



## **Bunbury City Council**

# **Notice of Meeting and Agenda 15 April 2014**

Have a say in shaping your City's future  
Visit [yoursaybunbury.com.au](http://yoursaybunbury.com.au)



**CITY OF BUNBURY**  
4 Stephen Street  
Bunbury WA 6230  
Western Australia  
*Correspondence to:*  
Post Office Box 21  
Bunbury WA 6231

# Table of Contents

<b>Item No</b>	<b>Subject</b>	<b>Page</b>
1.	Declaration of Opening / Announcements of Visitors.....	1
2.	Disclaimer .....	2
3.	Announcements from the Presiding Member.....	2
4.	Attendance .....	2
4.1	Apologies .....	2
4.2	Approved Leave of Absence .....	2
5.	Declaration of Interest.....	3
6.	Public Question Time.....	4
6.1	Public Question Time .....	4
6.2	Responses to Public Questions Taken ‘On Notice’ .....	4
7.	Confirmation of Previous Minutes and other Meetings under Clause 19.1.....	6
7.1	Minutes.....	6
7.1.1	Minutes – Ordinary Council Meeting.....	6
7.1.2	Minutes – Council Advisory Committees and Working/Project Groups .....	6
8.	Petitions, Presentations, Deputations and Delegations.....	7
8.1	Petitions.....	7
8.2	Presentations.....	7
8.3	Deputations .....	7
8.4	Council Delegates’ Reports.....	7
8.5	Conference Delegates’ Reports .....	7
9.	Method of Dealing with Agenda Business.....	7
10.	Reports.....	8
10.1	Recommendations from Advisory Committees.....	8
10.2	Chief Executive Officer Reports .....	9
10.2.1	Jaycee Park Not For Profit Development.....	9
10.2.2	Major Projects Update Report for the period 1 July 2013 to March 2014.....	17
10.2.3	2014 National General Assembly of Local Government – Motions .....	18
10.3	Director Community Development.....	23
10.3.1	Disability Access and Inclusion Plan: Outcome Seven .....	23
10.4	Director Corporate Services Reports .....	25
10.5	Director Planning and Development Services Reports.....	26
10.5.1	Crown Reserve R31823: Birch Street Beach Access to Ocean Drive and Playground .....	26
10.5.2	Request to Initiate Scheme Amendment 74 – Proposed Rezoning of Lots 2, 9, 10, 11, 12, 42 and part Lots 3, 43 Boyanup-Picton Road and Lots 8 and 4208 Harris Road, Picton from “Rural Zone” to “Development Zone - Industrial” .....	31
10.5.3	Section 31 Order – SAT – Lot 30 #22 Palmer Crescent, Bunbury .....	35
10.6	Director Works and Services Reports .....	42

## Table of Contents

Item No	Subject	Page
10.6.1	Petition Report – Objection to the current Bunbury Primary School Parking Proposal .....	42
10.6.2	Intersection Upgrade Spencer Street- Forrest Avenue and Beach Road.....	44
10.6.3	Contract Variation – Bunbury Bowling Club Roof Replacement .....	47
11.	Applications for Leave of Absence.....	49
12.	Motions on Notice .....	49
12.1	Bunbury Port.....	49
12.2	SW Zone Meeting Topics and Motions.....	51
13.	Questions on Notice .....	57
13.1	Response to Previous Questions from Members taken on Notice.....	57
13.2	Questions from Members.....	57
14.	New Business of an Urgent Nature Introduced by Decision of the Meeting .....	57
15.	Meeting Closed to Public.....	57
15.1	Matters for which the Meeting may be Closed .....	57
15.2	Public Reading of Resolutions that may be made Public.....	57
16.	Closure .....	57

## 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
CAFF	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

## GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
IT	Information Technology
ITC	In Town Centre
ITLC	Former In-Town Lunch Centre (now the "In Town Centre")
LAP	Local Action Plan
LCC	Leschenault Catchment Council
LEMC	Bunbury Local Emergency Management Committee
LIA	Light Industrial Area
LN (2000)	Liveable Neighbourhoods Policy (2000)
LSNA	Local Significant Natural Area
MHDG	Marlston Hill Design Guidelines
MRWA	Main Roads Western Australia
NDMP	National Disaster Mitigation Program
NEEDAC	Noongar Employment & Enterprise Development Aboriginal Corp.
NRM	Natural Resource Management
NRMO	Natural Resource Management Officer
ODP	Outline Development Plan
PAW	Public Access Way
PHCC	Peel-Harvey Catchment Council
PR	Plot Ratio
R-IC	Residential Inner City (Housing) - special density provisions
RDC	Residential Design Codes
RDG	Residential Design Guidelines
Residential R15	Town Planning Zone – up to 15 residential dwellings per hectare
Residential R20	Town Planning Zone – up to 20 residential dwellings per hectare
Residential R40	Town Planning Zone – up to 40 residential dwellings per hectare
Residential R60	Town Planning Zone – up to 60 residential dwellings per hectare
RFDS	Royal Flying Doctor Service
RMFFL	Recommended Minimum Finished Floor Levels
ROS	Regional Open Space
ROW	Right-of-Way
RSL	Returned Services League
SBCC	South Bunbury Cricket Club Inc.
SCADA	Supervisory Control and Data Acquisition
SGDC	Sportsgrounds Development Committee
SW	South West
SWACC	South Western Area Consultative Committee
SWAMS	South West Aboriginal Medical Service
SWBP	South West Biodiversity Project
SWCC	South West Catchments Council
SWDC	South West Development Commission
SWDRP	South West Dolphin Research Program
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 Committee 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, **15 April 2014** at 5.30pm.



