



10 FEBRUARY 2009

CONTENTS

Council Meeting Minutes

<u>Item No</u>	<u>Subject</u>	<u>Page</u>
1.	DECLARATION OF OPENING BY THE MAYOR.....	1
2.	RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	1
3.	RESPONSES TO 'PUBLIC QUESTIONS' FROM THE PREVIOUS COUNCIL MEETING (WHERE THEY COULD NOT BE ANSWERED AT THAT MEETING)	2
4.	PUBLIC QUESTION TIME - AS SPECIFIED UNDER SECTION 5.24 OF THE LOCAL GOVERNMENT ACT 1995.....	2
5.	QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL (WITHOUT DISCUSSION).....	2
6.	CONFIRMATION OF PREVIOUS MINUTES	3
7.	DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995.....	4
8.	ANNOUNCEMENTS BY THE MAYOR (WITHOUT DISCUSSION).....	4
9.	CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS.....	5
9.1	UNDERGROUND POWER PROGRAMME WITHERS, USHER AND GLEN PADDEN - COUNCIL INFORMED NOT TO PROCEED	5
9.2	FORD RANGER CUP (INTERSTATE CRICKET MATCH) - 8 FEBRUARY 2009	7

<u>Item No</u>	<u>Subject</u>	<u>Page</u>
9.3	APPOINTMENT OF DELEGATES TO ATTEND: (1) 7TH NATIONAL MAINSTREET CONFERENCE (FREMANTLE) 15-19 MARCH 2009; (2) COAST 2009 CONFERENCE (MANDURAH) 2-4 MARCH 2009	8
10.	RECEPTION OF FORMAL PETITIONS AND MEMORIALS	10
11.	RECEPTION OF REPORTS AND RECOMMENDATIONS FROM THE COUNCIL (STANDING) COMMITTEE MEETING HELD 3 FEBRUARY 2009	10
11.1	BRITAIN ROAD TRAFFIC MANAGEMENT AND TRAFFIC CALMING DEVICES (<i>WAS LISTED AS ITEM 11.2 IN THE MEETING AGENDA</i>)	11
11.2	TENDER 2008/2009-08 "SUPPLY & DISPOSAL OF LOADER" (<i>WAS LISTED AS ITEM 11.3 IN THE MEETING AGENDA</i>).....	18
11.3	TENDER RFT 2007/2008-06 "BROAD ACRE LAWN MOWING" (<i>WAS LISTED AS ITEM 11.4 IN THE MEETING AGENDA</i>).....	23
11.4	FINANCIAL STATEMENTS - NOVEMBER & DECEMBER 2008 (<i>WAS LISTED AS ITEM 11.8 IN THE MEETING AGENDA</i>).....	29
11.5	ADVISORY COMMITTEE AND/OR PROJECT CONTROL GROUP MINUTES TO BE NOTED AT THE COUNCIL COMMITTEE MEETING (<i>WAS LISTED AS ITEM 11.9 IN THE MEETING AGENDA</i>)	31
11.6	MOTION ON NOTICE - LANDCORP SURPLUS REVENUE (<i>WAS LISTED AS ITEM 11.12 IN THE MEETING AGENDA</i>).....	33
11.7	ITEMS NOTED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING HELD 3 FEBRUARY 2009 (<i>WAS LISTED AS ITEM 11.13 IN THE MEETING AGENDA</i>).....	35
11.8	PROPOSED LOCAL PLANNING POLICY - BOUNDARY INTERFACES BETWEEN NON-RESIDENTIAL AND RESIDENTIAL DEVELOPMENTS (<i>WAS LISTED AS ITEM 11.11 IN THE MEETING AGENDA</i>).....	37
11.9	BRITAIN ROAD EXTENSION PROJECT (<i>WAS LISTED AS ITEM 11.1 IN THE MEETING AGENDA</i>)	41
11.10	BUNBURY-SETAGAYA SISTER CITIES COMMITTEE - PROPOSAL TO DISBAND AND RE-FORM AS A "SISTER CITIES ASSOCIATION INC." (<i>WAS LISTED AS ITEM 11.5 IN THE MEETING AGENDA</i>).....	52

<u><i>Item No</i></u>	<u><i>Subject</i></u>	<u><i>Page</i></u>
11.11	COMBINED WORKS DEPOT SITE PROJECT CONTROL GROUP <i>(WAS LISTED AS ITEM 11.6 IN THE MEETING AGENDA)</i>	57
11.12	LOCAL GOVERNMENT BIENNIAL ELECTION - 17 OCTOBER 2009 <i>(WAS LISTED AS ITEM 11.7 IN THE MEETING AGENDA)</i>	63
11.13	PROPOSED REMOVAL OF MORETON BAY FIG TREE LOT 193 (NO. 25) SYMMONS STREET, BUNBURY - SIGNIFICANT TREE REGISTER <i>(WAS LISTED AS ITEM 11.10 IN THE MEETING AGENDA)</i>	68
12.	MOTIONS (OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN).....	76
12.1	MOTION - WITHERS UNDERGROUND POWER PROGRAMME	76
12.2	MOTION - 2010 SOUTH WEST GAMES	78
13.	"URGENT" BUSINESS WITH THE APPROVAL OF THE MAJORITY OF MEMBERS PRESENT AS PERMITTED UNDER STANDING ORDER 5.1.13.....	82
13.1	CITY OF BUNBURY DONATION - AUSTRALIAN RED CROSS VICTORIAN BUSHFIRE APPEAL 2009.....	82
14.	ITEMS TO BE NOTED (NO DISCUSSION).....	84
15.	CONFIDENTIAL BUSINESS AS STIPULATED UNDER SECTION 5.23(2) OF THE LOCAL GOVERNMENT ACT 1995	84
16.	CLOSE OF MEETING	84

GLOSSARY OF ABBREVIATED TERMS

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

Term	Explanation
GBRP	Greater Bunbury Resource Plan report
GBRS	Greater Bunbury Region Scheme
GL	Gigalitres
GRV	Gross Rental Value
GST	Goods and Services Tax
HCWA	Heritage Council of Western Australia
ICLEI	International Council for Local Environmental Initiatives
ICT	Information and Communications Technology
IP	Internet Protocol
IT	Information Technology
ITC	In Town Centre
ITLC	Former In-Town Lunch Centre (now the "In Town Centre")
LAP	Local Action Plan
LCC	Leschenault Catchment Council
LEMC	Bunbury Local Emergency Management Committee
LIA	Light Industrial Area
LN (2000)	Liveable Neighbourhoods Policy (2000)
LSNA	Local Significant Natural Area
MHDG	Marlston Hill Design Guidelines
MRWA	Main Roads Western Australia
NDMP	National Disaster Mitigation Program
NEEDAC	Noongar Employment & Enterprise Development Aboriginal Corp.
NRM	Natural Resource Management
NRMO	Natural Resource Management Officer
ODP	Outline Development Plan
PAW	Public Access Way
PHCC	Peel-Harvey Catchment Council
PR	Plot Ratio
R-IC	Residential Inner City (Housing) - special density provisions
RDC	Residential Design Codes
RDG	Residential Design Guidelines
Residential R15	Town Planning Zone – up to 15 residential dwellings per hectare
Residential R20	Town Planning Zone – up to 20 residential dwellings per hectare
Residential R40	Town Planning Zone – up to 40 residential dwellings per hectare
Residential R60	Town Planning Zone – up to 60 residential dwellings per hectare
RFDS	Royal Flying Doctor Service
RMFFL	Recommended Minimum Finished Floor Levels
ROS	Regional Open Space
ROW	Right-of-Way
RSL	Returned Services League
SBCC	South Bunbury Cricket Club Inc.
SCADA	Supervisory Control and Data Acquisition
SGDC	Sportsgrounds Development Committee
SW	South West
SWACC	South Western Area Consultative Committee
SWAMS	South West Aboriginal Medical Service
SWBP	South West Biodiversity Project
SWCC	South West Catchments Council
SWDC	South West Development Commission
SWDRP	South West Dolphin Research Program

Term	Explanation
SWEL	South West Electronic Library
SWSC	South West Sports Centre
TME	Thompson McRobert Edgeloe
TPS	Town Planning Scheme
USBA	Union Bank of Switzerland Australia
VGO	Valuer General's Office
VOIP	Voice-Over Internet Protocol
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission
WAPRES	Western Australian Plantation Resources
WAWA	Water Authority of Western Australia
WC	Water Corporation
WML	WML Consultants
WRC	Waters and Rivers Commission

COUNCIL MEETING MINUTES

Minutes of an Ordinary Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 10 February 2009.

MINUTES

10 February 2009

NOTE: These minutes are subject to confirmation at the subsequent meeting of the Council.

1. DECLARATION OF OPENING BY THE MAYOR

His Worship the Mayor, Mr David Smith, declared the meeting open at 6.02pm.

2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

PRESENT

Council Committee Members	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member:	Deputy Mayor, Councillor S Craddock
Members:	Councillor J Jones
	Councillor S Rooney (<i>arrived 6.10pm - Item 8</i>)
	Councillor B Kelly
	Councillor W Major
	Councillor H Punch
	Councillor N Whittle
	Councillor R Slater
	Councillor M Steck
	Councillor J Harrop
Councillor D Spencer	
Executive Management Team (Non-Voting)	
Chief Executive Officer:	Mr G Trevaskis
Executive Manager Corporate Services:	Mr K Weary
Executive Manager City Services:	Mr M Scott
Executive Manager City Development:	Mr G Klem
Executive Manager City Life:	Mr D Marzano
Council Officers (Non-Voting):	
Cultural Development Officer:	Mr P Hayward
Administration Officer Corporate Services:	Ms D Ryan
Others (Non-Voting):	
Members of the Public:	4
Members of the Press:	Nil

APOLOGIES:

Cr Alfred Leigh - Leave of Absence

3. RESPONSES TO 'PUBLIC QUESTIONS' FROM THE PREVIOUS COUNCIL MEETING (WHERE THEY COULD NOT BE ANSWERED AT THAT MEETING)

Not applicable.

4. PUBLIC QUESTION TIME - AS SPECIFIED UNDER SECTION 5.24 OF THE LOCAL GOVERNMENT ACT 1995

Mr Bernhard Bischoff, 15 Forster Street, Bunbury

Question: Mr Bischoff asked if he could donate a painting depicting a bushfire to the City of Bunbury. It was Mr Bischoff's intention that the painting could be displayed in the Bunbury Regional Art Galleries or in the Administration Centre foyer as a gesture to mark the terrible destruction and loss of life caused by the bushfires in Victoria.

Response: The Mayor thanked Mr Bischoff for his generosity and accepted the painting on behalf of the Council.

5. QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL (WITHOUT DISCUSSION)

Cr Steck had submitted the following question (in writing) prior to the close of the meeting agenda. A response provided by the Chief Executive Officer was also printed in the meeting agenda for the information of the meeting:

Question: Who from the City of Bunbury has been dealing with Landcorp on the Bunbury Waterfront project?

Response: The main people at the City of Bunbury that have been dealing with Landcorp on the Bunbury Waterfront Project to date, are:

- His Worship the Mayor acting in his capacity as the spokesperson for the Council and as the liaison between the Council and the Chief Executive Officer on Council affairs and performance of its functions e.g., implementation of Council decisions by the Chief Executive Officer.
- The Chief Executive Officer acting in his capacity as the Council's Principal Advisor under the Local Government Act 1995, and, in line with his responsibility for implementation of Council decisions and overseeing the day-to-day operations of the City.
- The Executive Manager City Development in his capacity as the principal planning officer at the City of Bunbury and as the Council's advisor on development policies and procedures.

6. CONFIRMATION OF PREVIOUS MINUTES

The minutes of the Council Meetings held 16 December 2008, had been circulated to members prior to the meeting.

AT THE COUNCIL MEETING

A motion to adopt the minutes was moved Cr Major, seconded Cr Craddock. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 3/09

The minutes of the Council Meeting held 16 December 2008, be confirmed as a true and accurate record.

CARRIED

11 Votes "For" / Nil Votes "Against"

7. DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995

Cr Steck disclosed an impartiality interest in the item titled "*Motion - Withers Underground Power Programme*" as she knows one of the directors of Citigate (owner of the Minnipup Forum Shopping Centre) in a personal capacity.

8. ANNOUNCEMENTS BY THE MAYOR (WITHOUT DISCUSSION)

One minute's silence was observed by everyone in attendance at the meeting as a mark of respect for those that have lost their lives in the recent bushfires in Victoria.

Cr Rooney arrived at the meeting at 6.10pm.

The Mayor made the following announcements:

- The Mayor thanked councillors for attending a civic reception and art exhibition on 6 February 2009. The reception was held in honour of Alcoa which has donated a number of artworks (totalling \$200,000) to the City of Bunbury. The pieces of art include etchings by Sidney Nolan as well as paintings and a statuette by the Boyd Family. The exhibition will run for 10 days.

<i>Correction: After the minutes had been published the Curator of the City of Bunbury Art Collection advised that the Alcoa gift is valued at \$400,000 and the artworks will be on display until 28 March 2009.</i>

- The Mayor stated that he has received written advice from the Office of Energy that the City's application for installation of underground power in Withers has been rejected and the government funding re-allocated to other local government projects in the State.
- The Mayor confirmed a recent announcement by the Minister for Local Government that councils across the State are being asked to provide the Minister's office with proposals for resource sharing and/or voluntary mergers. He noted that there has also been an announcement that the Attorney-General will chair a committee that will provide recommendations on how local governments can comply with the Minister's request. For its part, the City of Bunbury has already written to all other local governments in the Wellington Region requesting a meeting to discuss resource sharing.
- The Mayor understands that there will be an announcement later during the week by the South West Development Commission concerning funding received through the State Government's 'Royalties for Regions' Scheme.

9. CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS

9.1 UNDERGROUND POWER PROGRAMME WITHERS, USHER AND GLEN PADDEN - COUNCIL INFORMED NOT TO PROCEED

File Ref:	R00567
Applicant/Proponent:	Office of Energy
Author:	Dom Marzano, Executive Manager City Life
Executive:	Greg Trevaskis, Chief Executive Officer

The Chief Executive Officer had printed the following information in the meeting agenda for the information of the Council only:

At its meeting on 12 January 2009, the Council made the following decision:

Decision No. 2/09

Council wishes to proceed with the Withers, Usher and Glen Padden Underground Power Project - Western Power, the Office of Energy and the Hon. John Castrilli (Member for Bunbury) to be immediately advised of this decision and provided with a copy of the survey results.

The consultants (Research Solutions) have amended the results of the Withers, Usher and Glen Padden Underground Power Survey conducted in December 2008 under the instructions of Western Power and the Office of Energy. The results have been amended because the figures from the Department of Housing and Works ("DHW") were based on a letter from the DHW dated March 2008 which supported the project. However, the DHW no longer supports the project and indicated this on a survey form received by the consultants after the survey completion date of 19 December 2008. Further to this information, the Office of Energy has requested (and been supplied with) supplementary information including a breakdown of figures supporting Bunbury, Usher and Withers owners and investors independently.

The purpose of this report is to inform the Council that the Office of Energy Underground Power Steering Committee (in a letter dated 4 February 2009) has decided not to proceed with the Withers, Glen Padden and Usher Underground Power Programme as it believes there is no substantial community support for the project. A copy of the letter is **attached** at Appendix 11.

AT THE COUNCIL MEETING

The following motion was moved Cr Craddock, seconded Cr Major:

- "1. *His Worship the Mayor to write to the Office of Energy and Western Power expressing the City's disappointment at the re-allocation of funding for the proposed installation of underground power in Withers, Glen Padden and Usher, and; point out that the Bunbury City Council continues to support the proposal despite the final outcome of the second community survey.*

2. *His Worship the Mayor to write to the Department for Housing & Works expressing the City's great disappointment at the Department's "very late" change of position that resulted in the Bunbury City Council losing significant government funding for the Withers, Glen Padden and Usher Underground Power Program."*

During discussion, an amendment was suggested by Cr Kelly that the following paragraph be included as point 1. in the motion with points 1. and 2. re-numbered respectively. The amendment was supported by the mover and seconder and incorporated in their motion:

"Council resolves to express its deep disappointment that the Office of Energy decided not to proceed with the Withers, Glen Padden and Usher Underground Power Program when the project had received (and continues to maintain) the support of the Bunbury City Council."

The Mayor put the motion moved Cr Craddock, seconded Cr Major (as amended) to the vote and it was adopted to become a Council Decision.

