



Bunbury City Council

Notice of Meeting & Agenda 28 July 2009



City of Bunbury
4 Stephen Street
Bunbury WA 6230
Western Australia

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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
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")

GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
LAP	Local Action Plan
LCC	Leschenault Catchment Council
LEMC	Bunbury Local Emergency Management Committee
LIA	Light Industrial Area
LN (2000)	Liveable Neighbourhoods Policy (2000)
LSNA	Local Significant Natural Area
MHDG	Marlston Hill Design Guidelines
MRWA	Main Roads Western Australia
NDMP	National Disaster Mitigation Program
NEEDAC	Noongar Employment & Enterprise Development Aboriginal Corp.
NRM	Natural Resource Management
NRMO	Natural Resource Management Officer
ODP	Outline Development Plan
PAW	Public Access Way
PHCC	Peel-Harvey Catchment Council
PR	Plot Ratio
R-IC	Residential Inner City (Housing) - special density provisions
RDC	Residential Design Codes
RDG	Residential Design Guidelines
Residential R15	Town Planning Zone – up to 15 residential dwellings per hectare
Residential R20	Town Planning Zone – up to 20 residential dwellings per hectare
Residential R40	Town Planning Zone – up to 40 residential dwellings per hectare
Residential R60	Town Planning Zone – up to 60 residential dwellings per hectare
RFDS	Royal Flying Doctor Service
RMFFL	Recommended Minimum Finished Floor Levels
ROS	Regional Open Space
ROW	Right-of-Way
RSL	Returned Services League
SBCC	South Bunbury Cricket Club Inc.
SCADA	Supervisory Control and Data Acquisition
SGDC	Sportsgrounds Development Committee
SW	South West
SWACC	South Western Area Consultative Committee
SWAMS	South West Aboriginal Medical Service
SWBP	South West Biodiversity Project
SWCC	South West Catchments Council
SWDC	South West Development Commission
SWDRP	South West Dolphin Research Program
SWEL	South West Electronic Library
SWSC	South West Sports Centre
TME	Thompson McRobert Edgeloe
TPS	Town Planning Scheme
USBA	Union Bank of Switzerland Australia
VGO	Valuer General's Office
VOIP	Voice-Over Internet Protocol
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission
WAPRES	Western Australian Plantation Resources
WAWA	Water Authority of Western Australia
WC	Water Corporation
WML	WML Consultants
WRC	Waters and Rivers Commission

Bunbury City Council Notice of Meeting

TO: Council Members

The next Ordinary Meeting of the Bunbury City Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 28 July at 6.00pm.

Greg Trevaskis
Chief Executive Officer
(Date of Issue: 23 July 2009)

Agenda 28 July 2009

NOTE: The recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the meeting.

Council Members:

His Worship the Mayor, Mr D Smith
Deputy Mayor - Councillor Stephen Craddock
Councillor Judy Jones
Councillor Wayne Major
Councillor Shane Rooney
Councillor Alfred Leigh
Councillor Brendan Kelly
Councillor Helen Punch
Councillor Noel Whittle
Councillor Ross Slater
Councillor Michelle Steck
Councillor Juliet Harrop
Councillor Derek Spencer

- 1. Declaration of Opening by the Mayor**

- 2. Record of Attendance, Apologies and Leave of Absence**

3. Responses to Public Questions Taken 'On Notice' at the Previous Council Meeting

Nil.

4. Public Question Time

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

5. Questions on Notice from Council Members (No Discussion Permitted)

5.1 Questions on Notice - Bushfire Mitigation Measures

File Ref:	A02794
Applicant/Proponent:	Councillor Judy Jones
Author:	John Kowal, Manager - Community Law & Safety
Executive:	Geoff Klem, Executive Manager - City Development

The following questions were received 'on notice' from Councillor Judy Jones prior to completion of the meeting agenda. Responses have been provided by the City's Manager of Community Law & Safety:

Question 1: What bushfire mitigation measures are taken to protect residential properties adjacent to nature reserves in Bunbury?

Response 1: Prior to the fire season each year (October) an assessment is completed of all Council land identifying the bushfire mitigation measures that are to be undertaken in each reserve. The mitigation measures could include installation of firebreaks, slashing, pruning, spraying, burning or a combination.

Question 2: Which Departments of the City are responsible for the assessment of these areas?

Response 2: Community Law & Safety in consultation with Environmental Officers.

Question 3: What criteria are used for the assessment of bushfire mitigation in residential areas?

Response 3: Council's minimum requirements is where the area of land is 2024m² or less, the removal of all flammable material except living standing trees. Where the land exceeds 2024m², the provision of firebreaks at least 3 metres wide, immediately inside all external boundaries of the land.

Over and above the above minimum requirement all Council land is inspected and where required works are scheduled to mitigate the level of risk associated with the land i.e. fuel loading measurements. As stated, the mitigation measures could include installation of firebreaks, slashing, pruning, spraying, burning or a combination. Environmental factors are also considered and in some instances fire mitigation works may not be carried out in areas where it has been identified that the area is a protected area or if the mitigation works may have an impact on flora or fauna.

Question 4: Are the same criteria used to assess industrial, light industrial and commercial areas for vulnerability to fire?

Response 4: The minimum requirements are applied to all land unless an approved exemption has been provided to the land owner/occupier. In this case the land owner/occupier may have to provide other strategies to mitigate fire risk e.g. reduction in ground fuels, grazing of the land, irrigation of the land.

In some cases Council may place a "Special Order" on properties where it is deemed that additional fire hazard reduction measures are required.

Question 5: What is the cost of annual assessments for fire mitigation?

Response 5: In the 08/09 budget \$22,600 was allocated for fire hazard reduction works.

Question 6: In the event of fire in a nature reserve, which agencies are the respondents to the emergency?

Response 6: The lead Hazard Management Agency for bushland fires within the Bunbury District is FESA – Fire and Rescue Service with support from Volunteer Bushfire Service through the City of Bunbury.

6. Confirmation of Previous Minutes

The minutes of the Council Meeting held 23 June 2009, have been circulated.

Recommendation

The minutes of the Council Meeting held 23 June 2009, be confirmed as a true and accurate record.

7. Disclosures of Interest Under the Local Government Act 1995

Members should fill in <i>Disclosure of Interest</i> forms for items in which they have a financial, proximity or impartiality interest and forward these to the Mayor <u>before</u> the meeting commences.

8. Announcements by the Mayor (No Discussion Permitted)

At the time of printing there were no Mayoral Announcements.

9. Chief Executive Officer Reports/Discussion Topics

9.1 CEO Report – Application for Subdivision of Lots 21-26, 40-44 & Part Lot 45 Jubilee, Jeffrey & Woodley Roads, Glen Iris (Bushland South of Jubilee Road)

File Ref:	P13523, A00876
Applicant/Proponent:	Internal Report
Author:	Thor Farnworth (Coordinator Strategic & Environmental Planning), Neville Dowling (Consulting Strategic Planner)
Executive:	Geoff Klem (Executive Manager City Development)

Summary

On 29 June 2009 the Western Australian Planning Commission (WAPC) received a subdivision application on behalf of the Department of Housing for Lots 21–26 Jubilee Road, 40-42 Jeffrey Road and 44 and Part Lot 45 Woodley Road in the suburb of Glen Iris. A copy of the subdivision plan can be viewed at **Appendix 1 under separate cover** to this report. The application was duly referred to the City of Bunbury for comment, and was received on 3 July 2009. Under section 142 of the *Planning and Development Act 2005* the City of Bunbury is granted 42 days from the receipt of the application to provide comment to the WAPC, otherwise it can be deemed that the City of Bunbury has no objection to the application.

Council at its meeting on 16 December 2008 (Decision 246/08) resolved to advertise the revised draft Glen Iris Structure Plan, which was prepared in accordance with the LAP, for public comment over the period 21st January to 4th March 2009 (as at **Appendix 2 under separate cover** to this report). Comments received from the community and stakeholders during the statutory advertising period confirmed that the original structure plans may not have adequately accounted for the presence of ecologically significant bushland in the vicinity of Jubilee Road. Specifically, that the original environmental planning consultant's report that identified the presence of "good" quality vegetation in this locality should have been more accurately translated into the formulation of the previous structure plans.

Consequently, the City of Bunbury requested a meeting with the owners of the land, the Department of Housing, to discuss the matter and pursue a possible modification to the advertised revised draft Structure Plan, as depicted at **Appendix 3 under separate cover** to this report. Although the Department of Housing has not engaged in discussions associated with the revised Structure Plan to date, it has agreed to a meeting in early August. Given the recent lodgement of an application for subdivision, it is clear what the Department's intentions are.

In the light of the history of this matter, it is important that Council reinforce the importance of the Department of Housing participating in the completion of the revised draft Glen Iris Structure Plan. Further, it would be appropriate for the Department of Housing to withdraw the application for subdivision and liaise with the City of Bunbury, the Western Australian Planning Commission, the State Government Department of Environment and Conservation and the Federal Government Department of Environment, Water, Heritage and the Arts

Background

The subject land is presently included in the "Development Zone - Residential" under the City of Bunbury Town Planning Scheme No. 7 (TPS7), which requires that a structure plan be adopted by Council and endorsed by the Commission prior to the approval of any subdivision or development. The proposed subdivision covers approximately 25 hectares of native bushland south of Jubilee Road in Glen Iris.

The subdivision plan generally conforms to the previous draft Glen Iris Structure Plan adopted by Council in January 2004, but which was not then endorsed by the WAPC. The reason for WAPC's refusal to endorse the 2004 draft Structure Plan was due to the fact that the planned South West Highway (Picton Road) realignment was not shown on the final adopted version of the 2004 draft Structure Plan. A copy of the 2004 draft Structure Plan can be viewed at **Appendix 4 under separate cover** to this report.

The 2004 Structure Plan was prepared by the private consulting firm Sinclair Knight Merz Pty Ltd on behalf of Council and the Department of Housing, and was generally based on the Picton Waters Structure Plan. The Picton Waters Structure Plan was prepared on behalf of the Department of Housing by the private consulting firm Roberts Day Pty Ltd. To date only the Picton Waters Structure Plan has been adopted by Council in August 2002 and endorsed by the WAPC in April 2003.

A review of the above two structure plans was undertaken as part of the development of the Glen Iris - Moorlands Local Area Plan (LAP). With the benefit of more research and consultation, a number of improvements were identified, including greater recognition of the environmental values of the area.

Council at its meeting on 16 December 2008 (Decision 246/08) resolved to advertise the revised draft Glen Iris Structure Plan, which was prepared in accordance with the LAP, for public comment over the period 21st January to 4th March 2009. Comments received from the community and stakeholders during the statutory advertising period confirmed that the original structure plans may not have adequately accounted for the presence of ecologically significant bushland in the vicinity of Jubilee Road (refer to **Appendix 5 under separate cover** to this report). Specifically, that the original environmental planning consultant's report that identified the presence of "good" quality vegetation in this locality should have been more accurately translated into the formulation of the previous structure plans.

A significant issue raised by 42 written submissions in relation to the advertised revised draft Structure Plan, was the concern by the residents of Vittoria Heights over the loss of the native bushland area south of Jubilee Road and the proposed connection of Alyxia Drive through to the Picton Waters area. In addition, a petition containing 145 signatures regarding the matter of the bushland was received and accepted by Council at its meeting on 3 March 2009 (Decision 23/09). All of the land pertaining to the bushland area is presently owned by the Department of Housing.

As a result of concerns raised by residents and stakeholders regarding the Jubilee Road bushland, the City of Bunbury requested a meeting with the Department of Housing to discuss the matter and pursue a possible modification to the advertised revised draft Structure Plan, as depicted at **Appendix 3 under separate cover** to this report. The request has not been met to date, although a meeting is planned for

early August. It is clear however, given that a subdivision application has been lodged, what the position of the Department is.

Strategic and/or Regional Outcomes

The advertised revised draft Glen Iris Structure Plan, and proposed modifications, form part of the Glen-Iris Moorlands Local Area Plan (LAP). 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 aim of the proposed revised draft Structure Plan is to facilitate the orderly and proper planning of the subject land in accordance with the Scheme, the *Planning and Development Act 2005* and the State Planning Framework.

As such, the implementation of the proposed modified Glen Iris Structure Plan is ultimately expected to provide for a balance between the regional reservation of land with significant conservation value, whilst providing for the rezoning of land with little to no conservation significance with development potential for industry purposes.

Community Consultation

Public advertising of the 2009 revised draft Glen Iris Structure Plan occurred from the 21 January 2009 up to and including the 4 March 2009. A total of 69 submissions were received. Forty two of the submissions related to objections and concerns regarding the proposed development of the forest south of Jubilee Road. The submissions included a petition which contained 145 signatures. The petition was accepted by Council on 3 March 2009 (Decision 23/09).