Andrew Brien  
Chief Executive Officer  
(Date of Issue: 10/04/2014)

### Agenda 15 April 2014

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

Council Members:

Mayor Gary Brennan  
Deputy Mayor Councillor Brendan Kelly  
Councillor Murray Cook  
Councillor Wendy Giles  
Councillor James Hayward  
Councillor Judy Jones  
Councillor Betty McCleary  
Councillor Neville McNeill  
Councillor Jaysen Miguel  
Councillor Sam Morris  
Councillor David Prosser  
Councillor Michelle Steck  
Councillor Karen Steele

#### **1. Declaration of Opening / Announcements of Visitors**

## **2. Disclaimer**

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

## **3. Announcements from the Presiding Member**

## **4. Attendance**

### **4.1 *Apologies***

### **4.2 *Approved Leave of Absence***

Councillor McNeill is on approved leave of absence from all Council-related business from 12 April 2014 to 21 April 2014 inclusive.

Councillor Steele is on approved leave of absence from all Council-related business from 8 April 2014 to 22 April 2014 inclusive.

## 5. Declaration of Interest

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

Section 5.60A: *“a person has a **financial interest** in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”*

Section 5.60B: *“a person has a **proximity interest** in a matter if the matter concerns –*

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land; or*
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or*
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.”*

Regulation 34C (Impartiality): *“**interest** means an interest that could, or could reasonably be perceived to, adversely affect the **impartiality** of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”*

At the Council Briefing Session held Tuesday 8 April 2014, the following declarations were made. This declaration is relevant for the Council meeting 15 April 2014.

Cr Jones declared a proximity interest and impartiality interest for item 10.2.1 titled *“Jaycee Park Not For Profit Development”* as she is a member of the Bunbury Aged Persons Housing Collective, manages property at 139 (8 units) and 141 (8 units) Forrest Avenue and is chairman of Alliance Housing. Cr Jones will remain in the chambers for the discussion and vote on each matter.

Cr Cook declared an impartiality interest for item 10.2.1 titled *“Jaycee Park Not For Profit Development”* as his first cousin lives directly opposite Jaycee Park. Cr Cook will remain in the chambers for the discussion and vote on each matter.



## 6. Public Question Time

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

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

### 6.1 Public Question Time

### 6.2 Responses to Public Questions Taken 'On Notice'

At the Council Meeting held 18 March 2014, the following question was asked during Public Question Time:

**Mrs Tresslyn Smith, 8 Picton Crescent**

***Question 1: "Compared to the 2010-2011 financial year, what are the costs for Culture and the Arts Staff employed by Council as of today, and what positions and salaries and costs are involved".***

At that meeting the CEO provided a response with the current budgeted costs for arts and cultural activities, including salaries. An excerpt from the minutes is detailed below:

***RESPONSE: Due to the significant changes in the structure of accounts, a like for like comparison against the 2010/11 year is not possible. It would take significant time and staff resources to accurately track all of the changes in both operating and capital expenses.***

***An estimated figure may be obtainable, however unless this is going to be satisfactory to Mrs Smith it will not be progressed at this point in time. The year to date operating expenditure for 13/14 is \$684,453 with a current annual budget of \$917,625.***

Since the Council meeting on Tuesday 18 March 2014, the City's staff undertook further research to provide additional information in response to the question. A copy of the additional information provided by the Director Community Development forwarded to the questioner following the meeting is provided below for public information:

**Due to a significant restructure of the City's general ledgers in 2012, it has been difficult to find accurate comparisons of costs from the 2010/11 and the 2013/14 financial years, however, research in regard to a comparison of Arts and Culture team structures has shown that the**

positions have remained almost the same (including the levels), except for a change from Manager to Team Leader and the introduction of a part time Local Studies Officer.

Please find below the details relating to each staff position within the Arts and Culture team in both 2010/11 and 2013/14 as requested:

- **Cultural Development Officer (Level 5, full time)**
  - 2010/11 – position was vacant
  - 2013/14 – position currently filled
  
- **Art Collection Curator/Registrar (Level 5, part time, up to 4 days per week)**
  - 2010/11 – position was vacant from September 2011 following the departure of the incumbent and a new appointment was made in March 2012
  - 2013/14 – position currently filled permanently 3 days per week with occasional use of casual assistance paid for with the salary budget for the 4<sup>th</sup> day.
  
- **Museum Curator (Level 6, full time)**
  - 2012/11 – current incumbent was appointed in February 2011
  - 2013/14 – position currently filled
  
- **Museum Assistant (Level 4, full time)**
  - 2010/11 – current incumbent was appointed in November 2010
  - 2013/14 – position currently filled
  
- **Sister Cities Officer (Level 3, part time, 2 days per week)**
  - 2010/11 – position was filled with casual staff
  - 2013/14 – position filled
  
- **Manager Economic and Social Development (negotiated salary, full time)**
  - 2010/11 – position was filled and the incumbent supervised the above staff
  - 2013/14 – position no longer exists in the staffing structure. A Team Leader Arts and Culture was appointed in November 2013 (negotiated salary, full time) and this person now supervises the staff within the Arts and Culture team.
  
- **Local Studies Officer (Level 5, part time, 3 days a week)**
  - 2010/11 – position did not exist
  - 2013/14 – position was created in 2011/12 and is currently filled

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

### **7.1 Minutes**

#### **7.1.1 Minutes – Ordinary Council Meeting**

The minutes of the Ordinary meeting of the Bunbury City Council held 1 April 2014, have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the Bunbury City Council held 1 April 2014 be confirmed as a true and accurate record.

