Use Zone for a ‘Mixed Use Frame’ with an unspecified residential density coding.

Upon assessment the latest scheme amendment submission and accompanying draft structure plan as proposed by the proponent, with their nominal development controls, presents a range of potentially significant impacts on the established residential amenity and character of the locality that are similar to those originally posed by Scheme Amendment 11.

Consequently, the proposed scheme amendment and draft structure plan as submitted are not supported in their current form. However, there is merit in facilitating the development of a local centre on the subject site which caters for the needs of the local community in a manner that also delivers appropriately designed medium to high density housing which satisfies the aims of both state and local planning policy frameworks.

The executive recommendation below is for the in-principle support of the site as a local centre and the initiation of the scheme amendment in accordance with the scheme amending pages as prepared by the City of Bunbury.

Executive Recommendation

That Council:

1. In accordance with the *Planning and Development Act 2005*, resolves to initiate proposed Scheme Amendment 78 to the City of Bunbury Town Planning Scheme No. 7 by:
 - (a) amending the Scheme Text by inserting the following land use definitions within Schedule 1 - Dictionary of Defined Words and Expressions:
 - (i) “Single bedroom dwelling” has the same meaning as in the Residential Design Codes,
 - (ii) “Ancillary dwelling” has the same meaning as in the Residential Design Codes;
 - (b) amending the table under “Schedule 2 – Special Use Zones” of the Scheme Text by inserting provisions for “Special Use Zone No. 61 - Local Centre” and “Special Use Zone No. 62 - Mixed Use Frame”; and
 - (c) amending the Scheme Map by:-
 - (i) deleting the “Development Investigation Policy Area” Special Control Area from Lot 100 Bunning Boulevard on the Scheme Map;
 - (ii) rezoning part of the land included in Lot 100 Bunning Boulevard from “Residential Zone” with a residential density coding of “R20” and “No Zone” to “Special Use Zone - Local Centre” (S.U.61) depicted over that portion of Lot 100 Bunning Boulevard on the Scheme Map; and
 - (iii) rezoning part of the land included in Lot 100 Bunning Boulevard from “Residential Zone” with a residential density coding of “R20” to “Special Use Zone - Mixed Use Frame” (S.U.62) depicted over that portion Lot 100 Bunning Boulevard on the Scheme Map;in accordance with the scheme amending pages prepared by the City of Bunbury (**attached** at Appendix DPDS-3).
2. Notify the Western Australian Planning Commission of Council’s decision to initiate proposed Scheme Amendment 78, and provide the Commission with a copy of the Scheme amending documentation prior to proceeding to public advertising.
3. In accordance with clause (3) and (4) of section 126 of the *Planning and Development Act 2005*, notify the Western Australian Planning Commission that subject to the gazettal of Scheme Amendment 78, to effect the automatic rezoning of the portion of Lot 100 Bunning Boulevard included in the “Other Regional Roads Reserve” to “Special Use Zone No. 61 - Local Centre”, at the time of finalising any omnibus amendment to the Greater Bunbury Region Scheme.
5. Refer a copy of the proposed Scheme Amendment 78 documentation to the Environmental Protection Authority and any other relevant public authority, for consideration and comment.
6. Subject to formal assessment not being required by the Environmental Protection Authority and no objection received from the Western Australian Planning Commission, proceed to advertise proposed Scheme Amendment 78 for public comment with a submission period of not less than 42 days in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

7. Determines not to publicly advertise the submitted draft proposed structure plan in accordance with clause 6.2.5 of the City of Bunbury Town Planning Scheme No. 7, and invites the proponent to resubmit a draft proposed structure plan with modifications undertaken to the specifications and satisfaction of the Director Planning, Development and Regulatory Services, which are to be consistent with the boundaries of the proposed scheme amendment map and provisions of the Special Use Zones as per **attached** Appendix DPDS-3.

Notwithstanding further detailed assessment, the following matters are to be addressed and incorporated into any modified draft proposed structure plan prior to public advertising:

- (a) the recommendations shown on the Scheme Amendment 78: Modifications Plan Drawing - Lot 100 Bunning Boulevard **attached** at Appendix DPDS-4;
- (b) demonstration, through title documents, that the subject site was part of a parent lot that provided 10% open space provision. If this is not demonstrated the draft proposed structure plan is to account for 10% public open space (POS) contribution, or alternatively, may be made as a cash in lieu contribution for POS;
- (c) potential acid sulfate soils (PASS) are to be managed in accordance with the Commission's Acid Sulfate Soils Planning Guidelines (2008) in respect of structure planning requirements;
- (d) internal street setbacks are to be shown on the draft proposed structure plan map;
- (e) car parking provision is to be calculated on the basis of Location 'B' and not 'A' premises, as given under State Planning Policy 3.1 Residential Design Codes (R-Codes); and
- (f) all car parking bays required are to be provided within the property boundaries of the subject lot.

Background

The subject site is a vacant lot with a total area of 9,615m², which is located approximately 2.5 kilometres from the city centre. The subject site is included in the "Residential Zone" with a residential density coding of "R20" and is encompassed by a "Development Investigation Policy Area", which is a type of Special Control Area designation that triggers the need for a structure plan to be prepared before any subdivision or development is permitted.

