

Withers Advisory Committee

Minutes

Friday 12 February 2016

Committee Terms of Reference

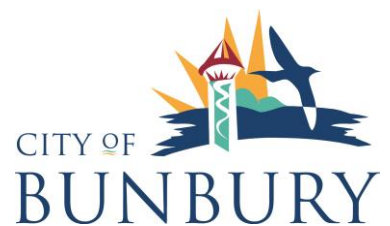
1. To review and progress the Withers Action Plan.
2. Endorse or amend recommendations subject to conditions as per Council Decisions 34/14.
3. Receive information from Council and the Withers Community to assist decision making.
4. To provide stronger community relations in Withers.
5. Oversees projects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

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Withers Advisory Committee

Minutes

Friday 12 February 2016

The Withers Advisory Committee has delegated authority as per Council Decision 13/14
Note: These minutes are subject to confirmation at the next Withers Advisory Committee Meeting

1. Declaration of Opening / Announcements of Visitors

Cr James Hayward declared the meeting open and welcomed Gavin Harris, the City's new Director Works and Services and Cr Murray Cook.

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.

3. Announcements from the Presiding Member

Nil

4. Attendance

Present

Member Name	Representing
Cr James Hayward	City of Bunbury Council
Cr Jaysen Miguel	City of Bunbury Council
Barbara Watkins	Withers Community Member
Joanna Hugues-Dit-Ciles	Withers Community Member
Ken Warnes	Withers Community Member
Mary Dunlop	Withers Community Member

Ex-officio Members:

Member Name	Representing
Gavin Harris	Director Works and Services

Support Staff:

Name	Title
Alison Baker (Minute Taker)	Executive Officer Works and Services

4.1 Apologies

Cr Karen Steele
Doug Fimister

4.2 Approved Leave of Absence

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.”*

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

Jonathan Charlesworth of 31 Slee Place, Withers

Question 1: Given that the recommendation for the closure of the laneway is provisional upon both the adjacent properties absorbing the land and that some \$12,300 is reported to be available under P-3534, can the council advise on the project funds for the footpath given that the closure of the laneway is no way negatively impacts on the foot traffic on Naturaliste Avenue and the effect on the closure should council not approve. Can the committee advise on the expenses of closure funds for the footpath.

Answer: Council officers investigated closure of laneway and found that to remove the access of the laneway, would need another way around and that would put them on Naturaliste Avenue. Naturaliste Avenue does not have a footpath and due to vegetation people would need to walk on the road. Which is probably an unacceptable outcome if you are a person who utilises the laneway. Gavin Harris, Director of Works and Services added that it was a recommendation to the committee and the committee has to make that decision today and the funding is from the existing Withers Action Plan Funding. Cr James Hayward added that the community have the funds to complete the project. Other comment of note was the question of the temporary laneway closure, committee has the power to temporary close laneway can be done straight away. There is a longer process involved to permanently closed, process takes some time.

Barbara Watkins of 320 Ocean Drive, Withers

Question 1: Is there any update on the development of Ashrose Reserve.

Answer: Withers Local Area Plan is out for proposed public comment closing 12 February 2016 has a proposed plan for Ashrose Reserve. The LAP will then presented to Council to be adopted.

Question 2: Is there any update on the status of the community housing being reduced to the average of 11%

Answer: Department of Housing are keen to get under way. Cr Hayward has seen a letter from the department which indicated that they are ready to commence some work based around the Local Area Plan.

Cr Murray Cook, 43/2 Columba Street, South Bunbury

Question 1: Why can't the Naturaliste Avenue footpath be extended right through to Lefroy & Sloan.

Answer: Possible but dependent on funding. Gavin Harris, Director Works and Services advised that as an estimate it would be an additional \$15,000 - \$20,000 to fund to roundabout.

6.2 Responses to Public Questions Taken 'On Notice'

7. Confirmation of Minutes

The minutes for the Withers Advisory Committee meeting held on 13 November 2015 have been circulated.

Recommendation

The minutes of the Withers Advisory Committee held on 13 November 2015 be confirmed as a true and accurate record.