#### **7.1.2 Minutes – Council Advisory Committees and Working/Project Groups**

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various
<b>Attachments:</b>	Appendix MTBN-1 – Withers Advisory Committee Meeting Minutes 14.03.14 Appendix MTBN-2 - Youth Advisory Council Committee Minutes 12.03.14

#### **Summary**

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

1. Title: Withers Advisory Committee Meeting Minutes 14.03.14  
Author: Alison Baker, Executive Officer Works and Services  
Appendix: MTBN-1
2. Title: Youth Advisory Council Committee Minutes 12.03.14  
Author: April Byrne, Community Development Officer  
Appendix: MTBN-2

#### **Council Committee Recommendation**

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

1. Withers Advisory Committee Meeting Minutes 14.03.14
2. Youth Advisory Council Committee Minutes 12.03.14

## **8. Petitions, Presentations, Deputations and Delegations**

### **8.1 *Petitions***

Pursuant to clause 6.10(2) of the City of Bunbury Standing Orders 2012, upon receiving a petition, the Council is to

- a) Receive the petition and refer to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings; or
- b) Reject the petition

### **8.2 *Presentations***

### **8.3 *Deputations***

- (1) A person or group who completes and submits, with at least 24 hours notice, a “Request for Deputation” application form may be received as a deputation–
  - (a) at an agenda briefing session
  - (b) if the Council determines, at a Council Meeting.
- (2) The CEO may either–
  - (a) approve the request and invite the deputation to attend an agenda briefing under clause 19.1; or
  - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation and , if so, the meeting or briefing at which it is to be received
- (3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting or an informal briefing or meeting under clause 19.1–
  - (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;
  - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and
  - (c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.
- (4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

### **8.4 *Council Delegates’ Reports***

### **8.5 *Conference Delegates’ Reports***

## **9. Method of Dealing with Agenda Business**

## **10. Reports**

### **10.1 *Recommendations from Advisory Committees***

Nil.

## **10.2 Chief Executive Officer Reports**

### **10.2.1 Jaycee Park Not For Profit Development**

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil.

#### **Summary**

A meeting was held Thursday 20 March 2014 with the purpose of the evening to talk about alternative design options and opportunities for Not for Profit Development on the Jaycee Park site and for the City to ascertain if there is support for any or for no development incorporating NFP on the site.

The forum identified issues and constraints to be considered before referring to the original TME concept plan that spread over the entire site and an alternative revised plan option for discussion which aimed to meet the requests Council and maximise opportunity for public open space

The format for the meeting was one of discussion with residents and proposed user groups and other stakeholders invited to attend. There were approximately 45 attendees.

As a result of the meeting, there was concern by the majority of the residents that they did not wish to see any development on the Jaycee Park site, however the current Council resolution is for this site to be further investigated through the development of detailed concept plans and a briefing paper for consideration by Council. This report is to confirm the previous motion and allow further work to be undertaken in relation to proposals for the site.

#### **Executive Recommendation**

That Council:

1. Authorise the CEO to undertake further investigations in relation to the development of the Not-for-profit precinct at the Jaycee Park location in consultation with Lotterywest and current and proposed Not-for-Profit User Groups to enable Council to consider the full impacts of the establishment of the precinct; and
2. That following investigation and consideration by Council the CEO prepare detailed reports and plans for the purposes of further community consultation.

#### **Background**

At its meeting held 4 February 2013, Council resolved (Decision 33/14)

*That Council:*

1. *Authorise the CEO to progress the development of alternative design options in conjunction with user groups and residents for the development to accommodate*

*community service providers at Jaycee Park on Lot 4669 Forrest Avenue, South Bunbury, taking into consideration the following:*

- a) Ensure adequate public access to playground and open space areas on the site.*
  - b) Review traffic management options for the site with regard to minimising any potential impacts on adjoining residential areas.*
  - c) Provide for maximum retention of existing trees on the site where possible and incorporate landscaping to ensure a high quality of visual presentation of the site.*
  - d) Incorporation of Lots 4, 5 and 6 Forrest Avenue (Goomburrup Aboriginal Corporation), South Bunbury into the Jaycee Park Community Centre Master Plan.*
- 2. That Council adopt the name Jaycee Park Community Precinct to define the project.*
  - 3. In conjunction with the proposed user groups and residents prepare a concept briefing paper for consideration by Council for the purposes of progressing to tender for detailed design.*
  - 4. The proposal be publically advertised prior to referral back to Council*

Advertising for the Community Forum appeared in the City Focus column in the local newspaper over the last 4 weeks as well as on social media (Facebook) and the City's website. In addition to the advertising, all previous registered stakeholders and attendees from the Community Forum held 4 December 2014 were also directly advised of the Community Forum of 20 March 2014.

Council had also previously resolved on 6 August 2013, (Decision 244/13):

*"That Council resolves to:*

- 1. Accept the concept plans prepared for both the Stirling Street Arts Centre Master Plan and Jaycee Park Master Plan for the purpose of public advertising for a minimum advertising period of 42 days with the following amendment and clarification;*
- 2. Agree to the commencement of land administration procedures to change the purpose of Reserve 31563 from "Parking & Recreation" to "Community Purpose".*
- 3. Agree to the commencement of land administration procedures to change the purpose of Reserve 25317 from "Municipal Purposes" to "Community Purpose".*
- 4. Have the area currently identified as future expansion on the Stirling Street site shown as auditorium/exhibition space (noting that it is to be excluded from the Lotteries funding component, but is to be included in all design and costing stages to ensure the total integration of the design and feasibility for the future management of the site).*
- 5. After the completion of the public advertising the CEO and the Mayor are to consult on the need to call a Special Council meeting to consider the next steps."*

Advertisements for the concept plans were placed in Bunbury Mail on 28 August 2013, 4 September 2013, and 18 September 2013, and 2 October 2013 (Please note: we don't advertise in the South Western Times other than for adopted LPP's & Gazetted Scheme Amendments). Information was uploaded onto the City's website on Wednesday 28 August 2013. Copies of both concept plans were placed in the foyer of the Administration Building and at the City Library on 28 August 2013.

The submission period closed on 9 October 2013. The schedule of submissions, including Officer comments, was previously considered by Council for the Jaycee Park site. A community forum was then held on Wednesday 4 December 2013.

### **Council Policy Compliance**

There is no Council policy applicable to this matter.

### **Legislative Compliance**

#### Local Planning Scheme

TPS 7 indicates the site is a Local Scheme Reserve designated “Parks and Recreation”. Development approval may be given for a “Community Purpose” use in accordance with section 3.4 of the Scheme.