The subject site is bounded by Sandridge Road to the north and Picton Road to the west, which are both classified as "Other Regional Roads Reserve" under the Greater Bunbury Region Scheme (GBRS). The subject site therefore benefits from having high visibility to passing trade. To the west of Picton Road the land is included in the "Mixed Business Zone". The south of the subject site is bounded by Bunning Boulevard and to the east Duncan Way, which is fronted by land included in the "Residential Zone" with a residential density coding of "R20".

The subject site has an extensive planning history, of which Scheme Amendment 11 to TPS7 was the last and most relevant proposal. Council in September 2005 supported the proposed amendment to rezone former Lot 71 to "Mixed Business Zone" fringed by "Residential Zone" with an "R40" residential density coding. However, the proposed amendment was subsequently refused by the Minister for Planning in November 2008 for six main reasons (a copy of the decision notice is **attached** at Appendix DPDS-5), which in summary were:

- The site is part of a residential cell and is well suited to residential development in terms of its close proximity to schools, shops, open space and public transport.
- Proposal is not supported by strategic plans and is outside of the recognised Central

- Bunbury Mixed Business Area.
- Rezoning of the subject site may compromise the outcomes/recommendations of the City of Bunbury’s Commercial Strategy and Housing Strategy.
- Without development guidelines, concerns were raised that the proposal would fail to deliver a desirable built form or satisfactorily accommodate the requirements and servicing needs of a modern large commercial centre whilst maintaining satisfactory levels of residential amenity.
- Part of the subject site is incorporated in the “Other Regional Roads Reserve” under the GBRS and hence the proposed development would not be consistent with the Region Scheme.
- Considerable and justifiable concerns raised by surrounding residents likely to be adversely affected by the proposed commercial development of the site if rezoned.

Since the time Scheme Amendment 11 was refused, former Lot 71 has been subsequently amalgamated with a portion of the closed road reserve, which is still included in the “Other Regional Roads Reserve” under the GBRS, to comprise the one title of Lot 100 on Deposited Plan 6615. It should be noted that the rezoning of the reserved portion of the land is to be dealt with by the WAPC through an omnibus amendment to the GBRS.

In March 2011 Council adopted the Local Planning Strategy for Activity Centres and Neighbourhoods (LPS-ACN). The principal aim of the strategy is to facilitate a network of mutually supportive residential neighbourhoods and hierarchy of activity centres. The strategy identified, following consultation, the potential for a new local centre on the subject site dependent upon the lot being developed for medium to high density residential purposes. While the LPS-ACN was only conditionally endorsed by the WAPC as an informing strategy for the preparation of a Local Planning Strategy and revised Local Planning Scheme, it nevertheless provides relevant strategic planning guidance for considering any scheme amendment for the subject site under the exiting Scheme.

Council Policy Compliance

The applicant’s submitted scheme amendment proposal and accompanying draft structure plan may not feasibly facilitate the development of housing in a manner that is consistent with the intent of the LPS-ACN. Therefore, the aim of the recommended alternative scheme amendment proposal is to modify the zoning in a way that facilitates development of a local centre whilst still providing for more appropriately designed medium to high density housing that satisfies the aims of both Council’s adopted Local Planning Strategy for Activity Centres and Neighbourhoods (LPS-ACN) and the WAPC’s Activity Centres for Greater Bunbury Policy (2012).

Legislative Compliance

Proposals to amend a Local Planning Scheme are required to be undertaken in accordance with the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967*, and are to be advertised for public comment with a submission period of not less than 42 days.

Under the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967*, scheme amendment proposals are required to be referred to the Environmental Protection Authority (EPA) and the WAPC for their review prior to any formal public advertising period.

Once public advertising is concluded, should Council then resolve to adopt the scheme amendment, the scheme amending documentation together with the schedule of submissions and

Council's resolution is to be referred to the WAPC for its endorsement and to the Minister for Planning for final approval to gazette.

With respect to implementation, it should be noted that the subject site encompasses land presently reserved under the GBRS as "Other Regional Roads Reserve". This is a matter that will be addressed by the WAPC through a region scheme omnibus (minor) amendment procedure, which will rezone that portion of Lot 100 Bunning Boulevard to "Urban Zone". Ideally this region scheme omnibus amendment should be effected before the local scheme amendment is finalised, in order to avoid the creation of a 'No Zone' over that portion of land formerly included in the "Other Regional Roads Reserve".

Within the scheme amendment submission, there is an incorrect supposition that the draft proposed structure plan can be adopted with full effect without requiring or relying upon a prerequisite amendment to the Scheme. However, the land uses and development controls of the structure plan would differ significantly to that of the existing underlying "Residential Zone"; and hence, it would not be orderly and proper planning to use the structure plan as a statutory instrument for regulating development in this way without a commensurate degree of community scrutiny.

Consequently, while the scheme amendment and draft structure plan procedure may run concurrently, the operation of any adopted and endorsed structure plan cannot occur prior to the Minister's decision and gazettal of the local scheme amendment.

Officer Comments

Scheme Amendment Submission

The proposed scheme amendment, as submitted by the proponent, seeks to rezone the subject site from "Residential Zone" with a residential density coding of "R20" to a Special Use Zone predominantly for a local centre (S.U.61) with a fringing Special Use Zone for a mixed use frame area (S.U.62) with an unspecified residential density coding.

