



24 MARCH 2009

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## GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
1:100	Ratio of 'one in one hundred'
AD	Acceptable Development
ARI	Annual Recurrence Interval
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AWARE	All West Australians Reducing Emergencies (grant funding)
BCA	Building Code of Australia
BCCI	Bunbury Chamber of Commerce & Industries
BCRAB	Bunbury Community Recreation Association Board
BEAC	Built Environment Advisory Committee
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

<b>Term</b>	<b>Explanation</b>
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

<b>Term</b>	<b>Explanation</b>
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 the Ordinary Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 24 March 2009.

### MINUTES

24 March 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 6.00pm.

#### 2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

*PRESENT*

<b>Council Committee Members</b>	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member:	Deputy Mayor, Councillor S Craddock
Members:	Councillor J Jones
	Councillor S Rooney
	Councillor B Kelly
	Councillor W Major
	Councillor H Punch
	Councillor N Whittle
	Councillor R Slater
	Councillor M Steck ( <i>arrived at 6.10pm – Item 6</i> )
	Councillor J Harrop
Councillor A Leigh	
Councillor D Spencer	
<b>Executive Management Team (Non-Voting)</b>	
Chief Executive Officer:	Mr G Trevaskis ( <i>arrived at 6.48pm – Item 11.9</i> )
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
<b>Council Officers (Non-Voting):</b>	
Manager Health:	Ms S Upton
Administration Officer Corporate Services:	Mrs M Smith
Administration Officer Corporate Services:	Ms D Ryan

*PRESENT (Continued)*

<b>Others (Non-Voting):</b>	
Members of the Public:	7
Members of the Press:	Nil

*APOLOGIES:*

Nil

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

At the Council Meeting on 3 March 2009, some questions were asked during Public Question Time that could not be answered during the meeting. A copy of the questions and the written response is printed below for public information:

**Questions Asked by Mrs Beth Kozyrski, 118 South Western Highway, Bunbury**

*Question 1: In relation to Charterhouse Close, in the Local Planning Scheme it is coloured "green". In the Greater Bunbury Region Scheme it is "brown". If the amendment is made so TPS 7 is consistent with the Greater Bunbury Region Scheme does this mean that Charterhouse Close becomes zoned "brown"?*

*Question 2: In relation to expenditure at Moorlands I asked the question 'How much money has been spent by the Council in preparing flood studies, concept plans, public consultation and forums for the proposed Moorlands Development?' The response detailed that the contract awarded to Hassell was to the value of approximately \$154,646 and then fee variations amounted to approximately \$10,219. The total expenditure was then stated as being approximately \$147,322 and I note there is no cost of expenditure for the use of Council Staff or Flood Studies"*

*When adding the figures provided, there are inconsistencies, therefore can you please advise of the total figure of all costs incurred (Contract, in-house and for the 2004 and 2006 flood studies) in relation to the Moorlands Development.*

*Question 3: In relation to my previous question on how much money has been spent by the Council on concept plans, public consultation and forums for the proposed Nenke Way Development, the answer stated that this was done in-house by Council's Strategic and Environmental Planning Team.*



*Can you please clarify how much money has been expended on these concept plans, public consultation and forums including any work undertaken in-house and by Creating Communities?*

**Response Provided by the City's Manager Development Services**

Response 1: This question has been comprehensively answered previously in a response provided to questions on notice at the Council Committee Meeting on 9 December 2008 (see answer below):

The question appears to be confusing the name of regional zones as designated under the Regional Planning Scheme as opposed to the name of local zones as designated under the Local Planning Scheme. In Bunbury's case, the Regional Planning Scheme is titled the "Greater Bunbury Region Scheme" (or "GBRS") and the Local Planning Scheme is titled the "City of Bunbury Town Planning Scheme No. 7" (or "TPS 7"). This confusion may be the cause of misunderstanding as to the way in which State and Local government's treat Public Open Space ("POS") under their respective regional and local planning schemes. In answering this question, some explanation is required in order to ensure a common level of understanding, this explanation is given below.

Public Open Space (POS) is a term that is common to land owned by the Crown (i.e. the State Government of Western Australia). Public Open Space is typically created through the process of land subdivision, whereby landowners are required to contribute around 10% of their land for the purpose of POS. This long-standing requirement is common nationally, and has been established through legislation, policy and legal precedent.

The use of POS is typically for recreational or conservational parkland purposes but may also include other public purposes and roads. What must be understood is that the Local Government Authority (in this case the City of Bunbury) does not own POS but may be a vesting authority for certain land parcels that it has maintenance responsibility for. That POS for which the Local Government does not have a primary maintenance responsibility is then either vested by a State government agency (such as the Department for Environment and Conservation, Department of Education and Training, etc), or alternately may be termed 'unallocated crown land' where no vesting authority exists over the land.

Public Open Space may be reserved under the GBRS for a range of purposes that include "Regional Open Space" ("ROS"), "Public Purposes", "Waterways", etc. Regional reservations apply only to that POS where it has a regional level of significance. That is, the purpose of the reserved land is to service the Greater Bunbury Region's population (e.g., College Grove for education and health, Hay Park for active recreation, Maidens Reserve for ecological conservation, Preston River foreshore for flood mitigation). Therefore, not all POS is shown as a designated reserve under the GBRS where it does not have a regional significance or importance.

Public Open Space is also reserved under TPS 7 for a range of purposes that are similar to that dealt with by the Region Scheme. However, the role of the Local Planning Scheme is to reserve land for only locally significant recreational, community and conservation purposes. Consequently, POS that is not regionally significant, but which has typically been created through the subdivision process for the purpose of providing local parkland within a neighbourhood is generally reserved for "Parks and Recreation" under TPS 7. Consequently locally significant POS (such as local parks) are shown as "Urban Zone" on the GBRS, which is by its nature a broad land use zoning that is intended to include the full range of local zonings and reservations that are needed for a normal urban centre to function sustainably.

It is important to note the up until December of 2007, Bunbury did not have a Region Planning Scheme hence, there has been reliance upon past and present Local Planning Schemes to reserve all POS of both regional and local significance. With the gazetting of the GBRS, Local Governments are now required to modify their respective Local Planning Schemes by replacing all local reserves with their corresponding regional reserve, as the GBRS has precedence over Local Planning Schemes such as TPS 7. This action will bring TPS 7 into compliance with the GBRS, and will correct the presumption that the City has responsibility or liability for the acquisition (compensation) or management of land included in a regional reservation.

In relation to that land generally bounded by Flynn Street and Charterhouse Close (Lot 200 on DP: 65133), which includes the St Marks Church site - the subject land is owned by the City of Bunbury, and is included in the "Parks and Recreation Reserve" under TPS 7 but is shown as "Urban Zone" under the GBRS.

The proposed scheme amendment to TPS 7 that was being considered was to rezone a relatively small portion of Lot 200 (approximately 3,000m<sup>2</sup>) adjacent to Charterhouse Close from "Parks and Recreation Reserve" to "Residential Zone" with a residential density code (R-Code) of "R30". The bulk of Lot 200 would then remain in the "Parks and Recreation Reserve". This proposed change to TPS 7 would not require any amendment to the GBRS as it can be deduced from the discussion above that the regional zoning does not need to change.

Responses 2: The information needed to respond to Question 2 has had to be sourced from different departments as follows:

- *Development Services*

Whilst the question does not define a specific time period it must be understood that the present Local Government Authority has been responsible for administering and delivering services to the Glen Iris and Moorlands area since "city status" was bestowed upon the municipality in 1958. However, it is assumed that the question relates

specifically to the Glen Iris-Moorlands Local Area Planning Project (previously termed "precinct plan"). It should also be noted that flood studies undertaken do not relate specifically to Moorlands and in fact, relate to flood studies undertaken for Flood Prone Areas generally.

In regard to your request for all costs incurred (in house) the City is unable to provide a breakdown of this costing as it has not been budgeted as a specific line item.

The contract awarded by the City to Hassell Pty Ltd in 2005 was to the value of \$154,646. The total amount of expenditure accounted for by Hassell Pty Ltd on the project was to a value of approximately \$147,322,

At the Council Meeting on 24 March 2009 the following information was provided in a memorandum to Councillors: *'Further to responses provided to Mrs Kozyrski on page 5 of tonight's meeting agenda, the Executive Manager of City Development advises that the total expenditure for work undertaken by Creating Communities Australia Pty Ltd on behalf of the City is \$2,519.00 inclusive of GST. This expenditure was for variations to the Moorlands/Glen Iris Precinct Plan in mid-2008.'*

- Engineering Services

In regard to specific figures relating to Flood Studies the total figure has not yet been finalised. A final figure will be provided as soon as possible.

Response 3: In regard to the request for all costs incurred (in house), the City is unable to provide a breakdown of this costing as it has not been budgeted as a specific line item

The contract awarded by the City to Hassell Pty Ltd in 2005 was to the value of \$154,646. The total amount of expenditure accounted for by Hassell Pty Ltd on the project was to a value of approximately \$147,322,

As stated in Response 2, the total expenditure accounted for "Creating Communities: is not available as at the time of printing the Council Meeting agenda and will be tabled for public information at the Council Meeting on 24 March 2009.

At the Council Meeting on 24 March 2009 the following information was provided in a memorandum to Councillors: *'Further to responses provided to Mrs Kozyrski on page 5 of tonight's meeting agenda, the Executive Manager of City Development advises that the total expenditure for work undertaken by Creating Communities Australia Pty Ltd on behalf of the City is \$2,519.00 inclusive of GST. This expenditure was for variations to the Moorlands/Glen Iris Precinct Plan in mid-2008.'*

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

**Mrs Beth Kozyrski, 118 South Western Highway, Bunbury**

*Question 1: My first question is in relation to the environmentally sensitive area (Environmental Protection Act 2005) shown on the Nenke Way Structure Plan.*

*On this plan the environmentally sensitive area is shown with a blue diagonal line. You will see the environmentally sensitive area starts where my lot 150 meets the river and it extends approximately 120 metres into my land. Upstream and down-stream both river banks and the river itself are deemed to be environmentally sensitive. However, the section of river that separates my lot 150 and Moorlands and the Moorlands river bank is not deemed to be environmentally sensitive.*

*What is the significant difference about that part of the river and the river bank at Moorlands as compared to the rest of the river, that deem it not to be considered environmentally sensitive?*

Response 1: The Mayor advised Mrs Kozyrski that he will take this question on notice and she will be provided with a written response.

*Question 2: The environmentally sensitive area has been applied to my property from the property boundary where it meets the river and into my lot 150 for approximately 120 metres. What is so significant about my property that it requires the environmentally sensitive area to extend some 120 metres from the river's edge into my property instead of the usual 50 metres and who was responsible for (and what criteria did they use to determine) the extent of the environmentally sensitive area on my lot 150?*

Response 2: The Mayor advised Mrs Kozyrski that he will take this question on notice and she will be provided with a written response.

*Question 3: My lot 150 is depicted on the plan with the words Regional Opens Space. When the public enter my property believing they have the right to access it as it has been shown to be regional opens space, who will be liable should an individual injure themselves upon my land? Will it be Council for promoting private property as Regional Open Space or me as the private property owner?*

Response 3: The Mayor advised Mrs Kozyrski that he will take this question on notice and she will be provided with a written response.

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

Nil.

**6. CONFIRMATION OF PREVIOUS MINUTES**

The minutes of the Council Meeting held 3 March 2009, had been circulated prior to the Meeting.

**Recommendation**

The minutes of the Council Meeting held 3 March 2009, be confirmed as a true and accurate record.

**AT THE COUNCIL MEETING**

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

Councillor Steck arrived at the meeting during discussion of this item (6.10pm).

During discussion the one vote *against* recorded for items adopted en bloc at the meeting, was queried. Accordingly, the following procedural motion was moved Cr Jones, seconded Cr Leigh to become the Council decision on this matter.

**Council Decision 41/09**

*The confirmation of the minutes of the Council Meeting held 3 March 2009 'Lie of the Table'.*

**CARRIED**

**13 Votes "For" / Nil Votes "Against"**

**7. DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995**

Cr Craddock disclosed an impartiality interest in the item titled '*Friendship Agreement - Visit to City of Jiaxing (China) by City of Bunbury Delegation (May 2009)*' as he has been nominated as a delegate for the visit.

Cr Rooney disclosed an impartiality interest in the item titled '*Extended Trading Permit Application (Section 60) - Sanctuary Tavern, 105 Old Coast Road, Pelican Point*' as he is on the TAFE Governing Board together with one of the Directors of the proponent's company.

Later during the meeting the following disclosure was made:

Cr Steck disclosed an impartiality interest in the item titled '*Proposed Acquisition of Lot 360 Hawkins Street Owned by J & A Goyder to Permit Unrestricted Access to Storm Water Drainage System Basin on Reserve 31533 (Lot 923) Picton Road, Bunbury*' as she knows the owner of the neighbouring block personally.

**8. ANNOUNCEMENTS BY THE MAYOR (WITHOUT DISCUSSION)**

Nil

**9. CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS**

Nil

**10. RECEPTION OF FORMAL PETITIONS AND MEMORIALS**

Nil

**11. RECEPTION OF REPORTS AND RECOMMENDATIONS FROM THE COUNCIL  
(STANDING) COMMITTEE MEETING HELD 17 MARCH 2009**

At this point in proceedings, the Council adopted *en bloc* committee recommendations listed under items 11.6, 11.7, 11.8, 11.9, 11.10, 11.12, 11.13 and 11.14 of the meeting agenda (as permitted under the City's Standing Orders).

Items 11.1, 11.2, 11.3, 11.4, 11.5 and 11.11 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 CITY OF BUNBURY EISTEDDFORD (2009) - FUNDING FOR JAZZ COMPONENT**  
*(WAS LISTED AS ITEM 11.6 IN THE MEETING AGENDA)*

<b>File Ref:</b>	A00374
<b>Applicant/Proponent:</b>	City Promotions Committee
<b>Author:</b>	Nardine Walford-Jones, Events Officer
<b>Executive:</b>	Domenic Marzano, Executive Manager City Life

**Summary**

The City Promotions Committee met on 16 February 2009 and agreed to recommend to Council that \$5,000 from the Bunbury International Jazz Festival budget be re-directed to the City of Bunbury Eisteddford, to facilitate the introduction of a jazz component to the 2009 Eisteddford event program.

**Background**

In 2008 the City of Bunbury Eisteddford celebrated its 50 Year Anniversary. At this time the Eisteddford Committee resolved to approach the City of Bunbury with a request for funding to facilitate a 'jazz and blues' music focus for the 2009 Eisteddford. The Committee has proposed ideas including a 'Battle of the Bands' event, a day of jazz-related performances, workshops and concerts. The Committee is particularly interested in conducting a reunion jazz ensemble which would see local jazz musicians who have left Bunbury and the South West to study jazz music, coming back to Bunbury to perform and run workshops for other aspiring jazz musicians.

The City of Bunbury Eisteddford Committee wrote to the Mayor and councillors in January 2009 to express its disappointment that the Bunbury International Jazz Festival was to be discontinued as it believes there has been significant growth in the interest in jazz music over the past few years, and that the Bunbury community would support a jazz music concert or event into the future. The Eisteddford Committee has requested that Council provide support for the continued development of jazz music and jazz musicians in Bunbury.

In response to this request, the City Promotions Committee has recommended to Council that \$5,000 from the Bunbury International Jazz Festival budget be re-directed to the City of Bunbury Eisteddford, to facilitate the introduction of a jazz component to the Eisteddford's 2009 event program.