Outcome – Withers Advisory Committee 12 February 2016

The recommendation was moved by Ken Warnes and seconded by Mary Dunlop. Cr James Hayward put the motion to the vote and was adopted to become the Committee's decision on the matter.

WAC Decision 1/16

The minutes of the Withers Advisory Committee held on 13 November be confirmed as a true and accurate record.

Carried

6 votes 'for' / Nil votes 'against'

8. Petitions, Presentations and Deputations

8.1 Petitions

8.2 Presentations

8.3 Deputations

The following people will be speaking prior to Item 9.4 Petition to Close Public Access Way – Lot 55 Slee Place and Response from the Public Consultation.

Jonathan Charlesworth, 31 Slee Place, Withers
Janet Rapkin, 20 Lefroy Place, Usher

9. Reports

9.1 Financial Report

File Ref:	A06016
Applicant/Proponent:	Internal Report
Author:	Alison Baker, Exec. Assistant Works and Services
Executive:	Gavin Harris Director Works and Services
Attachments:	DWS1 Expenditure Report as at 08.02.16

Summary

The purpose of this item is to present the Committee with a current financial report.

Executive Recommendation

That the monthly financial report be received.

Background

Council Decision 128/11 provided a \$300,000 annual allocation for a period of five years to a total of \$1,500,000 for Withers Action Projects. As of 1 January 2014 expenditure against the Withers Action Plan was recorded as \$214,187 with \$385,813 in the Withers Reserve and accounts for expenditure in years one and two of the five year period.

Effectively when the Withers Advisory Committee was formed the remaining funding available was \$1,285,813.

\$300,000 was available for 2013/14 Withers Action Plan projects with a further \$385,813 held in the Withers Reserve.

Council Decision 99/14 approved the transfer of \$129,000 from the Withers Reserve to Withers Projects.

Council Decision 144/14 approved the transfer of \$135,000 from the Withers Reserve to Withers Projects.

Council Decision 274/14 approved the transfer of \$30,804 into the Withers Reserve which represented savings from completed 13/14 Projects and the transfer of \$42,000 from the Withers Reserve for the CCTV project.

Council Decision 370/14 approved the transfer of \$8,650 from the Withers Reserve which represented the over budget expenditure in the 2013/14 Devonshire Street Path project.

The audited 2013/14 Financial Statement showed that adjustment of \$122 to the Withers Reserve was required due to end of financial year processing.

Council Decision 76/15 approved transfer of \$29,400 from the Withers Reserve to fund an additional \$35,000 to construct a pedestrian crossing on Ocean Drive.

Net savings for 2014/2015 completed projects as at May 2015 was \$32,198, which has been transferred into the Withers Reserve.

Council Decision 239/15 approved transfer of \$37,320 from the Withers Reserve for the following projects:

- \$4,320 PR-2851 Design and Upgrade Ashrose Reserve
- \$20,000 PR-3888 Closure of Laneways – survey and legal costs
- \$3,000 increase to PR-3740 Construct pedestrian crossing on Ocean Drive.
- \$10,000 increase to PR-3618 Install CCTV to cover maintenance/replacement costs.

Net savings for 2014/2015 for completed projects as at 30 June 2015 was \$36,090, which has been transferred into the Withers Reserve.

Net savings for 2015/2016 completed projects as at 31 October 2015 was \$11,172, which has been transferred into the Withers Reserve.

Net savings for 2015/2016 completed projects as at 31 January 2016 was \$886, which has been transferred into the Withers Reserve.

The total funds available for Withers Action Plan Projects for 15/16 is **\$380,471**. This figure is represented by the balance of the Withers Reserve (\$115,471) and the annual 2015/16 allocation (\$300,000), less those projects already approved for 2015/2016 (\$35,000).

Officer Comments

This report only covers expenditure and income from the City of Bunbury Withers Action Plan funded projects.

A detailed report is attached which includes expenditure, remaining balance and status of projects (see DWS1 - Expenditure Report as at 08.02.16).