As discussed in the background section of this report, the main change to the Local Planning Policy Framework since the refusal of the previous Scheme Amendment 11 to TPS7 is the adoption of the LPS-ACN in March 2011. As such, the strategy identifies the potential for Lot 100 Bunning Boulevard to perform a local activity centre role, taking up some of the retail catchment demand served by the existing King Road local centre (Gull service station and convenience store), which is physically constrained with limited retail floorspace capacity.

The LPS-ACN makes specific reference to the subject site on page 50 of the strategy, which includes the following footnote:

"The potential for a new local centre at this location is dependent upon the vacant Lot 71 at the SE corner of Picton and Sandridge Roads being developed for medium/high density residential purposes. The local centre could then be integrated at an appropriate location within this development."

Under the strategy the retail floorspace area of local centres is limited to a maximum of 2,000m². In the case of the subject site, the proposed scheme amendment and draft structure plan as submitted would enable the development of up 2,000m² of retail floorspace in addition to that

used for other non-residential uses such as showroaming, medical centre, office space, etcetera; and as such, would represent the largest local centre development in the city at present.

Therefore, whilst Lot 100 Bunning Boulevard is identified in the LPS-ACN as a site for a potential future local centre (benefiting from exposure to Sandridge Road and Picton Road along an interface that at ground floor level may arguably be unattractive for detached housing without the construction of a suitable masonry wall and landscaping), it should nevertheless be considered as a comprehensive mixed use development which substantively delivers on housing supply and diversity in an appropriately sympathetic manner that addresses local character and amenity concerns.

Even so, it should not be construed that the strategic planning intent for the possible development of the subject site for a local centre is the only land use and development option available, as other legitimate development outcomes not requiring a scheme amendment could include for example the development of a range of higher density dwelling types or an aged persons housing complex.

The proponent's proposed scheme amendment and accompanying draft structure plan as submitted would result in a predominantly commercial development over the majority of the subject site - with limited opportunity to provide a feasible or harmonious residential interface with the surrounding low density (R20) neighbourhood of Sandridge Park - given the marginally narrow strip of land allocated for high density mixed use housing fronting onto the traditional residential setting of Duncan Way.

Achieving an appropriate building and landscaped interface both internally and externally to the subject site will therefore be crucial if the amenity impacts on a relatively sensitive residential area are to be satisfactorily managed. Accordingly, the nature, scale and intensity of the proposed development permitted by the scheme amendment submission and accompanying draft structure plan proposal may therefore not be considered entirely compatible with the strategic intent of the LPS-ACN or the established urban structure and neighbourhood character of the locality.

Whilst it is noted that the text in Part One – Statutory section of the proponent's proposed structure plan cites a residential density coding of "R-AC0" for the entirety of the subject site, this is not considered to be a correct practice, as the "R-AC0" designation is meant to be depicted as a text annotation printed as part of the R-Code overlay on the Scheme Map. State Planning Policy 3.1 - Residential Design Codes (R-Codes) states on page 60 as a notation regarding "R-AC0" listed at note (b) of Table 4 that the reader must:

"Refer to local structure plan or local development plan which sets out development requirements."

Therefore, the proponent's submitted scheme amendment and structure plan proposals as drafted do not adequately set out the requisite development requirements for any specified density of residential development or dwelling types. Yet the proponent's scheme amendment submission for the local centre Special Use Zone includes the extra land use class of "grouped dwelling" as a 'D' use in addition to those uses permitted in the "Shopping Centre Zone". However, grouped dwellings are an 'X' use in the "Shopping Centre Zone" under the Zoning Table of the Scheme, due to the incompatibility of land uses and urban design, and therefore this aspect of the proposal is not supported without detailed development controls.

In conclusion, the submitted scheme amendment and structure plan documentation states that the proponent's intent is to develop a discount supermarket as part of the local centre. Whilst noting

that this is provided as purely supporting information, for the purposes of determining the merits of the proposed scheme amendment, Council should have regard to the permissible range of land use classes desired (i.e. 'shop', 'office', 'medical centre', etc.) and not that of a particular brand of retailer.

Alternative Scheme Amendment Proposal

Should Council wish to facilitate the establishment of a local centre on the subject site, it is recommended that the alignment of the proposed Special Use Zone boundaries as shown in the proponent's scheme amendment submission be modified to accord with that depicted in the alternative Scheme Amendment 78 amending pages (refer to **attached** Appendix DPDS-3).

The recommended modifications contained in the alternative Scheme Amendment 78 amending pages realigns the boundaries of the Special Use Zones, and in doing so, provides for both a more appropriate balance of land uses and a more feasible minimum lot depth of 30 metres for the mixed use frame (i.e. in order to allow for laneways or internal circulation), with the extension of this frame area further along Bunning Boulevard. A drawing showing desired modifications has been prepared which illustrates the parameters for better urban design and road network requirements for the subject site (**attached** at Appendix DPDS-4).

The alternative Scheme Amendment 78 amending pages as redrafted can be expected to facilitate the development of a local centre of up to 2,000m² in retail floorspace area, whilst providing for a more viable mixed use frame, which would in turn better address the residential interface with surrounding neighbourhood of Sandridge Park. This would include limiting the external interface of the mixed use frame area to residential uses only, but with scope for mixed use development on the internal interface with the local centre, which is a more appropriate solution for managing the transition between residential and the local centre uses.