**Strategic and/or Regional Outcomes**

The recommendation put forward by the City Promotions Committee links to the City of Bunbury Strategic Plan, in particular Strategy 6.1 – To celebrate and reinforce a positive sense of community by initiating cultural and community events in partnership.

**Community Consultation**

Not applicable



### **Councillor/Officer Consultation**

Consultation has occurred with councillors and City of Bunbury members of staff involved in the City Promotions Committee.

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

Expenditure of \$121,869.13, including a City of Bunbury contribution of \$67,869 was approved by Council to conduct the Bunbury International Jazz Festival in 2009.

At the Council Meeting on 16 December 2008, Council approved the City Promotions Committee's recommendation to develop a new events strategy, stage 1 of which is to conduct community consultation workshops. Sufficient funds are to be allocated from the Bunbury International Jazz Festival 2008-09 budget to this exercise. The estimated expenditure to conduct community consultation workshops is \$10,230.

Additional funds already expended from the Bunbury International Jazz Festival 2008-09 budget total \$4,264.50 (this includes items such as press advertising, hotel accommodation, talent fees and union fees from invoices received in the 2008-09 financial year).

The balance of the Bunbury International Jazz Festival 2008-09 budget therefore is \$53,374.50.

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

This proposal provides an opportunity to continue to foster performance and concert events for the Bunbury jazz community.

### **Council Policy Compliance**

There is no Council policy applicable to the proposal.

### **Legislative Compliance**

Section 6.8 of the Local Government Act 1995 requires any expenditure from the municipal fund for an additional purpose to be considered and passed by an absolute majority vote of the Council.

### **Delegation of Authority**

The Chief Executive Officer does not have delegated authority in this matter.

### **Relevant Precedents**

Not applicable.

## **Options**

### Option 1

Per the recommendation listed in this report.

### Option 2

Not to re-direct \$5,000 from the Bunbury International Jazz Festival Budget to the City of Bunbury Eisteddford, to facilitate the introduction of a jazz component to the 2009 Eisteddford event program.

## **Conclusion**

The recommendation from the City Promotions Committee provides support for the continued development of jazz music and jazz musicians in Bunbury, without the financial resources required to conduct the Bunbury International Jazz Festival.

## **Recommendation**

Council to re-direct the sum of \$5,000 from the Bunbury International Jazz Festival Budget allocation in the Annual Budget 2008/09 to the City of Bunbury Eisteddford, to facilitate the introduction of a jazz component to the 2009 Eisteddford event program.

## **Outcome of the Council Committee Meeting - 17 March 2009**

The recommendation (as printed) was put to the vote and adopted to become the Committee's recommendation on this issue.

## **Committee Recommendation**

Council to re-direct the sum of \$5,000 from the Bunbury International Jazz Festival Budget allocation in the Annual Budget 2008/09 to the City of Bunbury Eisteddford, to facilitate the introduction of a jazz component to the 2009 Eisteddford event program.

## **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 42/09**

*Council to re-direct the sum of \$5,000 from the Bunbury International Jazz Festival Budget allocation in the Annual Budget 2008/09 to the City of Bunbury Eisteddford, to facilitate the introduction of a jazz component to the 2009 Eisteddford event program.*

**CARRIED**

**13 Votes "For" / Nil Votes "Against"**

**Absolute Majority Vote Obtained**

**11.2 PROPOSAL TO APPOINT CITY OF BUNBURY STRATEGIC PLAN REVIEW COMMITTEE** *(WAS LISTED AS ITEM 11.7 IN THE MEETING AGENDA)*

<b>File Ref:</b>	A00362
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jack Dyson, Senior Administration Officer
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

**Summary**

The City of Bunbury Strategic Plan 2007-2012 is due for review. It is proposed to appoint a Council committee to oversee the review process and identify amendments or modifications required to extend the life of the current plan.

**Background**

The City of Bunbury adopted its Strategic Plan 2007-2012 on 6 March 2007. The plan was developed by building on the challenges and opportunities identified in the previous Strategic Plan 2001/2006. The plan continues to enhance the previous strategic achievements and sits over a range of other City programs and service delivery plans that have been (and are) continually undertaken and reviewed in consultation with the community.

The current Strategic Plan is based around six (6) strategic objectives, being:

1. Improve the relationships with the state, federal and other local governments.
2. Strengthen the City of Bunbury's governance and leadership.
3. Deliver major capital projects on time and on budget.
4. Implement City Vision
5. Promote ecological sustainable development of the City's built and natural environment
6. Develop social capital.

Under the provisions of clause 19C(4) of the *Local Government (Administration) Regulations 1996*, a local government is to review its current plan every 2 years. It is proposed that the Council appoint a Strategic Plan Review Committee to coordinate this review process.

The process as identified in the Act and Regulations is as follows:

- A Plan for the Future is to be made for the district in respect of the period specified (being at least 2 years)

- The plan is to set out the broad objectives of the Local Government for the period specified in the plan
- The plan is to be reviewed every two (2) years and may be modified or extended to cover the period for which the revised plan is made.
- Council is to consider the plan or any modification and determine whether or not to adopt the plan or modification.
- If the plan is adopted then it is to apply to the district for the period specified.
- The Local Government is to ensure that the Electors and Ratepayers of its district are consulted during the development of the plan and when preparing any modifications thereto.
- The plan is to contain a description of any involvement by its electors/ratepayers in its development or any modification thereto.

Accordingly, the Terms of Reference for the proposed City of Bunbury Strategic Plan Review Committee, should be:

1. To coordinate the review of the Corporate Strategic Plan for referral to Council.
2. To ensure the plan outlines the broad objectives of the City of Bunbury for the life of the plan.
3. To oversee the required public consultation process.
4. To ensure that the review is completed by June 2009.

It is proposed that the committee expire on (disband) upon completion of the review and adoption of the revised plan.

### **Strategic and/or Regional Outcomes**

The City's Strategic Plan 2007-2012 states that the City's vision is: *"To enhance our community's pride in our City by demonstrating the pursuit of excellence by our leadership, advocacy, service delivery and facilities."*

### **Community Consultation**

It is a requirement of the Strategic Plan review process that community consultation and input be considered when developing future directions for the City.

The outcomes of community consultation and input need to be included and reported on in the revised plan.

### **Councillor/Officer Consultation**

Councillors were advised of this proposal at the briefing session conducted Tuesday, 10 March 2009.

Managers and staff are aware that a review is required and preliminary internal reviews have commenced.

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

The activities and objectives of advisory committees or project control groups generally correlate with the City's annual budget or annual programme of works. A review of the Strategic Plan was scheduled in this year's administrative functions and the formation of a committee to oversee the review process will not have an effect (adverse or otherwise) on the current Council budget.

Together the Strategic Plan and Council's Five (5) Year Finance Plan form the City's "*Plan for the Future*" - a requirement of the Local Government Act 1995. It is anticipated that the review process for the Strategic Plan will identify major projects and concept plans that will shape the future budgets of Council.

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

The terms of reference of this committee (when determined) will better identify any potential impacts on economic, social, environmental or heritage issues.

### **Council Policy Compliance**

The "Terms of Reference" for advisory committees or project control groups appointed by the Council do not contravene established Council policies.

Policy CEO7 (adopted by Council on 27 November 2007) sets out guidelines for establishment and operation of advisory committees.

### **Legislative Compliance**

Section 5.8 of the Local Government Act 1995 permits the Council to establish committees of three (3) or more people to assist it in discharging its duties. Such appointments are to be by an absolute majority vote.

Section 5.9(2) indicates that an advisory committee of the Council may comprise council members only, officers only, community members only or a combination of any of these.

Tenure of committee membership is as specified in Section 5.11 of the Local Government Act 1995.

### **Delegation of Authority**

Not applicable - the Chief Executive Officer has not been delegated the authority to appoint committees of council.

### **Relevant Precedents**

The Council regularly reviews its various committees.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

Per the recommendation listed in this report (with amendments as stated by members at the meeting)

#### Option 3

The proposed Strategic Plan Review Committee NOT be appointed at this time.

### **Recommendation**

Council appoints the City of Bunbury Strategic Plan Review Committee with the following membership and terms of reference:

1. Membership *(provided as a 'guide' only - the actual number of councillors and membership composition to be determined by Council at the meeting)*
  - 1.1 Cr \_\_\_\_\_
  - 1.2 Cr \_\_\_\_\_
  - 1.3 Cr \_\_\_\_\_
  - 1.4 Chief Executive Officer
  - 1.5 Executive Managers
2. Terms of Reference
  - 2.1 To coordinate the review of the Corporate Strategic Plan for referral to Council.

- 2.2 To ensure the plan outlines the broad objectives of the City of Bunbury for the life of the plan.
- 2.3 To oversee the required public consultation processes; and
- 2.4 To ensure that the review is completed by June 2009.

**Outcome of the Council Committee Meeting - 17 March 2009**

The printed recommendation (with the word "Corporate" deleted from point 2.1) was put to the vote and adopted to become the Committee's recommendation on this issue.

**Committee Recommendation**

Council appoints the City of Bunbury Strategic Plan Review Committee with the following membership and terms of reference:

- 1. Membership
  - 1.1 Mayor D Smith
  - 1.2 Cr Harrop
  - 1.3 Cr Slater
  - 1.4 Cr Spencer
  - 1.5 Chief Executive Officer
  - 1.6 Executive Managers
- 2. Terms of Reference
  - 2.1 To coordinate the review of the Strategic Plan for referral to Council.
  - 2.2 To ensure the plan outlines the broad objectives of the City of Bunbury for the life of the plan.
  - 2.3 To oversee the required public consultation processes.
  - 2.4 To ensure that the review is completed by June 2009.

**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 43/09**

*Council appoints the City of Bunbury Strategic Plan Review Committee with the following membership and terms of reference:*

*1. Membership*

- 1.1 Mayor D Smith*
- 1.2 Cr Harrop*
- 1.3 Cr Slater*
- 1.4 Cr Spencer*
- 1.5 Chief Executive Officer*
- 1.6 Executive Managers*

*2. Terms of Reference*

- 2.1 To coordinate the review of the Strategic Plan for referral to Council.*
- 2.2 To ensure the plan outlines the broad objectives of the City of Bunbury for the life of the plan.*
- 2.3 To oversee the required public consultation processes.*
- 2.4 To ensure that the review is completed by June 2009.*

**CARRIED**

**13 Votes "For" / Nil Votes "Against"**  
**Absolute Majority Vote Obtained.**

**11.3 PROPOSED LOCAL PLANNING POLICY - MINOR STRUCTURES (INCLUDING OUTBUILDINGS)** (WAS LISTED AS ITEM 11.8 IN THE MEETING AGENDA)

<b>File Ref:</b>	A03657
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Ann-Kristin Jank, Planning Officer
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

It is considered appropriate that a new Local Planning Policy ("LPP") be formulated to preserve and enhance the amenity of residential areas and to limit the visual impact of minor structures (including outbuildings) by controlling building bulk, size and height, and; ensuring that the performance criteria of the Residential Design Codes ("R-Codes") are appropriately addressed. This new LPP needs to provide clear criteria for the assessment of applications for minor structures (including outbuildings) and to improve customer service standards through the timely processing of such applications.

A proposed LPP has been designed to ensure that minor structures are appropriately located on residential properties and to provide a maximum area, wall height and ridge height for outbuildings which may be acceptable under performance criteria in the R-Codes. It will be released for public consultation for a period of 21 days in accordance with Clause 2.3 of the City's Town Planning Scheme No. 7 (TPS 7).

A copy of the proposed Local Planning Policy is **attached** at Appendix 3.

**Background**

In recent times, a growing number of applications for oversized outbuildings have been received by the City. Due to a wide ranging interpretation of the relevant performance criteria in the R-Codes, there is uncertainty in relation to the maximum size and height of outbuildings and the visual impact of bulk and materials. The City is of the view that there is a need to formulate a LPP to better guide future decision-making at officer level. The adoption of a LPP will provide to the community and Council staff clear guidelines in considering this issue in the future.

The City has been forced on at least in two cases recently to defend its refusal of oversized outbuildings through the State Administrative Tribunal ("SAT") process.

The proposal is to introduce a new LPP titled "*Minor Structures (including Outbuildings)*". The proposed LPP will be advertised in accordance with Clause 2.3 of TPS 7 prior to adoption by Council as a Local Planning Policy.

The intention of this new policy is to provide clear guidance to land owners, developers and the community at large in respect of structures that are not attached to a dwelling with a view to preserving and enhancing the amenity of residential areas and to minimize the visual impact of minor structures (including outbuildings).

The LPP embodies the following objectives:

- To ensure that the performance criteria in the Residential Design Codes are appropriately addressed.
- To ensure that minor structures (including outbuildings) are appropriately located on residential premises.
- To preserve and enhance the amenity of the area and to limit the visual impact of minor structures (including outbuildings) by controlling building bulk (size and height).
- To ensure that materials used, and the design of minor structures (including outbuildings) are of an acceptable standard.
- To improve customer service standards through the timely processing of applications for minor structures (including outbuildings).

Clause 10.2 of TPS 7 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 Clause 10.2.1(o) of TPS 7 has a 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 all outbuildings, sheds, garages, carports and patios that are not attached to a dwelling on residential properties.

The proposed LPP will empower Council to limit the size and height of outbuildings depending on the lot size and require that materials used for minor structures are of an acceptable standard and match the existing dwelling when visible from the street.

The policy will also allow for a flexible approach in considering proposals subject to demonstration that the proposal meets the objectives of the policy.

### **Strategic Outcomes**

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

The recommendation has had regard to the City's 2007-2012 Strategic Plan.

### **Community Consultation**

The proposed LPP will be advertised for public comment in accordance with Clause 2.3 of TPS 7.

### **Councillor/Officer Consultation**

The matter has been discussed within officers of 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 and environmental issues have been identified. It is considered that the proposed LPP will minimise the impact on the amenity of residential areas and therefore reduce social incompatibility. There are no significant heritage issues that would arise as a result of the proposed LPP (heritage matters will be dealt through applicable LPPs as required).

### **Council Policy Compliance**

This is a proposed new Local Planning Policy which is required to be advertised for public comment in accordance with Clause 2.3 of TPS 7.

### **Legislative Compliance**

The proposal is in line with TPS 7 requirements applicable to Local Planning Policy matters.

### **Delegation of Authority**

Adoption of a Local Planning Policy needs to be by a decision of the Council.

### **Relevant Precedents**

There are no known precedents in this case.

### **Options**

#### *Option 1*

Per the recommendation listed in this report.

Option 2

Council resolves NOT to proceed with the draft Local Planning Policy titled "*Minor Structures (including Outbuildings)*".

**Conclusion**

The proposed Local Planning Policy provides supplementary development control mechanisms for the consideration of any structure which is not attached to a dwelling that may detract from the streetscape or the visual amenity of residential areas of the City.

**Recommendation**

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

1. Advertise the draft Local Planning Policy titled "Minor Structures (including Outbuildings)" for public comment for a period of 21 days in accordance with Clause 2.3 of Town Planning Scheme No.7.
2. Subject to no objections being received, Council adopts the policy without further modification.

**Outcome of the Council Committee Meeting - 17 March 2009**

An alternative to the printed recommendation was adopted to become the committee's recommendation.

**Committee Recommendation**

The draft Local Planning Policy titled "Minor Structures (including Outbuildings)" be deferred until the next meeting of the Council Committee.