Table 1 – Source of Funds

Withers Reserve	\$ 1,500,000
Less 2011/2012 Projects	\$ 169,460
Less 2012/2013 Projects	\$ 44,727
Less 2013/2014 Projects	\$ 350,092
Less 2014/2015 Approved and Carried over Projects	\$ 563,276
Withers Reserve	\$ 372,445
Add 2014/2015 Net Project savings as at May 2015	\$ 32,198
Withers Reserve	\$ 404,643
Less 2014/2015 Approved Projects (12.06.15 meeting)	\$ 37,320
Add 2014/2015 Net Project savings as at June 2015	\$ 36,090
Balance of Withers Reserve including 2015/2016 Allocation	\$ 403,413
Less 2015/2016 Approved Projects	\$ 35,000
Add 2014/2015 Net project savings as at October 2015	\$ 11,172
Add 2015/2016 Net Project savings as at January 2016	\$ 886
Withers Reserve	\$ 380,471

2015/2016 Withers Action Plan Funding

Balance of Withers Reserve as at 01.07.15	\$ 379,585
Add 2015/2016 Net Project savings	\$ 886
2015/2016 Available Funds including Withers Reserve	\$ 380,471

Project	Description	Budget	Expenditure	
PR-3618	Install CCTV	\$267,000	\$266,114	\$886
2015/2016 Net Project savings as at January 2016				\$886

Table 2 – Summary of DWS 1 – Expenditure Report as at 05.11.15

Project	Description	Budget	Expenditure	Committed	Total Expenditure	Remaining	WAC Decision
PR-3435	Close Laneways	\$80,000	\$67,700		\$67,700	\$12,300	WAC 3/14 WAC 22/14 WAC 47/14 WAC 52/14
PR-3888	Closure of Laneways – Survey and Legal Costs	\$20,000	\$ 24		\$ 24	\$19,976	WAC 12/15
PR-3902	Withers CCTV Extension	\$35,000	\$22,730	\$1,605	\$24,335	\$10,665	WAC 18/15
TOTALS		\$135,000	\$90,454	\$1,605	\$92,059	\$42,941	

Analysis of Financial and Budget Implications

This report provides a financial report for the Withers Advisory Committee.

Council Policy Compliance

The Withers Advisory Committee has delegated authority to prioritise and commence relevant works subject to conditions as per Council Decision 34/14.

Legislative Compliance

The provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996 are applicable for Council reporting.

Outcome – Withers Advisory Committee 12 February 2016

The recommendation was moved by Mary Dunlop and seconded by Joanna Hugues-Dit-Ciles. Cr James Hayward put the motion to the vote and was adopted to become the Committee’s decision on the matter.

<p>WAC Decision 2/16</p> <p><i>That the monthly financial report be received.</i></p> <p>Carried 6 votes ‘for’ / Nil ‘against’</p>
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9.2 Withers Action Plan Projects Status

Applicant/Proponent:	Internal
Author:	Gavin Harris, Director Works and Services
Executive:	Gavin Harris, Director Works and Services
Attachments:	

Summary

The purpose of this report is to update the Withers Advisory Committee on the status of the Withers Action Plan Projects.

Executive Recommendation

That the status of the endorsed Withers Action Plan projects be noted.

Background

At the Committee's meeting held on 14 November 2014, it was advised that the Financial Report and status of projects will be separated into two reports.

Council Policy Compliance

N/A

Legislative Compliance

N/A

Officer Comments

Individual Withers Action Plan Project status is as follows:

PR 3435 Close Laneways

Refer Item 9.4 recommending fencing of Slee Place Laneway. 2015/2016 Expenditure of \$125 for repairs to fencing of Jacaranda Crescent laneway.

PR-3888 Closure of Laneways – survey and legal costs

Following Council's endorsement at 19 January 2016 meeting to close

(D) Jacaranda Crescent to Wilkerson Way

(E) Whitley Place to Hudson Road

(G) Davenport Way to Open Space

(H) Littlefair Drive to Crews Court

(J) Whatman Way to Littlefair Drive

Council has written to the Department of Lands to commence the process for formal closure and amalgamation. The costs associated with the sale and amalgamation will be determined by the Department of Lands. The parcels of access way land are owned by the Crown and the City will not receive any income from the sale of the land.

PR 3618 Install CCTV

The twelve (12) month maintenance period expired on 22.01.16. Project is complete.