In addition a submission from the Department of Environment and Conservation (DEC) raised significant concerns regarding the high conservation value of the forest and the recognized presence of rare and endangered native fauna such as the Western Ringtail Possum and the Black Cockatoo (a copy of the letter can be viewed at **Appendix 6 under separate cover** to this report). The DEC also commented that the proponent may be required to refer the proposal to the federal Department of Environment, Water Heritage and the Arts (DEWHA) as it is required that environmental matters that are deemed to be of national importance (such as the presence of habitats of the Western Ringtail Possum) must be referred to the DEWHA for comment.

Following analysis of the submissions and the advice of the DEC it was established that the Jubilee Road forest has potentially significant ecological (and community) value for the following reasons:

It has high conservation value in terms of flora and fauna. Rare and endangered species are known to exist in the area. This can be substantiated from the results of previous environmental studies in the area, comments from the DEC and the photos and knowledge of members the local community who have taken a great deal of interest in the forest.

The forest has a role as an effective buffer between the residential areas of Vittoria Heights and future industrial areas to the south, including the existing DBC abattoir which has been known to cause a loss of amenity for the residential areas in Glen Iris over a number of years.

The forest is highly valued by the community for its natural attributes and passive recreation use including educational pursuits for the Picton Primary School.

The majority of the Glen Iris forest has already been cleared and this area represents one of the last areas of good quality remnant bushland within the City of Bunbury. There is significant transport infrastructure surrounding the area (i.e. Port Access Road and railway service corridor, and the land for Inner Harbour expansion). The forest assists in buffering some of the noise and dust impacts generated by this transport infrastructure and future port activity

Councillor/Officer Consultation

Along with State Government agency representatives (including DPI), the Mayor and Councillors (two representatives) and the Executive Manager City Development were integral to the Glen Iris - Moorlands Project Control Group (PCG). Council briefing sessions previously took place in February and March 2006 and then again in December 2007.

The Glen Iris - Moorlands local area planning project has also extensively involved the City's engineering services and strategic and statutory planning staff. A site visit of the entire local area, including the bushland south of Jubilee Road, was carried out on 19 June 2008 and involved most of the City's planning staff.

Analysis of Financial and Budget Implications

There are no direct budget ramifications resulting from the proposed subdivision; however, if subdivision is to occur then the normal conditions for the making of land and cash contributions for the development of the subject area can be expected to occur in accordance with the *Planning and Development Act 2005*, the relevant policies of the State Planning Framework and Council's adopted Glen Iris Cost Share Agreement. This means that the costs of subdivision and development of the land is the responsibility of the subdivider, and is subject to the specification and satisfaction of the City of Bunbury.

Economic, Social, Environmental and Heritage Issues

Environmental Issues

Ecological Issues

The 'Picton Waters Estate Vegetation and Wetland Management' (June 2002) report, produced by consultants Bowman Bishaw Gorham on behalf of the Department of Housing in support of the earlier structure planning exercises, indicated relatively large areas of natural vegetation rated as being in "good" to "very good" condition.

The latest subdivision application includes a 'Vegetation Surveys and Rare Flora Searches Study' by the consulting botanist Dr Arthur S Weston. This study was carried out in January 2009 and rates the vegetation in the area as ranging from "Completely Degraded" to "Very Good". The report also stated that:

"No Declared Rare Flora species was found, nor were any likely habitats for any identified, and it is unlikely that any such species occurs in the project area."

However, the later 2009 study by Dr Arthur S Weston states that a number of Priority Flora species were observed in this locality. It should also be noted that the flora survey conducted by Dr Arthur Weston occurred during summer when plant identification is difficult due to the absence in many cases of observable plant reproductive structures, a key method of plant identification, or impossible in the case of dormant annual plants. Hence, this flora survey may have failed to record the presence of Declared Rare Flora in this locality, and as such, the Department of Environment and Conservation (DEC) may require the scientific standard of a spring time flora survey to occur prior to permitting any subdivision of the land.

The DEC since advised in a letter to the City (refer to **Appendix 6 under separate cover** to this report) that the area contains habitat for the threatened Western Ringtail Possum (*Pseudochierus occidentalis*). The federal Department of Environment, Water, Heritage and the Arts (DEWHA) advised, in a letter to the City (refer to **Appendix 7 under separate cover** to this report) that in addition to the Western Ringtail Possum the area may also support the Carnaby's White-tailed Black Cockatoo (*Calyptorhynchus latirostris*) and Baudin's White-tailed Black Cockatoo (*Calyptorhynchus baudinie*). The DEWHA advised that all three species are protected under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*, and that any proposal likely to have a significant impact upon these species must be referred to the federal Minister for the Environment, Water, Heritage and the Arts for assessment.

The DEWHA further advised that in the case of Western Ringtail Possums in the Bunbury area, a significant impact is considered to be any clearing in a remnant habitat patch that is greater than 0.5 hectares in size. The DEWHA has also advised that it is the proponent's responsibility to refer such proposals to the Minister and that heavy penalty can apply under the Act if they fail to do so.

Considering the advice of the state and federal government departments regarding the potentially significant conservation values of the subject area, it can be concluded that the proposal may be subject to legislative constraints. It is therefore considered that potential options for the retention and conservation of this bushland through the latest structure planning process should be explored by relevant decision-making authorities in order to facilitate compliance with the relevant environmental legislation (and avoidance of potential penalties and community concerns) and progression of orderly and proper planning outcomes.

Environmental Health Issues

Assessment of the subdivision application has also resulted in the following recommendations in relation to environmental (public) health issues:

The need for the subdivision application to be referred to the Environmental Protection Authority (EPA) to conduct an Environmental Impact Assessment.

The proposed subdivision plan currently shows residential lots located inside the minimum 500m buffer distance (as stated in the EPA document Guidelines for the Assessment of Environmental Factors Separation Distances between Industrial and Sensitive Land Uses) to the existing abattoir located at Lot 100 Wimbridge Road, Picton. These Guidelines define the buffer as "all the land between the boundary of the area that may potentially be used by an industrial land use, and the boundary of the area within which unacceptable adverse impacts due to industrial emissions on the amenity of sensitive land use are possible. This may be represented by the

separation distance". Development of sensitive land uses (i.e. residential) inside the buffer zone may result in unacceptable odour, noise and dust issues.

The need for the applicant to conduct a mosquito and midge disease and nuisance risk assessment in relation to potential mosquito and midge breeding sites contained within the proposed public open space. It should be noted that a mosquito management plan may be required dependent on the outcome of risk assessment.

Social Issues

The development of the Jubilee Road Forest would have considerable negative social outcomes for the local community as it is valuable for passive recreation activities, visual amenity and provides for appreciation of natural conservation assets for the local and wider community. It is also understood to be used by the local schools for nature studies.

Heritage Issues

There are no European heritage issues related to the area however the southern most portion of the land proposed to be subdivided borders onto the area of influence of Aboriginal Heritage Site 4817. Therefore more archaeological surveys may be required in this area by the Department of Indigenous Affairs.

Economic Issues

If subdivision is to occur the creation of additional residential land use activities can reasonably be expected to promote a positive net economic outcome for the local area and the City. This expectation is based upon the increased investment concomitant to the resulting population growth.

If the bushland area is to be conserved, it is likely that it would need to be reserved as "Regional Open Space" under the Greater Bunbury Region Scheme (GBRS) and maintained by the State Government. This matter requires further investigation depending upon the outcome of the subdivision application.

Legislative and Council Policy Compliance

The statutory period for comment on subdivision applications for referral authorities is 42 days from the date of referral by the WAPC. Approval for subdivision by the WAPC is required under section 135 of the *Planning and Development Act 2005*. Sections 142(2) and (3) state as follows:

- "(2) *A local government, public body or utility services provider receiving such a plan or copy is to, within 42 days of receipt of the plan or copy or within such longer period as the Commission allows, forward it to the Commission with -*
- (a) *a memorandum in writing containing any objections to, or recommendations in respect of, the whole or part of that plan; and*
 - (b) *in the case of a local government receiving a plan or copy relating to land within the area to which an assessed scheme (as defined in the EP Act) applies, advice of any relevant environmental condition to which the assessed scheme is subject.*

- (3) *If a local government, public authority or utility services provider does not forward a memorandum within the time allowed under subsection (2), the Commission may determine that it is to be taken to have no objections or recommendations to make or advice to give."*

Delegation of Authority

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

Relevant Precedents

The statutory components of the Glen Iris - Moorlands Local Area Plan includes a set of local structure plans and scheme amendments, which are regulated under the heads of power conferred by the Local Planning Scheme (i.e. TPS7) and the *Planning and Development Act 2005*, respectively.

Options

Option 1

As per the recommendation listed in this report.

Option 2

Council supports the application for subdivision as submitted by the Department of Housing, subject to conditions as determined by Council's Development Services.

Conclusion

The application for subdivision generally conforms to the current Picton Waters Structure Plan (2002) and draft Glen Iris Structure Plan (2004), which remains as the statutory plans for guidance of subdivision applications until such time as the revised draft Glen Iris Structure Plan has been adopted by Council and endorsed by the WAPC.

The advertised revised draft Glen Iris Structure Plan (2009) has not yet been considered by Council for final adoption, but remains a properly entertained scheme/proposal. During this process it was identified by the City that there were significant community and stakeholder concerns regarding the high conservation value of the remnant native bushland in this area.

Given that the Department of Housing wishes to proceed with the immediate subdivision of the land, despite a procedure for finalising the revised draft Glen Iris Structure Plan (2009) as modified being outstanding, it is considered necessary that Council formalises its position on the matter in order to:

Advise the WAPC that Council does not support the subdivision proposal;
Reinforce the need for the Department of Housing to participate in the completion of the structure planning procedure for Glen Iris as a key stakeholder;
Recommend that the Department of Housing withdraw its application for subdivision at this time, subject to further liaison with the City of Bunbury, the WAPC, and the relevant State and Federal Government environment agencies;

Recommendation

That Council advises the Western Australian Planning Commission that it does not support the submitted application for subdivision by the Department of Housing for Lots 21 – 26 Jubilee Road, 40-42 Jeffrey Road and 44 and Part Lot 45 Woodley Road, Glen Iris for the following reasons.

- (a) There has been a significant level of community concern (expressed in submissions and a petition lodged during the public advertising period of the revised draft Glen Iris Structure Plan) regarding the impact of the proposal on conservation values of the bushland south of Jubilee Road.
- (b) That the conservation values of the bushland south of Jubilee Road identified in previous scientific studies may not have been adequately considered in regard to the preparation of previous structure plans and the submitted application for subdivision.
- (c) That the statutory requirements of the State Government Department of Environment and Conservation and the Commonwealth Government Department of Environment, Water, Heritage and the Arts may not have been adequately addressed by previous structure plans and the submitted application for subdivision.

That Council requests the applicant to withdraw the application for subdivision and to liaise with the City of Bunbury, the Western Australian Planning Commission, the Department of Environment and Conservation and the Department of Environment, Water, Heritage and the Arts.

That the Department of Housing be further invited to participate in the completion of the revised draft Glen Iris Structure Plan as a key stakeholder, by engaging with the City in its consideration of the proposed modification to the advertised Structure Plan in order to facilitate positive environmental, social and economic outcomes (refer to the Glen Iris Structure Plan at Appendix 3 to this report).

10. Reception of Formal Petitions and Memorials

11. Reception of Reports and Recommendations from the Council (Standing) Committee Meeting held 21 July 2009

Standing Order 16.1.1 permits the Council to adopt the Committee Recommendations listed in Section 11 of this agenda "en bloc".

At the meeting, councillors to identify any items requiring individual attention.
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11.1 Proposed Draft Nenke Way Structure Plan & Scheme Amendment 31 – Closure of Public Advertising Period

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

Summary

In accordance with Council's resolution made at its ordinary meeting on 24 March 2009 (Decision No. 52/09), public advertising of the proposed draft Nenke Way Structure Plan and associated Scheme Amendment 31 occurred from the 22nd of April up to and including the 12th of June 2009, with a landowner information session held on 14 May 2009 with participating landowners and other stakeholders at the City of Bunbury's Council function room. A copy of the proposed draft Structure Plan map, as modified in response to submissions, can be viewed at **Appendix 1 under separate cover** to this report. A copy of the proposed Scheme Amendment map, as modified in response to submissions, can be viewed at **Appendix 2 under separate cover** to this report.

A total of 23 written submissions were received (of which two were submitted after the closing date). Fifteen of the submissions were from residents/landowners/potential buyers within the Structure Plan area. Of the 15 landowner submissions, three landowners made two separate submissions each (i.e. there were 12 actual submitters). Eight of the 12 aforementioned landowners who made submissions were completely opposed to the Nenke Way Structure Plan proposal, principally in regard to the internal access road as indicated on the Structure Plan Map. Three of the landowners who made submissions expressed either qualified opposition or support for the proposal, subject to an increase in residential density coding and modifications to the road extension alignment. Seven submissions were from State Government agencies and one from a utility provider, all of which had little or no bearing on a decision to adopt the proposed draft Structure Plan.