### **Officer Comments**

Whilst residents position on the night of consultation was that they did not wish to see NFP development on the Jaycee Park site, the assessment of other sites to date has not identified any other location that meets the majority of the requirements of the initial brief. Based on this it is proposed that work be undertaken on further detailed concept planning on the site to enable consideration by Council before additional community consultation.

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

The development of the NFP on an alternate site may see additional opportunities for users through the maximisation of funding for the development. It should be noted that Lease arrangements will need to be determined and administered by the City’s Contracts and Property Department in conjunction with the organisations that will occupy the site once determined.

### **Community Consultation**

Extensive liaison with the various involved community groups and key stakeholders was undertaken in the first few months of 2013. The concept plans have been publicly advertised for a period of 42 days in accordance with the requirements of TPS 7, Section 9.4.

On 20 March 2014, a community forum was held to discuss the Jaycee Park site. During this forum, there were a number of questions raised and answers provided by the CEO. These are contained below.

#### Mr Ian Wallace – adjacent resident

Mr Wallace objected to any building on the site. He is against forays into parks, as he feels parks are for people. Mr Wallace also addressed his concerns around surveillance required for the site as to that of a park; noted his support of the Aboriginal community using the park for traditional means; queried if the revised concept of 2000m<sup>2</sup> would provide enough open space to kick a ball about; identified the large shade trees were needed and identified BBQ’s for the area were needed.

Mr Wallace also asked why this was 3 years in development yet things appear to be moving forward fast. He felt the plans should be given to the community well in advance to discuss. He advised there had not been much advertising; and he had not heard from anyone. He felt the



approach has been underhanded, not open and forthcoming. Mr Wallace felt that proper planning for Community needs to be undertaken and a development such as this requires specific grounds.

In relation to Not for Profits he loves them and stated that they provide a great community effort. However Mr Wallace felt that these groups are not without backing and can afford to buy or build. He suggested that perhaps Council could consider buying back land for such things.

Ms Joan Moore – nearby resident

Ms Moore would like to support the previous speaker. Ms Moore indicated that she did not wish to see any trees removed and would like to see more trees established and planted in the park. Ms Moore did not wish to see a build-up of “stuff” in the park and disapproved of hard landscaping. Ms Moore also indicated she felt the proposed round-a-bout was dangerous.

Mrs Joan Birkett - nearby resident

Mrs Birkett advised she was not accepting of the plan and she was ashamed ratepayers were being denied green space. She noted that local governments in Perth were buying up land to provide green space. Mrs Birkett felt the proposed lay-by was a danger and noted that she felt there was no natural link between the aboriginal land and park sensing they would be denied access and will have to go through the buildings.

Mrs Birkett then asked what the number of bays allocated were and if this was correct?

*Note: Mr Brien advised that he was unsure on the revised plan but would follow up and provide that information*

Mrs Birkett also raised concern of sinking buildings (building below ground level) on the site and who would be accommodated. Mrs Birkett then questioned notification of the agenda.

*Subsequent advise in regards to the question on parking bays was provided in that on the revised concept that there is no indication of the number of car parking bays at this stage in the designing process (just identification where shared parking could notionally be), because planners have not yet received feedback on what the community and stakeholders actually want to see developed. That is, what will be the final land uses and actual associated floor space areas to be accommodated on the site.*

*Once known what the land uses and their floor space areas will be, planners can then refine the concept plan further, which would show more detailed floor space to car parking ratio calculations.*

*It is worth noting that the number of bays required for any land use class is prescribed in the Town Planning Scheme and is not a matter in relation to the Building Code of Australian (BCA) with regards to meeting building requirements.*

Ms Eleana Siviter – community member

Ms Siviter noted the charm of Bunbury is that although it is a City it looks and feels like a country town and she feels this needs to be preserved as does all our green space.

Mr Brien clarified that the lay-by or set down area was in fact a designated bus bay and this would be regulated as a bus bay. He also clarified that basement or buildings into the ground would only be considered for car parking so as to enable and consider minimising the impact on green space.

Mr Ian Wallace – adjacent resident

Mr Wallace questioned what was Councils agenda for building on parks?

*At this Point Councillor Jones stood and explained the Councils Land Rationalisation Committee that was started by Dr Ern Manea back in 1993 as it had been identified there was some 30% of land in excess of need. Councillor Jones provided a history, overview, explanation of offsets and examples of situations to date and the need for ecological and environmental aspects to be considered.*

Mr Wallace then again asked what the “Shires” agenda was.

Mr Brien explained the Council are committed to consulting and working with the community as the meeting held in December and now this meeting indicates. The process however, will be a long one.

Mr Brien clarified there was no Council agenda to develop parks, though there is a hierarchy of parks and matters of ecology and environment are considered. He confirmed there is certainly no set agenda to develop all parks.

Mr Paul O’Neill – Goomburrup Aboriginal Corporation

Mr O’Neill thanked residents for their acknowledgement of the cultural significance for the Aboriginal people and support. He expressed his thanks for everyone considering the Not for Profits and hoped that “we can get it built” to provide much needed services to our community. Mr O’Neill then extended his apologies as he needed to attend another meeting. He wished attendees the best of luck.

Joan – nearby resident

Stated that “I feel that I am being pushed into a corner to use the facilities provided, rather than being able to go for a walk and sit and watch the birds. What we want is our own neighbourhood park”

Ms Posy Barnes – Not for Profit organisation representative

Ms Barnes noted that for Not for Profits to find sites it is extremely difficult. Unfortunately contrary to what was said about NFP having funds, they absolutely do not have money to buy sites/buildings or build without support. While Ms Barnes empathised with the community she felt it was vital a lot of the NFP came to ether in terms of sustainability and viability to provide services to the community.

*Note: A question was asked by an attendee around what research the revised concept building requirements where based on, it was confirmed this was based on the original TME/Pyscorp analysis of needs.*

Mr Brien explained that consultation would be ongoing and this was one of two Not for Profit projects being considered by Council with one being a CBD location. He explained that the City would need to come back to proposed tenants/user groups before more detailed planning in undertaken such as detailed design.