PR-3902 Withers CCTV Extension

The connection of equipment to the fibre and configure to get the connection running back to the administration building security room via the microwave radio link is currently under way and it is expected that the project will be completed by the end of February.

Analysis of Financial and Budget Implications

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

Outcome – Withers Advisory Committee 12 February 2016

The recommendation was moved by Cr Jaysen Miguel and seconded by Barbara Watkins. Cr James Hayward put the motion to the vote and was adopted to become the Committee's decision on the matter.

WAC Decision 3/16

That the status of the endorsed Withers Action Plan projects be noted.

Carried

6 votes 'for' / nil votes 'against'

9.3 Four (4) Withers access ways recommended to remain open.

File Ref:	SF / 2535
Applicant/Proponent:	Withers Advisory Committee
Responsible Officer:	Terri Stacpoole, Project Officer
Executive:	Greg Golinski, Acting Director Works & Services
Attachments:	

Summary

The Withers Advisory Committee have endorsed and prioritised a number of public access ways for closure. However, after further investigation by the City and consultation with the Department of Lands (DoL) and the WA Planning Commission (WAPC), the City recommends that four of these access ways remain permanently open, as they provide integral pedestrian and cycling links and connectivity to local schools, shops, public transport, and community facilities including aged and disability and open space areas.

At the Withers Advisory Committee Meeting held 13 November 2015, The Withers Advisory Committee resolved the following:

WAC Decision 27/15

Pursuant to clause 11.1(b) of the City of Bunbury Standing Orders the debate regarding Item 9.6 Four (4) Withers access ways recommended to remain open be adjourned until the next Withers Advisory Committee Meeting to be held 12 February 2016.

Recommendation A

Pursuant to clause 11.63 of the City of Bunbury Standing Orders 2012, the debate be resumed in order for further discussion to be undertaken.

Executive Recommendation

That the Withers Advisory Committee:

Pursuant to clause 11.1(b) of the City of Bunbury Standing Orders the debate regarding Item 9.6 Four (4) Withers access ways recommended to remain open be adjourned until the next Withers Advisory Committee Meeting to be held 8 April 2016.

Background

The list of Public Access Ways that were endorsed by Council as per Council Decision 271/13 were provided by the Withers Action Group, and no formal investigation was conducted at that time to determine if the laneways on the list were appropriate for closure. Council Decision 117/14 prioritised the laneways that had been identified for closure, with the remaining four laneways being subject to further investigation, being A B F and I.

At the Withers Advisory Committee meeting it was resolved to adjourn the debate on this matter until the next meeting of the Withers Advisory Committee.

Council Policy Compliance

The Withers Advisory Committee has delegated authority to endorse recommendations or to amend recommendations subject to conditions as per Council Decision 34/14.

Legislative Compliance

Pedestrian access ways were originally established as part of land subdivision in accordance with section 20A of the, then Town Planning & Development Act 1928.

Section 87 of the Land Administration Act 1997 refers to the sale of Crown land for amalgamation with adjoining land and that the Department of Lands undertakes formal sale and conveyancing of the subject land.

Section 52 of the Land Administration Act 1997 refers, and requires the City to undertake public consultation and advertising for a period of no less than 35 days.

Should closure of the public access way / drainage reserves be endorsed by Council it should be noted that the Minister of Lands, not the City of Bunbury retains the final statutory discretion under the powers contained in the Land Administration Act 1997.

Generally a public access way will only be considered for closure where it can be sold to the adjoining land owners or reserved and vested in an appropriate agency for public utility purposes.

Officer Comments

The Draft Withers Local Area Plan (LAP) public consultation period closes 12 February 2016. Laneways identified as A – Jacaranda – Davenport Lot 624; B – Plowers Place – Jacaranda via Moriarty Playground Lot 605; F Whitley Place – Withers Library Lot55; I – Lockwood Crescent – Craven Court Lot 55 form part of the Draft LAP and it is considered that debate on the closure of these laneways be adjourned until the Withers Local Area Plan is endorsed by Council.

Analysis of Financial and Budget Implications

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

Community Consultation

No community consultation has been undertaken for public access way A B F I to remain open.