**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 44/09**

*The draft Local Planning Policy titled "Minor Structures (including Outbuildings)" be deferred until the next meeting of the Council Committee.*

**CARRIED**

**13 Votes "For" / Nil Votes "Against"**  
**Absolute Majority Vote Obtained**

**11.4 MARCH 2009 BUDGET REVIEW** *(WAS LISTED AS ITEM 11.9 IN THE MEETING AGENDA)*

<b>File Ref:</b>	A00284
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Harrison, Assistant Accountant
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

**Summary**

Council adopted the 2008/09 Budget on 5 August 2008 (total budget of \$65.6M comprising \$25.5M capital works, \$2.1M debt reduction and \$38M in operating expenditure).

The City of Bunbury reviews its annual budget in December and March each year. The reviews are comprehensive and identify additional expenditures (where unavoidable) and additional income and/or expenditure savings to offset funding requirements.

This budget review maintains the 2008/2009 budget in a balanced position.

**Background**

The draft March Budget Review identifies expenditure of \$577,966 for general works, variations and new projects which includes an amount brought forward of \$5,000 from the December 2008 Budget Review. Funding of \$577,966 inclusive of reduction in expenditures, adjustment of grant funding, additional revenue and reserve funding; has been identified in this review to maintain a balanced budget.

A copy of the draft March 2009 Budget Review has been issued to members **under separate cover**.

**Strategic and/or Regional Outcomes**

The proposal complies with the City's Strategic Plan 2007-2012 in providing efficient financial management and accounting services to all strategic directions for the City of Bunbury.

**Community Consultation**

It was not necessary to undertake community consultation with respect to this Budget Review.

**Councillor/Officer Consultation**

Executives, managers and officers with budget responsibility are consulted in the preparation of the Budget Review. Councillors were given an overview of the draft Budget Review at the Councillor Briefing Session held on Tuesday, 10 March 2009.

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

Budget reviews assist in (and form part of) the financial management processes within the City of Bunbury. The scope of financial management is to ensure a sufficient cash supply is available to meet expenditure demand. Council's Executive Management together with Corporate Services staff monitor the City's monthly revenue and expenditure activities and (as required) refer any variances requiring remedial action to the Council.

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

### **Council Policy Compliance**

The proposal does not contravene any Council Policies or Work Procedures.

### **Legislative Compliance**

The recommendation complies with Section 6.8 of the *Local Government Act 1995*. An Absolute Majority Vote by Council will be required.

### **Delegation of Authority**

The Chief Executive Officer does not have the delegated authority of the Council to adopt Budget Reviews.

### **Relevant Precedents**

Council reviews its Budget in December and March each year.

### **Options**

#### Option 1

Adopt the March 2009 Budget Review for the City of Bunbury.

#### Option 2

Adopt the March 2009 Budget Review for the City of Bunbury with amendments (as specified by the Council).

### **Recommendation**

Council adopts the March 2009 Budget Review.

**Outcome of the Council Committee Meeting - 17 March 2009**

In response to a question, the Executive Manager City Life clarified the reasons behind the rejection of a funding application (\$5,000) for a proposed fundraising concert at the Bunbury Regional Entertainment Centre. It was noted that the City donated this money direct to the fund for the Victorian Bushfire Appeal instead.

The recommendation (as printed) was adopted to become the Committee's recommendation on this issue.

**Committee Recommendation**

Council adopts the March 2009 Budget Review.

**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 45/09**

*Council adopts the March 2009 Budget Review.*

**CARRIED**

**13 Votes "For" / Nil Votes "Against"**

**Absolute Majority Vote Obtained**



**11.5 FINANCIAL STATEMENTS - FEBRUARY 2009** (WAS LISTED AS ITEM 11.10 IN THE MEETING AGENDA)

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

**Summary/Background**

Financial Statements for the period 1 to 28 February 2009, are **attached** at Appendix 4. 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
- Receivables
- Other Financial Assets
- Trade and Other Payables
- Payables
- Provisions
- Trust Funds
- Explanations to Significant Variations to Income Statement
- Capital Expenditure
- Key Operating Expenditure & Income
- Loan Funds
- Reserve Funds
- Bunbury Timber Jetty
- Investment Funds

**Recommendation**

The Financial Statements for the month of February 2009, be received.

**Outcome of the Council Committee Meeting - 17 March 2009**

The recommendation (as printed) was adopted to become the Committee's recommendation on this issue.

**Committee Recommendation**

The Financial Statements for the month of February 2009, be received.

**AT THE COUNCIL MEETING**

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

**Council Decision 46/09**

*The Financial Statements for the month of February 2009, be received.*

**CARRIED**

**13 Votes "For" / Nil Votes "Against"**

**11.6 ADVISORY COMMITTEE AND/OR PROJECT CONTROL GROUP MINUTES NOTED AT THE COUNCIL COMMITTEE MEETING ON 17 MARCH 2009** *(WAS LISTED AS ITEM 11.12 IN THE MEETING AGENDA)*

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	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 - Airport Advisory Committee (12/02/2009)  
Author: Nigel Archibald, Airport Reporting Officer  
File: F00080
2. Title: Minutes – Big Swamp Wildlife Park Steering Committee (9/02/2009)  
Author: Grant Bilton, Senior Technical Officer (Parks & Urban Design)  
File: A00143

**Outcome of the Council Committee Meeting - 17 March 2009**

The recommendation (as printed) was adopted 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 - Airport Advisory Committee (12/02/2009)  
Author: Nigel Archibald, Airport Reporting Officer  
File: F00080
2. Title: Minutes – Big Swamp Wildlife Park Steering Committee (9/02/2009)  
Author: Grant Bilton, Senior Technical Officer (Parks & Urban Design)  
File: A00143

**AT THE COUNCIL MEETING**

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

**Council Decision 47/09**

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

1. Title: *Minutes - Airport Advisory Committee (12/02/2009)*  
Author: *Nigel Archibald, Airport Reporting Officer*  
File: *F00080*
2. Title: *Minutes – Big Swamp Wildlife Park Steering Committee (9/02/2009)*  
Author: *Grant Bilton, Senior Technical Officer (Parks & Urban Design)*  
File: *A00143*

**CARRIED**

**13 Votes "For" / Nil Votes "Against"**

**11.7 TREE REPLACEMENT PROGRAM (TREE STREET, BUNBURY) (WAS LISTED AS ITEM 11.13 IN THE MEETING AGENDA)**

<b>File Ref:</b>	R00558
<b>Applicant/Proponent:</b>	Councillor Noel Whittle
<b>Author:</b>	Councillor Noel Whittle
<b>Executive:</b>	<i>If adopted by Council refer to:</i> Michael Scott Executive Manager City Services

No report provided - this was an item of "urgent business" brought forward by Cr Whittle.

**Outcome of the Council Committee Meeting - 17 March 2009**

Following some discussion concerning the Tree Replacement Program for the Tree Street Precinct, the following motion was adopted to become the committee's recommendation:

**Committee Recommendation**

Council Officers to contact Tree Street Precinct residents (by mail) asking for expressions of interest in forming a "Residents' Focus Group" in respect of the Tree Replacement Program.

**AT THE COUNCIL MEETING**

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

**Council Decision 48/09**

*Council Officers to contact Tree Street Precinct residents (by mail) asking for expressions of interest in forming a "Residents' Focus Group" in respect of the Tree Replacement Program.*

**CARRIED**

**13 Votes "For" / Nil Votes "Against"**

**11.8 ITEMS NOTED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING ON 17 MARCH 2009** *(WAS LISTED AS ITEM 11.14 IN THE MEETING AGENDA)*

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various

Committee Members to refer to the report 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 1 to 28 February 2009  
Author: David Ransom, City Accountant  
File: A00083
2. Title: Development & Subdivision Applications Approved November 2008 to January 2009 & Building Applications Approved February 2009  
Author: Gary Fitzgerald, Manager Development Services  
File: A00566

**Outcome of the Council Committee Meeting - 17 March 2009**

The recommendation (as printed) was adopted 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:

1. Title: Schedule of Accounts Paid 1 to 28 February 2009  
Author: David Ransom, City Accountant  
File: A00083
2. Title: Development & Subdivision Applications Approved November 2008 to January 2009 & Building Applications Approved February 2009  
Author: Gary Fitzgerald, Manager Development Services  
File: A00566

**AT THE COUNCIL MEETING**

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

**Council Decision 49/09**

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

1. *Title: Schedule of Accounts Paid 1 to 28 February 2009*  
*Author: David Ransom, City Accountant*  
*File: A00083*
  
2. *Title: Development & Subdivision Applications Approved November 2008 to January 2009 & Building Applications Approved February 2009*  
*Author: Gary Fitzgerald, Manager Development Services*  
*File: A00566*

**CARRIED**

**13 Votes "For" / Nil Votes "Against"**

**11.9 EXTENDED TRADING PERMIT APPLICATION (SECTION 60) - SANCTUARY TAVERN, 105 OLD COAST ROAD, PELICAN POINT** *(WAS LISTED AS ITEM 11.1 IN THE MEETING AGENDA)*

<b>File Ref:</b>	P11724
<b>Applicant/Proponent:</b>	Southern Golf Pty Ltd (t/as The Sanctuary Tavern) - <i>refer to the "Confidential Report" for names of company directors</i>
<b>Author:</b>	Sarah Upton, Manager Health
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

### **Summary**

An application has been received from the Department of Racing, Gaming and Liquor seeking any objections or intervention for an Extended Trading Permit (ongoing hours and extended area) for The Sanctuary Tavern located at 105 Old Coast Road, Pelican Point.

The hours of extension sought are Thursday to Saturday from 12.00 midnight until 1.00am the following day and Sunday from 10.00pm to 12.00 midnight. This extension of hours is for pre-booked functions only.

The application for "extended area" is for liquor to be available for purchase from two mobile golf carts within the grounds of the golf course to members of the public using the golf course. The proposed hours of operation for this are Monday to Saturday 9.00am to 7.00pm and Sunday 10.00am to 7.00pm.

The Manager Health and Executive Manager City Development have delegated authority to approve extended trading permits. As this proposal is a new application, Work Procedure 16.8 "Liquor Licensing" requires that the application be referred to Council for determination after being considered by the Bunbury Alcohol Accord Committee for comment.

### **Background**

Delegation 1.5 "Liquor Licensing Extended Trading Permits" in the City of Bunbury Delegations Register adopted 3 July 2007 (Decision No. 130/07) grants the Manager Health and Executive Manager City Development authority to approve applications except in the case of a first time request for an Extended Trading Permit ("ETP"). The Sanctuary Tavern has previously applied for a number of one-off ETPs (hours and area) but this is the first occasion that an application has been received for an ongoing extension in hours and area for the premises.



The City has previously granted one-off extended trading permits to the Sanctuary Tavern to extend hours for functions and to extend the licensed area for events such as the "Day on the Green" and corporate golfing days. The City has received two noise complaints relating to music noise from these premises, the last complaint occurred in January 2007. Management of the venue was cooperative on both occasions and quickly addressed the issue. No further noise complaints have been received. The City's Environmental Health Services Section is not aware of any other issues under the provisions of the *Health Act 1911* and subsidiary regulations occurring with the operation of the premises during the hours or in the areas of extended trade.

The premises are located in close proximity to the border with the Shire of Dardanup. The Manager Health Services at the Shire of Dardanup has advised that the Shire has no objection to the ETP application for extended hours and has not received any complaints in relation to the venue. The premises are not located in the Bunbury Central Business District ("CBD") area where (currently) the majority of anti-social behaviour and social disruption occurs around licensed venues.

The Department of Racing, Gaming and Liquor has advised that, if the application is approved, a permit will be issued for a five year period. At the conclusion of this period, the premises will be required to re-apply for the ETP and the application will again be referred to the City for comment.

### **Strategic and/or Regional Outcomes**

Provision for the development of a Community Safety and Crime Prevention Plan was included in the City's 2007-2012 Strategic Plan. The plan highlighted the need for the development of a Bunbury Alcohol Accord Committee ("BAAC") which has been achieved. The aim of the Bunbury Alcohol Accord is to contribute to a reduction in crime, violence, anti-social behaviour and other significant impacts associated with the consumption of alcohol in Bunbury. Council has indicated its preference for all new liquor licensing applications to be reviewed by the BAAC prior to being presented to Council for determination.

### **Community Consultation**

The Department of Racing, Gaming and Liquor requires the applicant to publicly advertise the lodgement of the application for fourteen (14) days, submit a public interest assessment (copy circulated as a **report under separate cover**), undertake a letter drop to residents and businesses within a 200 metre radius of the premises giving notice of the application and the intended manner of trade, and serve notice of the application and intended manner of trade on all: schools and educational institutions; hospitals; hospices; aged care facilities; any drug and alcohol treatment centres; any short term accommodation or refuges for young people; child care centres; churches; any local government authority; and any local police stations, which may be situated in the specified locality of the proposed premises.

The application has been referred to the Bunbury Alcohol Accord Committee, the South West Population Health Unit and the Police Service for comment. The following responses have been received:

1. The South West Population Health Unit has concerns in relation to combining sporting activity with alcohol consumption.
2. The South West Population Health Unit considers there is a lack of public transport options to and from the Sanctuary Tavern, possibly leading to increased likelihood of patrons driving whilst under the influence of alcohol.
3. South West Population Health Unit advises that a study conducted by Chikritzhs and Stockwell (2002) on extended trading hours until 1.00am (mainly on weekends) showed evidence that as trading hours increased so too did the levels of violence. South West data relating to assaults shows that the number of assaults occurring within the Bunbury Health District has increased with the number of increased extended trading hours permit approvals.
4. BAAC advises that the application does not support the overall aim of the Bunbury Alcohol Accord to reduce the availability of alcohol and hence alcohol-related issues within the City of Bunbury.
5. The Police Service advises it has no objection to the application.

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

This matter has been reviewed by the City's Development Coordination Unit consisting of staff members from the City's Engineering, Planning, Building, Health and Parks Divisions.

#### **Development Services Comments**

The Sanctuary Golf Resort site is zoned "Special Use No. 34" Under Town Planning Scheme No. 7 ("TPS 7"). In accordance with the current Scheme, the land uses permitted on the site are as follows:

- Clubhouse
- Golf Merchandise Retail Sales
- Motel/Short Stay accommodation
- Convention Centre
- Restaurant

It is noted that a tavern has been operational within the resort complex since 1994 as licensed by the Department of Racing, Gaming and Liquor. The City has no records (Planning Approval) in respect of tavern use on the subject land. However, the Development Services Section is of the opinion that the tavern can continue to operate on-site as an incidental use but with the scale of operation consistent with the current practice. It is therefore suggested

that Council acknowledge the existence of the tavern within the resort complex as an incidental use but limit the sale of packaged liquor which otherwise can be permitted for Tavern Licence holders. In accordance with the *Liquor Licensing Act 1988*, trading conditions for Tavern reads as follows: “*A tavern authorises the sale of liquor for consumption on the premises and as packaged liquor during the permitted trading hours (note: the licensee of a tavern may choose not to sell packaged liquor).*”

It is suggested that Council support the proposed Extended Trading Permit subject to no sale of packaged liquor on premises at all times.

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

There are no known adverse financial and budget implications in relation to this application.

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

The extension of hours for pre-booked functions will fulfil a public demand for the provision of a venue that can provide extended hours for functions. However, consideration also needs to be given to the well documented negative social impacts of alcohol on the community.