Council Decision 4/09

1. *Council resolves to express its deep disappointment that the Office of Energy decided not to proceed with the Withers, Glen Padden and Usher Underground Power Program when the project had received (and continues to maintain) the support of the Bunbury City Council.*

2. *His Worship the Mayor to write to the Office of Energy and Western Power expressing the City's disappointment at the re-allocation of funding for the proposed installation of underground power in Withers, Glen Padden and Usher, and; point out that the Bunbury City Council continues to support the proposal despite the final outcome of the second community survey.*

3. *His Worship the Mayor to write to the Department for Housing & Works expressing the City's great disappointment at the Department's "very late" change of position that resulted in the Bunbury City Council losing significant government funding for the Withers, Glen Padden and Usher Underground Power Program."*

CARRIED

11 Votes "For" / 1 Vote "Against"

Cr Steck requested that her vote "against" the Council's decision, be recorded.

9.2 FORD RANGER CUP (INTERSTATE CRICKET MATCH) - 8 FEBRUARY 2009

File Ref:	A03617
Applicant/Proponent:	Internal Report
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

The Chief Executive Officer announced that the Ford Ranger Cup Cricket Match (a WA Interstate Cricket event) was held at Hands Oval on 8 February 2009. Approximately 3,500 people attended the event which has been hailed as an outstanding success and brought great credit to the City and compliments from the WA Cricket Association and others.

The improved cricket ground and new wicket areas/facilities at Hands Oval are now top class and suitable for holding further 20/20 matches.

The assistance and cooperation offered by the South West Football League (the main user of Hands Oval) was gratefully acknowledged.

It was noted that at a Council Meeting on 8 February 2005, Cr Major first raised the possibility of seeking assistance from the Department of Sport & Recreation and the WA Cricket Association for hosting one-day interstate cricket matches at Hands Oval.

The Mayor took the opportunity on behalf of the Council to thank the Chief Executive Officer for his devotion to the project and to the Executive Manager City Services (particularly his Parks Operations team) for their work in upgrading and preparing the cricket ground.

The Mayor and councillors asked that their appreciation be conveyed to all staff involved with preparation of the grounds and staging of the Ford Ranger Cup event.

9.3 APPOINTMENT OF DELEGATES TO ATTEND: (1) 7TH NATIONAL MAINSTREET CONFERENCE (FREMANTLE) 15-19 MARCH 2009; (2) COAST 2009 CONFERENCE (MANDURAH) 2-4 MARCH 2009

File Ref:	A00208
Applicant/Proponent:	Internal Report
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

At the meeting, the Chief Executive Officer announced that he has received expressions of interest from the Deputy Mayor and Councillor Spencer to attend the 7th National Mainstreet Conference at The Esplanade Hotel, Fremantle from 15 to 19 March 2009, inclusive.

Background details concerning the Mainstreet Conference are provided, as follows:

- The WA Government's Department for Planning & Infrastructure is a major sponsor of this year's Mainstreet Conference the main theme of which will be "Rediscovering the Heart" i.e., delegates to re-consider the creation of vibrant main streets after years of onslaught from purpose-built shopping centres. This is a new trend that is sweeping the globe.
- Other conference themes include planning, design and marketing of main streets in Australia (and further afield) addressing practical and specific issues while taking into consideration trends and future insights.
- Planners, economic/community development personnel and councillors from Local Government's throughout the State are encouraged to attend. It is expected that other organisations such as the Chamber of Commerce; business, retailer and tourism associations will have representatives in attendance together with Government Departments responsible for the planning of (and provision of infrastructure for) regional and economic business centres.
- Apart from presentations by keynote speakers, the conference programme includes facilitated workshops, evening social/networking events and an option for conference delegates to travel to Bunbury and Busselton for a one-day fully guided tour of regional main streets.

A motion approving attendance of Crs Craddock and Spencer at the *7th National Mainstreet Conference* was moved Cr Whittle, seconded Cr Steck.

During some discussion, the Mayor announced that he represents the City of Bunbury on the National Sea Change Taskforce and would like Council to approve his attendance at the *Coast 2009 Conference* taking place in Mandurah from 2 to 4 March 2009.

The mover and seconder of the motion agreed to amend their motion accordingly.

Background details concerning the Coast 2009 Conference, are as follows:

- Coast 2009 will be an essential event for representatives of coastal councils, researchers, policy makers and others with a stake in the future of the Australian coast. It will address current major issues, including:
 - Impact of climate change and associated legal liabilities
 - Need for effective emergency management planning
 - Effects of the global financial crisis on local economies
 - Ageing of coastal communities
- The conference will also feature the launch of the *Australian Coastal Alliance* as an information-gathering and communication interface between coastal councils, government agencies, research organisations and other relevant stakeholders.
- The conference will include presentations by keynote speakers, a welcome reception for delegates as well as an optional post-conference tour of the south west region including Bunbury, Busselton, Dunsborough and Margaret River on 5 and 6 March 2009.

The Mayor put the motion moved Cr Whittle, seconded Cr Steck (as amended) to the vote and it was adopted to become a Council Decision.

Council Decision 5/09

1. *Council approves the attendance of the following elected members at the 7th National Mainstreet Conference to be held at The Esplanade Hotel in Fremantle from 15 to 19 March 2009, inclusive:*
 - 1.1 *Councillor Craddock (Deputy Mayor)*
 - 1.2 *Councillor Spencer*
2. *Council approves the attendance of His Worship the Mayor, Mr David Smith, at the Coast 2009 Conference being hosted by the National Sea Change Taskforce at the Mandurah Performing Arts Centre from 2 to 4 March 2009.*

CARRIED

12 Votes "For" / Nil Votes "Against"

NOTE: Following the meeting, it was determined that Mayor D Smith is also registered to attend the post-conference tour of the south west region on 5 & 6 March 2009.

10. RECEPTION OF FORMAL PETITIONS AND MEMORIALS

Nil.

11. RECEPTION OF REPORTS AND RECOMMENDATIONS FROM THE COUNCIL (STANDING) COMMITTEE MEETING HELD 3 FEBRUARY 2009

At this point in proceedings, the Council adopted *en bloc* committee recommendations listed under items 11.2, 11.3, 11.4, 11.8, 11.9, 11.12 and 11.13 of the meeting agenda (as permitted under the City's Standing Orders).

It was noted that item 11.11 had been withdrawn by the Executive Manager Development.

Items 11.1, 11.5, 11.6, 11.7 and 11.10 of the meeting agenda were then dealt with (and voted on) individually.

Please note: Items listed in Section 11 of the minutes differ from the order that they appeared in the meeting agenda. The items have been re-numbered in order of discussion so that those items voted *en bloc* by members of the Council, are listed first.

11.1 BRITAIN ROAD TRAFFIC MANAGEMENT AND TRAFFIC CALMING DEVICES
(WAS LISTED AS ITEM 11.2 IN THE MEETING AGENDA)

File Ref:	A02864
Applicant/Proponent:	Internal Report
Author:	Beatrice Plant, City Engineer
Executive:	Michael Scott, Executive Manager City Services

Summary

Council Decision 291/05 made on 13 December 2005, called for the implementation of traffic calming/management measures to discourage extra-mass vehicles from using that portion of Brittain Road located between Bussell Highway and Hales Street.

Four (4) traffic management options have been developed by the City's Engineering Department and the intention of this report is for Council to select its preferred option so that officers can progress to the detailed design/community consultation stages of the project.

A review of the advantages and disadvantages of each of the four options is contained within this report along with a recommendation that Option 1 (for installation of flat top plateaus and a two-lane angled slow point) is the preferred traffic management treatment.

Background

At the Council Meeting on 13 December 2005, the following decision was made:

Council Decision 291/05

That Council:

1. *Notes the findings of the Brittain Road Traffic Management Strategy Community Consultation Master Report.*
2. *Endorses the implementation of the Brittain Road Traffic Management Project incorporating:*
 - 2.1 *the extension of Brittain Road from Richter Road to the new signalised intersection at Robertson Drive and North-Boyanup Road (South West Highway);*
 - 2.2 *conversion of the Bovell Street and Robertson Dr intersection to left-in / left-out;*
 - 2.3 *the implementation of traffic calming/management measures to discourage the use of Brittain Road (between Bussell Highway and Hales Street) by extra-mass vehicles; and*

- 2.4 *recommending to Main Roads Western Australia to have Brittain Road (Bussell Hwy to Hales St) designated a residential area and speed limits reduced to 50 kph.*
3. *Endorses that the various traffic management measures be trialled before final implementation, with the final assessment being determined by the City Engineer in consultation with workshop participants.*
4. *Agrees to a traffic volume and number plate survey being carried out 12 months after completion of the Brittain Road Extension Project to assess the impact on traffic volumes in Brittain Road and to determine requirements for any further traffic controls on Brittain Road.*

An extract from the minutes of the Council Meeting held 13 December 2005 is **attached** at Appendix 5.

As a result of Council Decision 291/05, the City sought grant funding through the Regional Road Group ("RRG") for the Brittain Road Traffic Management Project and this now has an allocation of \$184,263 in the 2008/2009 Budget.

The City's Engineering Department has completed four (4) traffic management options for the portion of Brittain Road between Hales and Milligan Streets. An overview of these four options and the advantages and disadvantages of each option is outlined below. A plan for each option is **attached** at Appendix 6.

Option 1 – Installation of a Two-lane Angled Slow Point and Two Flat-top Plateaus

This is the preferred option.

The installation of a flat-top plateau either side of the two-lane angled slow point will successfully reduce vehicle speeds in this area. The flat-top plateaus will also assist in discouraging through-traffic from using Brittain Road as well as extra-mass vehicles.

The disadvantage with the installation of flat-top plateaus is that there is often an increase in noise due to the braking, acceleration and vertical displacement of vehicles travelling over the plateaus. However, in the locations that these plateaus are proposed there are no residential properties fronting this section of road and it is instead fronted by City of Bunbury owned land that is zoned for use as 'Parks and Recreation'. Due to no residential properties being in close proximity to these plateaus the noise concerns have been deemed as negligible.

The proposed two-lane angled slow point will assist in reducing speed through this area. Similar to the plateaus, slow points discourage through-traffic as well as use of a road by extra-mass vehicles. The slow point will provide a landscaping opportunity that will assist in alerting drivers to the presence of the slow point. This slow point will still accommodate two-way traffic along Brittain Road. Given that physical separation is proposed at this slow point the possibility of a pedestrian crossing point to link in with the proposed path will also be an advantage to pedestrians.

Option 1 is included in the report recommendation as the preferred option.

Option 2 – Change Intersection Priority at Brittain Road/Armanta Drive Intersection and Brittain Road/Hales Street Intersection

While the option to change intersection priority will result in reduced speeds at these isolated intersections and will discourage extra-mass vehicles from using Brittain Road as they would have to negotiate two additional intersections, the City's Engineering Department is not in favour of this option as it puts priority movement onto Hales Street and Armanta Drive instead of Brittain Road. Under the City's *Bunbury Transport Vision 2030*, Brittain Road is classified as a local distributor road under the road hierarchy whereas Armanta Drive and Hales Street have the lower road classification of local access roads. In order to maintain Brittain Road as a local distributor road it is important that it be given priority at all intersections with local access roads. Modification to these intersections is considered to be an undesirable priority change as it increases the conflict points and can create confusion regarding perceived priority at the intersection.

Option 2 is not the recommended option.

Option 3 – Installation of a Roundabout Mid-block on Brittain Road Between Hales Street and Armanta Drive

The installation of a mid-block roundabout at the location shown on Option 3 would result in reduced vehicle speeds and act as a deterrent to extra-mass vehicles. However, construction costs associated with a roundabout are substantial and it is considered that Option 1 offers a better and more effective solution for the budget available. Option 1 also provides more forced slow points than a single roundabout does.

Option 3 is not the recommended option.

Option 4 – Installation of a Roundabout at the Intersection of Brittain Road and Armanta Drive

The installation of a roundabout at the intersection of Brittain Road and Armanta Drive has not been selected as the recommended option for similar reasons to Option 3. The approach angle of the Armanta Drive leg of the roundabout does not make this a desirable option as ideally, roundabouts are more effective with 90 degree angle approaches and the proposed Armanta Drive leg of the roundabout would not have a 90 degree angle. The cost to construct this roundabout would also be over and above the allocated budget.

Option 4 is not the recommended option.

In addition to the implementation of traffic calming/management measures, Council Decision 291/05 requires traffic management measures to be trialled before final implementation occurs. On reviewing the allocated budget for this project and the costs that would be involved in trialling Option 1 (or for that matter any of the traffic management options), this report is recommending that Option 1 be implemented as a permanent traffic management measure rather than as a trial. The costs associated with implementing a trial of raised plateaus and a two-lane angled slow point would be significant and an additional budget would need to be allocated if this were to happen prior to permanent installation.

Community Consultation

Initial community consultation was undertaken in 2005 for the purpose of traffic calming/traffic management measures along Brittain Road. If the recommendation within this report is endorsed by Council the City will proceed with consulting the community on the proposed traffic management measures.

Councillor/Officer Consultation

This project was the subject of Council Decision 291/05. An update on this project was also provided to Council in early 2008 as part of an Engineering Division Update presented at a Briefing Session.

Analysis of Financial and Budget Implications

The recommendation contained within this report would not have any financial or budget implications if adopted.

Economic, Social, Environmental and Heritage Issues

Economic Issues

There are no known economic issues associated with this proposal.

Social Issues

The proposal would ensure that the community's concerns relating to extra-mass vehicle access along Brittain Road, are addressed.

Environmental/Heritage Issues

There are no known environmental or heritage issues associated with this proposal.

Council Policy Compliance

The recommendation in this report complies with Council's policies and is consistent with policy requirements.

Legislative Compliance

The recommendation in this report does not contravene any legislative requirements and it complies with the Local Government Act 1995.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority of the Council to make a decision on its behalf concerning traffic management measures in Brittain Road.

Relevant Precedents

There are no relevant precedents relating to this proposal.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council endorses Option ___ (to be selected by the Council) as a traffic management measure to discourage extra mass vehicles from using that portion of Brittain Road located between Bussell Highway and Hales Street.

Conclusion

The City's Engineering Department has developed four (4) traffic management measures that could be implemented to discourage extra-mass vehicles from using Brittain Road between Bussell Highway and Hales Street. Of the four options developed the option to construct two flat-top plateaus and a two-lane angled slow point (Option 1) has been recommended as the preferred option.

It is also being recommended that Option 1 be installed as a permanent solution rather than the traffic management measure being trialled prior to final implementation. The combination of the flat top plateaus and the angled slow point will provide three effective measures that will discourage extra-mass vehicles from using Brittain Road as a through route. The design and construction of this option is also achievable within the allocated budget for this project.

Recommendation

Council endorses Option 1 for installation of a two-lane angled slow-point and two flat-top plateaus on Brittain Road between Hales Street and Milligan Street.

Outcome of the Council Committee Meeting - 3 February 2009

The recommendation (as printed) was moved Cr Slater, seconded Cr Craddock.

During discussion:

- The City Engineer responded to questions from committee members concerning the design of the traffic calming devices. It was confirmed that street lighting will be installed /upgraded near the devices and the approaches will be marked with retro-reflective paint and road-signs to ensure the devices are clearly visible to road users.
- The City Engineer acknowledged that the proposed design will be difficult for motorcyclists and emergency vehicles to negotiate but to her knowledge there is no other alternative if heavy vehicles are to be deterred from using this road as a quick cut-through. Heavy (extra-mass) vehicles need to obtain permits from the City's Engineering Division that prescribe the roads/routes that can be used for heavy haulage on the City's road network and this will be another mechanism by which the City can limit access to Brittain Road by heavy vehicles.
- The City Engineer confirmed that infill of the ramp will be either brickpaving or asphalt - the final costs have not been analysed yet. The preference is for asphalt of a different colour to the general road surface.
- The City Engineer concurred that some traffic from Brittain Road may divert onto Ecclestone Street or Barr Road as a result of the devices being in place but there is no possibility of speeding up proposed installation of blister-humps in these roads until after the Brittain Road devices are in place.

The Presiding Member put the motion moved Cr Slater, seconded Cr Craddock to the vote and it was adopted 10 votes "for" to 1 vote "against" to become the Committee's recommendation on this issue.

Committee Recommendation

Council endorses Option 1 for installation of a two-lane angled slow-point and two flat-top plateaus on Brittain Road between Hales Street and Milligan Street.

AT THE COUNCIL MEETING

The Committee's recommendation was moved (en bloc) by Cr Major, seconded Cr Slater and adopted to become a Council Decision.