It should be noted that the redrafted Special Use Zone provisions that are proposed to be included under Schedule 2 of the Scheme will establish the land use requirements and development standards that are consistent with the objectives and provisions anticipated for the proposed new "Local Centre Zone" and "Mixed Use Frame Zone" - in advance of the gazettal of a revised Local Planning Scheme No. 8 and overarching Local Planning Strategy.

Council should also be aware that if the scheme amendment is supported, then the status of residential density coding and possible zoning of the immediately surrounding residential properties would logically need to form part of the Scheme review. This may include at a minimum increasing the residential density coding of interfacing residential properties from "R20" to "R20/R40"; or alternately, encompassing the interfacing residential properties into the new "Mixed Use Frame Zone" under the revised Local Planning Scheme. This approach is expected to not only better manage the impacts associated with the intensification of land uses occurring on the subject site, but would also leverage off the benefits of a future local centre for the purposes of enhanced place-making opportunities.

Proposed Structure Plan

The "Development Investigation Policy Area" Special Control Area, which covers the majority of Lot 100 Bunning Boulevard, will become redundant and can therefore be deleted with the rezoning of subject site - given that the requirements for a unified structure plan will be retained as a provision of both Special Use Zones. This interrelated requirement is duplicated in both Special Use Zones so as to ensure that the whole of the subject site is encompassed by a single structure plan that is

prepared for the subject site, in order to guide development in an integrated and coordinated manner in the interests of orderly and proper planning.

As discussed above, the proposed scheme amendment and its dependant draft proposed structure plan submitted by the proponent is not supported in their present form. However, if Council wishes to facilitate the development of a local centre in conjunction with an integrated mixed use frame area on the subject site, it is then recommended that the submitted draft proposed structure plan should not be publicly advertised until resubmitted with modifications that accord with:

- the boundaries of the proposed scheme amendment map and provisions of the Special Use Zones as per **attached** Appendix DPDS-3; and
- the recommendations shown on the Scheme Amendment 78: Modifications Plan Drawing - Lot 100 Bunning Boulevard **attached** at Appendix DPDS-4.

Notwithstanding, the following summarises the main issues concerning the draft proposed structure plan that will need to be resolved prior to its public advertising and adoption:

Access and Parking

- The City's engineer has identified a number of issues with the proponent's Transport Assessment report accompanying the proposed draft structure plan. In particular, there is concern regarding the number and location of vehicle access points and the requirement for intersection upgrades in order to deal with the volume of traffic generated by an intensification of land uses as proposed.
- The Scheme Amendment 78: Modifications Plan Drawing - Lot 100 Bunning Boulevard (**attached** at Appendix DPDS-4) outlines the required modifications and the areas requiring further investigation and resolution. Furthermore, there is a requirement for a Development Contribution Plan and a concomitant Infrastructure Implementation Plan to be prepared as part of the alternative scheme amendment's Special Use Zone conditions.
- The method for calculating the required number of on-site car parking bays given in the draft proposed structure plan is not supported, as it is considered inappropriate to include on-street parking in this location (which presently does not exist) as part of the on-site parking provision. As such, all car parking bays required are to be provided within the property boundaries of the subject lot. Nevertheless, consideration could be given to providing some additional on-street visitor parking on Duncan Way for any multiple dwelling developments.
- The proposal that car parking for single houses, grouped dwellings and special purpose dwelling developments is to be calculated on the basis of a highly urbanised "Location A" and not that of a more suburban "Location B" type premises, as given under the Residential Design Codes, is also not supported.
- The submitted Transport Assessment report has concentrated on demonstrating that the roads and intersections (existing and proposed) have the capacity to cater for the increased traffic from the proposed development, with little or no consideration to traffic management or safety.
- Bunning Boulevard and Duncan Way were planned, designed and constructed as "Access Roads", which were only intended for use by local traffic to access residential premises. As

such, Sandridge Park is a typical example of residential subdivision design of its era, which were designed in a manner that reinforced their function as a 'neighbourhood cell', as described in the Residential Road Planning Policy DC 2.6, which states under section 1.3.2 Access Roads that:

“Access roads serve only to provide access to individual dwellings and are the link between these dwellings and the local distributor. It is on roads in this category that the domestic environment should predominate over the needs of the motor vehicle.”

- The submitted Transport Assessment report as prepared by WML Consultants Pty Ltd outlined that 55% of cars exiting from a new development entrance on to Picton Road will want to perform a “U” turn at the Picton Road intersection with Bunning Boulevard to head north on Picton Road. The City’s engineering staff disagrees with the report’s finding that this would not create additional problems at this intersection. As the development would generate a significant volume of traffic performing this movement, it is likely to result in some queuing while waiting for north bound traffic to clear. This would significantly impact on the slight lines of vehicles waiting to turn right on to Bunning Boulevard, creating blind spots for these vehicles wanting to cross the two lanes heading south. Furthermore, the queuing time for cars waiting to turn right out of Bunning Boulevard to head north on Picton Road will be impacted by allowing this movement. The City’s Development Engineer recommends that either the:

- * left turn out movement from the proposed development entrance not be permitted; or
- * Picton Road and Bunning Boulevard intersection be modified to not allow “U” turns at this location.