Councillor/Officer Consultation

The City's Assets Department has indicated that their preference is for the laneway to remain as Crown property to ensure continued unrestricted access to the City's infrastructure.

Outcome – Withers Advisory Committee 12 February 2016

Recommendation A was moved by Cr Jaysen Miguel and seconded by Barbara Watkins. Cr James Hayward put the motion to the vote and was adopted to become the Committee's decision on the matter.

WAC Decision 4/16

Pursuant to clause 11.6 of the City of Bunbury Standing Orders 2012, the debate was resumed on Four (4) Withers access ways recommended to remain open.

Carried

6 votes 'for' / nil votes 'against'

The Recommendation was moved by Mary Dunlop and seconded by Ken Warnes. Cr James Hayward put the motion to the vote and was adopted to become the Committee's decision on the matter.

WAC Decision 5/16

Pursuant to clause 11.1(b) of the City of Bunbury Standing Orders the debate regarding Four (4) Withers access ways recommended to remain open be adjourned until the next Withers Advisory Committee Meeting to be held 8 April 2016.

Carried

6 votes 'for' / nil votes 'against'

9.4 Petition to Close Public Access Way – Lot 55 Slee Place and Response from the Public Consultation.

File Ref:	A00395-05
Applicant/Proponent:	Withers Residents (No contact name given)
Responsible Officer:	Terri Stacpoole – Project Officer
Executive:	Gavin Harris, Director Works & Services
Attachments:	DWS2 Footpath Naturaliste Ave (Costello Street to Ocean Drive)

Summary

This report is presented as per WAC Decision 26/15

At Withers Advisory Committee meeting on November 13, 2015 the Committee requested that

- 1. Council Officers conduct Public Consultation regarding the closure of Public Access Way – Lot 55 Slee Place*
- 2. A subsequent report be presented at the next Withers Advisory Meeting on 12 February 2016 for further consideration of this matter.*

Executive Recommendation

That the Withers Advisory Committee

1. Approve the formal closure of the access way by means of sale and amalgamation including temporary closure whilst formal closure is being progressed through Council.
2. Fund the temporary closure of the laneway from budget available in PR-3435 Close Laneways at a quoted cost of \$2,640.00 by gating the laneway at entry points.
3. Approve \$67,000 Construction of footpath on Naturaliste Avenue from Costello Street to Ocean Drive.

Background

Council received a petition to close the Public Access Way in Slee Place due to anti-social behaviour. The petition was referred to The Withers Advisory Committee meeting on 13 November 2015. Council's officers recommendation at the meeting was to install solar lighting to the laneway and monitor the incidence of anti-social behaviour prior to progressing to temporary or permanent closure. At the meeting the Withers Advisory Committee resolved to conduct public consultation regarding the closure of the laneway and Council officers prepare a report for this meeting

Council Policy Compliance

In-line with Council Decision 315/15 pursuant to clause 6.10(2) of the City of Bunbury Standing Order 2012, that Council receive the petition with regard to the closure of the laneway at the end of Slee Place, Withers and refer to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings.

Legislative Compliance

Section 52 of the Land Administration Act 1997 refers that the City is required to enter into public consultation and advertise for a period of no less than 35 days.

Section 87 of the Land Administration Act refers to the sale of Crown land for amalgamation with adjoining land and that the Department of Lands undertakes formal sale and conveyancing of the subject land.

The Withers Advisory Committee has delegated authority to endorse recommendations or to amend recommendations subject to conditions as per Council Decision 34/14.

Officer Comments

To commence the process of formal closure of the laneway, The City is required to liaise with the four adjoining property owners and ascertain if they are willing to consider purchasing the access way and amalgamating the land into their property.

The City is required to have a Council endorsed agenda item to progress the formal closure to the Department of Lands.

Should closure of the public access way be endorsed by Council it should be noted that the Minister of Lands retains the final statutory discretion of the public access way closure under the powers contained in the Land Administration Act 1997.

Generally a public access way will only be considered for closure where it can be sold to the adjoining land owners or reserved and vested in an appropriate agency for public utility purposes.