Council Decision 6/09

Council endorses Option 1 for installation of a two-lane angled slow-point and two flat-top plateaus on Brittain Road between Hales Street and Milligan Street.

CARRIED

12 Votes "For" / Nil Votes "Against"

11.2 TENDER 2008/2009-08 "SUPPLY & DISPOSAL OF LOADER" (WAS LISTED AS ITEM 11.3 IN THE MEETING AGENDA)

File Ref:	New File
Applicant/Proponent:	Internal Report
Author:	Mark Robson, Contract Coordinator
Executive:	Michael Scott, Executive Manager City Services

Summary

On 9 October 2008, the Western Australian Local Government Association ("WALGA") introduced a wide range of value adding products and services for its members including "Preferred Supplier Contracts and Business Services". This service permits members to procure products and services without having to undertake the timely and costly exercise of the tendering process and is permissible due to an exemption provided by the Preferred Supplier Contracts under the *Local Government (Functions and General) Regulations 1996*.

Background

On 25 November 2008, WALGA's Preferred Suppliers Contract (Contract No. TPS0814) was utilised to obtain written quotations from pre-approved suppliers for the supply of a new Loader including the trade-in of the City's existing 1997 Volvo L70C loader (registration BY793). Quotations were obtained for various machines and these were opened by the City's Fleet Officer and Contract Coordinator.

The quotations received were from the following companies:

- WesTrac Pty Ltd (1 Wilson Road, Bunbury, WA 6230)
- CJD Equipment Pty Ltd (52 Great Eastern Highway, Guildford, WA 6055)

An Evaluation Panel consisting of the City's three Works Supervisors and the Fleet Officer was established to assess the submissions, compare products and inspect and test drive the vehicles being offered.

Criteria Used

The vehicles were evaluated using the following criteria:

Criteria	Weighting
(a) Warranty	6
(b) Ease of daily/scheduled maintenance	4
(c) Operation of vehicle - statistics and characteristics	4
(d) Operator comfort and occupational safety & health requirements, safety features incorporated within the unit	4

(e) Service centre location, hours of operation and availability of spare parts	8
---	---

Full details of the results are provided in the Confidential Report that has been circulated to members.

Price

Tender prices were assessed and because they are 'commercial in confidence' details have been provided under separate cover in the Confidential Report that has been circulated to members.

Strategic and/or Regional Outcomes

The proposal reflects the City of Bunbury Strategic Plan 2007-2012, which states that the City will *“facilitate the provision of engineering services in the design and construction of capital works and the maintenance of civil works and related infrastructure”*.

Community Consultation

Community consultation was not included in this process.

Councillor/Officer Consultation

Consultation during the evaluation process was carried out with the Manager Operations, Works Supervisors, Manager Building Construction & Maintenance, Contract Coordinator and the Fleet Officer.

Analysis of Financial and Budget Implications

Budget allocations for the replacement of the Loader have been allowed for in the 2008/2009 Plant Replacement Program. The vehicle offered does not exceed the budget allocation.

Economic, Social, Environmental and Heritage Issues

There are no economic, social, environmental or heritage issues to consider when discussing this Tender

Council Policy Compliance

The procurement process complies with the requirements of WALGA's Preferred Supplier Contract (No. TPS0814) which the City is permitted to use under the Local Government (Functions and General) Regulations 1996.

Provisions listed in Council's Local Purchasing Policy CD2 have been implemented but do not affect the results.

Legislative Compliance

The calling of Tenders was undertaken by WALGA which conducted a public tender in conformance with the Local Government (Functions and General) Regulations 1996 in order to establish the preferred Supplier Agreement and Contracts Nos. TPS0814 and 0816.

Delegation of Authority

The total cost of the contract exceeds the value of \$100,000. The contract has been dealt with in accordance with the Local Government (Functions and General) Regulations 1996.

Relevant Precedents

Council has dealt with all tenders previously called.

Selection Process

The submissions received were short-listed according to the selection criteria. One submission from a Perth supplier and one submission from a local supplier (that included a choice of two models) were received. From there, the three vehicles being offered were inspected and operated by members of the City's Selection Panel and assessed against the selection criteria.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council rejects all submissions for the trade and supply of a replacement Wheel Loader received pursuant to Tender 2008/2009-08.

Officer's Comments: Council can exercise this option but it is not recommended because of the cost and time involved in carrying out the tendering process.

Conclusion

Based on the comparison of submissions received, the trade and purchase deal offered by WesTrac Pty Ltd represents good value for money. The respondent has provided a Wheel Loader that conforms to specifications and rates comparable with other Loaders. The submitted price is within the allocated budget and includes additional benefits such as:

- Vehicle is available from a local supplier.
- Servicing will be undertaken locally.

10 February 2009
Minutes - Council Meeting

- Servicing or warranty work can be undertaken from 5.00pm to 7.00am Monday to Friday to minimize any down-time.
- Spare parts available 24 hours per day, 7 days per week, 365 days per year.
- No freight charge for emergency items required from overseas or other states.
- 12 month warranty
- Local back-up service provided either on-site, at the depot or at a local workshop.

Recommendation

In regard to Tender 2008/2009-08 "Supply & Disposal of Loader" the Council resolves to:

1. Accept the submission from WesTrac Pty Ltd for the trade of the City's existing 1997 Volvo Loader (registration BY793) and purchase of a new Caterpillar 924HPO Wheel Loader.
2. The successful tender price to be recorded in the minutes of the Council Meeting to be held 10 February 2009.

Outcome of the Council Committee Meeting - 3 February 2009

The recommendation (as printed) was moved Cr Major, seconded Cr Slater. It was put to the vote and adopted unanimously to become the Committee's recommendation on this issue.

Committee Recommendation

In regard to Tender 2008/2009-08 "Supply & Disposal of Loader" the Council resolves to:

1. Accept the submission from WesTrac Pty Ltd for the trade of the City's existing 1997 Volvo Loader (registration BY793) and purchase of a new Caterpillar 924HPO Wheel Loader.
2. The successful tender price to be recorded in the minutes of the Council Meeting to be held 10 February 2009.

(see over for Council Decision)

AT THE COUNCIL MEETING

The Committee's recommendation was moved (en bloc) by Cr Major, seconded Cr Slater and adopted to become a Council Decision.

Council Decision 7/09

In regard to Tender 2008/2009-08 "Supply & Disposal of Loader" the Council resolves to:

- 1. Accept the submission from WesTrac Pty Ltd for the trade of the City's existing 1997 Volvo Loader (registration BY793) and purchase of a new Caterpillar 924HPO Wheel Loader.*
- 2. The successful tender price to be recorded in the minutes of the Council Meeting to be held 10 February 2009.*

CARRIED

12 Votes "For" / Nil Votes "Against"

Per Decision No. 7/09 above, the successful tender price was \$204,500.00 and the changeover price inclusive of GST (i.e., tender price less trade-in of Volvo L70C BY793 inc. GST being \$66,000.00) was \$158,950.00

11.3 TENDER RFT 2007/2008-06 "BROAD ACRE LAWN MOWING" (WAS LISTED AS ITEM 11.4 IN THE MEETING AGENDA)

File Ref:	New File
Applicant/Proponent:	Internal Report
Author:	Mark Robson, Contract Coordinator
Executive:	Michael Scott, Executive Manager City Services

Summary

The City has invited suitably qualified companies to tender for the Broad Acre Lawn Mowing contract.

Background

Tenders were prepared and advertised in *The West Australian* and the *South Western Times* on 23 and 24 July 2008. The tender was for the provision of broad acre lawn mowing to selected areas and reserves within the City of Bunbury as follows:

- Hands Oval
- Payne Park
- Forrest Park
- Kelly Park (Football Ground)
- Recreation Ground
- Hay Park
- Queens Gardens/Frank Buswell Foreshore
- Withers Area Landscaping
- Lot 8 Koombana Drive

In House Tender

As the City's Manager of Parks and Urban Design expressed an interest in submitting an in-house bid for this tender, it was decided that the tender opening, tender evaluation process and recommendation report would be managed by an independent source i.e., the Western Australian Local Government Association ("WALGA") Tender Bureau Service.

Tenders closed at 3.00pm on Thursday, 14 August 2008 and were opened in accordance with the "Conditions of Tendering" by the following representatives of the Tender Bureau Service.

- Craig Grant, Business Management Coordinator, WALGA
- Dale Chapman, WALGA

The opening was witnessed by the City's Contract Coordinator.

A total of five interested companies requested and received the tender documentation with four responses being received from:

- City of Bunbury (4 Stephen Street, Bunbury WA 6230)
- Broad Acre Mowing Services (PO Box 2133, Bunbury WA 6230)
- Environmental Industries Pty Ltd (123 Huntingdale Road, Huntingdale WA 6110)
- Yortak Enterprises (42 Picton Road, Bunbury WA 6230)

Term of Contract

The contract shall be in force for a period of 36 months from September 2008 with an option to extend for a further 12 months at the sole discretion of the Principal and subject to the Principal's satisfaction in the contractor remaining compliant with all contract requirements.

Evaluation

An evaluation panel from the WALGA Tender Bureau Service assessed each submission. Members of the panel were:

Craig Grant, Business Management Coordinator, WALGA
Geoff Alcock, Business Management Coordinator, WALGA
Stephen White, Business Management Coordinator, WALGA

Tenders were evaluated using the following criteria:

Compliance Criteria

Refer to the table below for details of Tender compliance:

- (a) Compliance with the specifications
- (b) Compliance with conditions of this tender.
- (c) Compliance with the safety requirements.
- (d) Compliance and completion of the price schedule.

Tenderer	(a)	(b)	(c)	(d)
City of Bunbury	Yes	No	No	No
Broad Acre Mowing Services	Yes	Yes	No	Yes
Yortak Enterprises	Yes	No	Yes	Yes
Environmental Industries	Yes	Yes	Yes	Yes

Qualitative Criteria

Description of Qualitative Criteria		Weighting
(a)	Relevant Experience	3
(b)	Skills and experience of key personnel	3
(c)	Methodology	2
(d)	Contractors Resources	2

Price

As the WALGA Tender Bureau Services recommendations, details of the tendered prices and ranking are considered 'commercial-in-confidence', these been provided to members as a confidential report.

Strategic and/or Regional Outcomes

Acceptance of the recommendation is consistent with the City of Bunbury Strategic Plan 2007-2012 as it will facilitate *"the provision of a wide range of actives and passive recreational opportunities for the benefit and well being of the whole community."*

Community Consultation

The Broad Acre Lawn Mowing Tender was advertised for public information in accordance with the Local Government Act 1995. Community consultation was not required to be carried out during the process.

Councillor/Officer Consultation

Tender specifications were developed in consultation with operational staff involved in parks management and mowing. These specifications were independently reviewed by the Business Management Coordinator from WALGA's Tender Bureau Service. The City's Manager of Building Construction & Maintenance and Contract Coordinator were also involved in the development process.

Analysis of Financial and Budget Implications

Budget allocations have been included in the 2008/2009 budget for the provision of broad acre lawn mowing throughout the City.

Economic, Social, Environmental and Heritage Issues

Local purchasing will assist local businesses. No other economic, social, environmental or heritage issues need to be considered in considering the Tender process.

Policy Compliance

The tender process complied with the requirements of Work Procedure WP4.6 – Tender Procedure, and associated legislation. The City's "Local Buying Compact" Policy CD2 has been applied.

Legislative Compliance

Advertising and processing of tenders has been conducted in accordance with the Local Government (Functions and General) Regulations 1996, Part 4 – Tenders for Providing Goods or Services.

Delegation of Authority

The total cost of the contract will exceed \$100,000 therefore this contract has been dealt with in accordance with the Local Government (Functions and General) Regulations 1996, Part 4 – Tenders for Providing Goods or Services i.e., it requires Council's approval.

Relevant Precedents

Council has previously considered and awarded maintenance contracts by tender including the current Broad Acre Lawn Mowing Contract which expires in September 2008.

Options

Option 1

In regard to Tender RFT 2007/2008-06 "Broad Acre Lawn Mowing" the Council resolves to accept the recommendations as stated in the report from WALGA's Tender Bureau Service.

Option 2

In regard to Tender RFT 2007/2008-06 "Broad Acre Lawn Mowing" the Council resolves to reject the recommendations as stated in the report from WALGA's Tender Bureau Service.

Option 3

In regard to Tender RFT 2007/2008-06 "Broad Acre Lawn Mowing" the Council resolves to reject all tenders received.

Conclusion

The recommendations supplied by WALGA's Tender Bureau Service are based on the "Request for Tender" documentation and submissions received from the Tenderers.

To ensure a fair process, the Evaluation Panel provided the recommendation (as printed) based on an assessment of the offers received as at the close of the tender. The Evaluation Panel recommends the acceptance of the tender submitted by Broad Acre Mowing Services as being the most advantageous to the City of Bunbury. It was noted that there could be additional cost savings by operating an in-house service but these could not be adequately substantiated during the evaluation process.

Update

Following receipt of recommendations from WALGA, it was revealed that the City of Bunbury's Parks & Gardens crew would be unable to fully service the contract with the plant and equipment available. Accordingly, its submission can no longer be considered.

Recommendation

In regard to Tender RFT 2007/2008-06 "Broad Acre Lawn Mowing":

1. Council resolves to accept the tender submitted by Broad Acre Mowing Services (ABN 41 517 902 707).
2. Tender prices to be recorded in the Tender Register.

Outcome of the Council Committee Meeting - 3 February 2009

The recommendation (as printed) was moved Cr Major, seconded Cr Craddock.

During discussion:

- The Executive Manager City Services responded to questions concerning the bid by the City's Parks and Gardens employees. He advised that the members of his crew would have been competitive had they had the necessary machinery to hand. He will investigate whether funding for purchase of this machinery will be an option in future budgets.
- The Executive Manager City Services confirmed that work by the successful tenderer will be overseen by Parks Operations staff to ensure it complies with the City's standards i.e., base of trees/bushes to be protected; sufficient removal of grass clippings from walkways, etc.

The Presiding Member put the motion to the vote and it was adopted unanimously to become the Committee's recommendation on this issue.

Committee Recommendation

In regard to Tender RFT 2007/2008-06 "Broad Acre Lawn Mowing":

1. Council resolves to accept the tender submitted by Broad Acre Mowing Services (ABN 41 517 902 707).
2. Tender prices to be recorded in the Tender Register.

AT THE COUNCIL MEETING

The Committee's recommendation was moved (en bloc) by Cr Major, seconded Cr Slater and adopted to become a Council Decision.

Council Decision 8/09

In regard to Tender RFT 2007/2008-06 "Broad Acre Lawn Mowing":

1. *Council resolves to accept the tender submitted by Broad Acre Mowing Services (ABN 41 517 902 707).*
2. *Tender prices to be recorded in the Tender Register.*

CARRIED

12 Votes "For" / Nil Votes "Against"

11.4 FINANCIAL STATEMENTS - NOVEMBER & DECEMBER 2008 *(WAS LISTED AS ITEM 11.8 IN THE MEETING AGENDA)*

File Ref:	A02838
Applicant/Proponent:	Internal Report
Author:	David Ransom, City Accountant
Executive:	Ken Weary, Executive Manager Corporate Services

Summary/Background

Financial Statements for the period 1 to 31 December 2008, have been circulated to members under separate cover. The statements include the following:

- Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Statement of Financial Activity
- Statement of General Purpose Income
- Statement of Rating Information

The Financial Statements also contain a number of explanatory notes covering the following topics:

- Significant Accounting Policies
- Description of Programmes
- Net Current Assets
- Trade and Other Receivables
- Other Current Assets
- Trade and Other Payables
- Provisions
- Trust Funds
- Capital Expenditure
- Key Operating Expenditure & Income
- Loan Funds
- Reserve Funds
- Bunbury Timber Jetty
- Investment Funds

Financial statements for the month of November 2008 will be tabled at the meeting for the information of members.

Recommendation

The Financial Statements for the months of November and December 2008, be received.

Outcome of the Council Committee Meeting - 3 February 2009

The recommendation (as printed) was moved Cr Kelly, seconded Cr Major. The motion was put to the vote and adopted unanimously to become the Committee's recommendation on this issue.

Committee Recommendation

The Financial Statements for the months of November and December 2008, be received.

AT THE COUNCIL MEETING

The Committee's recommendation was moved (en bloc) by Cr Major, seconded Cr Slater and adopted to become a Council Decision.

Council Decision 9/09

The Financial Statements for the months of November and December 2008, be received.