The majority of submissions received from landowners rejected the proposed draft Structure Plan. The Nenke Way precinct area has been the subject of detailed research, public consultation, State Government agency liaison and review for the past two years. The outcome of this consultation and public advertising process is that there is no apparent consensus or support for the proposed draft Structure Plan at present. Further, that there is no definitive option for a structure plan that would be acceptable to the majority of existing residents and also be able to satisfy the requirements of the relevant State Government agencies.

The recommendation of this report is therefore to not adopt the proposed draft Nenke Way Structure Plan but to proceed with the final adoption of Scheme Amendment 31, which is to amend the City of Bunbury Town Planning Scheme No. 7 (TPS7) to include the subject area within a "Development Investigation Policy Area", whereby a finalised structure plan that is adopted by the City of Bunbury and endorsed by the Western Australian Planning Commission (WAPC) is required prior to further development or subdividing of the land. If in the future landowners wish to pursue subdivision and development of their land they will need to engage a suitably qualified and experienced planning consultant to carry out the task of compiling a structure plan that will achieve both the support of the majority of landowners and satisfy State and Local Government requirements.

Background

Need for Structure Planning

In 2003 the City was advised by the WAPC that it would not grant further subdivision approval within the Nenke Way area until a structure plan was adopted by the Local Government and endorsed by the Commission (refer to **Appendix 3 under separate cover** to this report). The nature of the specific advice was stated accordingly:

"ADVICE

The subdivider is advised that the general area is in need of comprehensive planning to have regard to flood issues, land suitability assessment, overall road layout, traffic conflict with Picton Road (Primary Distributor Road) and other structure planning matters. Accordingly, the subdivider is advised that the Commission will not support a re-subdivision of the Strata Scheme for additional strata lots as it may have a prejudicial effect on future structure planning for the area. The subdivider is advised to liaise with the City of Bunbury on the structure planning process."

"ADVICE TO THE CITY OF BUNBURY:

The City of Bunbury is advised that conditions recommended by Council which relate to further development, e.g. fill and drainage, have not been imposed as it could have prejudicial effect on future structure planning for the area. If the area is supported for further development due regard will need to be given to all standard structure planning issues and procedures as specified in Scheme No. 7."

Based on further research and inquiry with the Department for Planning and Infrastructure (DPI) and other State Government agencies, the following key issues affecting the future of the Nenke Way precinct area were derived:

- Need for the local access road to be extended through the remaining properties of street address 102 to 144 South Western Highway.
- Need was identified by the DPI on behalf of Main Roads Western Australia (MRWA), at the outset of the Glen Iris - Moorlands Local Area Planning project. This need relates to:
 - facilitation of future upgrading of the South Western Highway;
 - minimisation of residential accessways/crossovers to a "Primary Regional Road Reserve"; and
 - maintenance of road safety and efficiency of the South Western Highway.
- Expectation that until extension to the Nenke Way road reserve 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.
- Recommended that the Nenke Way road reserve be extended to link up with Dodson Road at its intersection with South Western Highway.

The implications of not providing structure planning guidance may potentially result in:

- Further unguided subdivision up to the maximum residential density code (or R-Code) of "R15", which would result in the creation of numerous battle-axe lots, of on average five to six grouped dwellings - accessed by relatively long narrow (i.e., 5 metre wide) access ways.
- 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.
- The resulting dwelling density would 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.
- 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.)

Benefits of Structure Planning

The principal benefit of implementing a structure plan for the Nenke Way precinct area 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 also be accrued from increasing accessibility to the Preston River shoreline, which is included in the "Regional Open Space Reserve" under the Grater Bunbury Region Scheme (GBRS). Enhanced access arrangements would provide for both maintenance of flood mitigation works (levee bank) and increased passive recreational opportunities. However, it must be noted that the land included in the Regional Open Space Reserve is currently privately owned, and that it is anticipated that this land would ultimately be purchased by the State Government through a voluntary land acquisition programme administered by the WAPC.

Structure Planning Process

The proposed draft Nenke Way Structure Plan was compiled following ongoing consultation with State Government agencies and landholders since 2007. The associated Scheme Amendment 31 to TPS7, was also prepared in support of the proposed draft Structure Plan, which proposed an increase to the R-Code from "R15" to "R20" and the inclusion of the subject area into a "Development Investigation Policy Area" (DIPA). The purpose of the proposed Scheme Amendment was to facilitate the extension of the Nenke Way access road by providing landowners with the opportunity to offset the loss of land and costs associated with development in accordance with the Structure Plan, whilst also seeking to maintain a low density residential amenity. A more detailed rationale for the Scheme Amendment is outlined in the Local Planning Scheme Amendment Report and supporting Glen Iris – Moorlands Local Area Plan: Nenke Way Precinct - Road Options Analysis: Final Report (March 2009) document.

The proposed draft Structure Plan and associated Scheme Amendment was presented to Council at its ordinary meeting on 24 March 2009 for its consent to publicly advertise in accordance with clause 5.9.13 of the Scheme. The Glen Iris – Moorlands Local Area Plan: Nenke Way Precinct - Road Options Analysis: Final Report (March 2009) document which contains the background rationale for the plan was also circulated to members prior to the meeting of Council Committee on 17 March 2009.

The proposed draft Structure Plan and associated Scheme Amendment presented to Council Committee at its meeting on 17 March 2009 was drafted taking account of the following factors:

- The proposed road layout for the extension of Nenke Way providing for an alternative to lots having direct vehicle access to the South West Highway. Access then being via the internal access road which would have only two

traffic conflict points onto South West Highway (Picton Road), that is, at the existing Nenke Way "T" intersection and at an intersection opposite Dodson Road where traffic lights would be utilised.

- The proposed road layout not requiring any demolition of existing dwellings.
- The proposed road layout being 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).
- The proposed road layout reflecting the existing terrain, particularly in regard to the relief in vicinity of Lot 100 (street number 116) South Western Highway, which must be avoided in order to retain the existing house and avoid excessive changes to ground level (and consequential development costs).
- The eastern portion of the proposed road layout being set back to align with Dodson Road, which has the following advantages:
 - reduces road length and consequential development costs;
 - minimises tree removal within the environmentally sensitive area at the eastern end of the precinct; and
 - provides a better alignment for an eventual traffic light controlled intersection at Dodson Road.
- The provision of a limestone trafficable pathway along the top of the levee bank in order to provide for:
 - separation of the Preston River conservation area and floodplain;
 - fire break;
 - public access (for pedestrian/cyclist) to the Regional Open Space Reserve area; and
 - emergency access route for vehicles.

At its meeting on 24 March 2009 the proposed draft Nenke Way Structure Plan and associated Scheme Amendment 31 was presented to Council. Council resolved (Decision No. 52/09) as follows:

- "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.”*

Structure Planning Outcomes

As a result of analysing the submissions received during the public advertising period and comments made during the landowner information session - the recommendation is to not proceed with the adoption of the proposed draft Structure Plan at this point in time. Nevertheless, the issues and risks associated with unguided subdivision in the Nenke Way precinct remain, and consequently it is recommended that the Scheme Amendment, as modified, should proceed to final adoption. A copy of the proposed Scheme Amendment, modified to show the annotation of the Scheme Map by way of the subject area's inclusion within a "Development Investigation Policy Area", can be viewed at **Appendix 2 under separate cover** to this report.

It is important to note that the minor modification to the Scheme Amendment is to delete the proposed change of residential density code (or R-Code), leaving only the insertion of the "Development Investigation Policy Area" on the Scheme Map. The rationale for this modification is that the present R-code can remain in place until such time as the ultimate density can be determined at a latter date through a structure planning exercise, which can then better respond to local conditions, landowner intentions and the final urban design of the precinct area. Nevertheless, the depiction of a "Development Investigation Policy Area" boundary around the subject area on the Scheme Map is still required in order to necessitate the finalisation of a structure plan in the future.

It is also important to note that supporting submissions received during the public advertising period requested an increase in the R-Code to R30 or R40, either for the entire site or for that land fronting the Preston River. Increasing the density to R30 or R40 along the northern boundary of the subject area is feasible, but would require an amendment to the Scheme corresponding to any adopted and endorsed structure plan. Medium density housing along the northern boundary of the subject area has merit given that the northern ends of the lots are adjacent to Regional Open Space reserved land along the Preston River. An increase in densities to R30 or R40 at the northern ends of the lots would partially satisfy the WAPC's own *Liveable Neighbourhoods* (October 2007) document, which is an operational policy of the Commission.

Notwithstanding the recommendation, a modified draft Nenke Way Structure Plan is presented for Council's consideration at **Appendix 1 under separate cover** to this report should Council resolve to progress with its implementation. It should be noted that the minor modification to the proposed draft Structure Plan is to include an additional text notation (Note 5), which makes reference to the presence of the Preston River Technology Park.

Strategic and/or Regional Outcomes

The proposed draft Nenke Way Structure Plan forms part of the Glen-Iris Moorlands Local Area Plan (LAP). 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 aim of the proposed draft Structure Plan is to facilitate the orderly and proper planning of the subject land in accordance with the Scheme, *the Planning and Development Act 2005* 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

Preliminary 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 during the formulation of the LAP, 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 landowner 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. A site visit was also undertaken by staff of Development Services and Engineering Services 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.

Land Owner Information Session

In accordance with Council's resolution (Decision No. 52/09 (3)), a landowner information session was held at Council's function room on 14 June 2009. The summary findings of the landowner information session are as follows:

- The majority of landowners object to the structure plan and see the internal access road as an imposition rather than as an opportunity.
- There remains the misconception amongst some landowners that the road, if shown on a structure plan will be built over their property without their permission.
- There were no viable clear alternatives presented other than for a road along the northern end of the lots on top of or near the levee bank. Further review of this option by the City in consultation with the DPI deemed that this option is not feasible in terms of:

- it not improving the urban design and access issues of the long narrow lots;
 - the extensively long cul de sac required and the fill costs involved if the road is constructed; and
 - a road bend in the initial phase requiring a considerable amount of land from the property affected by the bend - causing a situation where one or two property owners are affected to a greater degree than those with the road along the rear (northern) end of the lots.
- Many of the landowners viewed the proposed internal road as follows:
 - a threat to their lifestyle, even if it was just shown on a structure plan map;
 - that it would take up too much space;
 - that because of the levy setback in many cases there would be no room for houses on the northern side of the road;
 - the costs of fill and road construction would be too expensive and subdivision or development would not be financially worthwhile;
 - Other related issues that were raised included:
 - questions about 10% allocation of public open space;
 - contributions to emergency vehicle access;
 - allocation of land for medium density (i.e. R40) sites;
 - restrictions regarding the road reserve area and its use prior to development of the lot;
 - fears about compulsory land acquisition;
 - queries regarding common access arrangements (i.e. shared driveways); and
 - queries regarding claims for compensation.

Details of the questions, answers and recommendations of the landowner information session can be found at **Appendix 4 under separate cover** to this report. For the most part the queries and comments reflected the overriding viewpoint expressed in the submissions – that being the internal access road is not wanted by the majority of landowners/residents.

Submissions from Public Advertising

Public advertising of the proposed draft Nenke Way Structure Plan and associated Scheme Amendment 31 was for a period of 52 days - commencing on the 22nd of April and closing on the 12th June 2009. The schedule of submissions can be found at **Appendix 5 under separate cover** to this report. Copies of the submissions in their entirety are included in full at **Appendix 6 under separate cover** to this report.

Following close of advertising, a total of 23 written submissions were received (of which two were submitted after the closing date). Fifteen of the submissions were from residents/landowners/potential buyers within the Structure Plan area. Of the 15 landowner submissions, three landowners made two separate submissions each (i.e. there were 12 actual submitters). Eight of the 12 aforementioned landowners who made submissions were completely opposed to the Nenke Way Structure Plan proposal, principally in regard to the internal access road as indicated on the Structure Plan map.

Three of the landowners who made submissions expressed either qualified opposition or support for the proposal, subject to an increase in residential density coding and modifications to the road extension alignment.

One landowner submission was received from Broga Security Pty Ltd, which had no objection to the proposal and did not discuss its landholding of Lot 0, but instead commented on its land adjacent to the Nenke Way Structure Plan boundary. This land is referred to as the Preston River Technology Park, which is situated in the vicinity of Dodson Road and Olive Road to the south east of the subject area. The comments made related to the landowner's concerns that further infill residential development may conflict with or restrict development of the Preston River Technology Park site. It is acknowledged that the Preston River Technology Park has a bearing on the future of the Nenke Way residential area in relation to its potential to generate some off-site impacts (e.g. noise, traffic, visual amenity, etc.). Consequently, a minor modification to the proposed draft Structure Plan is to include an additional text notation (Note 5), which makes reference to the presence of the Preston River Technology Park.

Seven submissions were from State Government agencies, which basically outline advice on their particular department's requirements if subdivision and development were to proceed. The only advice to assist in the decision of whether the Structure Plan as presented should be supported was that from MRWA which stated that:

"Main Roads has no preference on the road arrangement of Nenke Way within the future subdivision provided it caters for access to all lots created by the subdivision eliminating direct access to South Western Highway."