If this project is to progress the next stage would be to go to detailed design and that is when we would need to come back to the individual groups.

*Note: A question was raised by an attendee” in relation to the existing Lotteries House.*

Mr Brien advised that the proposal was to sell off the existing Lotteries Houses to help fund a new Lotteries House. The current site and building are constrained and have heritage limitations and provide limited opportunities. They are currently looking a purpose built facility within the CBD.

Ms Joan Jenkins – Community member

Ms Jenkins advised that she attended the ratepayers meeting and moved a motion to protect public open space, however this was lost. Ms Jenkins indicated small parks are good. She made comment that as we infill, there is more and more reason for people to have a park.

Joan Moore – nearby resident

Ms Moore asked about the availability to consider the old St John of God Hospital site for the development.

Mr Brien indicated this would be a good site and noted that it is currently owned by private developers. Mr Brien noted the cost of the purchasing the land is prohibitive to the development /sustainability of Not for Profit facilities.

Mrs Barbara Wallace – adjacent resident

Mrs Wallace indicated that she lives across the road from the park and that she is dead set against any development. Mrs Wallace asked “How would you like it?”

Attendee – resident adjacent/across from park

Asked if matters surrounding the proposal can be advertised as he had not seen it.

Mr Brien explained we are providing advice and information through various means (*public advertising, letters, emails, Facebook and website*) and advised they will endeavour to continue to improve opportunities where possible. Mr Brien asked that if people are aware of a better method or methods to communicate then to please let the City know and they would explore those opportunities.

Mr Heron – adjacent resident

Mr Heron did not believe that Jaycee Park should be developed. He noted concerns on the volume of traffic and the number of users of the facilities. Mr Heron felt there would be more suitable areas that would not have as much impact and that the lay-by would be a concern. He also held concerns

Ms Jane Barker – Not for Profit organisation Kids 4 Kids

Ms Barker explained that organisation is very small and important community service supporting children with disability. Until recently they were travelling to Bunbury from Perth to deliver service, however due to funding this service can no longer be provided.

This development is an important opportunity to them in respect to being able to deliver services into Bunbury. Bringing Not for Profits together is a good thing and she would like to thank the City for trying to pull this together and would like to work with the community to provide a successful outcome.

Cr Jones – Bunbury Councillor

Councillor Jones noted that soon these agencies may be known as social enterprises as Federal and State Governments divest responsibilities and this looks to progress across Australia. We need to consider sustainability.

*There was then some general discussion of sites in particular the one opposite the Bunbury Turf Club. It was noted that Brecken Health was a private development and the current*

*development underway will house Emergency Services, Fire Station, HACC and the Men's Shed.*

Attendee

Asked of the locations considered which were in residential areas?

Mr Brien responded that there were multiple sites and reports and that he would need to go back and check what ones were in residential areas and advise. Mr Brien noted that the project is a very important one and that trying to get the Not for Profit groups together is a benefit.

*A subsequent review indicated that apart from Jaycee Park the following locations were considered:*

- *Cnr Norton Pade/Bussell Highway Dalyellup*
- *Race Course Road Reserve, Blair Street*
- *Ashrose Drive, Withers*
- *Sites somewhere midway between CBD and Highway Hotel*
- *Old St John of God Hospital site*
- *Stuart street Car park*
- *College Grove ECU, TAFE and Health campus*
- *Bunbury Tower*
- *Senior Citizens building*
- *Withers Library*
- *Bunbury Lotteries House*
- *Chamber of Commerce*
- *Koombana Drive*
- *Emergency Hub site , Blair Street – opposite the Turf Club*
- *Stirling Street Arts Centre*
- *South's Car Park*
- *Kelly Park*

Ms Joan Moore – nearby resident

Ms Moore agreed it was a great idea to have a precinct and does not think anyone is critical of that concept. Ms Moore advised, "We just don't want it in our park".

Ms Joan Jenkins – Community member

We need consider some groups need privacy.

Mr Brien advised they have consulted with groups and are aware of the differing needs of groups, for example two entries for consulting. Mr Brien advised they had been reviewing CBD locations and noted that not all Not for Profits require CBD locations and that accessibility including public transport links are important to any proposed site.

Mr Brien then asked for further comments or question. There being none Mr Brien advised the attendee's "where to from here" was that he plans to report to Council on the 15<sup>th</sup> April. Mr Brien reported that the recent petition had been received and presented to Council.

It was clarified and all present advised that the report is expected go to Council briefing on the 8<sup>th</sup> of April and then to Council on the 15<sup>th</sup> of April. Attendee's and registered stakeholders would be advised so that they may attend the briefing and Council meetings.

Attendee

Someone from the floor asked if the Council was looking at other sites for this development. Mr Brien advised his requirement to address the Council resolution in relation to Jaycee Park.

Mr Ian Wallace- adjacent resident

Mr Wallace felt this process was moving too fast and residents were not having enough time to respond.

Mr Brien advised the City is currently undertaking community and project consultation and that there will be a formal public advertising process should Council determine to move forward. The City will also need to undertake further consultation before progressing with both the Not for Profits and Lotterywest.

**Councillor/Officer Consultation**

Since August 2011, senior staff have been in ongoing discussions with Lotterywest in relation to funding assistance.

Staff will continue to liaise with Residents and Not-for-Profit users to work towards meeting agreed outcomes for all parties.

**Economic and Social Issues**

Economic

Funding for development of this site is to be sought from Lotterywest who have been a key facilitator in providing funding for the research and planning of community purpose sites in the Bunbury region. The ongoing costs associated with the running of the Not-for-Profit organisations will be the responsibility of each organisation.

Social

There was a shortfall of accommodation for Not-for-Profit organisations recognised in the JM Community/CT Management Group Development Study (Finalised April 2011). This endeavour will enable those organisations to more effectively provide for community members in need of assistance in terms of income, disability, ethnicity or other social disadvantage.