Noting that any modifications to the road intersection will be subject to WAPC and Main Roads Western Australia (MRWA) comment, as Picton Road is an “Other Regional Roads Reserve” under the GBRS.

- The submitted Transport Assessment report discusses the implications of the proposed development on the functioning of Inkpen Road, but does not outline if a queue greater than 15 metres (i.e. the length of approximately three standard size cars) is likely to occur whilst waiting to turn right on to Picton Road - as this would effectively block any access to this road from vehicles that have travelled from Picton Road. The City’s Development Engineer recommends that consideration should be given to either the:
 - * installing of local traffic management structures to restrict any right turn movement on to Inkpen Road; or
 - * reconfiguration of Inkpen Road so as to enable access directly from Picton Road in conjunction with the closure of the Bunning Boulevard connection.
- The proposed location of the light vehicle entrance to the site off Bunning Boulevard is considered to have safety concerns that require greater assessment. It is recommend that positioning this entrance further away from Picton Road would assist in reducing the risk of traffic accidents, as users will have very limited time to allowing for vehicles turning on to Bunning Boulevard from Picton Road.
- The location of the proposed service delivery entrance off Bunning Boulevard will restrict options for where the light vehicle entrance is positioned. Furthermore, a resubmitted Transport Assessment report will need to consider the impact of this location on residential

properties directly opposite.

- The submitted Transport Assessment report's findings on the proposed light vehicle entrance on to Duncan Way are noted; however, further assessment is required in regards to road safety given its location on a sharp 90 degree bend. The resubmitted report needs to consider the implementation of local traffic management treatments such as a splitter island to ensure that the increased volume of traffic at this location remains separated.
- The submitted Transport Assessment report's finding on the four-way intersection of Bunning Boulevard, Duncan Way and Barnes Avenue are noted; however, it is considered that greater assessment needs to be undertaken in regards to traffic management, road safety and amenity issues. Assessment of the need for the installation of local traffic management structures, such as a roundabout, should be undertaken with consideration of safety and amenity factors (i.e. roundabout signifying a change of environment from residential to a commercial area).
- The submitted Transport Assessment report's comments on pedestrian movements are noted; however, the report needs to give greater consideration of the safety requirements of pedestrians with respect to the predicted increase in traffic volume generated by the proposed development. It is considered that a pedestrian refuge island may be required for the crossing of Bunning Boulevard near Picton Road and any new development entrance points. A resubmitted report will also need to investigate the benefits to pedestrian movements if a local traffic management treatment such as a roundabout at the four-way intersection on Bunning Boulevard is implemented.
- As the proposal seeks to change the zoning of the land, it is considered that the development should contribute to the establishment and extension of the pedestrian and bicycle pathway network within the local area, which is currently very limited. In addition, a resubmitted report will need to give better consideration of the needs of cyclist and aged/disabled persons.
- The submitted Transport Assessment report outlines that a bus stop in close proximity to the subject site would be warranted; however, based on an assessment of the proposed layout, this would be difficult to achieve in a safe location.

Structural Design

- The location, limited land area, and irregular shape and narrow depth of the mixed use frame area compromises the range of land uses and types of development that can be accommodated. Consequently, there are concerns regarding the likely resulting urban form (e.g. the internal commercial / residential interface, as well as the broader impact on the surrounding residential area).
- An alternative option is to provide for a more feasible developable area by increasing the length and depth of the mixed use frame area. This would enable a more appropriate interface with the surrounding development and facilitate the internal transition between residential uses and what would be in effect a shopping centre development. Page 2 of the Scheme Amendment 78: Modifications Plan Drawing - Lot 100 Bunning Boulevard illustrates optional cross sections for how preferred development could occur in the mixed use frame area (refer to **attached** Appendix DPDS-4).

Impact on Surrounding Neighbourhood

- The submitted structure plan proposal does not satisfactorily address the interfaces with the surrounding existing low density residential development (i.e. proposing a nil set back to both Bunning Boulevard and Duncan Way). Hence, it is recommended that the mixed use frame area be widened and extended further west along Bunning Boulevard.
- The recommended residential density coding of the mixed use frame area is “R60”, which is consistent with the LPS-ACN intent of providing higher density housing immediately around local centres. Under an “R60” residential density coding the Residential Design Codes specify a primary street setback of two metres and a maximum building height of nine metres to the top of an external wall and 12 metres to the top of a pitched roof, where this is specified in a Scheme or structure plan for grouped dwellings under category C (development on three levels) of Table 3: Maximum building heights. This is in comparison to the adjoining residential development currently coded “R20”, where the primary street set back is six metres and building height is restricted to six metres to the top of the external wall and nine 9 metres to the top of a pitched roof.
- As previously referred to, with intensification of land uses occurring in association with a new activity centre, consideration will need to be given (in finalisation of LPS8) to extending the mixed use frame area from that currently proposed in the Scheme Amendment to include properties on the opposite side of Duncan Way and Bunning Boulevard and up-coding the existing residential densities in order to mitigate impacts of the proposed local centre by establishing a more compatible interface along the edges of the “Residential Zone”.