### **Council Policy Compliance**

Work Procedure 16.8 "Liquor Licensing" requires new applications for Extended Trading Permits to be referred to Council for determination.

### **Legislative Compliance**

Legislative requirements relating to the *Local Government Act 1995* and any other Act, Local Law or Regulation have been complied with in the process leading up to the finalisation of this report.

### **Delegation of Authority**

There is no delegated authority to approve a new application for an Extended Trading Permit.

### **Relevant Precedents**

Other licensed premises within the City of Bunbury (e.g. Trafalgar's Hotel, Fitzgerald's Irish Bar) have been granted ongoing ETPs for extended hours with no objection being made by Council.

### **Options**

#### Option 1

Per the recommendation listed in this report.

Option 2

*PART A - Application for Ongoing Extension of Hours*

In relation to an application for an Extended Trading Permit lodged by The Sanctuary Tavern

1. Council objects to the application for an Extended Trading Permit for ongoing extension of hours Thursdays to Saturdays (additional hour i.e., 12.00 midnight to 1.00am the following day) and Sundays (10.00pm to 12.00 midnight) for pre-booked functions at the Sanctuary Golf Resort only.
2. The City's Manager of Health is authorised to write to the Department of Racing, Gaming & Liquor advising of the Bunbury City Council's objection per Point 1. above and the grounds for the objection.

*PART B - Application for "Extended Area"*

1. Council supports the application for an Extended Trading Permit for an "extended area" for liquor to be available for purchase from two mobile golf carts within the grounds of the Sanctuary Golf Course to members of the public using the golf course Mondays to Saturdays (9.00am to 7.00pm) and Sundays (10.00am to 7.00pm).
2. The City's Manager of Health is authorised to write to the Department of Racing, Gaming and Liquor advising that the Bunbury City Council has no objection to the application per point 1. above, subject to the following:
  - 2.1 Compliance with the Environmental Protection (Noise) Regulations 1997.
  - 2.2 Compliance with the Health (Food Hygiene) Regulations 1993.
  - 2.3 Sale of packaged liquor is not to occur from the premises.

Option 3

1. Council objects to the application for an Extending Trading Permit for ongoing extension of hours Thursdays to Saturdays (additional hour i.e., 12.00 midnight to 1.00am the following day) and Sundays (10.00pm to 12.00 midnight) for pre-booked functions at the Sanctuary Golf Resort.
2. Council objects to the application for an Extended Trading Permit ("Extended Area") for liquor to be available for purchase from two mobile golf carts within the grounds of the Sanctuary Golf Course to members of the public using the golf course, Monday to Saturday 9.00am to 7.00pm and Sunday 10.00am to 7.00pm;
3. The City's Manager of Health is authorised to write to the Department of Racing, Gaming and Liquor advising of Council's objection to the Extended Trading Permit applications and the Bunbury City Council's grounds for objection.

Option 4

1. Council supports the application for an Extended Trading Permit for ongoing extension of hours Thursdays to Saturdays from 12.00 midnight until 1.00am the following day, and, Sundays from 10.00pm to 12.00 midnight for pre-booked functions only.
2. Council supports the application for an Extended Trading Permit ("extended area") for liquor to be available for purchase from two mobile golf carts within the grounds of the Sanctuary Golf Course to members of the public using the golf course, Mondays to Saturdays 9.00am to 7.00pm and Sundays 10.00am to 7.00pm;
3. The City's Manager of Health to write to the Department of Racing, Gaming and Liquor advising that the City of Bunbury has no objection to the applications for Extended Trading per points 1. and 2. above, subject to the following:
  - 3.1 Compliance with the Environmental Protection (Noise) Regulations 1997
  - 3.2 Compliance with the Health (Public Buildings) Regulations 1992
  - 3.3 Number of patrons is not to exceed the maximum accommodation number as stipulated in the Certificate of Approval issued in accordance with the Health (Public Buildings) Regulations 1992.
  - 3.4 Compliance with the Health (Food Hygiene) Regulations 1993.
  - 3.5 The sale of packaged liquor is not to occur from the premises.

**Conclusion**

The Sanctuary Tavern does not have a history of adverse issues in relation to the sale and consumption of alcohol on its premises. As the application for extended hours relates to pre-booked functions only, it is not considered likely that this aspect of the application will have any adverse impacts.

The application for the extended area (two mobile golf carts) does not support the aim of the Bunbury Alcohol Accord Policy. Objections have been raised from a public health and safety perspective and very little detail has been provided by the applicant in its Public Interest Assessment as to how it will be managing issues such as the serving of alcohol in an area where unaccompanied juveniles may also be present, security, disposal of refuse (alcohol packaging, etc.) and the responsible service of alcohol.

The City will be provided another opportunity to comment on the Extended Trading Permit application at the conclusion of the five year permit period.

## **Recommendation**

### *PART A - Application for Ongoing Extension of Hours*

1. Council supports the application for an Extended Trading Permit for ongoing extension of hours at the Sanctuary Tavern Thursdays to Saturdays from 12.00 midnight until 1.00am the following day, and, Sundays from 10.00pm to 12.00 midnight for pre-booked functions only.
2. The City's Manager of Health is authorised to write to the Department of Racing, Gaming and Liquor advising that the City of Bunbury has no objection to the application subject to the following:
  - 2.1 Compliance with the Environmental Protection (Noise) Regulations 1997
  - 2.2 Compliance with the Health (Public Buildings) Regulations 1992
  - 2.3 Number of patrons is not to exceed the maximum accommodation number as stipulated in the Certificate of Approval issued in accordance with the Health (Public Buildings) Regulations 1992
  - 2.4 Compliance with the Health (Food Hygiene) Regulations 1993
  - 2.5 The sale of packaged liquor is not to occur from the premises

### *PART B - Application for "Extended Area"*

1. Council objects to the application for an Extended Trading Permit (extended area) for liquor to be available for purchase from two mobile golf carts within the grounds of the Sanctuary Golf Course to members of the public using the golf course, Mondays to Saturdays 9.00am to 7.00pm and Sundays 10.00am to 7.00pm;
2. The City's Manager of Health is authorised to write to the Department of Racing, Gaming and Liquor advising of the Council's objection to the application on the following grounds:
  - 2.1 Safety concerns in relation to combining sporting activity with alcohol consumption
  - 2.2 The application does not support the aim of the Bunbury Alcohol Accord to reduce the availability of alcohol and hence alcohol-related issues within the City of Bunbury
  - 2.3 It is not in the public interest to promote the consumption of alcohol whilst participating in sporting activities

- 2.4 Insufficient detail is provided in the Public Interest Assessment as to the management practices that are proposed in relation to such issues as the serving of alcohol in an area where unaccompanied juveniles may also be present, security, disposal of refuse (alcohol packaging etc), and the responsible service of alcohol.

### **Outcome of the Council Committee Meeting - 17 March 2009**

Cr Rooney disclosed an impartiality interest as he is on the TAFE Governing Board with one of the Directors of the proponent's company. He elected to remain at the meeting to take part in the discussion and the vote on this matter.

The applicant, Mr Rob Miguel, was invited to address the committee and referred to his submission that had been provided to members under separate cover. He stressed that the golf course is locally owned, employs in excess of 71 people and the majority of its business comes from functions (weddings, balls, corporate functions, etc.) as well as corporate and public golf events. At present, he is required to obtain an Extended Trading Permit for each individual pre-booked function that is likely to extend beyond midnight - and has never had trouble in obtaining one. However, the administrative costs associated with this practice are high and he would like to have a blanket increase in hours.

In relation to the proposed mobile carts to supply liquor to players while they are out on the green, Mr Miguel advised that only a limited amount of alcohol will be available through the carts and as golf is a slow-paced, non-contact sport few injuries or safety concerns are likely to arise especially as the majority of players are mature, responsible people. A taxi service is available. The staff manning the carts will be qualified in the service of alcohol. Mr Miguel indicated that providing alcohol and other refreshments to players on the course would bring the facility up to a World standard improving Bunbury's image as a serious tourist destination.

Parts A and B of the recommendation (as printed) were adopted to become the Committee's recommendation.

### **Committee Recommendation**

#### **PART A - Application for Ongoing Extension of Hours**

1. Council supports the application for an Extended Trading Permit for ongoing extension of hours at the Sanctuary Tavern Thursdays to Saturdays from 12.00 midnight until 1.00am the following day, and, Sundays from 10.00pm to 12.00 midnight for pre-booked functions only.
2. The City's Manager of Health is authorised to write to the Department of Racing, Gaming and Liquor advising that the City of Bunbury has no objection to the application subject to the following:
  - 2.1 Compliance with the Environmental Protection (Noise) Regulations 1997

- 2.2 Compliance with the Health (Public Buildings) Regulations 1992
- 2.3 Number of patrons is not to exceed the maximum accommodation number as stipulated in the Certificate of Approval issued in accordance with the Health (Public Buildings) Regulations 1992
- 2.4 Compliance with the Health (Food Hygiene) Regulations 1993
- 2.5 The sale of packaged liquor is not to occur from the premises

**PART B - Application for "Extended Area"**

- 1. Council objects to the application for an Extended Trading Permit (extended area) for liquor to be available for purchase from two mobile golf carts within the grounds of the Sanctuary Golf Course to members of the public using the golf course, Mondays to Saturdays 9.00am to 7.00pm and Sundays 10.00am to 7.00pm;
- 2. The City's Manager of Health is authorised to write to the Department of Racing, Gaming and Liquor advising of the Council's objection to the application on the following grounds:
  - 2.1 Safety concerns in relation to combining sporting activity with alcohol consumption
  - 2.2 The application does not support the aim of the Bunbury Alcohol Accord to reduce the availability of alcohol and hence alcohol-related issues within the City of Bunbury
  - 2.3 It is not in the public interest to promote the consumption of alcohol whilst participating in sporting activities
  - 2.4 Insufficient detail is provided in the Public Interest Assessment as to the management practices that are proposed in relation to such issues as the serving of alcohol in an area where unaccompanied juveniles may also be present, security, disposal of refuse (alcohol packaging etc), and the responsible service of alcohol.

**AT THE COUNCIL MEETING**

Cr Rooney disclosed an impartiality interest as he is on the TAFE Governing Board together with one of the Directors of the proponent's company. He elected to remain at the meeting and take part in the discussion and vote on this matter.



Members were provided with a memorandum dated 24 March 2009 from the Executive Manager City Development. The document contained additional information concerning the Bunbury Alcohol Accord Committee and comments from the Australian Hoteliers Association, Bunbury Police, South West Population Health and the City's officers.

Lengthy discussion ensued.

In response to a question the City's Manager Health advised that the Sanctuary Tavern is not recognised as a Tavern under the City's Town Planning Scheme and as such, is not permitted to sell packaged liquor.

Part A of the Committee Recommendation was moved Cr Slater, seconded Cr Major. During discussion there was dissent concerning point 2.5 of the motion and the Mayor elected to put Part A to the vote in two parts as follows:

Points 1 to 2.4 - 10 Votes "For" / 3 Votes "Against"

Point 2.5 - 12 Votes "For" / 1 Vote "Against" (Cr Steck requested that her vote "Against" this decision, be recorded).

Part B of the Committee Recommendation was moved Cr Slater, seconded Cr Major (pro forma) - 7 Votes "For" / 6 Votes "Against".

A record of votes was requested for Part B as follows

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

The Council Decision in full is printed below.

**Council Decision 50/09**

*PART A - Application for Ongoing Extension of Hours*

1. Council supports the application for an Extended Trading Permit for ongoing extension of hours at the Sanctuary Tavern Thursdays to Saturdays from 12.00 midnight until 1.00am the following day, and, Sundays from 10.00pm to 12.00 midnight for pre-booked functions only.
2. The City's Manager of Health is authorised to write to the Department of Racing, Gaming and Liquor advising that the City of Bunbury has no objection to the application subject to the following:
  - 2.1 Compliance with the Environmental Protection (Noise) Regulations 1997
  - 2.2 Compliance with the Health (Public Buildings) Regulations 1992

- 2.3 *Number of patrons is not to exceed the maximum accommodation number as stipulated in the Certificate of Approval issued in accordance with the Health (Public Buildings) Regulations 1992*
- 2.4 *Compliance with the Health (Food Hygiene) Regulations 1993*
- 2.5 *The sale of packaged liquor is not to occur from the premises*

*PART B - Application for "Extended Area"*

- 1. *Council objects to the application for an Extended Trading Permit (extended area) for liquor to be available for purchase from two mobile golf carts within the grounds of the Sanctuary Golf Course to members of the public using the golf course, Mondays to Saturdays 9.00am to 7.00pm and Sundays 10.00am to 7.00pm;*
- 2. *The City's Manager of Health is authorised to write to the Department of Racing, Gaming and Liquor advising of the Council's objection to the application on the following grounds:*
  - 2.1 *Safety concerns in relation to combining sporting activity with alcohol consumption*
  - 2.2 *The application does not support the aim of the Bunbury Alcohol Accord to reduce the availability of alcohol and hence alcohol-related issues within the City of Bunbury*
  - 2.3 *It is not in the public interest to promote the consumption of alcohol whilst participating in sporting activities*
  - 2.4 *Insufficient detail is provided in the Public Interest Assessment as to the management practices that are proposed in relation to such issues as the serving of alcohol in an area where unaccompanied juveniles may also be present, security, disposal of refuse (alcohol packaging etc), and the responsible service of alcohol.*

**CARRIED**

**11.10 EXTENDED TRADING PERMIT APPLICATION (SECTION 60) - WOOLWORTHS SUPERMARKET LIQUOR STORE, LOT 63 SANDRIDGE ROAD, BUNBURY** *(WAS LISTED AS ITEM 11.3 IN THE MEETING AGENDA)*

<b>File Ref:</b>	P08385
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Sarah Upton, Manager Health
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

An application has been received from the Department of Racing, Gaming and Liquor seeking any objection or intervention for an Extended Trading Permit (ongoing extension of hours) for the Woolworths Supermarket Liquor Store located at Lot 63 Sandridge Road, Bunbury.

The hours of extension sought are Sundays from 10.00am to 4.00pm.

The Manager Health and Executive Manager City Development have delegated authority to approve extended trading permits. As this proposal is a new application however, Work Procedure 16.8 "Liquor Licensing" requires that the application be referred to Council for determination after being considered by the Bunbury Alcohol Accord Committee for comment.

**Background**

Delegation 1.5 "Liquor Licensing Extended Trading Permits" in the City of Bunbury Delegations Register adopted 3 July 2007 (Decision No. 130/07) grants the City's Manager Health and Executive Manager City Development the authority to approve applications except in the case of a first-time request for an Extended Trading Permit. This is a first time application for these premises to extend their trading hours on an ongoing basis.

Due to the recent introduction of seven-day trading within the City of Bunbury, Woolworths Supermarket is seeking an extension of trading hours for its liquor store to trade on Sundays from 10.00am to 4.00pm to coincide with the opening hours of its supermarket and the Bunbury Forum Shopping Centre.

The Department of Racing, Gaming and Liquor has advised that, if the application is approved, a permit will be issued for a five year period. At the conclusion of this period, the premises will be required to re-apply for the permit and the application will again be referred to the City for comment.

In accordance with Regulation 98D of the *Liquor Control Act 1988*, liquor stores outside of the metropolitan area are not permitted to trade on Sundays unless they are attached to a hotel.