CARRIED

12 Votes "For" / Nil Votes "Against"

11.5 ADVISORY COMMITTEE AND/OR PROJECT CONTROL GROUP MINUTES TO BE NOTED AT THE COUNCIL COMMITTEE MEETING *(WAS LISTED AS ITEM 11.9 IN THE MEETING AGENDA)*

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various

Committee Members to refer to the report circulated under separate cover.

Recommendation

The following Advisory Committee Meeting Minutes listed in the report circulated under separate cover, are noted for information only:

1. Title: Minutes -Bunbury Region Roadwise Committee (1/12/2008)
Author: Beatrice Plant, City Engineer
File: R00692
2. Title: Minutes – Land Rationalisation & Acquisitions Committee (11/12/08)
Author: Paul Davies, Planning Consultant
File: A03518
3. Title: Minutes – Meeting Review Working Group (14/11/08)
Author: Greg Trevaskis, Chief Executive Officer
File: A00963

Outcome of the Council Committee Meeting - 3 February 2009

The recommendation (as printed) was moved Cr Craddock, seconded Cr Major.

During discussion:

- Cr Major left the meeting (briefly) and was absent for the vote on this matter.
- It was noted that item 2.2.1 of the Meeting Review Working Group Minutes will be the subject of discussion at the next Briefing Session.

The motion was put to the vote and adopted unanimously to become the Committee's recommendation on this issue.

Committee Recommendation

The following Advisory Committee Meeting Minutes listed in the report circulated under separate cover, are noted for information only:

1. Title: Minutes -Bunbury Region Roadwise Committee (1/12/2008)
Author: Beatrice Plant, City Engineer
File: R00692

2. Title: Minutes – Land Rationalisation & Acquisitions Committee (11/12/08)
Author: Paul Davies, Planning Consultant
File: A03518

3. Title: Minutes – Meeting Review Working Group (14/11/08)
Author: Greg Trevaskis, Chief Executive Officer
File: A00963

AT THE COUNCIL MEETING

The Committee's recommendation was moved (en bloc) by Cr Major, seconded Cr Slater and adopted to become a Council Decision.

Council Decision 10/09

The following Advisory Committee Meeting Minutes listed in the report circulated under separate cover, are noted for information only:

1. Title: Minutes -Bunbury Region Roadwise Committee (1/12/2008)
Author: Beatrice Plant, City Engineer
File: R00692

2. Title: Minutes – Land Rationalisation & Acquisitions Committee (11/12/08)
Author: Paul Davies, Planning Consultant
File: A03518

3. Title: Minutes – Meeting Review Working Group (14/11/08)
Author: Greg Trevaskis, Chief Executive Officer
File: A00963

CARRIED

12 Votes "For" / Nil Votes "Against"

11.6 MOTION ON NOTICE - LANDCORP SURPLUS REVENUE *(WAS LISTED AS ITEM 11.12 IN THE MEETING AGENDA)*

File Ref:	A03183
Applicant/Proponent:	Councillor Noel Whittle
Author:	Councillor Noel Whittle
Executive:	<i>If adopted by Council refer to:</i> Geoff Klem, Executive Manager City Development

Cr Whittle has submitted the following motion (in writing) for consideration at the Council Committee Meeting on 3 February 2009:

- "1. Council officers to investigate and report to Council on the process by which Landcorp manages surplus revenue from developments such as the proposed Bunbury Waterfront Development.*
- 2. Council officers to investigate and provide recommendations to Council on the process by which the City of Bunbury could negotiate a cap on surplus revenue on any discrete stage (or all stages) of the proposed Bunbury Waterfront Development. "*

Comments - Cr Whittle

Cr Whittle has not provided any written comments in support of his motion.

Executive Comments

Nil.

Outcome of the Council Committee Meeting - 3 February 2009

The motion (as printed) was moved Cr Whittle, seconded Cr Major (pro forma).

During discussion, the following points were raised:

- Cr Whittle indicated that he had been in contact with the City of Mandurah and that Mandurah regrets not having done as his motion suggests.
- In response to a question, the Mayor advised that as far as he is aware, Landcorp pays a dividend on its profits and pays income tax to the State.

- In response to a question, the Executive Manager Corporate Services indicated that to satisfy the requirements of point 1. of the motion, he would obtain annual reports for Landcorp for the past 3 years and obtain details from the Cities of Fremantle and Mandurah concerning dealings with Landcorp for their waterfront developments.

The Presiding Member put the 2 parts of the motion moved Cr Whittle, seconded Cr Major (pro forma), to the vote separately. The results were as follows:

Part 1: 9 votes "for" / 2 votes "against"

Part 2: 7 votes "for" / 4 votes "against"

A copy of the committee's recommendation (in full) is provided below for ease of reference.

Committee Recommendation

1. Council officers to investigate and report to Council on the process by which Landcorp manages surplus revenue from developments such as the proposed Bunbury Waterfront Development.
2. Council officers to investigate and provide recommendations to Council on the process by which the City of Bunbury could negotiate a cap on surplus revenue on any discrete stage (or all stages) of the proposed Bunbury Waterfront Development.

AT THE COUNCIL MEETING

The Committee's recommendation was moved (en bloc) by Cr Major, seconded Cr Slater and adopted to become a Council Decision.

Council Decision 11/09

1. *Council officers to investigate and report to Council on the process by which Landcorp manages surplus revenue from developments such as the proposed Bunbury Waterfront Development.*
2. *Council officers to investigate and provide recommendations to Council on the process by which the City of Bunbury could negotiate a cap on surplus revenue on any discrete stage (or all stages) of the proposed Bunbury Waterfront Development.*

CARRIED

12 Votes "For" / Nil Votes "Against"

11.7 ITEMS NOTED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING HELD 3 FEBRUARY 2009 *(WAS LISTED AS ITEM 11.13 IN THE MEETING AGENDA)*

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various

Committee Members referred to a report that had been circulated under separate cover.

Recommendation

The following items listed in the report circulated under separate cover, are noted for information only:

1. Title: Schedule of Accounts Paid - December 2008
Author: David Ransom, City Accountant
File: A00083
2. Title: Planning/Building Approvals - December 2008
Author: Gary Fitzgerald, Manager Development Services
File: A00566
3. Title: Underground Power Project - Withers, Usher and Glen Padden (Amended Second Survey Results)
Author: Dom Marzano, Executive Manager City Life
File: R00567
4. Title: Appointment of 2009 Setagaya Goodwill Visit Tour Leader
Author: Paul Hayward, Cultural Development Officer
File: A00443

Outcome of the Council Committee Meeting - 3 February 2009

The recommendation (as printed) was moved Cr Slater, seconded Cr Major. The motion was put to the vote and adopted unanimously to become the Committee's recommendation on this issue.

Committee Recommendation

The following items listed in the report circulated under separate cover, are noted for information only:

10 February 2009
Minutes - Council Meeting

1. Title: Schedule of Accounts Paid - December 2008
Author: David Ransom, City Accountant
File: A00083
2. Title: Planning/Building Approvals - December 2008
Author: Gary Fitzgerald, Manager Development Services
File: A00566
3. Title: Underground Power Project - Withers, Usher and Glen Padden
(Amended Second Survey Results)
Author: Dom Marzano, Executive Manager City Life
File: R00567
4. Title: Appointment of 2009 Setagaya Goodwill Visit Tour Leader
Author: Paul Hayward, Cultural Development Officer
File: A00443

AT THE COUNCIL MEETING

The Committee's recommendation was moved (en bloc) by Cr Major, seconded Cr Slater and adopted to become a Council Decision.

Council Decision 12/09

The following items listed in the report circulated under separate cover, are noted for information only:

1. Title: *Schedule of Accounts Paid - December 2008*
Author: *David Ransom, City Accountant*
File: *A00083*
2. Title: *Planning/Building Approvals - December 2008*
Author: *Gary Fitzgerald, Manager Development Services*
File: *A00566*
3. Title: *Underground Power Project - Withers, Usher and Glen Padden*
(Amended Second Survey Results)
Author: *Dom Marzano, Executive Manager City Life*
File: *R00567*
4. Title: *Appointment of 2009 Setagaya Goodwill Visit Tour Leader*
Author: *Paul Hayward, Cultural Development Officer*
File: *A00443*

CARRIED

12 Votes "For" / Nil Votes "Against"

11.8 PROPOSED LOCAL PLANNING POLICY - BOUNDARY INTERFACES BETWEEN NON-RESIDENTIAL AND RESIDENTIAL DEVELOPMENTS *(WAS LISTED AS ITEM 11.11 IN THE MEETING AGENDA)*

File Ref:	A00411
Applicant/Proponent:	Internal Report
Author:	Teshome Tadesse, Planning Officer
Executive:	Geoff Klem, Executive Manager City Development

Summary

It is considered appropriate that a new Local Planning Policy ("LPP") be formulated to minimise land use conflict between non-residential development (new) and the immediate adjoining residential development. This new LPP is intended to shield existing residential developments from the possible impact of immediate adjoining new commercial developments.

The proposed LPP is set out to empower Council to require a minimum of 2.2m high masonry walls and to nominate building setbacks for non-residential development that shares a common boundary and is considered to be detrimental to the immediate adjoining residential development.

The proposed LPP is to be released for public consultation for a period of 21 days in accordance with Clause 2.3 of Town Planning Scheme No. 7 ("TPS 7"). Following expiry of the public consultation phase, it is proposed that the proposal be referred back to Council for further consideration.

Background

In recent times, boundary interface treatments between non-residential and residential developments emerged as one of the major development control issues. Although TPS 7 contains provisions that can address the issue, the adoption of an LPP will provide to the community (and to Council staff) clear guidelines in considering this issue. The City has been forced on at least two known cases to defend its development conditions which require the incorporation of a masonry wall, through the State Administrative Tribunal ("SAT") process.

The proposed LPP will facilitate the creation of physical separation between non-residential and residential development in the forms of masonry walls and separation distance (setbacks) from boundaries. It is considered that this measure will minimise land use conflict between immediate adjoining non-residential and residential developments.

The proposal is to introduce a new LPP titled "Boundary Interfaces between Non-Residential and Residential Developments". The proposed LPP will be advertised in accordance with Clause 2.3 of Town Planning Scheme No.7 (TPS7) prior to adoption by Council as a LPP.

The intention of this new policy is to provide a clear guidance to the landowner, developers and the community at large in respect of boundary interfaces treatment between non-residential and residential developments with a view to minimising land use conflict between incompatible uses.

The LPP is set out to achieve the following objectives:

- To promote and maintain the established level of amenity in residential areas.
- To ensure the provision of an acceptable level of physical separation between the immediate adjoining non-residential and residential developments.

Clause 10.2 of the Scheme provides lists of matters that the local government should have regard to in the consideration of an application for planning approval. In this regard, it is considered that 10.2.1 (o) of TPS 7 has direct association to the proposed new LPP and reads as follows: *“the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.”*

The terms of reference of the proposed LPP covers only new non-residential development which shares a common boundary with the immediate adjoining residential development. It does not extend to cover non-residential and residential developments that exist at the time of the formulation of this LPP.

The proposed LPP will empower Council to require a minimum of a 2.2m high masonry wall and to nominate sufficient building setbacks between the immediate adjoining non-residential and residential developments in the City.

The policy will also allow for a flexible approach in considering proposals subject to demonstration that the proposal meets the intent and objectives of the policy - a copy is **attached** at Appendix 10.

Strategic Outcomes

It is considered that the proposed LPP is considered to be within the general direction of the City of Bunbury 2007-2012 Strategic Plan in respect of Strategy 5.3 which states: *“Provide a cohesive system of integrated land use planning”*, which outlines the importance of a comprehensive and integrated planning system to meet community expectations.

Community Consultation

The proposed LPP to be advertised for public comment pursuant to Clause 2.3 of TPS 7.

Councillor/Officer Consultation

The matter was discussed within the Development Services Division and with the Manager of Development Services prior to finalisation of this report.

Analysis of Financial and Budget Implications

The recommendation will not impact on the existing Annual Budget nor are there any expenses associated with the requests from a Council perspective.

Economic, Social, Environmental and Heritage Issues

No significant economic issues have been identified. It is considered that the proposed LPP will minimise the impact of land use conflict and therefore reduce social and environmental incompatibility. There are no significant heritage issues that would arise as a result of the proposed LPP (heritage matters will be dealt with through applicable LPPs as required).

Council Policy Compliance

This proposed new LPP is required to be publicly advertised in accordance with TPS 7.

Legislative Compliance

The proposal is in line with TPS 7 requirements applicable to LPP matters.

Delegation of Authority

Adoption of a LPP is by a decision of Council.

Relevant Precedents

There are no known precedents in this case.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council may resolve not to proceed with the draft Local Planning Policy "*Boundary Interfaces between Non-Residential and Residential Developments*".

Conclusion

The proposed LLP will serve as a development control mechanism in the consideration of a non-residential development that may be considered to be detrimental to the immediate adjoining residential development.

Recommendation

Council, under the Planning and Development Act 2005, hereby resolves to:

1. Advertise the draft Local Planning Policy titled "*Boundary Interfaces between Non-residential and Residential Developments*" for public comment for 21 days in accordance with Clause 2.3 of Town Planning Scheme No. 7.
2. Subject to no objections being received, Council to adopt the policy without modification.

Outcome of the Council Committee Meeting - 3 February 2009

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

The Executive Manager City Development briefly responded to some questions before the motion was put to the vote and adopted unanimously to become the Committee's recommendation on this issue.

Committee Recommendation

Council, under the Planning and Development Act 2005, hereby resolves to:

1. Advertise the draft Local Planning Policy titled "*Boundary Interfaces between Non-residential and Residential Developments*" for public comment for 21 days in accordance with Clause 2.3 of Town Planning Scheme No. 7.
2. Subject to no objections being received, Council to adopt the policy without modification.

AT THE COUNCIL MEETING

A memorandum from the City's Consultant Planning Officer (dated 10 February 2009) was tabled. The memorandum requests the Mayor and councillors to withdraw this matter from discussion for the following reason: "*The City is currently involved with a State Administrative Tribunal Appeal regarding fencing requirements for a proposed development. The outcome of the appeal may have implications for the proposed policy and/or require changes to the proposed policy.*"

The Mayor and councillors agreed to withdraw the item.

The Executive Manager City Development confirmed that the proposed policy will be further considered following the outcome of the SAT Appeal.

11.9 BRITTAIN ROAD EXTENSION PROJECT (WAS LISTED AS ITEM 11.1 IN THE MEETING AGENDA)

File Ref:	A02681
Applicant/Proponent:	Internal Report
Author:	Beatrice Plant, City Engineer
Executive:	Michael Scott, Executive Manager City Services

Summary

The Brittain Road Extension Project has a 2008/2009 budget allocation of \$618,593. Cost estimates recently completed by an independent Quantity Surveyor and by the City's Works Department have estimated the project construction value to be in the order of approximately \$1.5 to \$2 Million.

It is proposed that the Brittain Road Extension Project and associated works, be completed by the City's own Works Department and that the Council endorse the financial arrangement (outlined in this report) to fund this \$1.5 Million project.

Background

The proposed Brittain Road Extension Project was identified in the *Bunbury Transport Vision 2030 Study* endorsed by Council on 16 December 2003. The following is an extract from the study:

"Brittain Road is extended to Robertson Drive/Boyanup Road associated with works to limit effects on Brittain Road residents, including the closure of Brittain Road at a point to be determined through further public consultation prior to the undertaking any final works. Further, consideration should be given to the needs of the industrial businesses at the eastern end of Brittain Road to ensure that operational requirements are accommodated, specifically to allow left in/out at Bovell Street."

At the Council Meeting held 13 December 2005, the following decision was made:

Decision No. 291/05

That Council:

- 1. Notes the findings of the Brittain Road Traffic Management Strategy Community Consultation Master Report.*
- 2. Endorses the implementation of the Brittain Road Traffic Management Project incorporating:*

- 2.1 *the extension of Brittain Road from Richter Road to the new signalised intersection at Robertson Drive and North-Boyanup Road (South West Highway);*
 - 2.2 *conversion of the Bovell Street and Robertson Dr intersection to left-in / left-out;*
 - 2.3 *the implementation of traffic calming/management measures to discourage the use of Brittain Road (between Bussell Highway and Hales Street) by extra-mass vehicles; and*
 - 2.4 *recommending to Main Roads Western Australia to have Brittain Road (Bussell Hwy to Hales St) designated a residential area and speed limits reduced to 50 kph.*
3. *Endorses that the various traffic management measures be trialled before final implementation, with the final assessment being determined by the City Engineer in consultation with workshop participants.*
 4. *Agrees to a traffic volume and number plate survey being carried out 12 months after completion of the Brittain Road Extension Project to assess the impact on traffic volumes in Brittain Road and to determine requirements for any further traffic controls on Brittain Road.*

An extract from the minutes of the Council Meeting held 13 December 2005 concerning this subject is **attached** at Appendix 1.