Council officers have investigated the options available regarding the Slee Place Laneway

Option 1

The Laneway to remain open

Option 2

1. Install solar lighting into the public access way to increase passive surveillance.
2. Approve \$5,000 Supply and installation four solar lights Slee Place Laneway.

Option 3

1. Approve the formal closure of the access way by means of sale and amalgamation including temporary closure whilst formal closure is being progressed through Council.
2. Fund the temporary closure of the laneway from budget available in PR-3435 Close Laneways at a quoted cost of \$2,640.00 by gating the laneway at entry points.

Option 4

1. Approve the formal closure of the access way by means of sale and amalgamation including temporary closure whilst formal closure is being progressed through Council.
2. Fund the temporary closure of the laneway from budget available in PR-3435 Close Laneways at a quoted cost of \$2,640.00 by gating the laneway at entry points.

3. Approve \$67,000 Construction of footpath on Naturaliste Avenue from Costello Street to Ocean Drive.

Refer to DWS2 Footpath Naturaliste Ave (Costello Street to Ocean Drive) for a map of the proposed footpath location. It is to be noted that Naturaliste Avenue is on the border of Usher and Withers. It is proposed to construct the footpath on the Usher side of Naturaliste Avenue. The cost to construct the footpath on the Withers side would be \$110,000 due to the steep slope that would require limestone retaining wall in some places and additional work required to adjust driveways. This cost doesn't not include any service relocations that may be required.

It is recommended that the Withers Advisory Committee endorsed Option 4. This option addresses the responses received from the Public Consultation which was split on the closure of the laneway. As requested by the adjoining owners due to anti-social activity the laneway will be closed and a footpath is to be constructed on Naturaliste Way as a safe access point from the area to Ocean Drive. The construction of the footpath will address the concerns raised by the respondents objecting to the closure of the laneway. Council has previously received requests for a footpath on Naturaliste Avenue, however the footpath does not appear in the current 5 year footpath program as Council current focus is on renewal of existing poor condition footpaths.

It is to be noted that the public access way is Crown owned with a management order to the City of Bunbury and as such the City does not profit financially from the sale of the access way.

Analysis of Financial and Budget Implications

Option 1

Not Applicable

Option 2

2015/2016 Available funds including Withers Reserve	\$ 380,471
Less: Proposed PR-XXXX Supply and installation four solar lights Slee Place Laneway	\$ 5,000
Balance of Withers Reserve	\$ 375,471

Option 3

No financial or budget implication PR-3435 has \$12,425 budget remaining

Option 4

2015/2016 Available funds including Withers Reserve	\$ 380,471
Less: Proposed PR-XXXX Construction of footpath on Naturaliste Avenue from Ocean Drive to Crimp Way	\$ 67,000
Balance of Withers Reserve	\$ 313,471

Council has received quotes for the temporary closure of the laneway and the construction of footpath as per below:-

Temporarily close the laneway by gating the two entry points - Slee Place & Ocean Drive
Supply & install 2 x 1800mm Black powdercoated Garrison gates.
Total \$2,640

Install a new 2.0m wide footpath on Naturaliste Avenue from Construction of footpath on
Naturaliste Avenue from Costello Street to Ocean Drive.
Total \$67,000

Formal closure expenses and other fees payable by the adjoining land owner(s) and / or from the Withers Reserve may include, but are not limited too;

Cost of Survey	\$1,000 - \$2,000
Valuer Generals Officer Valuation Fee	\$1,000 - \$2,000
Landgate Document Creation	\$107
Landgate Lodgement	\$160
Alter Existing Fencing	\$1,000 plus
Remove Existing Footpath in laneway	\$2,500
Legal costs (if required)	\$500 plus
Easements (if required)	\$500 plus
Relocation of Services (if required)	2\$1,000 plus
Purchase Price of Land	Market or nominal value.

A purchase price and associated costs can only be determined by the Department of Lands (DoL) once Council has endorsed the closure of the laneway.

The City will request to the DoL that the land be offered at a nominal fee rather than market value and also request financial assistance with the survey costs but this is at their discretion and will not be known until after a Council endorsed decision has been reached and sent to DoL to process.