One submission was received from the utility provider Telstra, which had no objection to the proposal, but made comment on a range of potential issues that may arise during the implementation of any structure planning exercise or subsequent subdivision and development of the area.

Overall the submissions received were similar to the outcomes of the preliminary community consultation exercises and the landowner information session held on the 14 June 2009.

Councillor/Officer Consultation

The Glen Iris-Moorlands Local Area Plan: Nenke Way Precinct - Road Options Analysis Final Report, which forms the basis of the proposed draft Structure Plan, was compiled by staff of City Development (Development Services - Strategic & Environmental Planning) with the assistance of City Services (Engineering Services).

The outcomes of the preliminary consultation process was reported to a Council briefing session on 26 August 2008, and then again at Council's committee meeting held on 17 March and Council's ordinary meeting held on 24 March 2009.

His Worship the Mayor and three other Councillors were in attendance at the landowner information session held on 14 May 2009 at the City of Bunbury's Council function room.

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 would 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 fully 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

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 Department of Environment and Conservation (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 proposed draft 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.

Social Issues

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

Heritage Issues

There are no known heritage issues within the study area.

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.

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 would then be referred to the WAPC with a request for final endorsement. Nevertheless, if the recommendation of this report is to be followed, then the proposed Scheme Amendment 31 must be revised to rezone the land to "Development Zone – Residential" in order that for any further subdivision or development to occur an approved Structure Plan must be in place. This means that a new structure plan would need to be compiled by the landowners that wish to subdivide in accordance with the provisions of Section 5.9.13 of the Scheme.

Delegation of Authority

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

Relevant Precedents

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. TPS7) and the *Planning and Development Act 2005*, respectively.

Options

Option 1

As per the recommendation listed in this report.

Option 2

Council adopts the proposed draft Structure Plan and Scheme Amendment, as modified, and forwards both the Structure Plan and Scheme Amendment documentation on to the WAPC for final endorsement and gazettal respectively.

Conclusion

The proposed draft Nenke Way Structure Plan and associated Scheme Amendment 31 were compiled as a logical and feasible approach to adequately dealing with the future subdivision and development of the Nenke Way precinct, given the WAPC's advice that no further subdivision or development approval would be granted until structure planning of the area has been resolved.

However, it can reasonably be determined that it is presently unfeasible to adopt and implement the proposed draft Structure Plan. This outcome can be deduced from the following considerations:

- The majority of submissions received during the public advertising period from private landowners were against the proposed Structure Plan and associated Scheme Amendment as advertised.
- The majority of landowners expressed a desire to not pursue subdivision and development of their land at this time or in the foreseeable future.
- The existence of private ownership of land included in the Regional Open Space Reserve under the GBRS that abuts the subject area to the north.
- The presence of the Water Corporation flood levee bank along the northern edge of the subject area, and the setback and fill requirements that relate to the presence of the Preston River floodplain which are State Government requirements now administered by the Department of Water.
- The number of landowners within the precinct with divergent values, needs and intentions for the future development/use of their land.
- The absence of a feasible alternative solution that would be acceptable to the State Government agencies, the majority of landowners and the local government that can reasonably be implemented (i.e. costs are reasonable).

Despite a considerable attempt, the City is unable to find a suitable solution for the Nenke Way precinct that is supported by the majority of landowners and accords with the requirements of the State Government. Consequently, it is recommended that the subject land be included within "Development Investigation Policy Area" under the Scheme, necessitating a finalised structure plan in order to guide subdivision and development. Given that the majority of landowners do not wish to pursue subdivision and development at this time, such a structure planning exercise should be compiled by the interested landowners through the use of a properly qualified and experienced planning consultancy.

Recommendation

1. Pursuant to the City of Bunbury Town Planning Scheme No. 7, Council resolves NOT to adopt the proposed draft Nenke Way Structure Plan as modified (Appendix 1 under separate cover to this report).
2. Pursuant to the Planning and Development Act 2005, Council resolves to finally adopt Scheme Amendment 31 to the City of Bunbury Town Planning

Scheme No. 7, as modified, by annotating the Scheme Map to show the subject area within a "Development Investigation Policy Area" boundary (Appendix 2 under separate cover to this report).

Outcome – Council Committee Meeting 21 July 2009

Before debate of the recommendation the Presiding Member invited public speakers to address the committee as follows:

Mrs Vanessa McDougall of 114 South Western Highway, Bunbury

- Objects to the Nenke Way Structure Plan and asked Councillors not to let the road go ahead as it will go through her property.

Mrs Leonie Lenney of 8 Sellenger Way, Australind (representing herself and Mr Steven Stuart) raised the following points and questions.

- They agree with the City's Plan.
- She acknowledges that the WAPC has placed the City in a position where further developments cannot occur until the Structure Plan is finalised.
- Is it possible to subdivide in future following the City's Structure Plan?

The Executive Manager City Development advised that it is possible to lodge an application for subdivision with the WA Planning Commission and if refused there is an appeal right to the State Administrative Tribunal.

Mr Paul Webster of 112 South West Highway, Bunbury

- He stated he is neither for nor against the Plan.
- He believes owners are being asked to sign off on something they have only received limited information about. They require more detailed facts and figures in order to be able to work out if it is in their best interest or not.

The Presiding Member confirmed that the City can only give owners advice in regards to land use and is not able to give advice on financial consequences of the Plan for owners.

Mr Allan Graham (Developer) owner of Lots 58 and 59

- Mr Graham stated he believes that most of the owners want the Plan to go ahead and asked councillors to vote in favour of it.
- He asked how has the City arrived at the conclusion that the majority of owners are against the Plan.

The Presiding Member replied that it was as a result of the public consultation process where owners were asked to raise their concerns.

Mrs Vanessa McDougall addressed the committee members again.

- Expressed concern at the number of driveways onto the Highway.
- Asked why can't the developers who wish to develop be allowed to and the rest of the owners be left alone to carry on with their lives.

The Presiding Member explained to Mrs McDougall that Main Roads Western Australia is responsible for the access to the Highway. He also confirmed that the City would consider any plans from the owners.

The Executive Manager City Development reiterated that the City is largely responding to the requirements of State Government agencies and Mrs McDougall needs to raise her proposal and other relevant issues with the WAPC direct.

A Councillor enquired as to the cost of the Structure Plan and what had made the Council initiate the Structure Plan? Was it due to one owner in particular?

The Presiding Member confirmed it was not, it was due to future access issues being needed to be resolved in some way as the City was advised by the WAPC that it would not grant further subdivision approval within the Nenne Way area until a structure plan was adopted by the Local Government.

During discussion the Presiding Member adjourned the meeting (Section 12.10 Standing Orders) from 6.40pm to 6.50pm.

The recommendation as printed was moved Cr Slater, seconded Cr Leigh.

Cr Harrop proposed that the following wording form a Point 3, and seconded by Cr Major.

"Write to all landowners informing them of Council's decision with an explanation of the meaning of a "Development Investigation Policy Area".

The Presiding Member put Cr Harrop's additional point to the vote and it was adopted 13 votes "for" to Nil votes "against".

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

(Committee Recommendation on following page)

Committee Recommendation

- 1. Pursuant to the City of Bunbury Town Planning Scheme No. 7, Council resolves NOT to adopt the proposed draft Nenke Way Structure Plan as modified (Appendix 1 under separate cover to this report).**
- 2. Pursuant to the Planning and Development Act 2005, Council resolves to finally adopt Scheme Amendment 31 to the City of Bunbury Town Planning Scheme No. 7, as modified, by annotating the Scheme Map to show the subject area within a "Development Investigation Policy Area" boundary (Appendix 2 under separate cover to this report).**
- 3. Write to all landowners informing them of Council's decision with an explanation of the meaning of a "Development Investigation Policy Area".**

11.2 Bunbury Regional Art Galleries \$1 Million Dollar Upgrade Change to Scope of Works

File Ref:	A06240
Applicant/Proponent:	Internal Report
Author:	Domenic Marzano, Executive Manager City Life
Executive:	Domenic Marzano, Executive Manager City Life

Summary

The City of Bunbury together with the Bunbury Regional Arts Management Board (BRAMB) has been working towards the improvement of the existing Galleries' facility and the identification of long term options for the future of the Bunbury Regional Art Galleries (BRAG). To date, \$1 million has been secured from the State Government via the Department of Culture and the Arts (DCA) for upgrades to the existing building. Funding has also been obtained to conduct a feasibility study to investigate options for future expansions on the current site. Council has also committed to a replacement programme for the ageing air-conditioning systems at BRAG.

City officers and Heritage Architect Ian Molyneaux have progressed the project and now require Council permission to proceed with the works as design options 6 (**attached** at Appendix 7) is a significant departure from the original proposal although it will deliver enhanced outcomes.

Background

In October 2007, the City of Bunbury was informed by DCA that if the \$1 million state government commitment towards creation of a Bunbury Regional museum (provided to the City in 2001) was not allocated to a relevant initiative by 31 December 2007; those funds would be returned to the State Government Community Development Fund.

As no immediate source of funding for a museum could be identified, the Three-Waters Project Control Group recommended that the funds be reallocated toward the upgrade and improvement of BRAG, situated in Wittenoom Street, Bunbury.

A number of properties were presented by BRAMB and endorsed by the Three Waters Project Control Group. After further discussion with DCA, a letter was received from Minister for the Arts, Hon. Sheila McHale, MLA, requesting a proposal to improve access and exhibition space at BRAG. The priorities were then modified to suit the request. After submitting costings provided by a Quantity Surveyor to DCA, a further communication was received from the Department's Director of Cultural Development and Strategic Programs indicating the type of projects that would receive departmental support including:

- Installation of a dual purpose lift
- Refurbishment of foyer and entry areas
- Moveable walls to increase exhibition space
- Internet capacity in gallery spaces
- Improved studio and art workshop space.

Following consultation with the BRAMB on 27 November 2007, the DCA recommendations were further refined as follows

Installation of a dual purpose lift.....	\$448,328.00
Internet Arts Access Project.....	\$98,600.00
Refurbishment of Foyer/Hallway.....	\$97,138.00
Refurbish (and partly enclose) courtyard for exhibit of large objects/sculpture.....	\$134,498.00
Create storage area (south side) of building to maximize exhibition space.....	\$164,387.00

Note: The total cost is \$942,951.00. Costs were indicative and provided an allowance for escalation to December 2008.

On 6 December 2007, the DCA Director of Cultural Development and Strategic Programs was notified of the refined list and supported the items as outlined above. Council considered the issue on 18 December 2007.

Council Decision 265/07

PART A

The \$1million allocated to the City of Bunbury by the Department of Culture and the Arts in 2001 for the purpose of a museum, be re-allocated to the Bunbury Regional Art Galleries for use as follows:

<i>Install a dual-purpose lift</i>	<i>\$448,328.00</i>
<i>Internet Arts Access Project</i>	<i>\$98,600.00</i>
<i>Refurbish foyer/hallway</i>	<i>\$97,138.00</i>
<i>Refurbish and partly enclose courtyard for exhibit of large objects/sculpture</i>	<i>\$134,498.00</i>
<i>Replace wall (north side) to provide gated access</i>	<i>\$22,416.00</i>
<i>Create storage area (south side of building) to maximize exhibition space</i>	<i><u>\$164,387.00</u></i>
<i>Total:</i>	<i>\$965,367.00</i>

PART B

The Minister and the Department of Culture and the Arts be informed of the decision in Part A. above and requested to confirm that each of the items listed qualifies for re-allocation of the money available.

PART C

In the event that the quotations for the works listed in Part A. above are in excess of \$1million, the list is to be considered to be in order of priority and reduced accordingly.

Following this chain of events, the City of Bunbury pursued avenues to raise funds to undertake a feasibility study into the future potential of the current BRAG site.

The underlying aim of the Feasibility Study is to identify the opportunities, investment and benefits for expanding the galleries to include a range of additional facilities to service the growing needs of the regional community over the next two decades. The study should enable the City of Bunbury to make well informed strategic decisions in planning any expansion of the BRAG site.

The Feasibility Study fulfils the objectives set out in the BRAG Strategic Plan for development towards its Mission - 'To be recognised as the leader in the pursuit of excellence for visual arts in Bunbury and the South West' and Vision - 'To contribute to the lasting growth and viability of visual arts in the South West', by creating and promoting innovative opportunities to increase community interest, awareness and active participation in the arts, in various capacities, across the BRAG's client base.

In addition, the study will complement BRAG's Conservation Plan and create an all embracing development with the current upgrade project management plan.

Given that BRAMB has since confirmed their preference for a long term future on the current site, some concern has been raised that the existing budget for the feasibility study may be inadequate to satisfy all needs. An example of this is the undertaking of an architectural assessment of the existing building.