As a result of the *Bunbury Transport Vision 2030 Study* and Council's decision (291/05) the City applied for (and secured funding for) the Brittain Road Extension Project through the Regional Road Group ("RRG"). This funding was originally secured in the 2005/2006 financial year but due to delays obtaining the required environmental approvals from the State and Federal Environment agencies, the project has been delayed for a number of years.

The original funding allocation in 2005/2006 was for \$246,000 (LGA contribution \$82,000 and RRG contribution \$164,000) with an additional \$96,700 funding allocation from the *Federal Roads to Recovery Program* made in 2006/2007.

In 2007/2008 it became apparent that the budget allocation for the Brittain Road Extension Project would be inadequate to complete the required works and subsequent grant submissions to the RRG were made for the 2008/2009 and 2009/2010 financial years. These grant applications have been successful and the City has a current budget allocation of \$618,593 for the Brittain Road Extension project with an additional \$750,000 secured for the 2009/2010 financial year. As of December 2008, the remaining budget for the project was \$602,138.

The Brittain Road Extension design is now complete, clearing approvals have been received, clearing of the land has occurred and final approval of the detailed design drawings is now being sought from Main Roads Western Australia ("MRWA"). The construction stage of this project can now commence subject to the required budget being available.

The City's Works Department has completed a cost estimate for this project which yields a project construction cost of \$1,056,167. As a result of both the size of this project and the cost estimate of over \$1 million, the City's Engineering Department completed a review and a Risk Assessment of whether the project should be completed by the City's Works Department or whether the project should be put out to tender. The completed Risk Assessment is **attached** at Appendix 2.

As a result of the Risk Assessment the City engaged an independent Quantity Surveyor to complete a pre-tender cost estimate of the Brittain Road Extension Project - McGarry Associates was the successful appointee. The cost estimate received from the Quantity Surveyor was \$1,722,323.

When a review of the cost estimates (both from the City's Works Department and the Quantity Surveyor) was completed by the City's Engineering Department a number of exclusions were found in each cost estimate and additional adjustments have been made to both cost estimates to cater for these exclusions.

The final cost estimates for the Brittain Road Extension Project are as follows: -

- Cost Estimate (City of Bunbury Works Department)	\$1,467,251
- Cost Estimate (Independent Quantity Surveyor)	\$1,941,511

A summary of the review and subsequent adjustments to both cost estimates that was completed by the City's Engineering Department, is **attached** at Appendix 3.

As a result of the risk assessment process as well as the review and adjustment of both cost estimates, the City officers are requesting that Council endorse the proposal that the Brittain Road Extension Project to be completed by the City's internal Works Department based on a cost estimate of \$1.5 million.

If this project is awarded to the City's Works Department, construction can commence in April 2009, possibly earlier. If the project were to be put out for external tender on the other hand, it would be unlikely that construction of Brittain Road would commence prior to June 2009 (possibly later) given that the weather would then be impacting on the construction. Also, the cost estimate received from the independent Quantity Surveyor indicates that if the project were tendered then the overall project cost would be significantly greater than the estimate provided by the City's Works Department.

In order to finance this \$1.5 million Brittain Road Extension Project in the 2008/2009 financial year, the following arrangement is proposed:

- 2008/2009 budget allocation for Somerville/Robertson Drive intersection (\$354,900) to be re-allocated to the Brittain Road Extension.
- 2008/2009 budget allocation for Spencer/Stuart Street Traffic Control Signal ("TCS") intersection (\$252,000) to be re-allocated to the Brittain Road Extension.
- 2008/2009 budget allocation for Picton Road preservation to be a partial re-allocation to the Brittain Road Extension. It is proposed \$104,000 be allocated to the Brittain Road Extension.
- 2008/2009 budget allocation for the Charterhouse Street Cul-de-sac (\$60,000) to be re-allocated to the Brittain Road Extension.
- 2008/2009 budget allocation for Stuart Street Widening from the *Roads to Recovery Program* (\$15,000) to be re-allocated to the Brittain Road Extension.

The sum of the above proposed re-allocation of funds to the Brittain Road Extension Project is \$785,900. If this budget re-allocation is approved it will result in \$1,388,038 being available in the 2008/2009 financial year for the construction of the Brittain Road Extension.

It is also proposed that in the 2009/2010 financial year, the RRG grant funding of \$750,000 (LGA contribution \$250,000 and \$500,000 RRG contribution) originally proposed for the Brittain Road Extension Project will be re-allocated to the Spencer/Stuart Street TCS Project and the Somerville/Robertson Drive Intersection Project (any remaining funds to stay within the Brittain Road Extension Project allocation).

This proposed financial arrangement will not result in any additional delays to the widening of Stuart Street, the Somerville/Robertson Drive Intersection Project or installation of traffic signals at the intersection of Spencer/Stuart Streets as these projects are not scheduled to commence construction in this financial year for the following reasons:

- The Somerville Drive/Robertson Drive project is currently on hold pending environmental surveys and a submission of an environmental referral report to the Federal Environment Agency.
- The Stuart Street widening and Spencer /Stuart Street TCS Project is currently in the design phase with delays being experienced as a result of one property acquisition (which is in the final stages) and negotiations with MRWA regarding the TCS arrangement on Spencer Street.

The budget re-allocation that is being requested from the Picton Road Preservation Project is due to an anticipated under-expenditure on this project.

The Charterhouse Street Cul-de-sac Project has been put on hold indefinitely as a result of community opposition to the project.

As the majority of the requested budget re-allocation is from RRG funds, approval from the RRG is also required. The City has already submitted a request to the RRG for this funding re-allocation to occur and this request was approved by the RRG in December 2008. A copy of the initial request to the RRG and MRWA is **attached** at Appendix 4.

It is now requested that Council endorse the above budget re-allocations and endorse construction of the Brittain Road Extension by the City's Works Department.

Strategic and/or Regional Outcomes

The Brittain Road project was identified in the *Bunbury Transport Vision 2030 Study* endorsed by Council on 16 December 2003. The project was also the subject of previous Council Decision (No. 291/05). The project is currently listed as a Road Expansion Project in the 2008/2009 Annual Budget.

Community Consultation

If the Recommendation within this report is approved, the City will proceed with public notification to allow members of the public to view the engineering drawings and will also advise the public of the proposed construction start date.

Councillor/Officer Consultation

The proposal for construction of the Brittain Road Extension by the City's Works Department and for the budget re-allocations (as listed previously), has been discussed by the City's Executive Management Team. The Council had a Council Representative to attend the December 2008 Regional Road Group Meeting which endorsed the re-allocation of funding from the Somerville Drive and Spencer/Stuart Street intersection projects to the Brittain Road Extension Project.

Analysis of Financial and Budget Implications

The financial implications of the Brittain Road Extension Project are detailed in the "Background" section of this report. The proposed funding re-allocation will not adversely impact on any other item in the 2008/2009 Annual Budget.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The Brittain Road extension will provide economic benefits due to the expected reduction in crashes at the Bovell Street/Robertson Drive intersection as a result of vehicles using the new extension and 4-way signalised intersection at Brittain Road/Robertson Drive. The project will also provide a more direct access to the adjacent industrial area from Robertson Drive and South Western Highway.

Social Issues

The proposal provides the community with improved access to the transport network.

Environmental Issues

The City has received the required environmental approvals from both the Department of Environment and Conservation and from the Federal Environment Agency.

Heritage Issues

There are no known heritage issues associated with the proposal.

Council Policy Compliance

The recommendation (as printed) complies with Council's policies and is consistent with policy requirements.

Legislative Compliance

The recommendation does not contravene any legislative requirements and it complies with the Local Government Act 1995.

Delegation of Authority

Council endorsement is required for the re-allocation of funds within the adopted 2008/09 Annual Budget.

Relevant Precedents

Similar funding re-allocations occur on a bi-annual basis as part of the December and March Annual Budget Reviews.

Options

Option 1

Per the recommendation listed in this report.

Option 2

1. Construction works associated with the Brittain Road Extension Project to be put out to Tender.
2. (wording for budget re-allocations as printed in Part 2. of the recommendation listed in this report)

Option 3

Council elects not to proceed with the Brittain Road Extension Project.

Conclusion

The option as outlined in the officer's recommendation is strongly supported for the following reasons:

1. This project has been identified in the Council-endorsed *Bunbury Transport Vision 2030 Study*.
2. This project has received previous Council endorsement via Council Decision 291/05.
3. The cost estimates received from the City's Works Department and the independent Quantity Surveyor indicate that having the construction completed by the Works Department represents significantly better value for money than putting the work out to tender for completion by an external contractor.
4. If completed by the City's Works Department, the project will commence construction by April 2009 and will be completed at an earlier date than if the project was tendered.
5. If the project was tendered, tender documents and specifications would need to be prepared and a period of time allowed for advertising and assessment of tenders before the recommended tenderer could be approved by the Council. It is estimated that this process would take approximately 4 months so a construction start-date in this financial year would be unlikely.
6. If the project was tendered and tenders received were not in line with the independent Quantity Surveyor's estimate, then additional funds will need to be sought.
7. The budget re-allocation as proposed in the recommendation has been endorsed by the Regional Road Group and does not adversely impact on the anticipated delivery of the other projects.

As a result of the above factors this reports seeks the endorsement of the recommendation that is included below.

Recommendation

1. Council endorses the proposal for the City's Works Department to proceed with construction of the Brittain Road Extension Project.
2. Council endorses the following 2008/09 budget re-allocations:
 - 2.1 \$354,900 to be re-allocated from the Somerville Drive/Robertson Drive Road Expansion Project to the Brittain Road Extension Project.
 - 2.2 \$252,000 to be re-allocated from the Spencer/Stuart Street Traffic Control Signal Intersection Project to the Brittain Road Extension Project.
 - 2.3 \$104,000 to be re-allocated from the Picton Road Preservation Project to the Brittain Road Extension Project.
 - 2.4 \$60,000 to be re-allocated from the Charterhouse Street Cul-de-sac Project to the Brittain Road Extension Project.
 - 2.5 \$15,000 to be re-allocated from the Stuart Street Widening Project to the Brittain Road Extension Project.

Outcome of the Council Committee Meeting - 3 February 2009

The recommendation (as printed) was moved Cr Major, seconded Cr Slater.

The main points of discussion were as follows:

- The City Engineer confirmed that a right-hand turn from Robertson Drive into Bovell Street will be maintained along with a left-in/left-out turn to Bovell Street. This proposal is supported by statistical information which indicates that the main "hazard" would come from allowing a right-hand turn exit from Bovell Street. This arrangement has been discussed and agreed to by MRWA and the nearby Nissan dealership. A copy of the statistics will be provided to councillors prior to the Council Meeting next week.
- The City Engineer confirmed that a dual-use path will be installed along the Brittain Road extension and a connector path is also proposed to link Armanta Drive with Brittain Road. The dual-use path adjacent to the extension, will form part of the Schedule of Works for the project.
- In response to numerous questions, the City Engineer advised that a roundabout will be installed at the intersection of the Brittain Road extension and Richter Road. Lighting at this intersection will be upgraded to meet Australian Standards for roundabouts and the roundabout design will accommodate public transport (bus) requirements.

- The City Engineer confirmed that Brittain Road provides an east/west link for vehicular traffic travelling through the City but as it is listed as a "local distributor road" and passes through residential areas, extra-mass (or heavy) road vehicles need to be discouraged from using it as a cut-through - this is in line with Council Decision No. 291/05. Heavy vehicles will be encouraged to use Robertson Drive.
- Traffic volumes using Brittain Road after the new traffic lights are installed, will be regularly monitored.
- A councillor indicated during discussion that delays are being experienced with the Somerville Drive/Robertson Drive project due, in part, to late blooming orchids on-site (do not flower until December). He suggested that as the grant funding that was set aside for this project (and the Stuart Street/Spencer Street Traffic Control Signal Project) has now effectively been exchanged for use in completing the Brittain Road project this year, the Council needs to reflect that these projects will still be funded but will be funded in next year's budget. He suggested adding a point 3. as follows:

"In the 2009/2010 financial year, the RRG grant funding of \$750,000 (LGA contribution \$250,000 & \$500,000 RRG contribution) be re-allocated to the Spencer/Stuart Street TCS Project and the Somerville/Robertson Drive Intersection Project with any remaining funds to stay within the Brittain Road Extension Project allocation."

The mover and seconder agreed to this amendment.

The motion (as amended) that had been moved Cr Major, seconded Cr Slater, was put to the vote and adopted to become the Committee's recommendation on this issue.

Committee Recommendation

1. Council endorses the proposal for the City's Works Department to proceed with construction of the Brittain Road Extension Project.
2. Council endorses the following 2008/09 budget re-allocations:
 - 2.1 \$354,900 to be re-allocated from the Somerville Drive/Robertson Drive Road Expansion Project to the Brittain Road Extension Project.
 - 2.2 \$252,000 to be re-allocated from the Spencer/Stuart Street Traffic Control Signal Intersection Project to the Brittain Road Extension Project.
 - 2.3 \$104,000 to be re-allocated from the Picton Road Preservation Project to the Brittain Road Extension Project.
 - 2.4 \$60,000 to be re-allocated from the Charterhouse Street Cul-de-sac Project to the Brittain Road Extension Project.

- 2.5 \$15,000 to be re-allocated from the Stuart Street Widening Project to the Brittain Road Extension Project.
3. In the 2009/2010 financial year, the RRG grant funding of \$750,000 (LGA contribution \$250,000 & \$500,000 RRG contribution) be re-allocated to the Spencer/Stuart Street TCS Project and the Somerville/Robertson Drive Intersection Project with any remaining funds to stay within the Brittain Road Extension Project allocation.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Major, seconded Cr Slater.

In response to a question, the Mayor advised that funding for projects listed in points 2.1 to 2.5 is currently available for re-allocation as these projects have been re-scheduled so funding allocations will be made for them in future budgets.

The Mayor put the motion moved Cr Major, seconded Cr Slater to the vote and it was adopted to become a Council Decision.

Council Decision 13/09

Committee Recommendation Moved Cr Major Seconded Cr Slater

1. *Council endorses the proposal for the City's Works Department to proceed with construction of the Brittain Road Extension Project.*
2. *Council endorses the following 2008/09 budget re-allocations:*
 - 2.1 *\$354,900 to be re-allocated from the Somerville Drive/Robertson Drive Road Expansion Project to the Brittain Road Extension Project.*
 - 2.2 *\$252,000 to be re-allocated from the Spencer/Stuart Street Traffic Control Signal Intersection Project to the Brittain Road Extension Project.*
 - 2.3 *\$104,000 to be re-allocated from the Picton Road Preservation Project to the Brittain Road Extension Project.*
 - 2.4 *\$60,000 to be re-allocated from the Charterhouse Street Cul-de-sac Project to the Brittain Road Extension Project.*
 - 2.5 *\$15,000 to be re-allocated from the Stuart Street Widening Project to the Brittain Road Extension Project.*

3. *In the 2009/2010 financial year, the RRG grant funding of \$750,000 (LGA contribution \$250,000 & \$500,000 RRG contribution) be re-allocated to the Spencer/Stuart Street Traffic Control Signals ("TCS") Project and the Somerville/Robertson Drive Intersection Project with any remaining funds to stay within the Brittain Road Extension Project allocation.*

CARRIED

12 Votes "For" / Nil Votes "Against"

Absolute Majority Vote Attained for Point 2. above

11.10 BUNBURY-SETAGAYA SISTER CITIES COMMITTEE - PROPOSAL TO DISBAND AND RE-FORM AS A "SISTER CITIES ASSOCIATION INC." (WAS LISTED AS ITEM 11.5 IN THE MEETING AGENDA)

File Ref:	A00443
Applicant/Proponent:	Bunbury-Setagaya Sister Cities Committee
Author:	Paul Hayward, Cultural Development Officer
Executive:	Domenic Marzano, Executive Manager City Life

Summary

At its December 2008 meeting, the members of the Bunbury-Setagaya Sister Cities Committee unanimously decided to recommend that Council disband the committee so that its members could re-form (in 2009) as a separate Association incorporated under the *Associations Incorporation Act 1987*.