### **Strategic and/or Regional Outcomes**

Provision for the development of a Community Safety and Crime Prevention Plan was included in the City's 2007-2012 Strategic Plan. The plan highlighted the need for the development of a Bunbury Alcohol Accord Committee ("BAAC") which has been achieved. The aim of the Bunbury Alcohol Accord is to contribute to a reduction in crime, violence, anti-social behaviour and other significant impacts associated with the consumption of alcohol in Bunbury. Council has indicated its preference for all new liquor licensing applications to be reviewed by the BAAC prior to being presented to Council for determination.

### **Community Consultation**

The Department of Racing, Gaming and Liquor requires the applicant to publicly advertise the lodgement of the application for fourteen (14) days, submit a public interest assessment (copy included in the **report under separate cover**), undertake a letter drop to residents and businesses within a 200 metre radius of the premises giving notice of the application and the intended manner of trade, and serve notice of the application and intended manner of trade on all: schools and educational institutions; hospitals; hospices; aged care facilities; any drug and alcohol treatment centres; any short term accommodation or refuges for young people; child care centres; churches; any local government authority; and any local police stations; which may be situated in the specified locality of the proposed premises.

The application has been referred to the BAAC, the South West Population Health Unit and local Police for comment. The following responses have been received:

1. Approval of this application will likely result in a large number of objections by other liquor stores that do not have approval to trade on Sundays and will set a precedent for all liquor stores to be able to trade on Sundays, resulting in many more applications of this type. This is in contradiction to the aim of the Bunbury Alcohol Accord to reduce the availability of alcohol and hence alcohol-related issues within the City of Bunbury.
2. The Police Service advises it has no objection to the application.
3. The South West Population Health Unit has indicated a concern with liquor stores that are not attached to a hotel being permitted to trade on Sundays but has not provided any specific health-related comments.

### **Councillor/Officer Consultation**

This matter has been reviewed by the City's Development Coordination Unit comprising staff members from the City's Engineering, Planning, Building, Health and Parks Divisions.

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

There are no known adverse financial and budget implications in relation to this application.

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

The proposed extended opening hours for the premises will provide increased convenience for tourists to Bunbury as well as for residents who wish to combine all their shopping needs at one time. However, there may be a negative economic impact on existing liquor outlets attached to hotels that are currently approved to trade on Sundays in accordance with the *Liquor Control Act 1988*.

### **Council Policy Compliance**

Work Procedure 16.8 "Liquor Licensing" requires new applications for Extended Trading Permits to be referred to Council for determination.

### **Legislative Compliance**

Legislative requirements relating to the *Local Government Act 1995* and any other Act, Local Law or Regulation have been complied with in the process leading up to the finalisation of this report.

### **Delegation of Authority**

There is no delegated authority to approve a new application for an Extended Trading Permit.

### **Relevant Precedents**

In accordance with Regulation 98D of the *Liquor Control Act 1988*, liquor stores outside of the metropolitan area are not permitted to trade on Sundays unless they are attached to a hotel. Therefore, this is the first application to be considered by Council for a liquor store not attached to a hotel to trade on Sundays.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

Council does NOT support the application for an Extended Trading Permit (to trade on Sundays from 10.00am to 4.00pm) that has been lodged by Woolworths Supermarket for its Liquor Store at the Bunbury Forum Shopping Centre, for the following reasons:

(Council to specify)

## **Conclusion**

There are currently no known issues from the premises at the Bunbury Forum Shopping Centre in relation to the sale of alcohol (e.g., litter, loitering, noise, anti-social behaviour, etc.). The premises are not located in the Bunbury CBD where (currently) the majority of anti-social behaviour and social disruption occurs around licensed venues.

The extended hours of trade applied for would provide increased convenience for shoppers particularly shift-workers and tourists.

Although the application does not support the overall aim of the Bunbury Alcohol Accord to reduce the availability of alcohol (and hence alcohol-related issues) within the City of Bunbury, it is considered that the applicant has provided a number of measures to minimise adverse impacts from the extended hours of trade, including the following:

- Provision of CCTV cameras on the premises
- Regular patrols by the shopping centre security personnel
- All staff members are trained in the responsible service of alcohol
- Implementation of Woolworths "Harm Minimisation and House Management Policies" in relation to the sale of alcohol. This includes the requirement that all persons appearing to be under the age of 25 years are required to provide identification
- The owner of the premises is a member of the Bunbury Alcohol Accord Committee and has committed to actively participate in implementing strategies to minimise and manage alcohol-related harm.

There are four existing liquor stores attached to hotels that are currently licensed to trade on Sundays within a 3 kilometre radius of the applicant's premises. Approval of this application may have a negative economic impact on these premises. It will also create a precedent for other liquor stores to make application to trade on Sundays and will likely result in an increased number of liquor stores being open on Sundays.

The City will be provided another opportunity to comment on the Extended Trade Permit application at the conclusion of the 5-year permit period.

## **Recommendation**

The City's Manager of Health to write to the Department of Racing, Gaming & Liquor advising it that the Bunbury City Council supports the application by the Woolworths Liquor Store at the Bunbury Forum Shopping Centre for an Extended Trading Permit for ongoing extension of hours on Sundays (10.00am to 4.00pm), subject to the following conditions:

1. Compliance with the Health (Food Hygiene) Regulations 1993
2. Compliance with the Environmental Protection (Noise) Regulations 1997

**Outcome of the Council Committee Meeting - 17 March 2009**

Option 2 was adopted in place of the printed recommendation.

**Committee Recommendation**

Council does NOT support the application for an Extended Trading Permit (to trade on Sundays from 10.00am to 4.00pm) that has been lodged by Woolworths Supermarket for its Liquor Store at the Bunbury Forum Shopping Centre, for the following reasons:

1. Council wishes to support the Bunbury Alcohol Accord which aims to reduce the availability of alcohol and hence alcohol-related issues within the City of Bunbury.
2. Permitting this store to trade on Sundays will set a precedent thus encouraging more applications of this type from other liquor outlets in Bunbury.

**AT THE COUNCIL MEETING**

The Committee's recommendation was moved by Cr Slater, seconded Cr Spencer (pro forma) and adopted to become a Council Decision.

**Council Decision 51/09**

*Council does NOT support the application for an Extended Trading Permit (to trade on Sundays from 10.00am to 4.00pm) that has been lodged by Woolworths Supermarket for its Liquor Store at the Bunbury Forum Shopping Centre, for the following reasons:*

1. *Council wishes to support the Bunbury Alcohol Accord which aims to reduce the availability of alcohol and hence alcohol-related issues within the City of Bunbury.*
2. *Permitting this store to trade on Sundays will set a precedent thus encouraging more applications of this type from other liquor outlets in Bunbury.*

**CARRIED**

**7 Votes "For" / 6 Votes "Against"**

**11.11 PROPOSED DRAFT NENKE WAY STRUCTURE PLAN** (*WAS LISTED AS ITEM 11.2 IN THE MEETING AGENDA*)

<b>File Ref:</b>	A03624
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Thor Farnworth, Coordinator Strategic & Environmental Planning Neville Dowling, Consulting Strategic Planner
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

Following land owner and State Government agency consultation carried out since 2007, a preferred option for the proposed draft Nenke Way Structure Plan has been compiled and is presented to Council for its consideration to formerly advertise for public comment. The proposed draft Nenke Way Structure Plan document can be viewed at Attachment 1 in the **report under separate cover** that has been circulated to members.

The previous advice of the Department for Planning and Infrastructure ("DPI") is that further subdivision within the Nenke Way Precinct cannot occur until a local structure plan has been finalised. In order to progress the plan to achieve final approval it is necessary for Council to:

1. Endorse the preferred option for the proposed draft Structure Plan.
2. Formerly advertise the draft structure plan for public comment by landowners and stakeholders
3. Review the draft structure plan following public advertising in relation to the comments given during the advertising period and modify the plan if deemed necessary.
4. Submit the adopted structure plan to the Western Australian Planning Commission ("WAPC") for its final endorsement.

Once the structure plan has received final endorsement, individual land owners have the choice of subdividing and developing their land, provided that that their proposals are consistent with the approved structure plan.

**Background**

Planning Process

The following is a brief chronology of the planning process to illustrate the key events leading up to the compilation of the proposed draft Nenke Way Structure Plan (herein referred to as the "Structure Plan"). It is by no means an exhaustive list of all events relating to this matter.



- May 2003

The WAPC in its letter dated 15 May 2003, indicated that it would not support any further subdivision of the areas in the vicinity of South Western Highway and Preston River “*unless a structure plan was prepared and finalised in accordance with the procedures specified in Scheme No. 7*”.

- November 2004

At its meeting on 23 November 2004, the Council resolved to initiate the rezoning process which also (by definition) requires a structure plan to be prepared for the area.

- October 2007

The contracted consultant, Hassell Pty Ltd, submitted its version of a structure plan for Nenke Way which was judged as inadequate for the task of guiding decision-making in the assessment of applications for subdivision and planning approval of grouped dwellings.

- April–May 2008

A targeted survey of land owners and stakeholders within the Nenke Way Precinct was carried out from 1 April 2008. The consultation period concluded on 23 May 2008.

- December 2008

Following significant community consultation and advertising of the draft “Glen Iris – Moorlands Local Area Plan: Study” between November to April 2007, the resulting Local Area Plan (“LAP”) document was finally endorsed by Council at its meeting on 16 December 2008. The Glen Iris–Moorlands Local Area Plan includes the land subject of the Nenke Way Structure Plan.

The main reason for the delay in finalising the LAP was due to the need for the precise location of the future South Western Highway deviation route, which was provided to the City by Main Roads Western Australia (“MRWA”) in July 2008. For more information refer to the minutes of Council’s meetings of 16 December 2008 (decision 246/08), 18 December 2007 (decision 268/07) and 6 September 2005 (decision 206/05).

For land-use planning reasons the LAP study area, which encompasses Glen Iris, Moorlands and Nenke Way, was divided into five structure planning areas based on the particular character and issues of each area. It has been the experience that the range and complexity of issues across the whole of the LAP area has made it extremely difficult to produce a single workable local structure plan. Consequently, the proposed structure planning areas are:

- Glen Iris: which has recently been advertised (closed 4 March 2009);
- Moorlands: Stage 1 is now with the WAPC for final approval;
- Nenke Way: the subject of this report;
- Wimbridge: currently being compiled by a planning consultancy on behalf of the land owners (but is affected by finalisation of the South West Highway Deviation Route reservation), and;
- Picton: mostly contains developed industrial land (structure planning is not a priority at present, but this area is also partially affected by the finalisation of the South West Highway Deviation Route reservation).

Key Issues

The key issues affecting the future of the Nenke Way precinct include:

1. Need for the local access road to be extended through the remaining properties of street address 102 to 144 South Western Highway.
2. Need was identified by the Department for Planning and Infrastructure ("DPI") on behalf of Main Roads Western Australia ("MRWA"), at the outset of the Local Area Planning project. This need relates to:
  - (a) facilitation of future upgrading of the South Western Highway;
  - (b) minimisation of residential access ways/crossovers to a "Primary Regional Road Reserve"; and;
  - (c) maintenance of road safety and efficiency of the South Western Highway.
3. Expected that until extension to the Nenke Way has been reflected in an adopted structure plan and/or scheme amendment, no further subdivision of land may be permitted by the WAPC. Therefore, the City would hold in abeyance the approving of all existing (and any new) applications for planning approval or a building licence.
5. Recommended that Nenke Way be extended to link up with Dodson Road at its intersection with South Western Highway.

The implications of not intervening may potentially result in:

1. Further unguided subdivision up to the maximum R-Code of "R15", which would result in the creation of numerous battle-axe lots, of (on average) 5 to 6 grouped dwellings, accessed by relatively long narrow (i.e., 5 metre wide) access ways.
2. The potential outcome of further unguided subdivision up to the maximum R-Code of "R15" will be the creation of numerous crossovers onto South Western Highway, in close proximity to the Robertson Drive intersection.

3. The resulting dwelling density will place a significantly increased population within this location that would produce a significant increase in traffic movements on and off the Primary Regional Road, with associated potential for increased traffic hazard to local and through traffic.
4. The implications for further subdivision have not been fully quantified with respect to "flood hazard". In spite of this, it is expected that any future subdivision pattern or density will be required to fill the land up to the height of the existing levee.

*(Note: without upgrading of the levee to ensure its integrity against flood water scouring, the development potential of land will be constrained due to the requirement to set back habitable rooms by at least 20 metres from the toe of the levee.)*

#### Need for Structure Planning

The principal benefit of implementing the proposed draft Structure Plan would be to permit safer access/egress to infill development via an access road with a signalised intersection at a greater distance from the Robertson Drive/South Western Highway intersection than is presently provided for by the existing Nenke Way road reserve. A signalised four-way intersection would also have benefits for safer traffic movements onto and from Dodson Road.

Depending upon the final constructed alignment of any extension to Nenke Way, some benefits may be accrued from increasing accessibility to the Regional Open Space shoreline for both maintenance of flood mitigation works (levee bank) and increased passive recreational opportunities.

#### Proposed Structure Plan

The objectives for implementing a structure plan for the preferred road extension option are to:

1. Enhance the living environment and residential amenity of the Precinct by encouraging appropriate infill development of land.
2. Provide appropriate development and re-development opportunities that will not increase the flood hazard to properties and associated flood risks to residents within and surrounding the Precinct.
3. Facilitate the creation of a safe and cohesive community by ensuring good urban design principles are incorporated within the subdivision and development (e.g., passive surveillance, clear sightlines).
4. Enhance road access arrangements whilst maintaining acceptable levels of safety for all road users and the efficiency of the regional road network.

5. Facilitate, as far as practicable, fair and equitable arrangements for the apportionment of infrastructure costs between all landowners and infrastructure providers.

The preferred option for the proposed draft Nenke Way Structure Plan has been chosen for the purposes of public advertising and eventual presentation to the WAPC for final consideration and endorsement. The preferred option does not entirely replicate any single option of the previous range of options considered to date, but is modified from a range of solutions that takes account of all issues and constraints identified through the analysis and preliminary consultation stage. This is because there was no strong support for any particular option presented, including the 'do nothing' option.

The preferred option has been primarily chosen for the following reasons:

1. The proposed road layout for the extension of Nenke Way does not require any demolition of existing dwellings.
2. The proposed road layout is shorter in length than the other options and is therefore less costly to develop, particular in comparison to the options with a road along the northern boundary of the lots (i.e., along the levee bank).
3. The proposed road layout relates well to the terrain, particularly in regard to the hilly area on Lot 100 (street number 116) South Western Highway, which must be avoided in relation to retaining the existing house, avoiding disruption of the terrain and excessive development costs.
4. The eastern portion of the proposed road layout is set back to line up with Dodson Road. This revision has the following advantages:
  - (a) reduces road length;
  - (b) minimises tree removal within the environmentally sensitive area at the eastern end of the precinct, and;
  - (c) provides a better alignment for an eventual traffic light-controlled intersection at Dodson Road.
5. A limestone trafficable path along the top of the levee bank is proposed. This can provide for:
  - (a) separation of the Preston River conservation area and floodplain;
  - (b) strategic fire break;
  - (c) pedestrian/cyclist public access to the Regional Reserve area, and;
  - (d) emergency access route for vehicles.

*Proposed Scheme Amendment*

An associated Scheme Amendment No. 31 has been prepared to ensure the effective implementation of the proposed draft Structure Plan. The proposed Scheme Amendment No. 31 to the City of Bunbury Town Planning Scheme No. 7 ("TPS 7") is to change the residential density code (R-Code) as shown on the Scheme Map over the subject land from "R15" to "R20" and to incorporate the subject land within a "Development Investigation Policy Area".