### 10.2.2 Major Projects Update Report for the period 1 July 2013 to March 2014

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-1 – Major Projects Update Report

#### **Summary**

The Major Projects update report (**attached** at Appendix CEO-1) provides an overview of Councils endorsed major projects for the period 1 July 2013 to March 2014.

#### **Executive Recommendation**

That Council receives and notes the circulated Major Projects update report as per Council Resolution 323/13.

#### **Background**

The Major Projects report is a positive tool to help effectively manage and report on current year Major Projects being undertaken by the City of Bunbury, and will be submitted to Council on a six weekly interval to allow time for works to be actioned.

The list of the projects identified in this report may not include a project update due to the timing of project delivery and consultation.

#### **Council Policy Compliance**

Not applicable

#### **Legislative Compliance**

Not Applicable

#### **Officer Comments**

This report is to be circulated to Council for noting and receiving on a six (6) weekly basis. If any Elected Member wishes to receive an update on any major project outside of this timeframe, this option is still available.

At this stage the major projects report shows approximately 80% of the project is on track.

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

Not applicable.

#### **Community Consultation**

There is no requirement for community consultation.

### 10.2.3 2014 National General Assembly of Local Government – Motions

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil.

#### Summary

The National General Assembly of Local Government (NGA) will be held at the National Convention Centre in Canberra between Sunday, 15 June 2014 and 18.

Motions for inclusion on the Business Paper are due to the Australian Local Government Association by 17 April 2014.

This report sets out the proposed Motions to be submitted to the 2014 National General Assembly of Local Government and seeks Council's endorsement of the Motions for consideration and the attendance of the Chief Executive Officer at the Conference.

The Motions that have been proposed to be submitted to the Conference are as follows:

- Motion 1. Cash for Containers
- Motion 2. Banning of Plastic Bags at point of sale
- Motion 3. Funding for CCTV

#### Executive Recommendation

That Council endorse the Motions for submission to the 2014 National General Assembly of Local Government as detailed in the report.

#### Background

At the Council Meeting of 18 February 2014 Council resolved as follows:

*"Council identify any issues/motions that they wish to see included on the agenda for the Australian Local Government Association National General Assembly of Local Government Conference to be held in Canberra from Sunday 15 June to Wednesday 18 June 2014 inclusive, to enable background reports and draft motions to be prepared and considered by Council."*

The Motions that have been proposed to be submitted to the Conference are as follows:

- Motion 1. Cash for Containers
- Motion 2. Banning of Plastic Bags at point of sale
- Motion 3. Funding for CCTV

The proposed motions for submission to the conference, with supporting objectives and key arguments are listed below.

#### Motion 1

*That the National General Assembly supports the concept of a national container deposit scheme to manage the recycling of used drink and other containers, such as is in place in South Australia and the Northern Territory.*

National objective

This will provide a broad incentive for consumer and producers to take responsibility for recycling of used containers, generates income in community, substantially increases the recycling of packaging materials and reduces landfill demand.

Council believes that legislating a deposit at point of purchase provides incentive for consumers and producers to return used containers for recycling.

This will reduce the amount of direct handling by Local Government and reduce demand for increasingly expensive landfill.

An increase in recycling of these used containers will reduce costs and demand for new materials and reduces the environmental costs of producing new material.

Key arguments

This is been referred previously to the National General Assembly.

A National Container Deposit Scheme has been successfully run in South Australia since 1993 and since early 2012 in the Northern Territory.

Both these States have decreased the amount of street and public land litter and substantially increased recycling of glass, aluminium and plastics. These programs have also lead to a noticeable reduction of used container litter on public land and have generated employment opportunities and a good funding source for community organisations.

Used drink and other containers constitute a significant part of the waste burden both as litter and in landfill.

Local Government is the main agency managing this waste burden and at substantial cost in terms of pick up and landfill operations.

Australia wide this segment of the domestic litter burden has been increasing according to the Keep Australia Beautiful National Association National Litter Index. Returns both in percentage of materials returned and economic value of recycling are relatively low.

The recent experiences in the across States which currently do not have this scheme show the clear need for an Australia wide and consistent container deposit scheme.



## Motion 2

*That the Australian Local Government Association support the concept of and request the Federal Government to introduce legislation banning the use of non-compostable plastic bags (plastic) at point of sale and support State and Local Governments wishing to impose this ban.*

### National objective

Parts of Australia have been successful in implementing bans on the light-weight, check-out style plastic bags.

As a country, we need standard legislation to enforce a ban on these plastic bags to see the withdrawal of plastic bags from retail chains and replaced with an affordable, environmentally and consumer-friendly alternative.

### Key arguments

This has been referred previously to the National General Assembly.

It is already implemented in some LGA's & South Australia. The ban would reduce litter clean-up costs to local government, reduce the non-degradable waste streams entering landfills operated by local government, and the potential deaths of sea life that eat plastic bags or become entangled in them.

Plastic shopping bags (predominately grocery shopping bags) are becoming more of a problem waste, and come with the following disadvantages:

- They are a single use disposable form of packaging and are typically used for a short period of time but can take decades to break down in landfill
- They are a highly visible and unsightly component of litter.
- They are virtually impossible to control at landfill tipping areas during periods of strong winds.
- There is clear evidence plastic bags cause injury and death to animals in varying environments
- Consumers are using more plastic bags than ever before and indications are this is increasing annually.

The production of plastic bags accounts for in excess of 20,000 tonnes of plastic polymer derived from non-renewable resources. Plastic bags cannot be recycled in normal kerbside recycling collections. Plastic bags are considered to be a 'free' commodity, which often results in little regard for their end use or disposal.

With some of the local authorities now implementing Organic Waste services, communities are embracing the idea of "green" or "organic" bags which break down when in landfill as these offer a more environmentally friendly option.

### Motion 3

*That the Australian Local Government Association seeks a commitment from the Australian Government to ensuring ongoing financial support for regional local governments to assist in the installation and implementation of Closed Circuit Television infrastructure.*

#### National objective

The current financial assistance grant allocations no longer reflect the relative need and the capacity of regional councils to fund CCTV infrastructure and services.