Under the new arrangement, the Mayor's office would still hold responsibility for coordinating civic receptions and other formal functions associated with Sister City activities, while collaborating with the Sister Cities Association for other programs such as the annual Setagaya Goodwill Visit. It should be noted that a Service Level Agreement would need to be put in place between the City of Bunbury and the Sister Cities Association to ensure that all activities and arrangements are satisfactory to both parties.

Background

The discussion paper pertaining to this issue and subsequent recommendation, is **attached** at Appendix 7. The document outlines the current situation of the Bunbury-Setagaya Sister Cities Committee and further explains the three main issues currently causing concern.

As outlined in the minutes from the last meeting of the Bunbury-Setagaya Sister Cities Committee held on 10 December 2008, the committee supports the recommendations outlined in the discussion paper. The committee's comments are as follows:

- Committee members are unhappy with the current arrangement and feel they are unable to deliver the desired number and variety of projects/programs due to limited availability of Council resources (e.g., Executive Officer's time).
- The committee is in favour of the parents of the Goodwill students being able to fund-raise on an individual basis, in addition to the efforts of the committee. This is only possible if the committee becomes an Incorporated Body as it is currently prohibited according to Council policies and procedures
- If incorporation is pursued, the committee is in favour of allocating a set amount from the Association's annual budget each year for administration and secretarial duties/tasks

- The committee feels incorporation would work very well, provided there is a mutually beneficial Service Level Agreement in place between the City of Bunbury and the (proposed) Sister Cities Association
- The Service Level Agreement would need to contain details of City of Bunbury funding arrangements and responsibilities of the Association in relation to the City
- The committee is in favour of maintaining a strong link with the Mayor's office to deliver its programs and activities. This is important as the relationship will still be conducted primarily as a Mayor-to-Mayor relationship with the Sister Cities Association delivering additional activities/programs as part of the partnership.
- The committee feels that incorporation would result in fewer restrictions. The new Association would be able to deliver more activities, more efficiently and effectively, whilst still maintaining a positive link with the City of Bunbury.
- Members of the Sister Cities Committee will need to work collaboratively with the City of Bunbury initially to establish the Association. i.e., the City of Bunbury will need to assist with the transition process and appointment of new Association members.

Strategic and/or Regional Outcomes

The Bunbury-Setagaya Sister Cities Committee's terms of reference (**attached** at Appendix 8) are consistent with the City of Bunbury Strategic Plan 2007-2012, particularly strategy 6.1 which states that: "*Bunbury is an attractive, vibrant city of people from diverse social, cultural, religious and economic backgrounds. The City of Bunbury will acknowledge and celebrate the character of its community.*" If incorporation were pursued, these terms of reference would remain in place.

Members of the new Sister Cities Association will continue the core activities associated with a Sister City relationship. However, incorporation will offer the membership a level of autonomy to enable implementation of additional activities that is currently unachievable under the constraints of a local government committee system.

Community Consultation

The Bunbury-Setagaya Sister Cities Committee comprises six community representatives; all of whom have been consulted throughout the discussion process. Informal conversations with previous committee members have also shown support for the proposal.

In addition, members of the Shire of Busselton Sister Cities Association have been consulted with regard to the practical and strategic implications of incorporation. Again, their comments support the Bunbury-Setagaya Sister Cities Committee's proposal to proceed with incorporation.

Councillor/Officer Consultation

As members of the Bunbury-Setagaya Sister Cities Committee, Councillors Alfred Leigh and Ross Slater have been involved in discussions pertaining to this issue. Relevant members of staff, including Executive Management, have also been consulted.

Analysis of Financial and Budget Implications

It is proposed that the new Sister Cities Association would continue to receive the regular funding allocation from Council for activities associated with the Setagaya Sister City relationship. This funding would be expended by the Association in accordance with the terms of a Service Level Agreement between the Association and the City. It has also been suggested that a portion of this funding be allocated specifically for administration and secretarial support.

Economic, Social, Environmental and Heritage Issues

The Bunbury-Setagaya Sister Cities Committee's Terms of Reference are reflective of the Council's commitment to positive social and economic development. Incorporation would result in providing the proposed Sister Cities Association with an increased ability to deliver these objectives.

Council Policy Compliance

There is no policy relating to this matter.

Legislative Compliance

The proposed Sister Cities Association would be incorporated under the *Associations Incorporation Act 1987*. The Association will be required to expend any funding provided to it by the Council in accordance with the terms of a Service Level Agreement to be signed by office bears of the newly formed Association and the City of Bunbury.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority of Council to approve this recommendation, and as such, it requires a decision of Council.

Relevant Precedents

There are no relevant precedents associated with this proposal.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council resolves not to proceed with disbanding the Bunbury-Setagaya Sister Cities Committee in favour of the group establishing itself as an incorporated Association.

Conclusion

Option 1 is supported as Incorporation of the Bunbury-Setagaya Sister Cities Committee would overcome the issues and concerns raised in section 3 of the discussion paper, without compromising the programs already in place.

Option 2 is not supported as it is the opinion of the committee that the existing arrangement is preventing efficient delivery of the current terms of reference.

Bunbury-Setagaya Sister Cities Recommendation

It is recommended to Council, that:

- "1. The Bunbury-Setagaya Sister Cities Committee to work with City of Bunbury officers in lodging an application for incorporation of an Association with the Department of Consumer and Employment Protection - upon approval of the application, the committee to disband and its members to re-form as the 'Sister Cities Association'.*
- 2. The Bunbury-Setagaya Sister Cities Committee, as part of its transition from Council Advisory Committee to incorporated Association, to work with City of Bunbury officers in developing a Service Level Agreement that satisfies the requirements and concerns of both parties."*

Outcome of the Council Committee Meeting - 3 February 2009

The recommendation from the Bunbury-Setagaya Sister Cities Committee (as printed) was moved Cr Slater, seconded Cr Spencer.

Discussion of the motion centred on the proposed name of the Association. It was suggested that the name be changed to the "Bunbury-Setagaya Sister Cities Association" to differentiate it from any other sister-city organisation that might be formed in the Bunbury region in the future. The Mayor indicated that this name may be subject to change depending on any restrictions encountered during the incorporation or business name registration process. The mover and seconder agreed to change their motion to reflect the proposed Association name.

Cr Major stated his opposition to the existence of the Sister City relationship with Setagaya due to his objection to Japanese whaling practices and the current process for selecting participants in the cultural exchange programmes.

The Presiding Member put the motion moved Cr Slater, seconded Cr Spencer (as amended) to the vote and it was adopted 9 votes "for" to 2 votes "against" to become the Committee's recommendation on this issue.

Crs Major and Punch requested that their votes "against" the Committee's recommendation, be recorded.

Committee Recommendation

1. The Bunbury-Setagaya Sister Cities Committee to work with City of Bunbury officers in lodging an application for incorporation of an Association with the Department of Consumer and Employment Protection - upon approval of the application, the committee to disband and its members to re-form as the Bunbury-Setagaya Sister Cities Association**.
2. The Bunbury-Setagaya Sister Cities Committee, as part of its transition from Council Advisory Committee to incorporated Association, to work with City of Bunbury officers in developing a Service Level Agreement that satisfies the requirements and concerns of both parties.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Slater, seconded Cr Spencer.

After some brief discussion, the Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 14/09

1. *The Bunbury-Setagaya Sister Cities Committee to work with City of Bunbury officers in lodging an application for incorporation of an Association with the Department of Consumer and Employment Protection - upon approval of the application, the committee to disband and its members to re-form as the Bunbury-Setagaya Sister Cities Association**.*
2. *The Bunbury-Setagaya Sister Cities Committee, as part of its transition from Council Advisory Committee to incorporated Association, to work with City of Bunbury officers in developing a Service Level Agreement that satisfies the requirements and concerns of both parties.*

(**This name subject to change depending on incorporation/business name registration restrictions)

CARRIED

9 Votes "For" / 3 Votes "Against"

Absolute Majority Vote Attained for Point 1. (to disband a committee)

Crs Major, Steck and Punch requested that their votes "against" the Council's decision, be recorded.

11.11 COMBINED WORKS DEPOT SITE PROJECT CONTROL GROUP *(WAS LISTED AS ITEM 11.6 IN THE MEETING AGENDA)*

File Ref:	A00417
Applicant/Proponent:	Internal Report
Author:	Michael Scott, Executive Manager City Services
Executive:	Michael Scott, Executive Manager City Services

Summary

At its meeting on 16 December 2008, the Council established a "Combined Works Depot Site Project Control Group" with a requirement for *Terms of Reference* for the new group to be submitted to the Council Committee Meeting on 3 February 2008.

It is now proposed to adopt the Terms of Reference for (and appoint members to) the new Combined Works Depot Site Project

Background

At its meeting on 16 December 2008, the Council resolved as follows:

Council Decision 253/08

1. *Council approves the North Preston Industrial Park site for development as a combined "Parks, Construction, Waste and Maintenance" facility with QS-costed implementation plans and designs to be developed for Council's further consideration before the end of the 2008/09 financial year.*
2. *Council forms a Project Control Group for the Combined Works Depot Site Relocation:*
 - a) *The terms of reference for the Project Control Group be formulated to include negotiations for freehold title of the proposed North Preston Industrial Site as part of the land-swap for Nuytsia Avenue.*
 - b) *The proposed Combined Works Depot Site Project Control Group to be listed as an agenda item for the Council Committee Meeting on 3 February 2009.*

Proposed Terms of Reference

Draft Terms of Reference were presented for consideration at the Briefing Session held on 27 January 2009. The following Terms of Reference are proposed:

1. To work with State agencies on the development of the North Preston Industrial Park.
2. To work with Landcorp to detail arrangements for the take-up of the North Preston site and development of the Nuytsia Avenue site.
3. To deliver the City's combined works depot to budget as soon as is practical.
4. To explore opportunities that may enhance the efficiency and utilisation of the depot at the North Preston site.

Options

No alternative to the recommendation (as printed) is provided.

Recommendation

The following action be taken in respect of the Combined Works Depot Site Project Control Group established by the Council on 16 December 2008:

1. Membership of the Combined Works Depot Site Project Control Group to comprise:
 - 1.1 Cr _____
 - 1.2 Cr _____
2. The City's Executive Manager City Services and Project Manager to attend meetings of the Combined Works Depot Site Project Control Group as ex-officio members (no vote) and to ensure the Group is provided with sufficient technical and secretarial assistance.
3. The Combined Works Depot Site Project Control Group to operate with the following *Terms of Reference*:
 - 3.1 To work with State agencies on the development of the North Preston Industrial Park.
 - 3.2 To work with Landcorp to detail arrangements for the take-up of the North Preston site and development of the Nuytsia Avenue site.
 - 3.3 To deliver the City's combined works depot to budget as soon as is practical.
 - 3.4 To explore opportunities that may enhance the efficiency and utilisation of the depot at the North Preston site.

Outcome of the Council Committee Meeting - 3 February 2009

The recommendation (as printed) was moved Cr Craddock, seconded Cr Major.

Discussion centred on the merits of having a committee with numerous Council members and whether (or not) the Council officers on a committee should be permitted to vote. The Executive Manager City Services indicated that as this group will not have the delegated authority of the Council to make decisions, it was his understanding that its members and Council Officers (as assigned) would undertake research and report to the Council as appropriate with the Council (not the committee) authorising or making any major decisions.

The CEO stressed the need to keep the committee's membership simple with only a few members to ensure ease and flexibility in calling meetings at short notice.

It was noted that the 2 councillor vacancies listed in the officer's recommendation had been provided for guidance and discussion purposes only. The Council can amend member numbers and voting rights for its committees as it sees fit.

The committee decided to amend the motion by including a new point 1. to stipulate the number of councillors and proxies to be on the committee. The other points of the motion were re-numbered accordingly. Re-numbered points 2. and 3. were amended to include the names of four elected members (duly nominated) and a revised list of Council officers to be appointed to the committee as ex-officio members. The words "(no vote)" were removed from after the term "*ex officio*".

During discussion of the terms of reference (point 4) a new point 4.5 was moved by Cr Kelly, seconded Cr Jones as follows: "*To investigate and report back to Council on the need (and options) for temporary relocation of Depot staff and functions to suitable premises until the North Preston site is opened.*" This motion was put to the vote and defeated. However, it was immediately resurrected as a motion moved by Cr Slater, seconded Cr Kelly with the addition of the words "*should it be required*" added to the end. This version of the motion was adopted.

The Presiding Member put the various parts of the motion (now amended) to the vote separately. He called for new movers and seconders in each instance:

Part 1: Moved Cr Craddock / seconded Cr Major & carried 8 Votes "For" / 3 Votes "Against"

Part 2: Moved Cr Craddock / seconded Cr Major & carried unanimously

Part 3: Moved Cr Kelly / seconded Cr Jones & carried unanimously

Part 4 (parts 4.1 to 4.4): Moved Cr Slater / seconded Cr Spencer & carried unanimously

Part 4.5: Moved Cr Slater / seconded Cr Kelly & carried 6 Votes "For" / 5 Votes "Against"

A copy of the committee's recommendation (in full) is provided below for ease of reference.

Committee Recommendation

The following action be taken in respect of the Combined Works Depot Site Project Control Group established by the Council on 16 December 2008:

1. Membership of the Combined Works Depot Site PCG to include three (3) councillors and one (1) proxy.
2. The following councillors to be appointed as members of the Combined Works Depot Site Project Control Group:
 - 2.1 Cr Jones
 - 2.2 Cr Kelly
 - 2.3 Cr Slater
 - 2.4 Mayor D Smith (proxy)
3. The Chief Executive Officer, the City's Executive Manager City Services, City Project Manager and Executive Manager Corporate Services to attend meetings of the Combined Works Depot Site Project Control Group as ex-officio members.
4. The Combined Works Depot Site Project Control Group to operate with the following Terms of Reference:
 - 4.1 To work with State agencies on the development of the North Preston Industrial Park.
 - 4.2 To work with Landcorp to detail arrangements for the take-up of the North Preston site and development of the Nuytsia Avenue site.
 - 4.3 To deliver the City's combined works depot to budget as soon as is practical.
 - 4.4 To explore opportunities that may enhance the efficiency and utilisation of the depot at the North Preston site.
 - 4.5 To investigate and report back to Council on the need (and options) for temporary relocation of Depot staff and functions to suitable premises until the North Preston site is opened, should it be required.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Kelly, seconded Cr Slater.

As some councillors questioned the relevance of point 4.5 of the motion (as the Depot is not to be constructed on-site); the Mayor elected to put the different parts of the motion to the vote separately, as follows:

Parts 1. to 4.4: Moved Cr Kelly/seconded Cr Slater & carried unanimously (Absolute Majority Vote attained)

Part 4.5: Moved Cr Kelly/seconded Cr Slater. Due to an equality of votes (i.e., 6 votes "for" to 6 votes "against") the Mayor used his casting vote to defeat the motion. The vote was recorded, as follows:

For: Crs Kelly, Jones, Harrop, Slater, Whittle and Punch

Against: Mayor D Smith (2 votes) and Crs Major, Rooney, Spencer, Steck & Craddock

For ease of reference, the Council's decision reads as follows:

Council Decision 15/09

The following action be taken in respect of the Combined Works Depot Site Project Control Group established by the Council on 16 December 2008:

1. *Membership of the Combined Works Depot Site PCG to include three (3) councillors and one (1) proxy.*
2. *The following councillors to be appointed as members of the Combined Works Depot Site Project Control Group:*
 - 2.1 *Cr Jones*
 - 2.2 *Cr Kelly*
 - 2.3 *Cr Slater*
 - 2.4 *Mayor D Smith (proxy)*
3. *The Chief Executive Officer, the City's Executive Manager City Services, City Project Manager and Executive Manager Corporate Services to attend meetings of the Combined Works Depot Site Project Control Group as ex-officio members.*
4. *The Combined Works Depot Site Project Control Group to operate with the following Terms of Reference:*
 - 4.1 *To work with State agencies on the development of the North Preston Industrial Park.*

- 4.2 *To work with Landcorp to detail arrangements for the take-up of the North Preston site and development of the Nuytsia Avenue site.*
- 4.3 *To deliver the City's combined works depot to budget as soon as is practical.*
- 4.4 *To explore opportunities that may enhance the efficiency and utilisation of the depot at the North Preston site.*

CARRIED

12 Votes "For" / Nil Votes "Against"

Absolute Majority Vote Attained

11.12 LOCAL GOVERNMENT BIENNIAL ELECTION - 17 OCTOBER 2009 *(WAS LISTED AS ITEM 11.7 IN THE MEETING AGENDA)*

File Ref:	A00230
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

The City of Bunbury (with the exception of recent extraordinary elections) has conducted postal elections since 1997. In order to continue doing so, it is necessary to appoint the Western Australian Electoral Commissioner as being responsible for the conduct of the election and that the method shall be by postal vote.