On 14 April 2009 (Council Decision 76/09) it was resolved that:

1. *Council proceed immediately with the expenditure of the remainder of the \$1 million at the Bunbury Regional Art Galleries as originally proposed with the exception of the refurbishment of the courtyard.*
2. *Permission to be sought from the Department of Culture and the Arts to transfer any residual funds not required for the upgrades to the existing building*, including in particular the courtyard refurbishment, to the bolstering of the feasibility study and the undertaking of an architectural assessment of the Bunbury Regional Art Galleries building.*

*(*NB Costs for the upgrade to the existing building are indicative only - they require updating to 2009 prices and do not include project management costs. The extent of residual funds available is therefore likely to be minimal notwithstanding the deletion of the courtyard refurbishment.)*

3. *Council proceed with the air-conditioning (climate control plant) replacement process.*

The request to divert and remaining funds into ensuring the feasibility study is adequate for the future needs of the BRAG was declined by DCA.

On 26 June 2009 the BRAG upgrade project reference group agreed that Option 6 was the best way forward.

Strategic and/or Regional Outcomes

This request complies with the City of Bunbury Strategic Plan 2007-2012, Strategy 6.3 which states 'Community planning and infrastructure achieves a city that is inclusive and accessible.' It relates specifically to the following deliverable – 'Community and cultural needs assessment.'

Community Consultation

BRAMB and the City Art Collection through the Curator Greg White and have been consulted. Feedback has also been received from other industry professionals.

Councillor/Officer Consultation

The Mayor, Councillor Helen Punch who is a member of the Bunbury Regional Arts Management Board, Chief Executive Officer, Project Manager, City Heritage Officer and City Arts Curator have been consulted.

Analysis of Financial and Budget Implications

The potential implication is that Council will be forced to return State Government funds if suitable work is not completed within the next twelve months.

Council has already agreed to consider \$15, 000 being sourced through the 2009/10 budget process to support the feasibility study.

Economic, Social, Environmental and Heritage Issues

Improvement of BRAG would increase community access to the arts and the City of Bunbury Art Collection, increase the local and regional visual arts community's access to quality facilities, improve the diversity of visual arts products in Bunbury and increase economic benefits to the community by creating a flexible space more attractive to the needs of cultural tourism. The proposed improvements would not affect the heritage status of the building and the feasibility study would highlight the commitment to preserving the important heritage value of the building while ensuring it optimally used for its current purpose as a functioning, peak regional art gallery.

Council Policy Compliance

There is no Council policy directly related to this matter.

Legislative Compliance

Not applicable

Delegation of Authority

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

Relevant Precedents

Council provides funds through the five year plan and annual budget process for the purpose of improving City of Bunbury owned buildings through capital works.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council does not support design option 6 and the remaining funds are returned to the Department of Culture and the Arts.

Conclusion

This proposal presents an effective way forward to improve the current BRAG facilities without impacting on the heritage value of the building or the proposed feasibility study.

The BRAMB have committed to a long term future that incorporates the ongoing use of the current building. The expenditure of funds to secure such items as a lift, a feasibility study and a replacement air-conditioning system will be the first steps in refurbishing the current building for the long term and will improve the functionality of the building during the intervening period while plans for redevelopment of the site and creation of new facilities are developed.

Recommendation

1. Council proceed immediately with the expenditure of the \$1 million at the Bunbury Regional Art Galleries in accordance with design option 6.

Outcome – Council Committee Meeting 21 July 2009

Stewart Parkinson, Project Manager City Services presented the proposed design option 6 to the members. Outlining the major changes being:

- The proposed building extension is now to the rear of the building.
- The large lift is centrally located.
- There is 120m² storage space situated behind the lift, 60m² per floor.
- There is an airconditioning equipment compound at the rear of the extension.
- There will be an extra 24 linear m of corridor walls that could be used as additional exhibition hanging space.
- The Architect has maintained the original appearance of the building in the new extensions.

Cr's Rooney and Whittle left the meeting at 7.27pm and returned at 7.32pm.

In response to members' questions Mr Parkinson confirmed that there is approximately \$878,000.00 of the funds remaining to complete the project. Councils Heritage Officer is a member of the reference group. The Heritage Council of WA has not as yet commented on the proposal.

Cr Craddock left the meeting at 7.33pm and returned at 7.45pm.

The committee recommendation as printed was moved Cr Steck, seconded Cr Punch.

Councillors raised concerns over the lack of increased exhibition area, community consultation and that the Heritage Council of WA approval was yet to be received.

During discussion it was requested the mover and seconder accept the following amendment to the recommendation by the addition of:

'on receipt of Heritage Council of WA approval' after the word *'immediately'* and before the words *'with the expenditure'*.

The mover and seconder had no objections.

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

The Executive Manager, City Life confirmed that he would provide members with copies of all relevant reports in relation to the Bunbury Regional Art Gallery improvements.

Committee Recommendation

- 1. Council proceed immediately on receipt of Heritage Council of WA approval with the expenditure of available funds for the Bunbury Regional Art Galleries in accordance with design option 6.**

11.3 Tender - Plumbing & Gas Services to Council Infrastructure RFT 2009/ 2010-02

File Ref:	A03768
Applicant/Proponent:	Internal Report
Author:	Mark Robson, Contract Coordinator
Executive:	Michael Scott, Executive Manager City Services

Summary

Council has invited suitably qualified and experienced companies to tender for the supply of labour, materials, plant and equipment necessary to undertake plumbing and gas works associated with maintenance and minor works to Council buildings and infrastructure, as the current contract is nearing its expiry date.

The Contract shall be in force for the period of one (1) year with the option to extend two (2) further years and is subject to the Principals discretion and performance of the contractor.

Background

Tender documents were prepared and advertised in *The West Australian* on 17 June 2009 and in the *South Western Times* on 18 June 2009. The tender called for a "Schedule of Rates" from qualified and licensed plumbing and gas contractors.

Tenders closed at 3:00pm on Thursday, 2 July 2009. The City's Contract Coordinator and Senior Engineer, Design and Development opened the tender box.

A total of four interested companies had requested the tender documents. By closing, two tenders had been received, as follows.

1. Mainline Plumbing – 144 Forrest Ave, Bunbury WA 6230
2. Andel Plumbing and Gasfitting - 10 George Street, Bunbury WA 6230

An evaluation panel comprising the City's Contract Coordinator and Fleet Officer assessed the responses on 8 and 9 July 2009. The tenders were evaluated using the following criteria:

- Compliance
- Qualitative
- Price

Compliance Criteria

The following compliance criteria were used to assess the tender:

- | | | |
|----|---|---------|
| a) | Will you be able to comply with the specifications? | Yes/ No |
| b) | Compliance with the conditions of tendering? | Yes/ No |
| c) | Compliance with (and completion of) the price schedule: | Yes/ No |
| d) | Compliance with the Offer Form. | Yes/ No |

Qualitative Criteria

The following Qualitative Criteria were used to assess the tender:

	Weighting
a) Availability of Staff ie: normal hours, emergency& after hours	5
b) Skills and experience of key personnel	4
c) Methodology (understanding of the requirements)	3
d) Contractor's resources to fulfil the requirements of this contract (expertise, labour, plant, etc)	5
e) Safety requirements	2

Price

Evaluation of the tender prices (and ranking) has been assessed but because the results are "commercial in confidence" details are listed in a Confidential Report that has been circulated to members **under separate cover**.

Strategic and/or Regional Outcomes

Acceptance of the recommendation listed in this report is consistent with the City of Bunbury Strategic Plan 2007-2012, in continuing to maintain and service its building, assets and infrastructure.

Community Consultation

Community consultation was not carried out during this process.

Councillor/Officer Consultation

The tender specifications were developed in consultation with staff involved in the daily maintenance operations and the City's Contract Co-ordinator.

Analysis of Financial and Budget Implications

Funding for the service contained in this tender is provided from Councils general operations budget.

Economic, Social, Environmental and Heritage Issues

Local purchasing will assist the local economy.

Council Policy Compliance

The tender process complies with the requirements of the City's Work Procedure WP4.12 "Tender Procedure and Associated Legislation."

Council's CD2 "Purchasing - Local Preference Policy" was applied during evaluation of the tender but has not affected the outcome.

Legislative Compliance

Advertising and processing of tenders was conducted in accordance with the Local Government (Function and General) Regulations 1996, Part 4 "Tenders for Providing Goods or Services".

Delegation of Authority

The total cost of this contract is unknown but due to collating of data from the past contracts it may exceed \$100,000 over the term of this contract. Therefore it has been dealt with in accordance with Local Government (Functions and General) Regulations 1996 (Part 4 - Tenders for Providing Goods or Services).

Relevant Precedents

Council has dealt with all tenders previously called.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Reject all tenders

Comment: This is NOT supported by the Tender Evaluation Panel.

Conclusion

Based on the panel's evaluation of the tender documents submitted by both respondents the recommend tenderer is Mainline Plumbing (ABN 36 066 310 950) as this company has provided the City with competitive prices, demonstrated its ability to provide quality products and services, and, its tender is considered to be the most advantageous tender to the City.

Recommendation

With respect to Tender RFT 2009/2010-02 for the general plumbing & gas services for maintenance and minor works to Council buildings and infrastructure, the Council resolves to:

1. Accept the tendered Schedule of Rates submitted by Mainline Plumbing (ABN 36 066 310 950).
2. Record details of the successful tender in the City of Bunbury Tender Register.

Outcome – Council Committee Meeting 21 July 2009

The committee recommendation as printed was moved Cr Craddock, seconded Cr Leigh and adopted to become the Committee's Recommendation on this matter:

Committee Recommendation

With respect to Tender RFT 2009/2010-02 for the general plumbing & gas services for maintenance and minor works to Council buildings and infrastructure, the Council resolves to:

1. Accept the tendered Schedule of Rates submitted by Mainline Plumbing (ABN 36 066 310 950).
2. Record details of the successful tender in the City of Bunbury Tender Register.

11.4 Proposed Closure of Remnant Road Reserve on Casuarina Drive and Amalgamation

File Ref:	R00592-02
Applicant/Proponent:	Alcock Brown-Neaves Group
Author:	Jason Gick City Engineer
Executive:	Michael Scott Executive Manager City Services

Summary

On the 12 May 2009 the City of Bunbury received correspondence from Alcock Brown-Neaves Group (ABN) **attached** at Appendix 1 requesting that the remnant road reserve, approximately 13.4m², be closed under Section 58 of the Land Administration Act 1997 and amalgamated into the adjoining Lot 28.

The closure of the redundant road reserve will align the lot and road boundary. The road reserve is not required for the ongoing use of Casuarina Drive. It previously formed part of a truncation for Wollaston Street prior to its closure.

Background

The Applicant is proposing to submit a development application incorporating 70 residential apartments, 3,644.5sqm of office space and associated parking over 4 lots. A small portion of the subject site, adjacent to Lots 28 and 56 is affected by a remnant road reserve on its eastern boundary. The proposed building line is set back from the affected land however balconies extend over the remnant road reserve area.

In order to create a regular shaped lot and allow for usable balcony space it is requested the remnant portion of road reserve be closed and amalgamated into the adjoining lot.

Strategic and/or Regional Outcomes

There are no strategic or regional outcomes to consider.

Community Consultation

Advertising was placed in the Public Notice section of the South Western Times on 4 June 2009. The closing date for submissions was 9 July 2009. There were no submissions received.

As required under Section 58 of the Land Administration Act 1997, all service providers have been notified. There were no objections received.

Councillor/Officer Consultation

The City's Executive has considered the proposal and there were no objections.

Analysis of Financial and Budget Implications

There will be no detrimental effect on the City's Annual Budget.

Economic, Social, Environmental and Heritage Issues

There will be no economic, social, environmental or heritage implications for the City of Bunbury.

Council Policy Compliance

No Council policy applies.

Legislative Compliance

Council has complied with the Land Administration Act 1997 (Section 58). All service providers have commented that they have no objection to the proposal. There are no statutory voting requirements for this item.

Council is required to indemnify the Department of Planning and Infrastructure – Land Asset Management Services, against all costs associated with the closure. Subsequently, a similar indemnity has been obtained from the Proponent in favour of the City.

Delegation of Authority

The Department of Land Information and Land Asset Management Services requires the consent of Council.

Relevant Precedents

No recent precedents have been found.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council does NOT support the request.

Conclusion

The City of Bunbury is now requested by way of a formal Council decision to endorse the closure of the remnant road reserve in support to the Proponent's application to the Department of Planning and Infrastructure.

The Proponents have indemnified the City against all costs arising from the closure of the remnant road reserve.

Recommendation

Pursuant to the provisions of Section 58 of the Land Administration Act 1997 and having given the prescribed notice Council resolves to:

1. Approve the proposed closure of the remnant road reserve as shown in the location plan **attached** at Appendix 2 and its amalgamation into the adjoining Lot.
2. Indemnify the Department of Planning and Infrastructure against all costs associated with the closure and amalgamation, having received a like indemnity from the Applicant.

Outcome – Council Committee Meeting 21 July 2009

The Executive Manager, City Services informed the committee members that the City has not been provided with any Notice of Indemnification from the proponent. (Note: Under Section 58 of the Land Administration Act 1997 the proponent nor the City is not required to do this).