Community Consultation

In-line with the Withers Advisory Committee decision 26/15 the City engaged in public consultation from November 16, 2015 to January 15, 2016.

The City received a total of ten written submissions during this period with;

Five (5) votes supporting the closure and

Five (5) votes objecting the closure.

Three of the four adjoining property owners fully support the closure with the remaining residence being a rental property with no response being received from the owner.

Several concerns regarding the proposed closure were received during the community consultation period, mainly in relation to the lack of footpaths on Naturaliste Avenue and connectivity to Ocean Drive.

Service Providers have been consulted.

- The City of Bunbury has Stormwater Infrastructure located in the access way.
 - Aqwest have identified to the City that there is an existing water main present.
- Registered easements with unrestricted access would be required.

The City received no other comments or objections from the remaining Service Providers.

Councillor/Officer Consultation

The City of Bunbury Planning Department were consulted in regards to the proposed closure and made comment on the existing CoB drainage and Aqwest water mains requiring an easement. Slee Place public access way does not form part of the Withers Local Area Plan.

Outcome – Withers Advisory Committee 12 February 2016

Ken Warnes moved a motion proposing Option 3

1. Approve the formal closure of the access way by means of sale and amalgamation including temporary closure whilst formal closure is being progressed through Council.
2. Fund the temporary closure of the laneway from budget available in PR-3435 Close Laneways at a quoted cost of \$2,640.00 by gating the laneway at entry points.

There was no seconder and the motion lapsed.

Barbara Watkins moved a motion proposing an amendment to the Executive Recommendation

3. Approve \$95,000 Construction of footpath on Naturaliste Avenue from Lefroy Place to Ocean Drive.

There was no seconder and the motion lapsed

The executive recommendation was moved by Joanna Hugues-Dit-Ciles and seconded by Mary Dunlop.

Cr Jaysen Miguel, with permission of the mover and seconder proposed the following additional point to the executive recommendation:-

That the Withers Advisory Committee

1. Approve the formal closure of the access way by means of sale and amalgamation including temporary closure whilst formal closure is being progressed through Council.
2. Fund the temporary closure of the laneway from budget available in PR-3435 Close Laneways at a quoted cost of \$2,640.00 by gating the laneway at entry points.
3. Approve \$67,000 Construction of footpath on Naturaliste Avenue from Costello Street to Ocean Drive.
4. Request the City of Bunbury consider funding the footpath in Naturaliste Avenue from Costello Street to Lefroy Place.

Barbara Watkins seconded the amendment. Cr James Hayward put the motion to amend the recommendation to the committee which was passed 5 votes for / 1 vote against.

Cr James Hayward put the amended executive recommendation to the vote and was adopted to become the Committee's decision on the matter.

WAC Decision 6/16

That the Withers Advisory Committee

1. *Approve the formal closure of the access way by means of sale and amalgamation including temporary closure whilst formal closure is being progressed through Council.*
2. *Fund the temporary closure of the laneway from budget available in PR-3435 Close Laneways at a quoted cost of \$2,640.00 by gating the laneway at entry points.*
3. *Approve \$67,000 Construction of footpath on Naturaliste Avenue from Costello Street to Ocean Drive.*
4. *Request the City of Bunbury consider funding the footpath in Naturaliste Avenue from Costello Street to Lefroy Place.*

Carried

4 votes 'for' / 2 votes 'against'

To be noted Cr Jaysen Miguel voted for this motion and Cr James Hayward voted against this motion therefore the decision is to be referred to Bunbury City Council as per the following condition under the Committee's Delegated Authority.

Condition 5

Any decision made by the Committee must have the unanimous support of the Elected Members appointed to the committee in attendance at the meeting. If unanimous support of the Elected Members appointed to the Committee is not gained on any decision, then the item should be referred back to the next Bunbury City Council meeting for consideration.

10. General Business

Nil

11. Urgent Business

Nil

12. Date of Next Meeting

Friday 8 April 2016

13. Close of Meeting

Actions Required after Meeting

1. Minutes of meeting to be sent to Council for noting.
2. Items to be raised for Council following requests/recommendations/motions by committee
3. Any other actions required