The need for the scheme amendment is required in order to facilitate subdivision in accordance with the proposed draft Nenke Way Structure Plan (refer to Attachment 2 of the report provided to members under separate cover). That is, the proposed increase in residential density code from "R15" to "R20" would simultaneously:

1. Bring the maximum permissible dwelling density into line with what is generally accepted as normal for standard family accommodation sized housing lots in accordance with Council's adopted "Local Planning Policy - Housing Strategy", and;
2. offset the loss of land for road contribution.

Under clauses 5.9.13 and 6.2.1 of the Scheme, the inclusion of the subject land within a "Development Investigation Policy Area" ensures that the subdivision of the land must occur in accordance with an adopted structure plan that is also endorsed by the WAPC.

**Strategic and/or Regional Outcomes**

The proposed draft Nenke Way Structure Plan forms part of the Glen-Iris Moorlands Local Area Plan. The local area planning project is considered consistent with the aims and goals of Council's 2007-2012 Strategic Plan and the objectives and recommendations of the City Vision Strategy (2007). The proposed draft Structure Plan is to facilitate the orderly and proper planning of the subject land in accordance with the Scheme and the State Planning Framework. As such, the implementation of the Structure Plan in accordance with its aims is expected to facilitate infill residential development whilst ensuring the safe and efficient functioning of the South Western Highway as part of the Primary Regional Roads network.

**Community Consultation**

In relation to the entire Glen Iris-Moorlands Local Area Plan study area (which includes Nenke Way) a Community Consultation Report was compiled for all three phases of engagement to date and is contained within Appendices 1 to 3 of the Glen Iris-Moorlands Local Area Plan: Study document. Each phase was carried out at the end of a milestone, with the first phases occurring in November 2005 and then again in April 2007. The final phase occurred in March 2008.

With specific regard to the Nenke Way Precinct, a land owner and stakeholder survey was carried out from 1 April 2008 through to 23 May 2008, with 13 of the 24 survey forms posted out being completed and returned to the City using the enclosed reply-paid envelope. The landowner survey was accompanied by a self-addressed envelope for return survey responses and a copy of the "Glen Iris-Moorlands Local Area Plan: Nenke Way Precinct - Road Options Analysis Report for Consultation" (dated 28 March 2008) for the information of respondents.

Two letters were received without an accompanying survey form, these being from MRWA and the Water Corporation. The advice given by MRWA, Water Corporation, Department of Environment and Conservation ("DEC") and the Department of Water along with the results of the land owner survey is set out within the Updated "Glen Iris-Moorlands Local Area Plan: Nenke Way Precinct - Road Options Analysis Final Report" (dated March 2009), which can be viewed at Attachment 3 in the report under separate cover.

### **Land Owner Survey Results**

The summary findings of the land owner survey and numerous meetings with individual land owners during the investigation period were, that:

1. the majority of land owners object to most road options given, except Option 4, of which seven respondents indicated it as a preferred road option, with five objecting to it;
2. those land owners that expressed an objection to all or most road options are against any road extension in any form and under any circumstances (i.e., voluntarily through land and/or cash in lieu contribution made through the land subdivision process);
3. of those respondents that indicated a preferred road option or suggested an alternative, there was no clear consensus on a single desired road option, and;
4. of the four respondents that provided alternative or modified suggestions for a road extension option, most incorporated aspects of all other nine options given in the survey. Therefore, it can reasonably be assumed that the majority of land owners surveyed would also object to these suggested alternatives to the same or similar degree.

### **Councillor/Officer Consultation**

The *Glen Iris-Moorlands Local Area Plan: Nenke Way Precinct - Road Options Analysis Final Report* which forms the basis of the structure plan, was compiled jointly by Council's Strategic & Environmental Planning, and, Engineering Services teams since 2007.

A site visit was undertaken by Development & Engineering Services staff on 7 March 2008 in order to gain an on-ground appreciation of the landform, physical conditions and potential constraints to development within the Nenke Way precinct area. A presentation to a Council briefing session was also provided on the matter on 26 August 2008.

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

Under the proposed draft Structure Plan, the creation of the road reserve would be through the contribution of land as a condition of voluntary subdivision. The funding of the construction of the access road will be required through the fair apportionment of a cost sharing arrangement between the City and individual land owners through the making of a development contribution as a condition of subdivision.

As such the City of Bunbury is not responsible for road construction costs, and any other associated development costs, which are borne by each land owner if they wish to subdivide their land to permit further residential development. Nevertheless, with the access road's construction, the Local Government will be responsible for its ongoing maintenance as a public road reserve.

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

#### *Economic Issues*

The creation of additional residential land can to a limited extent be expected to promote a positive net economic outcome for the local area and the City.

#### *Social Issues*

The eventual development of the Nenke Way precinct can reasonably be expect to have no negative social outcomes for the local community.

#### *Environmental Issues*

The subject land is in close proximity to the Preston River, with the eastern portion of the site being located within an "Environmentally Sensitive Area". Under the Environmental Protection Act 1986 this area cannot be cleared of native vegetation.

On the basis of advice from the DEC it is expected that exemptions to vegetation clearing will not apply. However to confirm the extent of any permissible vegetation clearing - land owners are advised by a provision of the Structure Plan text and a notation on the Structure Plan map to seek formal advice from the Department on this matter.

Any native vegetation, even outside of the Environmentally Sensitive Area, will require clearing permits from the DEC unless it is considered as an exemption under the relevant Act. If the location of the access road is approved by both the City of Bunbury and the WAPC as part of this structure plan, then vegetation clearing within the road reserve area will be exempted from requiring a clearing permit.

#### *Heritage Issues*

There are no heritage issues within the study area.

### **Legislative and Council Policy Compliance**

Proposals to adopt, amend or rescind a local structure plan are to be undertaken in accordance with clause 5.9.13 of the Scheme. The proposed draft Structure Plan, if adopted for the purposes of public advertising, will also be referred the EPA in accordance with section 37B of the Environmental Protection Act 1986, during any formal public advertising period.

### **Delegation of Authority**

There is no relevant delegation of authority in respect of this proposal.

### **Relevant Precedents**

The integrated local area planning approach is a nationally accepted practice for neighbourhood and suburb scale planning exercises like the Glen Iris-Moorlands Local Area Plan; and as such, the methodology behind the project complies with the Australian Local Government Association's "*A Guide to Integrated Local Area Planning, Australian Local Government Association (1993)*".

The statutory components of the project includes the proposed local structure plans and scheme amendment, which are regulated under the heads of power conferred by the Local Planning Scheme (i.e., TPS 7) and the Planning and Development Act 2005, respectively.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

Council does NOT endorse the proposed draft Nenke Way Structure Plan.

### **Conclusion**

The proposed draft Structure Plan and associated Scheme Amendment have been drafted as a means of facilitating the orderly and proper planning of the Nenke Way Precinct area with minimal environmental impact and infrastructure cost. Should Council decide to implement the proposed draft Structure Plan with the preferred road option and associated Scheme Amendment, the proposal will need to be considered formally by Council and the community through subsequent statutory advertising procedures.

Alternatively, should Council not proceed with selecting a road option, direction will be sought by the City of Bunbury from the DPI on an acceptable resolution satisfactory to the affected stakeholders.



### **Recommendation**

1. Council endorses the preferred option for the proposed draft Nenke Way Structure Plan.
2. Pursuant to the Planning and Development Act 2005 and clause 5.9.13 of the City of Bunbury Town Planning Scheme No. 7, Council officers to publicly advertise the proposed draft Nenke Way Structure Plan for a period of not less than 42 days.
3. Pursuant to the Planning and Development Act 2005, Council to initiate a scheme amendment to the City of Bunbury Town Planning Scheme No. 7 to change the residential density code (R-Code) of the subject land from "R15" to "R20" and to incorporate the subject land within a "Development Investigation Policy Area" in order to facilitate subdivision in accordance with the proposed draft Nenke Way Structure Plan.

### **Outcome of the Council Committee Meeting - 17 March 2009**

Cr Kelly left the meeting during discussion of this item and was absent for the vote.

Public speakers were invited to address the committee, as follows:

Mr Roy Little of 26 Samuel Wright Street in Bunbury (speaking on behalf of his relatives at 134 South Western Highway, Picton) raised the following points:

- Objects to the Nenke Way Structure Plan in its present form and disagrees with the types of options and terminology used in the residents' survey.
- Would like to see South Western Highway re-aligned.
- Only a few residents have requested subdivision - most of the residents bought their land in this location because they liked the lifestyle and do not want to subdivide.
- He used to work for Main Roads WA and it is his belief that the MRWA wants to have less development along South Western Highway not more. The intersection of the Port Access Road with South Western Highway may change the situation entirely but it does not appear from documentation supplied that this been taken into account.
- The creation of this new road will mean another set of traffic signals along South Western Highway.
- Would like to table a letter of objection that Planning Officers did not include with all the other submissions for this project.

In response to Mr Little's address, the Executive Manager City Development advised that as some of the land owners have requested subdivision of their land, the Department of Planning and Infrastructure ("DPI") has instructed the City to prepare a Structure Plan. It needs to be noted however, that adoption of the plan by the Council does not mean that all residents will automatically be obliged to subdivide. It just gives the residents the option to subdivide (if they can come to a mutual agreement between themselves) as there is a plan in place covering issues such as access to and from the new lots to be created. Unfortunately, there is not the option to place the proposed road behind the proposed subdivision (the best and safest option) as this land is reserved under the Greater Bunbury Region Scheme as regional open space and the DPI will not allow it.

Ms Vanessa McDougall, 114 South Western Highway, Picton

Ms McDougall raised the following points:

- The proposed Nenke Way extension will cut her property in two and the road itself will run through a shed on her property that forms part of her home.
- Claims she did not receive sufficient notice of the meeting tonight and cannot understand all the documentation that has been provided.
- The plan previously provided to residents appears to be different to that being presented to committee members tonight.

At this point, the City's Coordinator Strategic & Environmental Planning was invited to address committee members. He raised the following points:

- The landowners' survey conducted in preparation of the study document (which was used to prepare the Structure Plan) was edited by the City's Communications Officer to ensure that its wording was neutral and unbiased.
- The survey was posted to each land owner with a reply-paid envelope and a good level of response was received.
- The Structure Plan that resulted from feedback to the survey shows the shortest possible access road (which avoids all homes), is the cheapest solution and is the safest solution possible to allow residents in the proposed (future) subdivision to gain access to their properties i.e., limits drive-way access onto South Western Highway and creates signalled intersection.
- Due to the size of the blocks involved (approx. 3,000 sq.m instead of the normal size of 600 sq.m) should councillors/residents wish to prevent any further subdivision from taking place then the land needs to be rezoned from R15 to a lower density.

- Planning officers had to hand-deliver invitations to the meeting tonight during Friday. The notices could not be posted out earlier as the deadline for delivery of the Council Committee Agenda was close of business on Thursday. Agenda delivery deadlines for Council Committee Meetings are beyond the control of Planning Officers.

It should be noted however, that notice of tonight's meeting was only given to land owners as a courtesy as the project is still at an initial stage and the only proposal to be considered by the committee tonight is whether or not to proceed to "public advertising". During the public advertising phase, all residents will be provided with the opportunity to make comment to the Council.

Mr Allan Graham (Developer) owner of Lots 58 and 59 made the following points in support of the proposal for a Structure Plan:

- There is never going to be a consensus amongst the owners.
- Many of the land owners may not want to subdivide at present but if the Structure Plan is in place it could benefit them all greatly in the future should they (or subsequent owners) decide to subdivide.
- If all the land owners that currently want to subdivide were to be granted approval it would create safety concerns with increased access ways (drive-ways) directly onto South Western Highway.

At this point the Executive Manager City Development suggested the following measures:

- Delete point 1. of the officer's recommendation to clarify that the Council is only making a decision (based on preliminary feedback) on the best option to put forward to residents for consideration during the forthcoming formal consultation.
- Hold an informal meeting with residents to ensure they fully understand the structure planning process before they make a submission during the formal public consultation phase of the project.

The recommendation (as printed) was amended consistent with the points raised by the Executive Manager City Development above. The resulting motion was put to the vote and adopted as follows:

### **Committee Recommendation**

1. Pursuant to the Planning and Development Act 2005 and clause 5.9.13 of the City of Bunbury Town Planning Scheme No. 7, Council officers to publicly advertise the proposed draft Nenke Way Structure Plan for a period of not less than 42 days.
2. Pursuant to the Planning and Development Act 2005, Council to initiate a scheme amendment to the City of Bunbury Town Planning Scheme No. 7 to change the residential density code (R-Code) of the subject land from “R15” to “R20” and to incorporate the subject land within a “Development Investigation Policy Area” in order to facilitate subdivision in accordance with the proposed draft Nenke Way Structure Plan.
3. An invitation be extended to all Nenke Way residents to attend an information/discussion session with Council Officers at a time, date and place to be advised early within the 42 day public advertising period.

### **AT THE COUNCIL MEETING**

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

The following points were raised during discussion:

- In response to a question on why it is recommended that the Scheme Amendment be advertised at the same time as the Structure Plan, the Executive Manager City Development advised that it is the City's intention that no land owner be financially disadvantaged by loss of land due to the proposed road indicated in the Structure Plan. Accordingly the City intends to upgrade the zoning to Residential R20 (consistent with *'Liveable Neighbourhoods'*) which, if the land is later developed, may assist in compensating for any loss of land. Once the Scheme Amendment process has been initiated it does not necessarily follow that the process must be finalised.
- It is not a certainty that should the zoning be increased to Residential R20 the land rates will increase - this would be dependent upon market forces concerning the value of the land.
- Cr Harrop requested an amendment to Point 3 of the motion to add the words “*and interested councillors*” after the words “*Council Officers*”. The mover and seconder agreed.

Cr Steck left the meeting at approximately 8.20pm and was absent for the vote on this item.

A request was made for the motion to be put to the vote in separate parts as follows:

- Point 1: 12 Votes "For" / Nil Votes "Against"  
Point 2: 12 Votes "For" / Nil Votes "Against"  
Point 3 (*as amended*): 12 Votes "For" / Nil Votes "Against"

The Council decision in full is printed below.

**Council Decision 52/09**

1. *Pursuant to the Planning and Development Act 2005 and clause 5.9.13 of the City of Bunbury Town Planning Scheme No. 7, Council officers to publicly advertise the proposed draft Nenke Way Structure Plan for a period of not less than 42 days.*
2. *Pursuant to the Planning and Development Act 2005, Council to initiate a scheme amendment to the City of Bunbury Town Planning Scheme No. 7 to change the residential density code (R-Code) of the subject land from "R15" to "R20" and to incorporate the subject land within a "Development Investigation Policy Area" in order to facilitate subdivision in accordance with the proposed draft Nenke Way Structure Plan.*
3. *An invitation be extended to all Nenke Way residents to attend an information/discussion session with Council Officers and interested councillors at a time, date and place to be advised early within the 42 day public advertising period.*

**CARRIED**

**11.12 PROPOSED ACQUISITION OF LOT 360 HAWKINS STREET OWNED BY J & A GOYDER TO PERMIT UNRESTRICTED ACCESS TO STORM WATER DRAINAGE SYSTEM BASIN ON RESERVE 31533 (LOT 923) PICTON ROAD, BUNBURY** *(WAS LISTED AS ITEM 11.4 IN THE MEETING AGENDA)*

<b>File Ref:</b>	A00420
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Chris Gibberd, Operations Manager City Services & John Beaton, Manager Administration & Property Services
<b>Executive:</b>	Michael Scott, Executive Manager City Services

### **Summary**

The City's officers have been negotiating to purchase Freehold Lot 360 Hawkins Street, Bunbury from John Barr Goyder and Anthony Barr Goyder in order to upgrade the City's drainage system in Hawkins Street. The acquisition became necessary following recent closure and decommissioning of the City's storm water drainage infrastructure on Lot 851 Hawkins Street which is privately owned land.