The committee recommendation as printed was moved Cr Jones, seconded Cr Spencer.

The mover and seconder agreed to amend the recommendation to include at the beginning of the first sentence the addition of:

“Subject to receipt of indemnity in the normal form used by Council and”

The motion (as amended) was put to the vote and adopted to become the committee's recommendation on this issue.

Committee Recommendation

Subject to receipt of indemnity in the normal form used by Council and pursuant to the provisions of Section 58 of the Land Administration Act 1997 and having given the prescribed notice Council resolves to:

1. **Approve the proposed closure of the remnant road reserve as shown in the location plan attached at Appendix 2 and its amalgamation into the adjoining Lot.**
2. **Indemnify the Department of Planning and Infrastructure against all costs associated with the closure and amalgamation, having received a like indemnity from the Applicant.**

11.5 Proposed Transfer of Responsibility for Portion of Estuary Drive to Main Roads Western Australia

File Ref:	R00804
Applicant/Proponent:	Main Roads Western Australia
Author:	Jason Gick City Engineer
Executive:	Michael Scott Executive Manager City Services

Summary

On the 1 July 2009 the City of Bunbury received correspondence from Main Roads Western Australia (MRWA) **attached** at Appendix 3 requesting in-principle agreement from the City to endorse the transfer of control of a portion of Estuary Drive to MRWA.

The proposed portion of Estuary Drive to come under the control of MRWA forms a logical link from the Port Access Road to the Bunbury Port. The exact sections of the proposed transfer of responsibility are shown **attached** at Appendix 4.

Once Council endorsement has been received MRWA will seek Department of Treasury and Finance (DTF) approval for the transfer to proceed.

Background

MRWA's Corporate Executive has approved the Port Access Road currently under construction being proclaimed as a highway. The proclamation proposal includes the existing roundabout at the intersection of Estuary Drive and Leschenault Drive, the new roundabout currently under construction and the portion of Estuary Drive between the two roundabouts. MRWA is seeking in-principle agreement from the City of Bunbury to transfer responsibility for the road to MRWA.

The offer from MRWA to take responsibility for the road is subject to DTF approval and the road being in a satisfactory condition.

Strategic and/or Regional Outcomes

There are no strategic or regional outcomes to consider.

Community Consultation

Any required community consultation will be undertaken by MRWA.

Councillor/Officer Consultation

The City's Executive has considered the proposal and has no objections.

Analysis of Financial and Budget Implications

There will be no detrimental effect on the City's Annual Budget. Ongoing road maintenance will be at the cost of MRWA

Economic, Social, Environmental and Heritage Issues

There will be no economic, social, environmental or heritage implications for the City of Bunbury.

Council Policy Compliance

No Council policy applies.

Legislative Compliance

Provisions of the Main Roads Act apply. Section 13 states that '*On the recommendation of the Commissioner the Governor may by proclamation declare that any section or part of a road shall be a highway or main road*'.

Delegation of Authority

Approval required from the Department of Treasury and Finance.

Relevant Precedents

No recent precedents have been found.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council does NOT support the request.

Conclusion

The City of Bunbury is now requested by way of a formal Council decision to endorse the MRWA'S offer to take control for a portion of Estuary Drive.

Recommendation

Council endorse the proposal to transfer the following portions of Estuary Drive to the responsibility of Main Roads Western Australia:

1. The circulating carriageway at the existing roundabout at the intersection of Estuary Drive and Leschenault Drive.
2. The new roundabout currently under construction at the intersection of Estuary Drive and the Port Access road. The limit of responsibility on the northern leg of the intersection to be around the north end of the splitter island. The exact location for the limit of responsibility to be agreed on site when construction is completed.

3. The portion of Estuary Drive between the two roundabouts.

Outcome – Council Committee Meeting 21 July 2009

The committee recommendation as printed was moved Cr Jones, seconded Cr Leigh and adopted to become the Committee's Recommendation on this matter:

Committee Recommendation

Council endorse the proposal to transfer the following portions of Estuary Drive to the responsibility of Main Roads Western Australia:

1. **The circulating carriageway at the existing roundabout at the intersection of Estuary Drive and Leschenault Drive.**
2. **The new roundabout currently under construction at the intersection of Estuary Drive and the Port Access road. The limit of responsibility on the northern leg of the intersection to be around the north end of the splitter island. The exact location for the limit of responsibility to be agreed on site when construction is completed.**
3. **The portion of Estuary Drive between the two roundabouts.**

11.6 Endorsement of Appointments to Bunbury Regional Theatre Inc.

File Ref:	A00170-05
Applicant/Proponent:	Internal Report
Author:	Dom Marzano, Executive Manager City Life
Executive:	Dom Marzano, Executive Manager City Life

Summary

It is proposed that Council endorse the appointment of the following person(s) to the Bunbury Regional Theatre Inc.

Mr Michel Greenhalgh
Mr Richard Dall
Ms Dana Trtica
Mr Ray Frisina

Background

The Bunbury Regional Entertainment Centre is a City of Bunbury asset. It opened in 1990 and provides the people of Bunbury and the South West Region with the opportunity to view and participate in performances staged in a top-class facility.

The Bunbury Regional Theatre Inc is an independent, not-for-profit community organisation charged with management of the Bunbury Regional Entertainment Centre. The Management Board is comprised of interested members of the community with a commitment to the performing arts.

The City of Bunbury contributes funding for operation of the Bunbury Regional Entertainment Centre. Accordingly, the Bunbury Regional Theatre Inc. constitution permits at least one (1) sitting Bunbury City Councillor to be a member of its Management Board. The Constitution also requires all appointments to the Board to be endorsed by the Council.

Councillor Stephen Craddock currently represents the Bunbury City Council on the Board. Four (4) Board positions become vacant on 1 July 2009. The Bunbury Regional Theatre Inc. has advised that it called for nominations to fill these vacancies via advertisements in the press on 6, 7, 13 and 14 May 2009. It received nominations from its four (4) retiring Board members plus a community member, Ms Laurel Fotakis. Due to ill health, Ms Fotakis was not able to meet with the Review Panel and her nomination lapsed.

Accordingly, the Bunbury Regional Theatre Inc. now requests that the following retiring members be re-appointed to the Board for a 2 year term.

- Mr Michel Greenhalgh
- Mr Richard Dall
- Ms Dana Trtica
- Mr Ray Frisina

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 City's representation on Boards of Management and endorsement of appointments to same, is compliant with this objective.

Community Consultation

The Bunbury Regional Theatre Inc called for nominations for membership of the Board via public notices in the print media on 6, 7, 13 and 14 May 2009.

Councillor/Officer Consultation

Councillors representing the City of Bunbury on the Board are:

- Deputy Mayor- Councillor Stephen Craddock

Analysis of Financial and Budget Implications

Appointment of members to the Board will have no effect on the City's existing budget for the Bunbury Regional Entertainment Centre which is a City of Bunbury asset.

Economic, Social, Environmental and Heritage Issues

The proposal ensures interested community members with relevant experience, have the opportunity to involve themselves in (and contribute to) the Bunbury Regional Entertainment Centre, thereby promoting community ownership of the Centre and encouraging commitment to community life.

Council Policy Compliance

There is no Council Policy in relation to this matter.

Legislative Compliance

The constitution of the Bunbury Regional Theatre Inc requires Council endorsement of appointments to its Board of Management.

Delegation of Authority

The Chief Executive Office has no delegated authority on this issue.

Relevant Precedents

Council endorses the appointment of members to the Bunbury Theatre Inc Board on an annual basis. Appointment of Board members was last endorsed by the Council on 29 July 2008.

Options

Option 1

As per the recommendation as listed in this report

Option 2

Council may elect not to endorse any (or all) of the recommended appointments and request the Bunbury Regional Theatre Inc to review its recommendation and/or recall for nominations.

Recommendation

Pursuant to the constitution of the Bunbury Regional Theatre Incorporated, the City of Bunbury endorses appointment of the following members to the Theatre's Board of Management for the terms as stated:

Re-appointment of the following members for 2 year terms (to expire 30 June 2011):

1. Mr Michel Greenhalgh
2. Mr Richard Dall
3. Ms Dana Trtica
4. Mr Ray Frisina

Outcome – Council Committee Meeting 21 July 2009

The committee recommendation as printed was moved Cr Kelly, seconded Cr Punch and adopted to become the Committee's Recommendation on this matter:

Committee Recommendation

Pursuant to the constitution of the Bunbury Regional Theatre Incorporated, the City of Bunbury endorses appointment of the following members to the Theatre's Board of Management for the terms as stated:

Re-appointment of the following members for 2 year terms (to expire 30 June 2011):

- 1. Mr Michel Greenhalgh**
- 2. Mr Richard Dall**
- 3. Ms Dana Trtica**
- 4. Mr Ray Frisina**

11.7 Application to Lease Reserve 29731 (Lot 495) Xavier Street, Carey Park - Churches of Christ Homes and Community Services Inc. (t/as Bethanie Group Inc.)

File Ref:	P01189
Applicant/Proponent:	Churches of Christ Homes and Community Services Inc. (t/as Bethanie Group Inc.) - <i>see Confidential Report for Current Directorships</i>
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

Churches of Christ Homes and Community Services Inc. (trading as "Bethanie Group Inc.") is one of Western Australia's largest residential aged care organisations and a major provider of community care services. Its mission statement is "*To nurture, serve and care.*"

An application has been received from Bethanie Group Inc. ("BGI") seeking to lease the former pre-primary school site on Reserve 29731 (Lot 495) Xavier Street, Bunbury, for a term of ten years (with a further five year option) for use as a community care (or adult day care) centre for provision of the following services: A site plan is **attached** at Appendix 8 showing the existing vacant building on-site.

- Home and Community Care ("HACC") Programs for elderly and disabled persons in the region.
- Interactive and social activities for those with diminished health capacity, the younger disabled and socially isolated clients.
- 'Well-being' programs for frail-aged and younger disabled clients
- Special programs for people with dementia-related disorders
- Support program (includes 'Maali Mob') for members of the local indigenous community

The BGI has confirmed that it has been successful in obtaining grant funding from the Health Department of WA (\$120,000) and Lotterywest (\$240,775) totalling \$360,775 to upgrade/refurbish the existing building on-site. The total cost of the project is anticipated to be \$430,000 and the additional funds required will be provided by BGI.

In addition to the funding stated above:

- a) the BGI has advised that it will act as Project Manager for the redevelopment project, and;
- b) the BGI will be required to cover the cost of furniture and fittings for the fit-out of the building.

Pursuant to Section 18 of the Land Administration Act 1997 the Department for Planning & Infrastructure has provided "in principle" approval for the proposal and has amended the permitted use of the site from "Pre Primary Centre" to "Adult Day Care and Community Centre."

Staff Occupancy

There would be three Assessors responsible for client assessment and oversight, two logistics staff to coordinate client visits and staff rosters, and a Manager.

Parking

There are currently 17 public car parking bays in front of the premises. This is sufficient for the projected client use. BGI propose to park its 'small' bus and up to two motor vehicles on the lease area after business hours.

An overview of BGI South West Community Services is **attached** at Appendix 9.

Background

In 2006/07 Expressions of Interest were invited from suitably qualified organisations to offer community benefit from the site. Two (2) submissions were received with BGI retaining its interest following the withdrawal of the other submitter due to the substantial capital investment required to refurbish the premises.

Land Details

Crown reserve 29731 (Lot 495) in Xavier Street, Carey Park, is held by the City of Bunbury under Management Order for the purpose of "Day Care and Community Centre" and the City has the power to lease the land for this purpose for a term up to twenty-one (21) years. The land is subject of Crown Land Title Vol. 3007, Fol. 676.

The land was previously used as a pre-primary centre until the Education Department of WA, relinquished its interest in the site.

Proposal "Bethanie Community Care" Centre, Xavier Street, Carey Park

The Bethanie Group Inc. has sent in the following submission in support of its application for lease of City-managed premises at Lot 495 Xavier Street, Carey Park:

"The Bethanie Group Community Care Team has been providing community based support services in the south west region for over 10 years. The services currently operated in this area provide a range of supports and direct care options which assist to maintain a large number of people in their own homes. Through our organisation's mission to assist those in need, the high majority of our clients are those with diminished health capacity, financially disadvantaged, younger disabled, socially isolated and those who are from culturally and linguistically diverse backgrounds.

The ability to lease the building at Xavier Street will enable us to provide a centrally located facility, which would be recognised and respected by the local community and would be easily accessible for all. Our team would be able to offer social activities and well-being programs at this site which would support frail-aged and

younger disabled clients to have access to an environment that could accommodate interactive groups. This building would also provide the capacity to provide programs in a secure location for people with dementia related disorders and enhancing their experience through the ability to access the external areas of this building. Our Bunbury team has recently commenced a program of support of the Indigenous Community which provides for a meeting place and 'yarn time' for the local community, this program would be greatly enhanced through location at the Xavier Street building.