Residential Interface

- The development of the subject site for residential uses fronting onto Duncan Way and Bunning Boulevard is supported, as this will have the least potential interface impacts for the surrounding residential properties and will present a more sympathetic and compatible amenity. Higher residential density will encourage a greater residential mix within close proximity of a future local centre, as proposed, and a nearby district centre (i.e. Bunbury Forum).
- The development of two to three storey grouped dwellings as proposed is supported, as if developed in accordance with the submitted perspective drawings (Appendix E of the proponent’s submitted draft proposed structure plan report), which maximises opportunities for passive surveillance through:
 - * an articulated façade and glazed elevations;
 - * entrances to residential units fronting directly onto the street;
 - * terrace/balcony areas oriented towards the street frontage at all levels; and
 - * balustrades and walls that allow visual permeability (e.g. glass balustrades and low front walls on the front boundary).

Building Bulk and Mass

- The design of the proposed grouped dwellings is supported, as if developed, would seek to avoid massing by incorporating variation in materials and through horizontal and vertical modulation of the façade and roof elevation. This would create solid and void areas, shadow lines and visual interest which in turn help to relieve the perceived bulk and mass of the development.

Signage and Advertising

- The proposed draft structure plan's provision that wall signage is "encouraged" on blank walls to provide for visual interest is not supported, as it is envisaged that any future commercial development should be of a sufficient standard of quality to avoid such a poor urban design outcome.
- Instead it is recommended that a Precinct Signage Plan be prepared as a condition of any Special Use Zone (similar to that as required for the Bunbury Farmers Market), to be submitted as part of any draft proposed structure plan that is publicly advertised.

Architectural Style

- Building design should reinforce the character defining features of the local area – building scale, arrangement of activities, how the building is positioned and its relationship to the street, materials, and architectural details.

As such, the minimal detail regarding urban design and limited provisions of the draft proposed structure plan are considered to be deficient with respect to information required under clause 6.2.4.4 of the Scheme and the Western Australian Planning Commission's (WAPC) Structure Plan Preparation Guidelines (2012), and are not considered to have adequately demonstrated how the likely impacts would be addressed at the development stage.

Analysis of Financial and Budget Implications

The procedure for considering a scheme amendment proposal or draft proposed structure plan has no associated financial or budgetary implications other than meeting the costs of public advertising.

However, given the nature, scale and intensity of the proposed development on the subject site, it can be anticipated that it will generate the need for the significant upgrading of local roadway and pathway infrastructure.

It is therefore recommended that a requirement for a Development Contribution Plan linked to an Infrastructure Implementation Plan be secured through the scheme amending and structure planning procedure. This exercise should be expected to identify the following:

- the necessity for any new infrastructure or the upgrading of any existing infrastructure caused by the proposed development;
- the fair and equitable apportionment of costs for any infrastructure provision;
- the allocation of responsibility for the carrying out of any infrastructure works; and
- the timing and/or staging for the provision of any necessary infrastructure works.

Community Consultation

The City of Bunbury has met with the proponent on at least two occasions formerly and provided professional strategic planning and urban design advice (including suggested text and concept plan drawings) to the proponent's consultant prior to the lodgement of their scheme amendment submission and draft proposed structure plan.

The sharing of information has continued through to the preparation of this report and accompanying proposed Scheme Amendment 78 amending pages, draft copies of which were referred to the proponent's consultant for their information and comment. The comments received in relation to the correction of minor errors or clarifications in the drafts are gratefully acknowledged; however, it is suggested that the bulk of remaining comments made regarding desired changes to officer's work would be more appropriately addressed through the making of a submission during the statutory public advertising period should Council initiate the proposed scheme amendment.

Scheme amendments are required to be advertised for public comment for a minimum period of 42 days in accordance with the provisions of the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967*. The public advertising period occurs once the scheme amendment has been initiated by Council and a notice is published in a local circulated newspaper.

Structure plans are required to be advertised for public comment for a minimum period of 21 days in accordance with clause 6.2.5.5 of the Scheme. In this case, the draft proposed structure plan can be publicly advertised concurrently with the proposed scheme amendment, but cannot be adopted by Council until the amendment has been gazetted.

It should be noted that during the statutory public advertising period following Council's initiation of proposed Scheme Amendment 11 (28 September 2004, Council Decision: 266/04), twelve submissions were received, the majority of which rejected the scheme amendment (refer to **attached** Appendix DPDS-6).

It is also worth noting that whilst there is no statutory requirement to do so, Council may consult with affected landowners and local residents who are the owner or occupier of a property within the locality prior to considering whether or not to initiate the scheme amendment procedure.

Councillor/Officer Consultation

The proposed scheme amendment and draft structure plan have been referred to the local government's Development Coordination Unit (DCU) for professional advice and technical assessment - the primary recommendations out of which are reflected on the Scheme Amendment 78: Modifications Plan Drawing - Lot 100 Bunning Boulevard **attached** at Appendix DPDS-4.

Councillor/Officer Consultation

The proposed scheme amendment and draft structure plan have been referred to the local government's Development Coordination Unit (DCU) for professional advice and technical assessment - the primary recommendations out of which are reflected on the Scheme Amendment 78: Modifications Plan Drawing - Lot 100 Bunning Boulevard attached at Appendix DPDS-4.

Outcome – Council Meeting 3 March 2015

Cr Prosser declared a Financial Interest and vacated the chamber at 5:43pm.

Mr Paul Kotsoglo of Planning Solutions addressed Council speaking for the Executive Recommendation.