It is proposed that the existing drainage infrastructure in Hawkins Street be extended across Lot 360 (effectively dissecting it) to a new storm water drainage basin to be constructed on adjoining Reserve 31533 (Lot 923) Picton Road. Once the water has entered the basin, it will slowly drain away into existing drainage infrastructure on Picton Road. A location map **attached** at Appendix 1.

Lot 360 Hawkins Street is an undeveloped vacant piece of land (782 sq.m) which currently acts as part of the Hawkins Street road reserve. The land is more properly described as being Lot 360 on Deposited Plan 302745 and is the whole of the land in Certificate of Title Vol. 1643 Fol. 258.

### **Background**

As Lot 851 can no longer be utilised, Lot 360 Hawkins Street has become a crucial element in enabling the unrestricted flow of storm water run-off into a new drainage basin on Reserve 31533 (Lot 923) Picton Road - a reserve held by the City under Management Order LR3131-137 for the purpose of "Recreation and Drainage"

It is proposed to purchase Lot 360 for \$25,000 (plus GST) based on its strategic position between existing drainage infrastructure in Hawkins Street and Reserve 31533 in Picton Road. The lot has limited development opportunities due to its irregular shape and is currently zoned "Access Road" under Town Planning Scheme No. 7.

Lot 360 was originally incorporated in a survey diagram proposed in October 1959. At that point it was envisaged the land would become part of the Hawkins Street road reserve. However, it was never formally incorporated into the road reserve and as Hawkins Street terminated at its junction with (what was then) the railway reserve the land became a green Certificate of Title.

The following options have also been considered but would have major capital funding implications for Council:

Option A: Extend Hawkins Street to the south to join up with Forrest Avenue and negotiate with the owner of Lot 851 for installation of a piped drainage easement through the property.

Option B: Negotiate with other nearby property owners for installation of a piped drainage easement through their property.

Option C: Divert storm water into the Forrest Avenue storm drainage system.

*Executive Comment: Each of Options A, B and C present significant financial implications for Council. It is Executive Management's view that the best solution (and most cost effective way of dealing with the problem) would be to purchase Lot 360 as it will enable existing drainage infrastructure to be extended (with no restrictions) through to the proposed new storm water drainage basin on Reserve 31533.*

A further option is to resume Lot 360. However, the lengthy resumption process has not been considered to date as the relevant parties have been able to hold meaningful negotiations and have reached agreement on a suitable purchase price.

Furthermore, negotiations with Westnet Rail to utilise its land near the Bunbury Railway Station have proved unsuccessful.

### **Strategic and/or Regional Outcomes**

The proposal complies with the City of Bunbury Strategic Plan 2007-2012 and in particular Strategy 3.2 which states that the City will: *"Have well planned, developed and maintained City infrastructure."*

The proposal to acquire the land does not contravene the requirements of the City Vision Strategy nor the Greater Bunbury Region Scheme.

### **Community Consultation**

Nearby property and business owners have been advised (in writing) of the proposal.

### **Councillor/Officer Consultation**

City officers have held discussions with the owners of Lot 360 and have mutually agreed on a price for acquisition of the land.

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

The mutually agreed price negotiated between City officers and the owners of Lot 360 Hawkins Street is \$25,000 (plus GST).

The independent licensed valuation obtained by the City is \$17,500 (plus GST) and this is based on the intended use of the land and available market evidence.

It should be noted that the mutually agreed price of \$25,000 (plus GST) is higher than the market valuation of \$17,500 (plus GST) but lower than the owners' original asking price, and; is significantly less than the financial implications referred to in Options A, B and C of this report.

Funding for acquisition of the land does not form part of the 2008/09 Municipal Budget but a source of expenditure has been identified from the *"Town Planning Scheme Land Acquisitions and Compensation Reserve Fund"*.

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

#### Economic Issues

The acquisition of the land will provide for unrestricted water flow into the proposed storm water drainage basin on Reserve 31533 thereby reducing the potential for public liability claims against the City following a major storm.

#### Social Issues

The new drainage basin on Reserve 31533 will take the main thrust of storm water run-off during heavy or prolonged periods of rainfall but it is expected to remain dry at all other times as the pooled water will flow on into drainage infrastructure along Picton Road. The City will be responsible to maintain both Lot 360 and Reserve 31533 to ensure the land is visually satisfactory.

#### Environmental Issues

A search of the Department of Environment and Conservation database has revealed that Lot 360 Hawkins Street is not contaminated.

#### Heritage Issues

There are no known heritage issues associated with Lot 360 Hawkins Street and the proposed land use should not have an adverse impact on surrounding properties.



### **Council Policy Compliance**

There is no Council policy concerning acquisition of land.

### **Legislative Compliance**

The Local Government Act 1995 does not require the City to advertise its intention to acquire this piece of land as the transaction is not significant and is being made to enable the City to undertake earthworks and install infrastructure for prevention or reduction of flooding.

### **Delegation of Authority**

The Chief Executive Officer does not have the delegated authority of the Council to purchase Lot 360 Hawkins Street on behalf of the Council.

### **Relevant Precedents**

There are no recent (similar) precedents for acquisition of land for upgrade of the City's drainage infrastructure with which to compare.

### **Options**

#### Option 1

Acquire Lot 360 Hawkins Street from Messrs J & A Goyder per the recommendation listed in this report.

#### Option 2

Either of Options A, B or C as listed in the "Background Section" of this report. For convenience, these are repeated below:

Option A: Extend Hawkins Street to the south to join up with Forrest Avenue and negotiate with the owner of Lot 851 (Prosser Management Pty Ltd) for installation of piped drainage through the property.

Option B: Negotiate with other nearby property owners for installation of a piped drainage easement through their property.

Option C: Divert storm water into the Forrest Avenue storm drainage system.

<p><i>Executive Comment: Each of Options A, B and C present significant financial implications for Council. It is Executive Management's view that the best solution (and most cost effective way of dealing with the problem) would be to purchase Lot 360 as it will enable existing drainage infrastructure to be extended (with no restrictions) through to the proposed new storm water drainage basin on Reserve 31533.</i></p>
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### **Conclusion**

Due to the closed opportunity to dispense storm water onto nearby private land (i.e., Lot 851) the City is now required to find an alternative site. The proposal to acquire Lot 360 will enable installation of complementary drainage infrastructure through and onto Reserve 31533 (which will contain a new drainage basin).

Option 1 (as listed above) is the most cost-effective way of dealing with the problem by allowing drainage pipes to cut across Lot 360 and into the drainage basin on Reserve 31533 where it will slowly drain away into the existing infrastructure along Picton Road. In normal/dry weather conditions the basin will remain dry.

### **Recommendation**

Council approves the acquisition of Freehold Lot 360 Hawkins Street, Bunbury (from John Barr Goyder and Anthony Barr Goyder) for the negotiated price of \$25,000 plus GST subject to the following conditions:

1. Funding for the land acquisition is to be sourced from the *"Town Planning Scheme Acquisitions and Compensation Reserve Fund"* in the 2008/09 Annual Budget.
2. The City of Bunbury to pay the full cost of document preparation, title registration and advertising associated with the land acquisition.

### **Outcome of the Council Committee Meeting - 17 March 2009**

A more definitive map was requested.

The recommendation (as printed) was adopted to become the Committee's recommendation on this issue.

### **Committee Recommendation**

Council approves the acquisition of Freehold Lot 360 Hawkins Street, Bunbury (from John Barr Goyder and Anthony Barr Goyder) for the negotiated price of \$25,000 plus GST subject to the following conditions:

1. Funding for the land acquisition is to be sourced from the *"Town Planning Scheme Acquisitions and Compensation Reserve Fund"* in the 2008/09 Annual Budget.
2. The City of Bunbury to pay the full cost of document preparation, title registration and advertising associated with the land acquisition.

## **AT THE COUNCIL MEETING**

Cr Steck had left the meeting during discussion of the previous item and returned to the meeting at this point in time (8.24pm).

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

During discussion the following points were raised:

- Cr Jones requested that the following wording form a Point 3 to the motion:

*“Bunbury City Council investigate all drainage options for the area which includes Forrest Avenue between Wisbey Street, Bray Street, Ecclestone Street, and; Hennessy Road, Sandridge Road and King Road.”*

The Mayor requested Cr Jones submit her amendment as a separate ‘*Motion on Notice*’ for a future meeting agenda to give the City’s officers the opportunity to comment on her proposal.

- The Executive Manager City Services explained that a drainage plan for the Forrest Avenue Precinct is under way. The land comprised within Lot 851 has been raised which effectively creates a dam for any water flowing across the land from surrounding properties.
- At this point in proceedings Cr Steck disclosed an impartiality interest as she knows the owner of a neighbouring block personally.
- Cr Steck raised several questions in relation to Lots 851 and 360 Hawkins Street. The Mayor requested Cr Steck to submit these as ‘*Questions on Notice*’ for a future meeting.
- Cr Steck moved (no seconder required) a procedural motion that the motion moved Cr Major and seconded Cr Slater ‘*lie on the table*’. The Mayor put this procedural motion to the vote but it was defeated 1 Vote "For" / 12 Votes "Against"

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

**Council Decision 53/09**

*Council approves the acquisition of Freehold Lot 360 Hawkins Street, Bunbury (from John Barr Goyder and Anthony Barr Goyder) for the negotiated price of \$25,000 plus GST subject to the following conditions:*

- 1. Funding for the land acquisition is to be sourced from the "Town Planning Scheme Acquisitions and Compensation Reserve Fund" in the 2008/09 Annual Budget.*
- 2. The City of Bunbury to pay the full cost of document preparation, title registration and advertising associated with the land acquisition.*

**CARRIED**

**12 Votes "For" / 1 Vote "Against"**

**An Absolute Majority Vote Attained.**

Cr Steck requested that her vote 'against' the Council Decision, be recorded.

**11.13 CITY PROMOTIONS COMMITTEE - REQUEST TO ALLOW VOTING RIGHTS FOR EX-OFFICIO MEMBERS** *(WAS LISTED AS ITEM 11.5 IN THE MEETING AGENDA)*

<b>File Ref:</b>	A00034
<b>Applicant/Proponent:</b>	City Promotions Committee (Internal Report)
<b>Author:</b>	Nardine Walford-Jones, Events Officer
<b>Executive:</b>	Domenic Marzano, Executive Manager City Life

**Summary**

Council's City Promotions Committee met on 16 February 2009 where its members agreed to recommend to the Council that voting rights be extended to the following ex-officio members:

- Kristina Knight, City of Bunbury Marketing Officer
- Felicity Anderson, Bunbury Visitor Centre Manager
- Allan Birrell, Chamber of Commerce & Industries (CEO)
- Sonya Dye, Bunbury Regional Art Galleries (Director)
- Graham Harvey, Bunbury Regional Entertainment Centre (Manager)

An extract from the City's Committee Book showing the committee's *Terms of Reference* is **attached** at Appendix 2 for Council information.

**Background**

The City Promotions Committee was appointed by Council on 27 November 2007 to provide the Council with guidance concerning special events, tourism and marketing strategies. Membership of the committee is currently:

Committee Members (voting):

- Deputy Mayor – Councillor Stephen Craddock
- Councillor Michelle Steck
- Councillor Noel Whittle
- Greg Trevaskis, City of Bunbury CEO
- Domenic Marzano, Executive Manager City Life
- Jo O'Dea – Community Representative

Ex-Officio Members (non-voting):

- Kristina Knight, City of Bunbury Marketing Officer
- Felicity Anderson, Bunbury Visitor Centre Manager
- Allan Birrell, Bunbury Chamber of Commerce & Industries CEO
- Sonya Dye, Bunbury Regional Art Galleries Director
- Graham Harvey, Bunbury Regional Entertainment Centre Manager

The Committee members are supported by the following City Life staff members: Jackie Massey, Manager Economic & Social Development; Del Ambrosius, Communications Officer, and; Nardine Walford-Jones, Events Officer.

On frequent occasions the Committee does not achieve required attendances to form a quorum and therefore decisions or recommendations cannot be made or minuted.

### **Strategic and/or Regional Outcomes**

The City's Strategic Plan 2007-2012 states that the City's vision is: *"To enhance our community's pride in our City by demonstrating the pursuit of excellence by our leadership, advocacy, service delivery and facilities."*

The Strategic Plan is based around six objectives – two of these are relevant to the recommendation in this report, they are:

1. Strengthen the City of Bunbury's governance and leadership
2. Develop social capital – having community representatives on council committees helps those committees derive a broader insight into public sentiment concerning the activities of the Council.

### **Community Consultation**

Not applicable.

### **Councillor/Officer Consultation**

Consultation has occurred with councillors and City of Bunbury members of staff involved in the City Promotions Committee.

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

Not applicable.

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

Not applicable.

### **Council Policy Compliance**

Not applicable

### **Legislative Compliance**

An amendment will be made to the Committee Book to reflect the proposed changes in voting rights of these ex-officio members.

### **Delegation of Authority**

The Chief Executive Officer does not have delegated authority in this matter.

### **Relevant Precedents**

In addition to allocating councillors to its advisory committees, the Council also appoints the most relevant additional members (either voting or non-voting) which may include ex-officio members drawn from the City's staff or from other organisations.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

Membership of the City Promotions Committee to remain unchanged (i.e., voting rights not be extended to ex-officio members)

### **Conclusion**

The recommendation from the City Promotions Committee will enable the committee to better achieve its objective of providing the Council with guidance concerning special events, tourism and marketing strategies.

### **Recommendation**

Council grants voting rights to the following ex-officio members of the City Promotions Committee:

1. Kristina Knight, City of Bunbury Marketing Officer
2. Felicity Anderson, Bunbury Visitor Centre Manager
3. Allan Birrell, Chamber of Commerce & Industries CEO
4. Sonya Dye, Bunbury Regional Art Galleries Director
5. Graham Harvey, Bunbury Regional Entertainment Centre Manager

### **Outcome of the Council Committee Meeting - 17 March 2009**

An alternative to the printed recommendation was moved. During discussion, the following points were raised:

- Kristina Knight, Felicity Anderson and Sonya Dye are highly respected and regarded in their field and have contributed much to the committee. However, there needs to be some "balance" on the committee in regard to decision-making with more emphasis placed on the community as a whole rather than people (or organisations) closely affiliated with the City.
- Due to concern at the continuing lack of a quorum at meetings of this committee, the Chief Executive Officer stated that Council Policy CEO7 makes provision for failure of members to attend meetings and the guidance of the CEO or the Mayor needs to be sought in these instances.

The motion was adopted to become the committee's recommendation on this issue.

### **Committee Recommendation**

1. Council grants voting rights to the following ex-officio members of the City Promotions Committee:
  - 1.1 Allan Birrell, Chamber of Commerce & Industries CEO
  - 1.2 Graham Harvey, Bunbury Regional Entertainment Centre Manager
2. Two (2) additional "Community Members" be appointed to the City Promotions Committee with voting rights.