This is exacerbated by particular changes faced by some regional council's that impact significantly on costs involved in delivering these services to the community such as infrastructure and operational costs and increasing demand from the Community for safety.

#### Key arguments

Closed circuit television is seen as an invaluable tool to assist in the monitoring and reporting of any incidents that may occur in communities. Partnerships between local authorities and Police is a vital key in delivering a service to the community which enables one and all to feel safe when frequenting their local towns or cities, regardless of what hour of the day it may be.

There is strong argument that areas where CCTV footage is used, have a significantly lower rate of crime and inappropriate behaviour.

Under the previous government, there was funding available through the National Crime Prevention grants for projects such as CCTV. With the election and the new government coming into power, local governments were advised that they were not going to honour the program to enable the introduction of the Safer Streets program.

It is felt this matter should be considered a "high priority" for funding due to its partnerships with police and other relevant stakeholders, and the positive results which have been achieved through the CCTV program.

### **Council Policy Compliance**

Travel by the CEO is in accordance with associated Council Policies and the requirement to ensure that the City is represented at both State and Commonwealth levels.

### **Legislative Compliance**

Not applicable

### **Officer Comments**

Motions once endorsed by a Council must be submitted electronically and have to be received by the ALGA no later than the 17 April 2014 and will then be reviewed by the National General Assembly Committee as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers.

The theme for this year's NGA is '*Getting Down to Business*' and reflects current issues being debated nationally and priority issues facing local government.

The ALGA is now calling for Motions and encourages all Councils to submit Motions relevant to the theme for consideration at the NGA. To be eligible for inclusion in the NGA Business Papers, Motions must follow the following principles:

1. Fall under the NGA theme;
2. Be relevant to the work of local government nationally; and
3. Complement or build on the policy objectives of state and territory associations.

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

The expenses incurred for the attendance by the Chief Executive Officer at this event are able to be covered from the Office of CEO Operating Budget.

### **Community Consultation**

Not Applicable.

### **Councillor/Officer Consultation**

On 4 March 2014 Councillors were invited to submit proposed Motions by 4 March 2014 for Council's consideration and provided with a copy of the Background Information provided by the Australian Local Government Association and guidelines for which motions will be accepted.

The Motions that have been proposed to be submitted to the Conference are as follows:

- |           |  |
|-----------|--|
| Motion 1. | Cash for Containers                      |
| Motion 2. | Banning of Plastic Bags at point of sale |
| Motion 3. | Funding for CCTV                         |

### **Strategic Relevance**

The National General Assembly of Local Government (NGA) is convened by the Australian Local Government Association (ALGA). The stated aim of the NGA is to develop and express a united voice on the core issues affecting local government and their communities and it is considered appropriate that the City of Bunbury is represented at the NGA.

### **Delegation of Authority**

Not applicable.

### **Relevant Precedents**

In addition to attendance at the NGA, it is proposed to arrange meetings with relevant Ministerial Ministers, Ministerial Advisors and Commonwealth agencies in an effort to promote projects of significance to the City in an effort to attract federal funding. Attendance at the NGA in previous years has been by the CEO, Mayor, Director Works and Services and the Deputy Mayor. Also during attendance at the NGA, there has been a WA Regional Capitals meeting held to help reduce costs for all member Councils.

### **10.3 Director Community Development**

#### **10.3.1 Disability Access and Inclusion Plan: Outcome Seven**

<b>File Ref:</b>	A05850
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Isabell Evans, Community Development Officer
<b>Executive:</b>	Stephanie Addison-Brown, Director Community Development
<b>Attachments:</b>	Appendix DCD-1 - Disability Access and Inclusion Plan 2012 - 2017

#### **Summary**

The purpose of this report is for Council to consider receiving and advertising a revised Disability Access and Inclusion Plan 2012 – 2017 with the addition of a seventh Outcome outlining how the City will work to increase the employment of people with disability.

Following amendments to the Disability Services Act 1993 Western Australian public authorities have until July 1 2014 to amend their current Disability Access and Inclusion Plans to incorporate a seventh Outcome.

#### **Executive Recommendation**

That Council:

1. Receives the report relating to the revised Disability Access and Inclusion Plan 2012 – 2017 as shown in Appendix DCD-1;
2. Advertises the revised Disability Access and Inclusion Plan 2012 – 2017 for public comment for a period of fourteen (14) days inviting written submissions from the public, key stakeholders and service providers;
3. Delegates authority to the Chief Executive Officer to approve the final Disability Access and Inclusion Plan 2012 – 2017 should no significant opposing comments be received.

#### **Background**

The City of Bunbury has in place a Disability Access and Inclusion Plan 2012 – 2017 (the “DAIP”) which encompasses six Outcomes outlining the various ways the City is working to improve access to its various services and facilities.

Amendments to the Disability Services Act and Regulations gazetted on 11 June 2013 require local government organisations to incorporate a seventh Outcome into their respective DAIPs prior to July 1 2014.

DAIPs must now include information about how public authorities will increase the employment opportunities for people with disability, and how potential barriers to employment will be addressed.

Through both targeted and generalised consultation with internal and external stakeholders, including the Community Access Committee, a draft revised DAIP including the seventh Outcome has been developed.

This Outcome contains numerous strategies and tasks to be completed over the remaining life of the DAIP, with the Human Resources and Community Development teams holding primary responsibility for this.

### **Council Policy Compliance**

There is no Council policy applicable to this report.

### **Legislative Compliance**

The Disability Services Act and Regulations 1993 require all Western Australian local governments to introduce a seventh outcome into their Disability Access and Inclusion Plans by July 1 2014.

### **Officer Comments**

As detailed below (see “Community Consultation”), extensive generalised and targeted consultation has thus far been completed to inform the construction of the seventh Outcome. Therefore whilst Council is required by state law to advertise the draft amended DAIP for public comment, no major opposition or additional comment is anticipated, hence the recommendation to delegate final approval authority to the Chief Executive Officer is put forth dependant on the nature of any comment received.