Through the successful application to lease the Xavier Street building, we believe this will greatly improve our ability to expand the delivery of programs for many members of the local community and thus allow our organisation to continue to assist the frail and disadvantaged living in the south west region."

A copy of the concept drawings of the refurbishment are **attached** at Appendix 10. Subject to Council approval for the project, the BGI will submit a Development Application and Building Licence and obtain the necessary approvals.

Land Rationalisation & Acquisitions Committee Recommendation

The proposal was considered at the meeting of Council's Land Rationalisation & Acquisitions Committee held on 9 April 2009, where the following recommendation was made:

"The Land Rationalisation & Acquisitions Committee supports the proposal for the City of Bunbury to lease Reserve 29731 (Lot 495) Xavier Street, Carey Park, to Churches of Christ Homes (t/as "The Bethanie Group Inc.) subject to a representative from The Bethanie Group Inc. attending a councillor briefing session (on a date prior to consideration of the lease at a Council Meeting) to explain the types of programs that will be made available at the proposed centre and to respond to questions from councillors."

Councillor Consultation

Councillors were briefed concerning the status of this matter at the Briefing Session held on 14 July 2009 by representatives from the Bethanie Group Inc.

Background - Bethanie Group Inc.

Churches of Christ Homes and Community Services Inc. (trading as Bethanie Group Inc.) is a public benevolent institution that operates based on a strong Christian ethos placing emphasis on people being treated equally with dignity and respect. Its first aged care facility was established in 1954 and since this time it has grown to deliver a range of non-resident services provided either in client's homes or in special community day care facilities.

The BGI has been operating in Bunbury since September 1992 and until 2004, it provided Adult Day Care services from a private residence in Carey Park close to the Xavier Street site. Unfortunately, the property was sold and the services were relocated to Eaton. The re-establishment of the centre in Carey Park will provide a major community benefit to local residents in need and those from surrounding areas to the east and south of Bunbury.

Responsibility for the general operation, staff management and ongoing viability of the new community care centre in Xavier Street would be entrusted to a team of qualified personnel.

The BGI has advised that its residential and community-based aged care services are certified under ISO 9001-2000 and the organisation has attained the highest standard of accreditation in both ISO and the Aged Care Standards Accreditation ("ACSA").

Proposed Lease Details

Commencement Date:	From the date that refurbishment is complete.
Term:	Ten (10) years with an option to renew for a further five (5) years
Expiry Date:	10 years from the date of commencement.
Rental:	Annual rental to be based on the land lease rental valuation of \$5,200 (plus GST) per annum and indexed by CPI.
Rent Review:	Every three (3) years
Permitted Use:	Adult Day Care Centre
Land Area:	2,023 sq.m
Outgoings:	To be the responsibility of the Lessee
Insurance:	Lessee will be required to hold Public Liability Cover of \$10(M) and appropriate workers' compensation cover for the lease site (including the construction phase). The Lessee will also be required to maintain general insurance cover over the building and contents once completed.
Special Conditions:	Lessee will be required to obtain Development Application and Building Licence approvals to refurbish the building and meet other statutory requirements.
Preparation/Registration of Lease Documents:	The Lessee will be required to meet all costs associated with document preparation, registration, advertising and valuation assessments.

Strategic and/or Regional Outcomes

Strategic Outcome

This proposal can be linked to the City of Bunbury Strategic Plan 2007-2012 Strategic Direction 2.4 which states that the City will *"develop a property strategy that benefits the City's residents, businesses, community and sporting organisations"*.

Regional Outcome

The proposed community service centre will run Home and Community Care ("HACC") Programs for elderly and disabled persons in the region.

City Vision Strategy Outcomes

The granting of this lease will not contravene the goals listed in the City Vision Strategy.

Community Consultation

Pursuant to Regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 and subject to council granting the Lease, the City will give notice of intention to grant BGI a Lease for an initial term of ten (10) years with a further option of five (5) years and will be published in the City Focus column of the Bunbury Mail newspaper.

Subject to council's approval to grant the Lease, local residents will also be advised of council's decision.

Councillor/Officer Consultation

As previously stated, councillors were briefed concerning the proposal at the Briefing Session on 14 July 2009.

The Council's Land Rationalisation & Acquisitions Committee considered the proposal at its meeting on 9 April 2009, where it agreed in principle to support the lease application subject to the proposal being presented to Council.

Analysis of Financial and Budget Implications

The BGI has confirmed that it has been successful in obtaining grant funding from the Health Department of WA (\$120,000) and Lotterywest (\$240,775) totalling \$360,775 to upgrade/refurbish the building on-site. Any additional funds required to complete the project will be provided by BGI.

In addition to the funding stated above:

- a) the BGI has advised it will act as Project Manager for the redevelopment project, and;
- b) the BGI will be responsible to cover the cost of furniture and fittings for the fit-out of the building.

The applicant is responsible to pay the full costs of documentation, registration, valuation assessment and advertising.

The Valuation Services Division of Landgate has confirmed an annual land lease rental of \$5,200 (plus GST) for the premises based on the current standard of the building on-site with the Lessee responsible for payment of all normal outgoings. It is proposed to levy a land lease rental for the term in lieu of the capital funding provided.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The proposal to utilise the site for a community care centre will provide employment opportunities for suitably qualified people in the Bunbury region.

Social Issues

As stated previously, the main purpose of the centre will be to prevent social isolation by encouraging HACCC-eligible clients in the community to be actively involved in programs that foster self-worth and enhance quality of life. Activities at the centre will be tailored to meet the needs of individuals and support them in a group setting with skilled assistants providing opportunities for entertainment and companionship.

Environmental Issues

The proposed facility and associated activities will not conflict with the amenity of the area as the premises were previously used as a school and the surrounding reserve is used for passive recreation.

Heritage Issues

There are no known heritage issues to consider.

Council Policy Compliance

There is no Council policy concerning leasing of Council buildings.

Legislative Compliance

As previously stated, pursuant to Regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 and subject to council granting the Lease, the City will give notice of intention to grant BGI a Lease for an initial term of ten (10) years with a further option of five (5) years and will be published in the City Focus column of the Bunbury Mail newspaper.

Pursuant to Section 18 of the Land Administration Act 1997, the Department for Planning & Infrastructure (Minister for Lands) has given its 'in principle' approval for the proposal to lease the site for use as an adult day care centre.

Delegation of Authority

The Chief Executive Officer has the delegated authority of the Council to negotiate the terms of an application for a lease provided the settled terms and conditions are presented to Council for approval before documentation is finalised.

Relevant Precedents

The Council regularly considers the lease of Council-owned or controlled land to community or not-for-profit organisations.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Per the recommendation listed in this report (with any amendments as suggested by Council members)

Option 3

Council refuses the application by Churches of Christ Homes and Community Services Inc. (trading as Bethanie Group Inc.) to enter into a lease with the City over Reserve 29731 (Lot 495) Xavier Street, Bunbury.

Conclusion

The proposal to refurbish the building in Xavier Street for use as a community care centre will enhance the amenity of the surrounding residential area and provide a valuable resource for elderly, disabled and indigenous members of the community.

The proposal to enter into a lease agreement over the land does not conflict with the City's responsibilities to manage, care and control the reserve and the proposed refurbishment and operation of the centre will be government/self-funded so there will be no impost on the Council during the lease term.

Recommendation

Council agrees to grant a lease to Churches of Christ Homes & Community Services Inc. (trading as Bethanie Group Inc.) over Reserve 29731 (Lot 495) Xavier Street, Bunbury, subject to the terms and conditions as stated in this report to Council and the following:

1. The Chief Executive Officer to proceed with preparation of the lease documents and finalise the document subject to the approval of the Minister for Lands.
2. The applicant to pay all costs associated with the lease application including document preparation, registration and land valuations.
3. The applicant to obtain the necessary Development Application/Building Licence approvals prior to the refurbishment of the building to meet statutory requirements.
4. The applicant is to indemnify the City of Bunbury against any costs involved in the upgrade of the buildings on-site.

Outcome – Council Committee Meeting 21 July 2009

The committee recommendation as printed was moved Cr Slater, seconded Cr Punch and adopted to become the Committee's Recommendation on this matter:

Committee Recommendation

Council agrees to grant a lease to Churches of Christ Homes & Community Services Inc. (trading as Bethanie Group Inc.) over Reserve 29731 (Lot 495) Xavier Street, Bunbury, subject to the terms and conditions as stated in this report to Council and the following:

- 1. The Chief Executive Officer to proceed with preparation of the lease documents and finalise the document subject to the approval of the Minister for Lands.**
- 2. The applicant to pay all costs associated with the lease application including document preparation, registration and land valuations.**
- 3. The applicant to obtain the necessary Development Application/Building Licence approvals prior to the refurbishment of the building to meet statutory requirements.**
- 4. The applicant is to indemnify the City of Bunbury against any costs involved in the upgrade of the buildings on-site.**

11.8 Woodstock West Rating Petition

File Ref:	A00509-24
Applicant/Proponent:	Woodstock West Residents Committee
Author:	David Whitfield – Finance/Administration Officer
Executive:	Ken Weary – Executive Manager Corporate Services

Summary

A petition has been received from the Woodstock West Residents Committee requesting that Council provide a 20% concession to the annual rates levy. The proposed total of rates to be raised for the 2009/2010 financial year is \$116,280 and the value of the requested concession of 20% would amount to \$23,256.

Background

The Woodstock West Retirement Village was approved by Council at its meeting of and occupancy of the first residential units commenced in 2007. The development includes 123 residential units, occupies a total area of 3.6 hectares and currently on the basis of the lodged petition, has approximately 167 residents.

Strategic and/or Regional Outcomes

The recommendation in this report maintains sound financial planning whilst maintaining solutions to social issues to achieve social cohesion and quality of life.

Community Consultation

Not required.

Councillor/Officer Consultation

This petition was presented to the Council Committee meeting of 2nd June 2009. Council decision 112/09 was as follows:

“The petition requesting a permanent reduction in property rates for all dwellings located in the Woodstock West (Retirement) Village, be accepted and referred to a committee (or discussion forum) for consideration and report.”

Officer consultation has been undertaken in the preparation of this report.

Analysis of Financial and Budget Implications

The reduction of rates totalling \$23,256 will reduce Councils budgeted revenue.

Economic, Social, Environmental and Heritage Issues

A number of factors can be considered in relation to this matter.

These include:

Small lot development with in the City:

The City in recent years has seen ongoing development of smaller lots through subdivisions and the issue of strata titles. The trend to smaller lot sizes and unit developments is set to continue with higher density scheme zonings being applied to an estimated 20-30% of the City's existing property base.

Examples of other high density developments include, but are not limited to:

Address/Locality	# Units or Lots in the Development	Overall Area of Development (Hectares)	Ratio: Units per Hectare**
7 Jetty Road Marlston Hill*	40	0.39	108.11
23 Casuarina Dr Marlston Hill*	40	0.37	108
18 Bonnefoi Blvd Marlston Hill*	45	0.45	100
130 Forrest Avenue Bunbury	50	0.57	87.72
1 Bonnefoi Blvd Marlston Hill*	69	0.99	69.7
37 Hayes Street Bunbury*	20	0.42	47.62
100 Forrest Avenue Bunbury	9	0.20	45
1 Stallard Place Withers*	48	1.20	40
146 Strickland St (Woodstock)	123	3.60	34.17
2 Rand Ct Withers*	40	1.21	33.06
180 Forrest Avenue Bunbury*	10	0.33	30.31
22 Hayes Street Bunbury*	39	1.41	27.66

*Note – Strata subdivisions are applicable and total lot sizes have been quoted.

**Note – Unit numbers and lot sizes extrapolated to a full hectare in size.

Further, Strata Properties pay a Strata Fee for amenities provided to residents which may include Swimming Pools, Gymnasium, Common Areas and Garden Care. Council Levy's a Specified Area Rate in the Marlston Hill Precinct for additional landscaping and garden care, and a further example is the Pelican Point Lakes Estate pay a private maintenance fee to the body corporate to service facilities within the Estate.

A recent count of rateable land parcels within the city with a lot size of less than 500 metres gives a total of 2366 lots which represent 21% of all current residential assessments within the City. Proposed 2009/10 rates on these properties will total \$2.24(M) inclusive of the Woodstock West development.

Aging Population:

Demographic studies show that an aging population will continue changing the population demographics within the City of Bunbury towards a higher percentage of persons aged 50+ and as a result there is likely to be increased demand for smaller

unit style properties together with further retirement/lifestyle developments. As such the overall proportion of these higher density developments will continue to grow against the number of existing “larger” residential properties which will continue to decline in number over time.

Currently within the City there are 2,349 pensioners, and 532 senior card holders paying rates on residential properties. Eligible Pensioners receive a 50% Government Subsidy towards their rates and senior card holders receive a 25% Government Subsidy towards their rates.