Background

Correspondence has been received from the WA Electoral Commission seeking a Council decision on the following:

- The WA Electoral Commissioner be responsible for the conduct of the 2009 Local Government Election in Bunbury.
- The election to be a "postal" election.

The Bunbury City Council first decided to engage the WA Electoral Commission to conduct a postal vote for the May 1997 election - this coincided with the introduction of biennial elections in Western Australia.

Council has subsequently authorised the Electoral Commission to conduct postal voting in past biennial elections in May 1999, 2001, 2003, 2005 and October 2007.

Strategic and/or Regional Outcomes

Since its introduction to legislation in 1995, the postal ballot has become increasingly popular with Local Governments throughout the State, largely due to its effect on voter turnout or participation figures. For example, at the May 2005 election in Bunbury voter participation was 43.2% compared to the 2006 and 2008 "in person" voting Extraordinary Elections where voter turnout was 1.76% and 2.3% respectively.

Community Consultation

Postal voting has been used in Bunbury for the past several biennial elections with evidence of little complaint from members of the public and a marked increase in voter participation.

The postal vote is more user-friendly than the polling booth method in that electors receive their ballot some time before Election Day giving them adequate time to decide before casting their vote. In addition, there is no need for voters to have to travel to a polling place on a Saturday morning – of great benefit to those who work on Saturdays as well as the elderly and disabled.

Councillor/Officer Consultation

This report serves to bring this matter to the attention of elected members and officers.

Analysis of Financial and Budget Implications

The total cost of the October 2007 postal election, including the cost of non-statutory advertising was \$72,000.00.

The October 2009 election contest will involve a mayoral election as well as the election of six (6) councillor positions.

The cost charged per elector in the 2005 Mayoral/councillor election was approximately \$3.02 including postage whilst the cost for the 2007 election was approximately \$3.46 per elector.

The Electoral Commissioner has advised the estimated preliminary cost to conduct the October 2009 election for a Mayor and six councillors is in the vicinity of \$70,000.00. This does not include the cost of items such as supplementary advertising, promotion and staff wages.

Economic, Social, Environmental and Heritage Issues

The WA Electoral Commission solicits agencies and businesses in Bunbury and the South West for the engagement of Returning Officers, Poll Clerks and Electoral Officers. Council employees are offered the opportunity to assist with the count process and data input.

There are no other economic, social, environmental or heritage issues to consider.

Council Policy Compliance

There is no existing Council Policy relative to this matter.

Legislative Compliance

This proposal complies with the requirements of Sections 4.20(4) and 4.61(2) of the Local Government Act 1995 and the Local Government (Election) Regulations 1997.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority of the Council to formally engage the WA Electoral Commission to conduct a local government election.

Relevant Precedents

All local government biennial elections held in the City of Bunbury since 1997 have been conducted by the WA Electoral Commission by way of a postal vote.

Options

If Council elects not to declare the WA Electoral Commission responsible for the conduct of the 17 October 2009 election, it must decide to conduct the election as a “voting in person election” under section 4.61(1) of the Local Government Act 1995. It should be noted that the Electoral Commission has already indicated (written agreement) that it will be responsible for the conduct of the election should Council so choose.

Option 1

Per the recommendation listed in this report.

Option 2

Council elects not to declare the WA Electoral Commissioner responsible for the conduct of the 17 October 2009 Mayoral and Biennial Council Election, and instead, will conduct the election as an “in person election” conducted by the City with the Chief Executive Officer as the Returning Officer.

Recommendation

1. Pursuant to Section 4.20(4) of the Local Government Act 1995, the Bunbury City Council declares that the Western Australian Electoral Commissioner be responsible for the conduct of the 17 October 2009 Local Government Election in Bunbury, (together with any other elections or polls which may also be required in the City of Bunbury) and that the Electoral Commissioner appoint an appropriate Returning Officer.
2. Pursuant to Section 4.61(2) of the Local Government Act 1995, the election to be a "postal" election.

Outcome of the Council Committee Meeting - 3 February 2009

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

During discussion:

- Members discussed their concerns regarding advertising of elections by the Electoral Commission. The Executive Manager Corporate Services was asked to investigate whether the City undertook any independent advertising as part of the 2007 postal election process.
- In response to a suggestion from the Mayor that the City conduct its own postal election, the Chief Executive Officer advised that Section 4.61(4) of the Local Government Act 1995 effectively prohibits a local government from conducting anything other than an "in person" election.

The Presiding Member put the motion to the vote and it was adopted 10 votes "for" to 1 vote "against" to become the Committee's recommendation on this issue.

Cr Slater requested that his vote "against" the committee's recommendation, be recorded.

Committee Recommendation

1. Pursuant to Section 4.20(4) of the Local Government Act 1995, the Bunbury City Council declares that the Western Australian Electoral Commissioner be responsible for the conduct of the 17 October 2009 Local Government Election in Bunbury, (together with any other elections or polls which may also be required in the City of Bunbury) and that the Electoral Commissioner appoint an appropriate Returning Officer.
2. Pursuant to Section 4.61(2) of the Local Government Act 1995, the election to be a "postal" election.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Major, seconded Cr Craddock.

Following some brief discussion, the Mayor put the motion to the vote and it was adopted to become a Council Decision as follows:

Council Decision 16/09

1. *Pursuant to Section 4.20(4) of the Local Government Act 1995, the Bunbury City Council declares that the Western Australian Electoral Commissioner be responsible for the conduct of the 17 October 2009 Local Government Election in Bunbury (together with any other elections or polls which may also be required in the City of Bunbury), and; that the Electoral Commissioner appoint an appropriate Returning Officer.*
2. *Pursuant to Section 4.61(2) of the Local Government Act 1995, the election to be a "postal" election.*

CARRIED

10 Votes "For" / 2 Votes "Against"

Absolute Majority Vote Attained

Crs Slater and Steck requested that their votes "against" the Council's decision, be recorded.

11.13 PROPOSED REMOVAL OF MORETON BAY FIG TREE LOT 193 (NO. 25)
SYMMONS STREET, BUNBURY - SIGNIFICANT TREE REGISTER *(WAS LISTED AS*
ITEM 11.10 IN THE MEETING AGENDA)

File Ref:	P09561
Applicant/Proponent:	Charles Daqui (Owner - 25 Symmons Street, Bunbury)
Author:	Paul Davies, Planning Consultant
Executive:	Geoff Klem, Executive Manager City Development

Summary

An application has been received from Charles Daqui to remove the existing Moreton Bay Fig tree from the rear of his property at Lot 193 (No. 25) Symmons Street. The tree is included on the Significant Tree Register in the City of Bunbury Municipal Inventory. On this basis, approval of the Council is required for removal of the tree.

Condition 12 of the original Development Approval (dated 31 December 1993) for the existing restaurant on-site states, *“the existing Moreton Bay Fig Tree in the south eastern corner of the site to be retained and maintained to the satisfaction of the Manager Parks and Gardens”*. On this basis, Council will (if it were to determine to allow the tree to be removed) need to relax condition 12 of the Development Approval to allow removal of the tree.

In 1998, the proponent requested Council to approve removal of the Moreton Bay Fig Tree. At that time Council resolved not to relax condition 12 of the original Development Approval and instructed that the tree was to be retained.

On this occasion, it is again recommended that Council uphold condition 12 of the Development Approval of 31 December 1993 and require Mr Daqui to retain the Moreton Bay Fig Tree on the site.

Background

The existing restaurant development on the site was approved on 31 December 1993. Condition 12 of the approval requires *“the existing Moreton Bay Fig Tree in the south eastern corner of the site to be retained and maintained to the satisfaction of the Manager Parks and Gardens”*.

In 1998 the proponent made a request to Council to remove the Moreton Bay Fig tree. The proponent advised that the Moreton Bay Fig tree was causing ongoing problems relating to exfoliation of leaves creating building maintenance problems and dropping fruit on vehicles causing staining problems.

Council at its meeting on 20 January 1998, resolved that:

1. *Council advise the applicant that it supports retention of the Moreton Bay Fig Tree located at the rear of Lot 193 (No. 25) Symmons Street.*
2. *The Manager Parks and Recreation investigate the costings for providing adequate ongoing maintenance and the provision of suitable netting under the tree to prevent its fruit from staining the vehicles and the matter be referred back to Council's Committee Meeting for further consideration.*

The Manager Parks and Recreation inspected the site and discussed maintenance issues with the property owner. The cost of ongoing maintenance and installation of mesh to catch fruit was estimated at that time at a total of \$865.00. The owner indicated that he was unwilling to contribute to the cost of the maintenance works in cash or kind.

Subsequently, at its meeting on 3 March 1998, the Council resolved that:

- (a) *The information be noted.*
- (b) *Council advise the owners at Lot 193 (No. 25) Symmons Street that condition 12 of the Planning Approval given on 31 December 1993 for development of Lot 193, will not be relaxed.*

Photographs of the subject tree are **attached** at Appendix 9. Some images demonstrate damage to the car parking area caused by the tree.

The current proposal is to remove the existing Moreton Bay Fig Tree from Lot 193 (No. 25) Symmons Street. The proponent advises that there are ongoing problems associated with the tree on Lot 193 Symmons Street and adjoining Lot 188 Wellington Street (to the rear) including:

- Parking on the lots is restricted due to exposed roots and the large canopy and reach of the tree which results in no vehicle access/parking within an 8 metre radius around the tree.
- Arborists have indicated that the crown size will double within the next 40 years, causing further grievances and restrictions.
- In 2007, cars located on No. 25 Symmons Street were damaged by falling branches which resulted in damages and insurance claims against the proponent.
- Maintenance costs are high and include constant cleaning of fig droppings, leaves and branches. The total cost per annum is \$1,500.00.

The subject tree is located at the rear of the lot, but is clearly visible in views across the bowling green from Symmons Street and the Commercial Club's car park from Wittenoom Street. In addition, the canopy is visible from various locations along Symmons and Wittenoom Streets and other public vantage points.

The subject tree is estimated to be approximately 25 metres high and approximately 55 years old. The tree is included on the Significant Tree Register in the City of Bunbury Municipal Inventory. All trees in the Register are recommended for a high level of protection under the Town Planning Scheme. On this basis, approval of the Council is required for removal of the tree.

The City's Heritage Advisor suggests that inclusion of the Moreton Bay Fig Tree in the Significant Tree Register was in view of its aesthetic qualities within the urban landscape of the Bunbury city centre – with particular reference to its contribution to the quality of its city centre setting and its landmark qualities.

It is considered that the tree provides a significant visual element for the area at the rear of surrounding properties with commercial buildings fronting streets in the CBD. It is one of a relatively small number of mature large trees within this area and the canopy is visible from a number of aspects to the north, west and south.

Condition 12 of the original development approval for the existing restaurant on 31 December 1993 requires the tree to be retained and maintained to the satisfaction of the City hence, Council will need to relax condition 12 of the development approval to allow removal of the tree.

It is acknowledged that the tree does and will continue to create some maintenance issues for the property owner in view of leaves, dropping fruit and tree roots. It is generally considered that these issues can be managed with appropriate regular maintenance.

It is recommended that Council resolve not to relax Condition 12 of the original planning approval and not approve removal of the tree.

As an alternative to retaining the tree it would be possible for the tree to be relocated to another site such as a nearby council park. Discussions with officers in the City's Parks Operations Department and an Arborculturalist indicate that Moreton Bay Fig trees are generally well suited to relocation.

The process of relocation would take up to approximately 9 months as the tree roots would need to be trimmed and bagged and left in place for new roots to grow prior to relocation. The cost to relocate such a significant tree is estimated to be approximately \$50,000 depending on the distance to be relocated.

Additional costs would then be involved to reinstate boundary fencing and car parking pavement areas. The tree is located well away from existing buildings and access to the site for removal of the tree is available from an adjoining car parking area (Commercial Club).

Discussions with the proponent indicate that they are not prepared to pay the cost for relocation of the tree and just want it removed. The cost of relocating the tree could, however, generally be offset by deleting the ongoing maintenance costs for the tree as discussed above.

Strategic and/or Regional Outcomes

The City of Bunbury 2007–2012 Strategic Plan states that “*The City will ensure that it maintains a comprehensive and fully integrated planning system to meet community expectations.*” In this case, the proposal has been considered in the context of its compliance with the current Scheme and has been assessed against the relevant planning policies.

Community Consultation

No community consultation has been undertaken for the current proposal.

Councillor/Officer Consultation

This matter has been reviewed by Council staff within the Development Coordination Unit. Further discussions have taken place with the Manager Development Services, Senior Planner (Statutory) and Executive Manager City Development.

Analysis of Financial and Budget Implications

The recommendation listed in this report will not impact on the existing Annual Budget nor are there any expenses associated with the requests from a Council perspective.

Economic, Social, Environmental and Heritage Issues

The Fig Tree is a significant feature in this location and is included on the Significant Tree Register in the City of Bunbury Municipal Inventory.

Council Policy Compliance

It is considered that the recommendation does not contravene any known Council policy.

Legislative Compliance

The proposed planning application can be considered in accordance with the provisions of the Planning and Development Act 2005.

Delegation of Authority

In view of Council's previous decision to not relax Condition 12 of the planning approval, the proposal is referred to Council for determination.

Relevant Precedents

There are no known absolutely relevant precedents in respect of the specific matter being considered by Council.

Options

Option 1

Per the recommendation (as listed in this report).

Option 2

Should Council determine to allow removal of the tree a suggested recommendation for such action is as follows:

"Council, under the Planning and Development Act 2005, hereby resolves to approve the application from Charles Daqui to remove the existing Moreton Bay Fig tree from the rear of his property at Lot 193 (No. 25) Symmons Street, subject to the tree being relocated at the full cost of the proponent to a nearby Council park to the satisfaction of the City's Manager of Parks and Recreation."

Conclusion

The tree is included on the Significant Tree Register in the City of Bunbury Municipal Inventory. All trees in the Register are recommended for a high level of protection under the Town Planning Scheme.

Condition 12 of the development approval for the existing restaurant dated 31 December 1993, states, *"the existing Moreton Bay Fig Tree in the in the south eastern corner of the site to be retained and maintained to the satisfaction of the Manager Parks and Gardens"*.

It is considered that the tree provides a significant visual element for the area at the rear of surrounding properties with commercial buildings fronting streets in the CBD. It is one of a relatively small number of mature large trees within this area and the canopy is visible from a number of aspects to the north, west and south.

It is acknowledged that the tree does and will continue to create some maintenance issues for the property owner in view of leaves, dropping fruit and tree roots. It is generally considered, however, that these issues can be managed with appropriate regular maintenance.

It is recommended that Council resolve not to relax Condition 12 of the original planning approval and not approve removal of the tree.

Recommendation

Council, under the Planning and Development Act 2005, resolves not to approve the application from Charles Daqui to remove an existing Moreton Bay Fig tree from the rear of his property at Lot 193 (No. 25) Symmons Street, for the following reasons:

1. The tree is included on the Significant Tree Register in the City of Bunbury Municipal Inventory. All trees in the Register are recommended for a high level of protection under the Town Planning Scheme.
2. Condition 12 of the original development approval for the existing restaurant dated 31 December 1993, states that, "*the existing Moreton Bay Fig Tree in the south eastern corner of the site to be retained and maintained to the satisfaction of the Manager Parks and Gardens*".
3. It is considered that the tree provides a significant visual element for the area at the rear of surrounding properties with commercial buildings fronting streets in the CBD.
4. The proposal is inconsistent with Clause 10.2.1 of City of Bunbury Town Planning Scheme No. 7 part (i) with regard to the compatibility of a use or development with its setting.
5. The proposal is inconsistent with Clause 10.2.1 of City of Bunbury Town Planning Scheme No. 7 part (v) with regard to whether any trees or other vegetation on the land should be conserved.