The Chief Executive Officer and the Mayor discussed a suggested amendment to Point 7 of the Recommendation, to ensure that the modifications undertaken are to the specifications and satisfaction of the Chief Executive Officer and not the Director Planning and Development Services. The amended Point 7 would read:

7. Determines not to publicly advertise the submitted draft proposed structure plan in accordance with clause 6.2.5 of the City of Bunbury Town Planning Scheme No. 7, and invites the proponent to resubmit a draft proposed structure plan with modifications undertaken to the specifications and satisfaction of the Chief Executive Officer, which are to be consistent with the boundaries of the proposed scheme amendment map and provisions of the Special Use Zones as per attached Appendix DPDS-3

The recommendation (as amended) was moved Cr Jones, seconded Cr Kelly.

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

Council Decision 75/15

That Council:

1. ***In accordance with the Planning and Development Act 2005, resolves to initiate proposed Scheme Amendment 78 to the City of Bunbury Town Planning Scheme No. 7 by:***
 - (a) ***amending the Scheme Text by inserting the following land use definitions within Schedule 1 - Dictionary of Defined Words and Expressions:***
 - (i) ***"Single bedroom dwelling" has the same meaning as in the Residential Design Codes,***
 - (ii) ***"Ancillary dwelling" has the same meaning as in the Residential Design Codes;***
 - (b) ***amending the table under "Schedule 2 – Special Use Zones" of the Scheme Text by inserting provisions for "Special Use Zone No. 61 - Local Centre" and "Special Use Zone No. 62 - Mixed Use Frame"; and***
 - (c) ***amending the Scheme Map by:-***
 - (i) ***deleting the "Development Investigation Policy Area" Special Control Area from Lot 100 Bunning Boulevard on the Scheme Map;***
 - (ii) ***rezoning part of the land included in Lot 100 Bunning Boulevard from "Residential Zone" with a residential density coding of "R20" and "No Zone" to "Special Use Zone - Local Centre" (S.U.61) depicted over that portion of Lot 100 Bunning Boulevard on the Scheme Map; and***
 - (iii) ***rezoning part of the land included in Lot 100 Bunning Boulevard from***

***“Residential Zone” with a residential density coding of “R20” to “Special Use Zone - Mixed Use Frame” (S.U.62) depicted over that portion Lot 100 Bunning Boulevard on the Scheme Map;
in accordance with the scheme amending pages prepared by the City of Bunbury (attached at Appendix DPDS-3).***

2. ***Notify the Western Australian Planning Commission of Council’s decision to initiate proposed Scheme Amendment 78, and provide the Commission with a copy of the Scheme amending documentation prior to proceeding to public advertising.***
3. ***In accordance with clause (3) and (4) of section 126 of the Planning and Development Act 2005, notify the Western Australian Planning Commission that subject to the gazettal of Scheme Amendment 78, to effect the automatic rezoning of the portion of Lot 100 Bunning Boulevard included in the “Other Regional Roads Reserve” to “Special Use Zone No. 61 - Local Centre”, at the time of finalising any omnibus amendment to the Greater Bunbury Region Scheme.***
5. ***Refer a copy of the proposed Scheme Amendment 78 documentation to the Environmental Protection Authority and any other relevant public authority, for consideration and comment.***
6. ***Subject to formal assessment not being required by the Environmental Protection Authority and no objection received from the Western Australian Planning Commission, proceed to advertise proposed Scheme Amendment 78 for public comment with a submission period of not less than 42 days in accordance with the Planning and Development Act 2005 and Town Planning Regulations 1967.***
7. ***Determines not to publicly advertise the submitted draft proposed structure plan in accordance with clause 6.2.5 of the City of Bunbury Town Planning Scheme No. 7, and invites the proponent to resubmit a draft proposed structure plan with modifications undertaken to the specifications and satisfaction of the Chief Executive Officer, which are to be consistent with the boundaries of the proposed scheme amendment map and provisions of the Special Use Zones as per attached Appendix DPDS-3.***

Notwithstanding further detailed assessment, the following matters are to be addressed and incorporated into any modified draft proposed structure plan prior to public advertising:

- (a) ***the recommendations shown on the Scheme Amendment 78: Modifications Plan Drawing - Lot 100 Bunning Boulevard attached at Appendix DPDS-4;***
- (b) ***demonstration, through title documents, that the subject site was part of a parent lot that provided 10% open space provision. If this is not demonstrated the draft proposed structure plan is to account for 10% public open space (POS) contribution, or alternatively, may be made as a cash in lieu contribution for POS;***
- (c) ***potential acid sulfate soils (PASS) are to be managed in accordance with the Commission’s Acid Sulfate Soils Planning Guidelines (2008) in respect of structure planning requirements;***
- (d) ***internal street setbacks are to be shown on the draft proposed structure plan map;***
- (e) ***car parking provision is to be calculated on the basis of Location ‘B’ and not ‘A’ premises, as given under State Planning Policy 3.1 Residential Design Codes (R-***

**(f) Codes); and
all car parking bays required are to be provided within the property boundaries of
the subject lot.**

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

Cr Prosser returned to the chamber at 5:47pm.