### **AT THE COUNCIL MEETING**

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

An amendment to Point 1 of the motion was moved Cr Harrop, seconded Cr Punch adding Sonya Dye the Bunbury Regional Art Galleries' Director to the list of voting members for the committee. The Mayor put the amendment to the vote and it was adopted 7 Votes "For" / 6 Votes "Against". This now became part of the motion under discussion.

During discussion concerning the process used for selecting community members for appointment to the committee, the Executive Manager City Life advised that some criteria have been developed and the vacancies will be advertised in the media.

The Mayor put the motion moved Cr Craddock, seconded Cr Slater (as amended) to the vote.



A request was made for the motion to be put to the vote in separate parts as follows:

Point 1 (*as amended*): 9 Votes “For” / 4 Votes “Against”

A record of votes was requested as follows:

For: Mayor D Smith; Crs Craddock, Leigh, Punch, Whittle, Slater, Steck, Harrop & Spencer.

Against: Crs Major, Rooney, Jones & Kelly

Point 2: 12 Votes “For” / 1 Vote “Against”

The Council Decision in full is printed below.

**Council Decision 54/09**

1. *Council grants voting rights to the following ex-officio members of the City Promotions Committee:*
  - 1.1 *Allan Birrell, Chamber of Commerce & Industries CEO*
  - 1.2 *Graham Harvey, Bunbury Regional Entertainment Centre Manager*
  - 1.3 *Sonya Dye, Bunbury Regional Art Galleries Director*
2. *Two (2) additional "Community Members" be appointed to the City Promotions Committee with voting rights.*

**CARRIED**

**Absolute Majority Vote Obtained**

**11.14 FRIENDSHIP AGREEMENT - VISIT TO CITY OF JIAXING (CHINA) BY CITY OF BUNBURY DELEGATION (MAY 2009)** *(WAS LISTED AS ITEM 11.11 IN THE MEETING AGENDA)*

<b>File Ref:</b>	A00963
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Greg Trevaskis, Chief Executive Officer
<b>Executive:</b>	Greg Trevaskis, Chief Executive Officer

**Summary**

It is proposed that:

1. Council authorise a delegation from the City of Bunbury to travel to Jiaxing City, Peoples Republic of China, in accordance with the Bunbury/Jiaxing Sister City Agreement.
2. The City of Bunbury delegation consist of His Worship the Mayor, Deputy Mayor, Executive Manager of Corporate Services and the Mayor's Executive Assistant. (Protocol).
3. Council accept the invitation from the City of Jiaxing for the Bunbury delegation to visit Jiaxing from 25 to 30 May 2009.

**Background**

On 13 October 2000, a formal agreement was signed in Bunbury between the City of Bunbury with Jiaxing City, along with the Bunbury Port Authority and Zha Pu Port to enter into a sister city/port relationship based on economic development and trade between the two cities and ports (Council Decision 40/00 - 29 February 2000).

Since that time the two cities have participated in formal visits with Bunbury delegations to Jiaxing in June 2001 and September 2005. Other trade related visits have occurred between Jiaxing and Bunbury through Edith Cowan University, Bunbury Chamber of Commerce and Industry and the Bunbury Port Authority. In 2005 a Memorandum of Understanding was signed in Jiaxing between Edith Cowan University and the Jiaxing Education Department to commit to education exchanges which has been successfully acted upon.

In accordance with the original agreement, the City of Bunbury/ Bunbury Port Authority is required to send a delegation to Jiaxing every 4 years. The City recently received a formal invitation to visit Jiaxing in May 2009, which follows a visit to Bunbury by the Jiaxing delegation last year when Ms Zhao Shumei, Deputy Mayor of Jiaxing Municipal People's Government and her touring party (November 2009) explored our region and attended various civic functions.

Protocol plays a large part in any visit by a government delegation from another country. Ms Zhuang Yue is from the International Affairs Office of Jiaying City and has developed a close relationship with Bunbury through many visits to the region and return trips to Jiaying. The Mayor's Personal Assistant will provide support to the Mayor when attending civic events, functions and various site visits that will be undertaken as part of the proposed delegation program.

### **Strategic and/or Regional Outcomes**

The sister city relationship with Jaixing forms part of Council's long term strategy to develop trade and economic opportunities for the City and the Bunbury Port. The strengthening of commercial, industrial and educational ties between the two cities will have broad regional benefits for the South-West (WA).

### **Community Consultation**

Not applicable

### **Councillor/Officer Consultation**

Council is represented on a joint Jiaying Sister City Committee along with membership from Edith Cowan University, Bunbury Port Authority, Bunbury Chamber of Commerce and Industry, South West Development Commission and the Bunbury-Wellington Economic Alliance. The Mayor, Councillor Slater and the Chief Executive Officer attend meetings of this committee.

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

Air fare costs per person are estimated at \$1,600.00 (economy class). Visas will be required. Jiaying City will provide accommodation, daily transport and hospitality costs. Other costs of approximately \$1,000.00 will cover incidental expenditure e.g., travel to and from airport, ceremonial gifts and meals. Total costs are estimated at \$7,500.00 and provision has been made in Council's 2008/09 Annual Budget for this purpose.

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

Council's sister city relationship with Jiaying seeks to develop economic, educational and trade opportunities between our two ports and countries. The Bunbury Port Authority, Edith Cowan University and Bunbury Chamber of Commerce and Industry also participate in independent and cooperative visits to Jiaying outside of official sister city delegations.

A further by-product of visits provides opportunities for cultural exchange and a better understanding of international affairs.

### **Council Policy Compliance**

The proposed visiting delegation to China is in accord with Council's Friendship Agreement with the City of Jiaxing.

### **Legislative Compliance**

The proposal does not contravene any existing Council Policy and is part of an Agreement previously entered into by the City of Bunbury and Jiaxing City.

### **Delegation of Authority**

The Chief Executive Officer has no delegated authority in this subject area.

### **Relevant Precedents**

Council has previously endorsed and participated in official sister city visits to Jiaxing (China) and Setagaya (Japan) as part of its agreements with both cities.

Visits to China occur on a 4-year cycle whilst those with Japan operate on a 5-year return visit arrangement.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

Council may choose to send more or less delegates to participate in the proposed visit.

#### Option 3

Council to advise the City of Jiaxing (People's Republic of China) that unfortunately, the City of Bunbury is unable to send a visiting delegation this year.

### **Conclusion**

Council and the community have developed a strong and mutually beneficial relationship with their counterparts in Jaixing, China. It is important to this relationship that formal delegations visit each other's cities to view first hand and meet with City officials to re-affirm and review the key objectives of the Sister City Program.

**Recommendation**

1. Council accept the invitation from the City of Jiaxing (China) for a Bunbury delegation to visit Jiaxing from 25 to 30 May 2009.
2. Council authorises a delegation from the City of Bunbury to travel to Jiaxing City in the Peoples Republic of China in accordance with the Bunbury/Jiaxing Sister City Agreement.
3. The City of Bunbury delegation to consist of: His Worship the Mayor - Mr David Smith; Deputy Mayor - Councillor Stephen Craddock; Executive Manager of Corporate Services - Ken Weary; and, pursuant to protocol, the Mayor's Executive Assistant.

**Outcome of the Council Committee Meeting - 17 March 2009**

Cr Craddock disclosed an impartiality interest as he has been nominated as a delegate. He elected to leave the meeting for the duration of discussion and the vote.

Option 2 was moved in place of the printed recommendation (and Cr Slater included as a delegate). The motion was put to the vote and adopted to become the Committee's recommendation on this issue.

**Committee Recommendation**

1. Council accept the invitation from the City of Jiaxing (China) for a Bunbury delegation to visit Jiaxing from 25 to 30 May 2009.
2. Council authorises a delegation from the City of Bunbury to travel to Jiaxing City in the Peoples Republic of China in accordance with the Bunbury/Jiaxing Sister City Agreement.
3. The City of Bunbury delegation to consist of:  
  
His Worship the Mayor - Mr David Smith  
Deputy Mayor - Councillor Stephen Craddock  
Councillor Ross Slater  
Executive Manager of Corporate Services - Ken Weary  
The Executive Assistant to the Mayor

**AT THE COUNCIL MEETING**

Cr Craddock disclosed an impartiality interest as he has been nominated as a delegate for the visit. He elected to leave the meeting at 9.09pm for the duration of discussion and vote on this item.

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

During discussion the following points were raised:

- It was suggested that the visit be delayed by 12 months or until the current economic climate improves.
- It was pointed out that a recent visit to China by a business delegation from Bunbury was to strengthen business ties while this delegation is to improve diplomatic relations between the two regions.
- It was confirmed that the City's sister city relationship with Setagaya in Japan is based strictly on a cultural exchange and awareness program. This differs from the City's relationship with Jiaxing (to date) which is based on business ties, improving diplomatic relations and education.

The Mayor put the motion to the vote and it was adopted to become a Council Decision as follows.

**Council Decision 55/09**

1. *Council accept the invitation from the City of Jiaxing (China) for a Bunbury delegation to visit Jiaxing from 25 to 30 May 2009.*
2. *Council authorises a delegation from the City of Bunbury to travel to Jiaxing City in the Peoples Republic of China in accordance with the Bunbury/Jiaxing Sister City Agreement.*
3. *The City of Bunbury delegation to consist of:*  
  
*His Worship the Mayor - Mr David Smith*  
*Deputy Mayor - Councillor Stephen Craddock*  
*Councillor Ross Slater*  
*Executive Manager of Corporate Services - Ken Weary*  
*The Executive Assistant to the Mayor*

**CARRIED**

**11 Votes "For" / 1 Vote "Against"**

Cr Jones requested that her vote 'Against' the Council Decision, be recorded.

Cr Craddock returned to the meeting at 9.20pm

**12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**12.1 MOTION ON NOTICE - REQUEST MINISTERIAL INVESTIGATION INTO POWER SUPPLY TO GREATER BUNBURY REGION**

<b>File Ref:</b>	(New File)
<b>Applicant/Proponent:</b>	Councillor Whittle
<b>Author:</b>	Councillor Whittle
<b>Executive:</b>	<i>If adopted by Council refer to:</i> Greg Trevaskis, Chief Executive Officer

Cr Whittle had submitted the following motion (in writing) prior to the close of the agenda for the meeting:

*"The City of Bunbury make a formal application to the Minister for Energy to request an investigation and provide a report on the integrity of electricity supply with regard to the transmission and distribution networks supplying the Greater Bunbury area. The terms of reference to include but not limited to:*

- 1. Capacity of distribution systems relative to existing and projected electricity demands.*
- 2. Redundant capacity in the event of sustained unavailability of any distribution feeder or substation.*
- 3. Status of expansion or upgrade projects, existing or planned. "*

**Comments - Cr Whittle**

In support of his motion, Cr Whittle stated that, *" In 2007 Western Power stated that Bunbury was one of the fastest growing areas on the South West Interconnected System and that 2000 metered household connections were added between January and December 2007.*

*In an ideal system the electrical transmission and distribution networks provides continuity of supply through redundant capacity in the system and alternative supply routes which are geographically separated. The loss of one transmission line or distribution supply link through bushfire, pole damage or catastrophic failure of equipment in the substation itself should normally result in the automatic shifting of load onto the remaining supply links with minimal disruption to consumer supplies.*

*The recent 2hr electricity blackout on Friday 13th March which affected 20,000 households in Bunbury may be an indication that the electrical distribution infrastructure in Bunbury has not kept up with the rapid population growth and is under stress, or lacks redundant capability. The 2 hr blackout was reportedly caused by bushfire affecting overhead lines near the Western Power substation at Picton.*

*It has also been reported that the Office of Energy Safety will conduct an investigation into the incident. It is incumbent on the City of Bunbury to either engage in this process, or request a concurrent investigation, to ensure that the terms of reference capture the need to investigate integrity of electricity supply infrastructure to meet existing and future demands of the Greater Bunbury area."*

**Executive Comments**

Nil - for Council consideration.

**AT THE COUNCIL MEETING**

The motion on notice was moved Cr Whittle, seconded Cr Leigh (pro forma).

During discussion, the following points were raised:

- The main power distribution grids in and around Bunbury have not kept pace with the recent population explosion in the region.
- Western Power appears to give industrial areas close to the Perth metropolitan area a priority when upgrading electrical power networks.
- Some of the information and recommendations to be contained in the requested report from Western Power could be of assistance to emergency management organisations in the Bunbury region (e.g., back-up power supply capability in the event of power outages caused by fire, etc.)
- It is important that a councillor (or officer) follow-up with Western Power as to progress with preparation of the report.
- The mover and seconder of the motion agreed to minor amendments to wording of points 2. and 3. of the motion to provide better clarity.

The Mayor put the motion (as amended) to the vote and it was adopted to become a Council Decision.



**Council Decision 56/09**

*The City of Bunbury make a formal application to the Minister for Energy to request an investigation and provide a report on the integrity of electricity supply with regard to the transmission and distribution networks supplying the Greater Bunbury area. The terms of reference to include but not be limited to:*

- 1. Capacity of distribution systems relative to existing and projected electricity demands.*
- 2. Redundant (or back-up) capacity in the event of sustained unavailability of any distribution feeder or substation.*
- 3. Status of expansion or upgrade projects (existing or planned) for the transmission and distribution networks.*

**CARRIED**

**13 Votes "For" / Nil Votes "Against"**

**12.2 MOTION ON NOTICE - LETTER OF APPRECIATION TO WESTERN POWER**

<b>File Ref:</b>	(New File)
<b>Applicant/Proponent:</b>	Councillor Jones
<b>Author:</b>	Councillor Jones
<b>Executive:</b>	<i>If adopted by Council refer to: Greg Trevaskis, Chief Executive Officer</i>

Cr Jones submitted the following motion (in writing) prior to the close of the agenda for the meeting:

*"A letter of appreciation to be sent to Western Power for the prompt reinstatement of power (to Bunbury) by its employees after the fire at Picton on Friday, 13 March 2009 - this swift action averted undue disruption to the public and in particular, ensured that preparations for the Dockers versus Carlton Football Match progressed smoothly."*

**Comments - Cr Jones**

Cr Jones requests that the letter be sent to Mr Greg O'Donnell, Western Power Field Services Coordinator c/- Western Power, Boyanup-Picton Road, Picton WA 6229.

**Executive Comments**

Nil - for Council consideration.

**AT THE COUNCIL MEETING**

The motion on notice was moved Cr Jones, seconded Cr Slater.

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

**Council Decision 57/09**

*A letter of appreciation to be sent to Western Power for the prompt reinstatement of power (to Bunbury) by its employees after the fire at Picton on Friday, 13 March 2009 - this swift action averted undue disruption to the public and in particular, ensured that preparations for the Dockers versus Carlton Football Match progressed smoothly.*

**CARRIED**

**13 Votes "For" / Nil Votes "Against"**

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

Nil.

**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**

NOTE: Pursuant to Standing Order 15.10, the following Procedural Motion needs to be moved if there are items to be discussed under this heading: *"The meeting exclude members of the public to permit Confidential Business (as defined by the Local Government Act 1995) to be discussed."*

Nil

**16. CLOSE OF MEETING**

The Mayor declared the meeting closed at 10.00pm.

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CONFIRMED this day 14 April 2009 to be a true and correct record of proceedings of the Bunbury City Council Meeting held 24 March 2009.

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**MR DAVID SMITH**  
**MAYOR**