Outcome of the Council Committee Meeting - 3 February 2009

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

During discussion, the following points were raised:

- In response to a question, the Executive Manager City Development advised that if the proponent can be proved to have destroyed or damaged the tree he can be prosecuted by the City under the Town Planning & Development Act 2005, as he will be in contravention of his Development Approval.
- It was noted that the property was bought with the tree in place.
- A councillor suggested that as the tree is not native to Western Australia it might be possible to relocate it to a nearby park and still have it remain on the heritage list. In response, the Mayor advised that as the tree has been placed on the City's heritage list it needs to be maintained and protected in situ.
- Although councillors concurred that the tree drops fruit and leaves, most failed to see why the proponent cannot erect netting or other structure to protect vehicles.

- A councillor who has worked nearby for the past six years stated that he has not seen any noticeable difference in the size of the tree in that time.

The motion was put to the vote and adopted 8 votes "for" to 3 votes "against" to become the Committee's recommendation on this issue.

Cr Jones requested that her vote "against" the committee's recommendation, be recorded.

Committee Recommendation

Council, under the Planning and Development Act 2005, resolves not to approve the application from Charles Daqui to remove an existing Moreton Bay Fig tree from the rear of his property at Lot 193 (No. 25) Symmons Street, for the following reasons:

1. The tree is included on the Significant Tree Register in the City of Bunbury Municipal Inventory. All trees in the Register are recommended for a high level of protection under the Town Planning Scheme.
2. Condition 12 of the original development approval for the existing restaurant dated 31 December 1993, states that, "*the existing Moreton Bay Fig Tree in the south eastern corner of the site to be retained and maintained to the satisfaction of the Manager Parks and Gardens*".
3. It is considered that the tree provides a significant visual element for the area at the rear of surrounding properties with commercial buildings fronting streets in the CBD.
4. The proposal is inconsistent with Clause 10.2.1 of City of Bunbury Town Planning Scheme No. 7 part (i) with regard to the compatibility of a use or development with its setting.
5. The proposal is inconsistent with Clause 10.2.1 of City of Bunbury Town Planning Scheme No. 7 part (v) with regard to whether any trees or other vegetation on the land should be conserved.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Kelly, seconded Cr Slater.

During discussion, Cr Harrop stated that she has spoken with the applicants since they attended the committee meeting last week. They have advised her that they were initially interested in applying to have the tree relocated before they were made aware of the final cost (i.e., \$50,000.) which they are unable to afford. Their main concern is that the tree's root system appears to be lifting the ground and affecting the structure of the nearby building.

The Mayor put the motion moved Cr Kelly, seconded Cr Slater, to the vote and it was adopted to become the Council's decision, as follows:

The vote was recorded as follows:

For: Mayor D Smith and Crs Kelly, Major, Punch, Whittle, Slater, Craddock and Rooney
Against: Crs Jones, Harrop, Spencer and Steck

Council Decision 17/09

Council, under the Planning and Development Act 2005, resolves not to approve the application from Charles Daqui to remove an existing Moreton Bay Fig tree from the rear of his property at Lot 193 (No. 25) Symmons Street, for the following reasons:

- 1. The tree is included on the Significant Tree Register in the City of Bunbury Municipal Inventory. All trees in the Register are recommended for a high level of protection under the Town Planning Scheme.*
- 2. Condition 12 of the original development approval for the existing restaurant dated 31 December 1993, states that, "the existing Moreton Bay Fig Tree in the south eastern corner of the site to be retained and maintained to the satisfaction of the Manager Parks and Gardens".*
- 3. It is considered that the tree provides a significant visual element for the area at the rear of surrounding properties with commercial buildings fronting streets in the CBD.*
- 4. The proposal is inconsistent with Clause 10.2.1 of City of Bunbury Town Planning Scheme No. 7 part (i) with regard to the compatibility of a use or development with its setting.*
- 5. The proposal is inconsistent with Clause 10.2.1 of City of Bunbury Town Planning Scheme No. 7 part (v) with regard to whether any trees or other vegetation on the land should be conserved.*

CARRIED

8 Votes "For" / 4 Votes "Against"

12. MOTIONS (OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN)

12.1 MOTION - WITHERS UNDERGROUND POWER PROGRAMME

File Ref:	R00567
Applicant/Proponent:	Councillor Michelle Steck
Author:	Councillor Michelle Steck
Executive:	<i>If adopted by Council refer to: Greg Trevaskis, Chief Executive Officer</i>

Cr Steck has submitted the following motion for consideration at the meeting:

1. *Council rescind Decision No. 2/09 made on 12 January 2009, which reads as follows:*

"Council wishes to proceed with the Withers, Usher and Glen Padden Underground Power Project - Western Power, the Office of Energy and the Hon. John Castrilli (Member for Bunbury) to be immediately advised of this decision and provided with a copy of the survey results."

2. *Council proceed no further with the Withers Underground Power Project.*

Comments - Cr Steck

In support of her motion, Cr Steck states that:

"Given the Council's handling of the underground power proposal and re-survey debacle, an explanation should be given to full council as to why the Executive and the Mayor presented the Council with factually incorrect information to vote on.

Secondly, why did the Executive not wait to present the final report to Council? On who's authority was the report presented to council?"

Executive Comments

Regulation 10(1) of the Local Government (Administration) Regulations 1996, states that:

"If a decision has been made at a council or committee meeting then any motion to revoke or change the decision must be supported:

- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority, or;*
- (b) in any other case, by at least one-third of the number of offices (whether vacant or not) of members of the council or committee,*

inclusive of the mover."

Further, regulation 10(1a) also states that:

"Notice of a motion to revoke or change a decision referred to in sub-regulation (1) is to be signed by members of the council or committee numbering at least one-third of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover."

On 4 February 2009, His Worship the Mayor received a letter from Mr Jeroen Gerritsen, Chairman of the Underground Power Steering Committee at the Office of Energy. The letter informs the Mayor that the City's application for installation of underground power in Withers, Usher and Glen Padden has been refused on the basis that the City's proposal did not demonstrate substantial community support for the project. A copy of the letter is **attached** at Appendix 11.

Accordingly, there is no need to move a motion requiring the City to proceed no further with the project.

AT THE COUNCIL MEETING

The meeting discussed the requirements for rescinding previous decisions of Council.

Cr Steck indicated that she will submit her questions in writing for a response at a future meeting.

12.2 MOTION - 2010 SOUTH WEST GAMES

File Ref:	A00448
Applicant/Proponent:	Councillor Michelle Steck
Author:	Councillor Michelle Steck
Executive:	<i>If adopted by Council refer to:</i> Greg Trevaskis, Chief Executive Officer

Cr Steck has submitted the following motion for consideration at the meeting:

- "1. The City of Bunbury commits to become the host town of the South West Games.*
- 2. The Bunbury City Council to implement a formal sub-committee of Council being the 'South West Games Committee'.*
- 3. The City of Bunbury to commit \$50,000 to support the successful future of the South West Games by contributing \$30,000 financially and \$20,000 toward rent at the South West Sports Centre.*
- 4. The City of Bunbury to send a formal letter of congratulations to the Executive Committee of the South West Games Inc. recognizing its valued contribution thus far."*

Comments - Cr Steck

In support of her motion, Cr Steck states that:

"The Executive Committee of the South West Games Inc. has new members. A coordinator has been appointed to guarantee the future success of the Anniversary 2010 games and beyond. A business and marketing model has been prepared and the coordinator's role is to seek funding and form sponsorship partnerships with a primary focus on achieving a greater participation rate.

A vehicle has been arranged for the coordinator and each Shire will be given a briefing seeking financial support to secure the future of the games' continuance.

Bunbury has been requested to become the home town of the games. The South West Sports Centre has been approached and an office has been allocated for rent.

A formal committee of Council has been requested by the Executive Committee of the South West Games Inc. along with a recommendation that I (Cr Steck) be appointed as the Chairperson.

Another sub-committee has been formed to assist with the implementation of the Games this is a much broader committee with many members.

The Mandurah Games is extremely successful with an annual budget over \$180,000.

The members of the Executive Committee of the South West Games Inc. have achieved remarkable success considering their level of understanding of implementing an event of this magnitude - it is a credit to them. The committee understands it does not have the professional acumen to continue operating as it has.

The past participation numbers of the South West Games are significant enough to ensure a successful future."

A copy of the "Proposal to the City of Bunbury" (dated 2 February 2009) from the South West Games Inc., is **attached** for councillor information at Appendix 12.

Executive Comments

The City has previously provided financial and in-kind support for hosting of the South West Games in Bunbury. However, direct funding has previously been limited to no more than \$20,000 and the City has chosen to support the organising of the games through staff liaison rather than being directly involved by the appointment of a Council committee or the like.

The South West Games are the product of an organisation entirely separate to the City. Accordingly, the City would normally limit its contribution to the provision of a venue and a possible financial contribution as it does for similar events, e.g. state sporting carnivals; visiting WAFL, AFL or WACA hosted events, etc.

Waiving Council fees is generally not supported as the cost for conducting these events impacts on venues such as the SW Sports Centre. The general public is also restricted from using facilities on the days that the games are in operation causing further loss of income. The SW Sports Centre Manager has not been given an opportunity to comment on the possible impact of Council waiving fees for this event at the time of writing this report.

A copy of Council's previous decision on a request for the City to host the 2007 SW Games, is **attached** at Appendix 13. Councillors have also received under separate cover, a copy of a confidential memorandum dated 15 August 2003, that provides details of research undertaken at that time assessing the value of the Games and the experiences of other host towns and venues.

As the motion from Cr Steck was received just before finalisation of the agenda for this Council Meeting, there has not been sufficient opportunity for further research or the opportunity to discuss the proposal with relevant staff or SW Games representatives.

In accordance with past Council decisions it is recommended that the Bunbury City Council:

1. Agree for Bunbury to be the host City in 2010.
2. Agree to assist with formation of an "external organising committee" to plan for the 2010 games.
3. Refer an amount of \$20,000 for consideration within the City's 2009/10 Annual Budget.

AT THE COUNCIL MEETING

The motion on notice was moved Cr Steck, seconded Cr Major (pro forma) with an amendment adding the words "in 2010" to the end of point 1, as follows:

- "1. The City of Bunbury commits to become the host town of the South West Games in 2010.*
- 2. The Bunbury City Council to implement a formal sub-committee of Council being the 'South West Games Committee'.*
- 3. The City of Bunbury to commit \$50,000 to support the successful future of the South West Games by contributing \$30,000 financially and \$20,000 toward rent at the South West Sports Centre.*
- 4. The City of Bunbury to send a formal letter of congratulations to the Executive Committee of the South West Games Inc. recognizing its valued contribution thus far."*

The following points were raised during discussion:

- Cr Craddock foreshadowed that he would move the following motion in the event that Cr Steck's current motion is defeated:
 - "1. The South West Games be listed for consideration in the agenda for the next meeting of the Council (Standing) Committee.*
 - 2. The South West Games (and Councillor Steck's proposal) be forwarded to the 16 February 2009 meeting of Council's City Promotions Committee, for consideration."*
- Most councillors supported the concept of holding the South West Games in Bunbury but disputed the requested amount of \$50,000 as the professionals involved in an organising body for an event of this type should have sufficient expertise and resources to raise money through private sponsorship, donations, grant funding and other fundraising initiatives.

- It was noted that the members of the City Promotions Committee have not had the opportunity to consider the proposal and make recommendations to the Council.
- Based on the City's previous involvement in organisation of the South West Games, the proposal to have the City responsible for coordination of the event has the potential to consume an excessive amount of staff time/resources in addition to loss of income at the South West Sports Centre.

The Mayor put the motion moved Cr Steck, seconded Cr Major (pro forma) to the vote in separate parts, as follows:

Part 1: Carried 8 votes "for" to 4 votes "against"

Parts 2, 3 & 4: Defeated 3 votes "for" to 9 votes "against"

At this point, Cr Craddock's foreshadowed motion was moved Cr Craddock, seconded Cr Major, as follows:

- "1. *The South West Games be listed for consideration in the agenda for the next meeting of the Council (Standing) Committee.*
2. *The South West Games (and Councillor Steck's proposal) be forwarded to the 16 February 2009 meeting of Council's City Promotions Committee, for consideration."*

The motion was put to the vote and carried unanimously.

For ease of reference the Council's final collective decision in this matter is:

Council Decision 18/09

1. *The City of Bunbury commits to become the host town of the South West Games in 2010.*
2. *The South West Games be listed for consideration in the agenda for the next meeting of the Council (Standing) Committee.*
3. *The South West Games (and Councillor Steck's proposal) be forwarded to the 16 February 2009 meeting of Council's City Promotions Committee, for consideration.*

CARRIED

13. "URGENT" BUSINESS WITH THE APPROVAL OF THE MAJORITY OF MEMBERS PRESENT AS PERMITTED UNDER STANDING ORDER 5.1.13

13.1 CITY OF BUNBURY DONATION - AUSTRALIAN RED CROSS VICTORIAN BUSHFIRE APPEAL 2009

File Ref:	A00374
Applicant/Proponent:	Mayor David Smith
Author:	Mayor David Smith
Executive:	<i>If adopted by Council refer to:</i> Greg Trevaskis, Chief Executive Officer

The Mayor requested the Council urgently consider making a financial donation to assist victims of the horrendous bushfires that took place in the State of Victoria over the weekend. This request was unanimously supported by the other members of the Council.

The following motion was moved Cr Craddock, seconded Cr Major:

"The City of Bunbury donate the sum of \$5,000 to the Australian Red Cross Victorian Bushfire Appeal 2009."

During discussion, some councillors were concerned that an amount of \$5,000 was too low. Varying amounts were suggested resulting in the following amendment.

Amendment moved Cr Steck, seconded Cr Slater:

The figure of \$5,000 in the motion be increased to \$100,000.

During discussion of the amendment, the following points were raised:

- City employees were being invited to make donations through the City's payroll system and individual councillors would be involved in other fundraising events.
- Other business groups in Bunbury (as well as individuals) are fundraising and/or gathering donations of food, blankets, toiletries, etc.
- In response to a question why a "Mayor's Fund" to coordinate fundraising throughout Bunbury has not been established, it was pointed out that Toll Ipec /Courier Australia in the Halifax Industrial Estate is already coordinating the transport of relief items to the people and communities that have suffered as a result of the Victorian bushfires - they are accepting donations of household goods, clothing, toiletries, non-perishable food, bedding, etc. In addition, setting up a Mayor's Fund takes time and the Victorian and Federal governments are encouraging donations to only a few established funds so that donations of goods and money can be received and distributed quickly rather than coming in bit by bit.

- As the amount of the City's donation needs to be significant yet tempered by the Council's obligation to responsibly oversee expenditure of the City's budget, Cr Whittle suggested a "symbolic gesture" i.e., the amount of \$31,638 to represent a gold-coin donation by each resident of Bunbury - this suggestion was supported by other councillors.

The Mayor put the amendment to the vote and it was defeated 2 votes "for" to 10 votes "against".

At this point, a new amendment was moved, as follows:

Amendment: moved Cr Whittle, seconded Cr Kelly

Change the sum of money from \$5,000 to \$31,638 and insert the following words in brackets following the donation amount *"representing a gold-coin donation by each resident of Bunbury"*.

The amendment was put to the vote and carried unanimously.

Following some discussion during which it was noted that the City could further assist by providing initial capital to local community groups wanting to organise fundraising activities, a further amendment was moved, as follows:

Amendment: moved Mayor D Smith, seconded Cr Kelly

Add a point 2. which states: *"2. The City of Bunbury provide an additional sum of up to \$5,000 as seed capital to assist community groups in fundraising activities for Victorian Bushfires Appeals."*

The amendment was put to the vote and carried unanimously.

There being no further amendments, the Mayor put the motion moved Cr Craddock, seconded Cr Major (as amended) to the vote, and it was carried unanimously to become the Council's decision on this matter.

Council Decision 19/09

1. *The City of Bunbury donate the sum of \$31,638 (representing a gold-coin donation by each resident of Bunbury) to the Australian Red Cross Victorian Bushfire Appeal 2009.*
2. *The City of Bunbury provide an additional sum of up to \$5,000 as seed capital to assist community groups in fundraising activities for Victorian Bushfires Appeals.*

CARRIED

12 Votes "For" / Nil Votes "Against"

14. ITEMS TO BE NOTED (NO DISCUSSION)

There were no new items for noting.

15. CONFIDENTIAL BUSINESS AS STIPULATED UNDER SECTION 5.23(2) OF THE LOCAL GOVERNMENT ACT 1995

Nil.

16. CLOSE OF MEETING

The Mayor declared the meeting closed at 9.43pm.

CONFIRMED this day 3 March 2009 to be a true and correct record of proceedings of the Bunbury City Council Meeting held 10 February 2009.

MR DAVID SMITH
MAYOR