10.15 Decisions from Withers Advisory Committee Meeting 13.02.15 (was listed as item 10.5.1 of the Council Agenda)

File Ref:	A06016
Applicant/Proponent:	Internal Report
Author:	Phil Harris, Director Works and Services
Executive:	Phil Harris, Director Works and Services
Attachments:	Nil

Summary

At the Withers Advisory Committee Meeting held on 13 February 2015 the committee endorsed the transfer from the Withers Reserve of \$29,400 for *PR-3740 Construct pedestrian crossing on Ocean Drive*.

Executive Recommendation

1. That Council note the following decisions made under delegation at the Withers Advisory Committee Meeting 13 February 2015.
 1. Approve \$35,000 increase to *PR-3740 Construct pedestrian crossing on Ocean Drive (total budget \$95,000)* as per below:-
 - a. Construct Pedestrian crossing on Ocean Drive \$59,000
 - b. Lighting costs for Pedestrian crossing on Ocean Drive \$36,000
 2. Recommend to Council that \$29,400 be withdrawn for the Withers Reserve
2. That Council approve the transfer of \$29,400 from the Withers Reserve 400 for *PR-3740 Construct pedestrian crossing on Ocean Drive*.

(Absolute majority required)

Background

At the Withers Advisory Committee's 14 November 2014 meeting *PR-3740 Construct pedestrian crossing on Ocean Drive* was approved with a budget of \$60,000. This budget was an indicative cost and full cost and details were to be report at the next meeting.

Council Policy Compliance

Not Applicable

Legislative Compliance

Section 5.16 of the *Local Government Act 1995* allows delegation to committees and section 5.17 (1) (c) (I) allows delegation to committees comprising elected members and other persons (Community Members) for the proper management of Local Government property.

Officer Comments

Council's officers have provided a detailed cost estimate \$58,977.07. It is a Main Roads requirement that the pedestrian crossings be illuminated. Council officers have investigated the option of solar lighting, however solar lighting does not meet Main Roads standards.

Council engaged Lighting Specialist Australia to supply a lighting design for the pedestrian crossing. The indicative cost for the lighting of the pedestrian crossing is \$36,000 this is subject to a quote to be received from Western Power. The total estimated cost of the project is \$95,000.

Analysis of Financial and Budget Implications

The balance of the Withers Reserve is as follows:-

Withers Reserve	\$1,500,000
2011/2012 Projects	\$ 169,460
2012/2013 Projects	\$ 44,727
2013/2014 Projects	\$ 350,092
2014/2015 Approved and Carried over Projects	\$ 563,276
Balance of Withers Reserve	\$ 372,445

There are sufficient funds held in the Withers Reserve to fund this request.

2014/2015 Withers Action Plan Funding

Balance of Withers Reserve as at 01.07.14	\$935,721
Less 2015/2016 WAP Allocations	\$300,000
2014/2015 Available Funds	\$635,721
Less 2013/2014 Carried over projects	\$233,876
Less 2014/2015 WAP Projects endorsed 13.02.15	\$329,400
Remaining 2014/2015 Funds including Withers Reserve	\$ 72,445

The Withers Advisory Committee has approved projects to the value of \$329,400 for 2014/16. This will require transfer from the Withers Reserve of \$29,400.

Council Decision 128/11 provides that \$300,000 per year for a period of five years to a total of \$1,500,000 be allocated to Withers Action Projects; therefore there will be \$300,000 available for 2015/2016 WAP projects.

Community Consultation

The Withers Advisory Committee plays an active role in the community consultation.

Councillor/Officer Consultation

Not Applicable

Outcome – Council Meeting 3 March 2015

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

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

Council Decision 76/15

1. That Council note the following decisions made under delegation at the Withers Advisory Committee Meeting 13 February 2015.

- 1. Approve \$35,000 increase to PR-3740 Construct pedestrian crossing on Ocean Drive (total budget \$95,000) as per below:-**
 - a. Construct Pedestrian crossing on Ocean Drive \$59,000**
 - b. Lighting costs for Pedestrian crossing on Ocean Drive \$36,000**
- 2. Recommend to Council that \$29,400 be withdrawn for the Withers Reserve**

2. That Council approve the transfer of \$29,400 from the Withers Reserve 400 for PR-3740 Construct pedestrian crossing on Ocean Drive.

(Absolute majority required)

CARRIED

11 votes “for” / 1 vote “against”

ABSOLUTE MAJORITY ATTAINED

Cr Steele asked that her vote “against” be recorded.

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

11. Applications for Leave of Absence

11.1 Request for Leave of Absence – Councillor Giles

Applicant/Proponent:	Internal
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary/Background

Councillor Giles requests leave of absence from all Council-related business on 17 March 2015 and from 13 April 2015 to 29 April 2015 inclusive.

Section 2.25 of the *Local Government Act 1995*, allows a council to grant leave of absence to one of its members provided that the period of leave does not exceed six (6) consecutive ordinary meetings of the Council.

Executive Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Giles is granted leave of absence from all Council-related business on 17 March 2015 and from 13 April 2015 to 29 April 2015 inclusive.

Outcome – Council Meeting 3 March 2015

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

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

Council Decision 77/15

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Giles is granted leave of absence from all Council-related business on 17 March 2015 and from 13 April 2015 to 29 April 2015 inclusive

CARRIED

12 votes "for" / Nil votes "against"

12. Motions on Notice

Nil.

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

Nil.

13.2 Questions from Members

Nil.

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

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 5:49pm.