Provision of Rating Concessions:

The provision of subsidies/concessions to individuals is the traditional role of the State and Federal Governments and presently a pensioner rebate/concession on rates to the maximum value of 50% is already provided to eligible pensioners from these sources. The covering letter with the petition states that 90% of the residents of Woodstock West are already eligible for and currently receive this 50% State Government concession.

Historically rates and charges are levied on the premise that the amount of rates being raised ensured that rate groups/categories contribute an amount to the budget shortfall that is considered “fair and equitable”. The determination of an individuals’ rates within each category is then determined by the Gross Rental Valuation of the property as issued Landgate - Valuations Services.

Council may offer a concession in accordance with Section 6.47 of the Local Government Act 1995 which states;

“Subject to the Rates and Charges (Rebates and Deferrals) Act 1992, A local government may at the time of imposing a rate or service charge at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

**Absolute majority required.”*

Council Policy Compliance

There is no Council policy applicable to the proposal.

Legislative Compliance

The annual levying of rates and charges is in accordance with the Local Government Act 1995.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to undertake actions required by the recommendation listed in this report.

Relevant Precedents

Unaware of any relevant precedents.

Options

Option 1

That the petition from the residents of Woodstock West for a concession on rate charges with respect to the Woodstock West development be declined.

Option 2

That the petition from the residents of Woodstock West for a concession on rate charges with respect to the Woodstock West development be referred for inclusion in the 2009/10 budget.

Conclusion

Based on the information in this report and the changing demographics within Bunbury, the comparison to other existing high density developments, the trend towards smaller lot & unit sizes in general and the aging of the population it is recommended to Council that the application for a concession be declined.

Recommendation

That the petition from the residents of Woodstock West for a concession on rate charges with respect to the Woodstock West development be declined.

Outcome – Council Committee Meeting 21 July 2009

The committee recommendation as printed was moved Cr Slater, seconded Cr Spencer and adopted to become the Committee's Recommendation on this matter:

After the vote a councillor enquired as to how the petitioners will be advised of Council's decision.

The Presiding Member suggested supplying the Woodstock West Residents Committee with a letter providing a copy of the council meeting's report.

Committee Recommendation

That the petition from the residents of Woodstock West for a concession on rate charges with respect to the Woodstock West development be declined.

11.9 Financial Statements – Preliminary 30 June 2009

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

Summary/Background

Preliminary Financial Statements for the period ending 30 June 2009, have been circulated to members **under separate cover**. The statements include the following:

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

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

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

Recommendation

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

Outcome – Council Committee Meeting 21 July 2009

The committee recommendation as printed was moved Cr Craddock, seconded Cr Major and adopted to become the Committee's Recommendation on this matter:

Committee Recommendation

The Preliminary Financial Statements for the month of June 2009, be received.
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11.10 Advisory Committee and/or Project Control Group Minutes to be Noted at the Council Committee Meeting

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

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

Recommendation

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

1. Title: Minutes – City Promotions Committee (20/04/2009)
Author: Ellen Pollard, Administrative Trainee
File: A03402
2. Title: Minutes – City Promotions Committee (18/05/2009)
Author: Ellen Pollard, Administrative Trainee
File: A03402
3. Title: Minutes – Community Access Committee (19/06/2009)
Author: Adam Johnson, Community Development Officer
File: A01145
4. Title: Minutes – Bunbury Environmental & Sustainability Advisory Committee (2/07/2009)
Author: Ben Deeley, Environmental Officer
File: A02445
5. Title: Minutes – Bunbury Setagaya Sister Cities Committee (17/06/2009)
Author: Jenell Dunn, Cultural Development Officer
File: A00443
6. Title: Minutes – Big Swamp Wildlife Park Advisory Committee (16/06/2009)
Author: Matt Scott, Acting Technical Officer Parks & Gardens
File: A00143-20
7. Title: Minutes – Bunbury Region RoadWise Committee 06/07/2009
Author: Myles, Bovell, Senior Engineering Technical Officer
File: R00692

Outcome – Council Committee Meeting 21 July 2009

The committee recommendation as printed was moved Cr Leigh, seconded Cr Slater and adopted to become the Committee's Recommendation on this matter:

Committee Recommendation

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

- 1. Title: Minutes – City Promotions Committee (20/04/2009)
Author: Ellen Pollard, Administrative Trainee
File: A03402**
- 2. Title: Minutes – City Promotions Committee (18/05/2009)
Author: Ellen Pollard, Administrative Trainee
File: A03402**
- 3. Title: Minutes – Community Access Committee (19/06/2009)
Author: Adam Johnson, Community Development Officer
File: A01145**
- 4. Title: Minutes – Bunbury Environmental & Sustainability Advisory Committee (2/07/2009)
Author: Ben Deeley, Environmental Officer
File: A02445**
- 5. Title: Minutes – Bunbury Setagaya Sister Cities Committee (17/06/2009)
Author: Jenell Dunn, Cultural Development Officer
File: A00443**
- 6. Title: Minutes – Big Swamp Wildlife Park Advisory Committee (16/06/2009)
Author: Matt Scott, Acting Technical Officer Parks & Gardens
File: A00143-20**
- 7. Title: Minutes – Bunbury Region RoadWise Committee 06/07/2009
Author: Myles, Bovell, Senior Engineering Technical Officer
File: R00692**

11.11 Proposed Allocations under Community Funding Policy

File Ref:	A01327
Applicant/Proponent:	Internal Report
Author:	Jackie Massey, Manager Economic & Social Development
Executive:	Domenic Marzano, Executive Manager City Life

Summary

In order to improve the process by which community groups apply for Council funding for a range of purposes, the City of Bunbury has adopted a Community Funding Policy on 9 June 2009. This policy is **attached** at Appendix 5.

As required by the Policy, the Community Funding Assessment Panel has met on several occasions to consider the applications. The Panel's recommendations for Council approval and the Community Budget Submission register are **attached** at Appendix 6. A total of \$200,843.00 (including in-kind Council Services) has been allocated to community groups through this process

Background

Every year community groups seek support from Council through the annual budget process for a range of purposes including assistance to help provide community services, to support community/cultural projects/events and to provide corporate sponsorship which will enhance the corporate image of the City.

The Community Funding Policy is designed to make the application process a transparent and equitable one for all applicants.

On the 1, 7, 14 and 15 of July 2009, applications were considered in detail by an assessment panel comprising both elected members and staff as appointed by Council at its meeting on 9 June 2009:

- 2.1 *Presiding Member of the City Promotions Committee: Deputy Mayor Stephen Craddock*
- 2.2 *Elected Member Representative: Councillor Derek Spencer*
- 2.3 *Executive Manager City Life*
- 2.4 *City Life Division Staff Representative: Manager Economic & Social Development*

Strategic and/or Regional Outcomes

This policy directly addresses Strategy 6.2 of the City's Strategic Plan - "Community participation, partnership and support". One of the deliverables in this section is to "develop a grants and sponsorship policy".

Community Consultation

The application forms have been available on the City's website since the beginning of the year. Previous and prospective grant recipients have been invited to submit a completed application form. Assistance in applying for funds has been provided.

Councillor/Officer Consultation

As required by section 7 of the Policy, an internal report was prepared by staff for consideration by the Community Funding Assessment Panel. Staff comment was based on consultation from across the organisation.

As noted earlier the Community Funding Assessment Panel comprises of two elected members and two senior staff.

Analysis of Financial and Budget Implications

As a result of its annual budget discussions for 09/10, the total amount available for allocation through the Community Funding Policy is \$200,843.00 (including Council Services). As this amount does not provide sufficient funds to cover the September round of applications, a budget review request will be made at the appropriate time for additional resources.

Economic, Social, Environmental and Heritage Issues

Support for community groups, their services and events is one of the methods by which the City can develop social capital in the Greater Bunbury area.

Council Policy Compliance

The Community Funding Policy was adopted by Council at its meeting on 9 June 2009.

Legislative Compliance

Not applicable.

Delegation of Authority

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

Relevant Precedents

There are no relevant precedents to consider.

Options

Option 1

Council agrees to allocate funds under the Community Funding Policy as recommended by the Community Funding Assessment Panel.

Option 2

Council choose to vary the recommendations made by the Community Funding Assessment Panel for the allocation of funds under the Community Funding Policy

Conclusion

The adoption of the Community Funding Policy has provided a transparent and equitable process for the consideration of community requests for funding. In accordance with the Policy the Community Funding Assessment Panel has considered all applications in detail and has made recommendations to Council for approval.

A total of \$200,843.00 (including Council in-kind and services) has been allocated to community groups through this process. As this amount does not provide sufficient remaining funds to cover the September round of applications, a budget review request will be made at the appropriate time for an amount to be determined.

Recommendation

Council allocate funds under the Community Funding Policy as recommended by the Community Funding Assessment Panel.

Outcome – Council Committee Meeting 21 July 2009

Cr Craddock suggested the following option:

- '1.1 That Council's allocation of \$25,000 to the South West Games be funded from a source other than the community funding allocations.*
- 1.2 That the CEO be requested to recommend an alternative source of funds for this amount (in consultation with other Executive Managers) and advise council as to where this money would be sourced from'.*

The Executive Manager City Life then provided members with copies of the following documents:

- Budget Breakdown (**attached** at Appendix 11).
- Additional Attachment to Agenda Item 11.5 'Proposed Allocations Under Community Funding Policy' (**attached** at Appendix 12).

After the members had reviewed the proposed allocations the Executive Manager City Life offered to review allocations to the following groups and deliver a copy of the changes to committee members within 24 hours for their perusal:

- Friends of Des Ugle Park
- Hudson Road Family Centre
- COB Surf Life Saving Club

Any remaining funds would be allocated to the Seniors Groups if possible.

Committee Recommendation

The Proposed Allocations of funds under the Community Funding Policy be referred to the Council Meeting on 28 July 2009.

NOTE:

The Executive Manager City Life has supplied Councillors with an amended schedule of proposed Community funding allocations.

11.12 Items to be Noted (No Discussion) at the Council Committee Meeting

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

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

Recommendation

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

1. Title: Christmas Carnival 2008 (Event Operational Report)
Author: Nadine Walford-Jones, Events Officer
File: A01595-03
2. Title: Australian Day Celebrations & Fireworks Spectacular 2009 (Event Operational Report)
Author: Nadine Walford-Jones, Events Officer
File: A00426-06
3. Title: Viva Bunbury! (Event Operational Report)
Author: Nadine Walford-Jones, Events Officer
File: A02782
4. Title: Royalties for Regions Program 2008/2009
(Project Managers Report No. 3)
Author: Stewart Parkinson, Project Manager
File: A03667
5. Title: Building Application/Development Approvals
(1 June 2009 to 30 June 2009)
Author: Gary Fitzgerald, Manager Development Services
File: A00566
6. Title: Schedule of Accounts Paid (*Formerly known as "Accounts for Payment"*)for the Period 1 June to 30 June 2009
Author: David Ransom, City Accountant
File: Ken Weary, Executive Manager Corporate Services

Outcome – Council Committee Meeting 21 July 2009

The committee recommendation as printed was moved Cr Slater, seconded Cr Major and adopted to become the Council's decision on this matter:

(Committee Recommendation on following page)

Committee Recommendation

- 1. Title: Christmas Carnival 2008 (Event Operational Report)**
Author: Nadine Walford-Jones, Events Officer
File: A01595-03
- 2. Title: Australian Day Celebrations & Fireworks Spectacular 2009 (Event Operational Report)**
Author: Nadine Walford-Jones, Events Officer
File: A00426-06
- 3. Title: Viva Bunbury! (Event Operational Report)**
Author: Nadine Walford-Jones, Events Officer
File: A02782
- 4. Title: Royalties for Regions Program 2008/2009 (Project Managers Report No. 3)**
Author: Stewart Parkinson, Project Manager
File: A03667
- 5. Title: Building Application/Development Approvals (1 June 2009 to 30 June 2009)**
Author: Gary Fitzgerald, Manager Development Services
File: A00566
- 6. Title: Schedule of Accounts Paid (*Formerly known as "Accounts for Payment"*)for the Period 1 June to 30 June 2009**
Author: David Ransom, City Accountant
File: Ken Weary, Executive Manager Corporate Services

11.13 Request for Leave of Absence – Councillor Noel Whittle

File Ref:	A00215
Applicant/Proponent:	Councillor Noel Whittle
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary/Background

Councillor Noel Whittle requests leave of absence from all Council-related business on 11 August 2009.

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

Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Noel Whittle is granted leave of absence from all Council-related business on 11 August 2009.

Outcome – Council Committee Meeting 21 July 2009

The committee recommendation as printed was moved Cr Slater, seconded Cr Leigh and adopted to become the Council's decision on this matter:

Committee Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Noel Whittle is granted leave of absence from all Council-related business on 11 August 2009.

12. Motions on Notice

Nil.

13. Urgent Business *(With Approval of Majority of Members Present as Permitted Under Standing Order 5.1.13)*

14. Items to be Noted or Endorsed

There are 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."*

16. Close of Meeting