Additionally, having regard to the fact that the applicable State legislation does not stipulate a required length of the public comment period, as well as the extent of consultation thus far completed, the period of fourteen (14) days for this is recommended.

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

A budget of \$20,000 is provided annually to administer DAIP outcomes. The seventh Outcome will not entail any additional financial and budget implications.

### **Community Consultation**

A number of targeted and generalised consultation processes have been undertaken as follows:

- Round-table brainstorm discussion at Community Access Committee meeting dated Friday 7 February 2014;
- Survey developed and distributed to Community Development Team industry networks as well as being made available on the City of Bunbury website and in hard-copy at the Administration Centre;
- Local Disability Employment Services (DES) individually contacted;
- Face-to-face meeting held with one DES representative.

### **Councillor/Officer Consultation**

The Human Resources department have been consulted as have staff that operate volunteer programs within the City (the Manager Wildlife Park, Senior Visitor Centre Officer and Senior Library Officer Programs & Engagement).

The Councillors that sit on the Community Access Committee; Deputy Mayor Brendan Kelly and Councillor Murray Cook; are aware of this report.

**10.4 Director Corporate Services Reports**

Nil.

## **10.5 Director Planning and Development Services Reports**

### **10.5.1 Crown Reserve R31823: Birch Street Beach Access to Ocean Drive and Playground**

<b>File Ref:</b>	Council Resolution 382/13
<b>Applicant/Proponent:</b>	Internal Officers Report
<b>Author:</b>	Director Planning and Development Services
<b>Executive:</b>	Bob Karaszewych, Director Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-1 – Aerial of Pedestrian Access Appendix DPDS-2 – Letter to Households Appendix DPDS-3 – Submissions Received

#### **Summary**

##### Current Situation

Council at its meeting on 4 March decided to defer consideration of further consultation with the local community adjacent to the Seaview Apartments on a proposal for a beach access walk and playground to gauge the level of community support for the proposal.

Council Decision 71/14

Pursuant to the City of Bunbury Standing Orders 2012, that the debate on the matter be adjourned to allow for further discussions with Birch Street residents, with a further report to be submitted to the Council Meeting of 15 April 2014.

A meeting was held onsite in Birch Street on 10 March. That meeting was attended by Councillors Murray Cook and James Hayward and ten (10) local residents.

In summary, discussion followed on:

- All correspondence would be referred to Ms Kim Fildes to pass onto local residents.
- Option to construct a limestone or sand or concrete or bitumen path.
- No disabled access was necessary.
- Do not like timber steps.
- Residents have abandoned the playground facility.
- Preserve dune system as a “heritage cultural park”.
- The Joel Crescent walkway where it meets Ocean Drive is unsafe, despite clear sightlines.
- Option for two (2) pedestrian crossing points, one internal of the apartment development, whereas the other to the south of the development in the vicinity of the bus stop with a pedestrian refuge and shelter.

City Officers undertook an onsite inspection of the dune system terrain, public transport, road and pedestrian safety considerations and tested various scenarios. The location allows to get as close as possible to the required 1 in 14 grade for disabled access and will also utilise less fill than a straight line route, minimising overlooking into property at 14a Birch Street. Attachment DPDS-1.

Proposed works have been costed, as follows:

1. Construction of a foot path between Birch Street and the Bus Stop on Ocean Drive as \$76,305.

2. Construction of a foot path between the Bunbury Seaview Apartment development and the Bus Stop, including the construction of a concrete pad to set down and collect passengers as \$21,838.
3. Rehabilitation of the foot worn track through the dune system within Crown Reserve R31823 as \$25,000 (\$5000 each year) over five (5) years.

Previous Situation

At the Council Meeting of 10 December 2013, Cr James Hayward submitted a Motion on Notice to consult with the local community adjacent to the Bunbury Seaview Apartments on a proposal for a beach access walk and playground. Council resolved to consult with local community to gauge the level of community support for the proposal.

**Executive Recommendation**

That Council:

1. Not proceed to construct a playground on part Crown Reserve R31823.
2. Not proceed to upgrade existing pedestrian path and handrail between the head of Joel Crescent through to Ocean Drive.
3. Create a capital project for the construction of a pedestrian path between Birch Street and Ocean Drive and to allocate the amount of \$77,000 for consideration as a budget item in the 2015-16 budget.
4. Create a capital project for the construction of a concrete pad to set down and collect passengers at the Bus Stop within the Ocean Drive road reserve; and to construct a pedestrian footpath between Bunbury Seaview Apartments and the Bus Stop, and landscaping; and allocate the amount of \$22,000 for consideration as a budget item in the 2015-16 budget.
5. Create an operational project for the rehabilitation of the foot worn track through the dune system and land adjacent to Birch Street within Crown Reserve R31823; allocate (\$25,000 (\$5000 each year) over five (5) years) for consideration in the 2015-20 budgets.
6. Authorise the CEO to approach Eternal Life Pty Ltd (the developer) to request a monetary or in-kind contribution to the construction of a pedestrian footpath between the Bunbury Seaview Apartment development and the Bus Stop on Ocean Drive that also provides for a concrete pad to set down and collect bus passengers; and construction of a rollover kerb.
7. Authorise the CEO to approach Eternal Life Pty Ltd (the developer) requiring maintenance to be undertaken to the dune system within the Crown Reserve adjacent to Ocean Drive to the satisfaction of the Director Works and Services.

**Background**

Council Decision 382/13

That Council:

- a) Requests the CEO to consult with the local community to determine their specific aspirations for a small parcel of land area directly south of 'Fawltly Towers Development' to be utilised for the construction of an access way from Birch Street to Ocean Drive and for the development of an area for a small park with the remaining part of the Reserve R31823 being set aside as an environmental reserve with no further development.
- b) Request the CEO to prepare costing's for the construction and maintenance of the proposed access way and small park.



- c) Requests that the developers of the Fawltly Towers development be approached to contribute to the cost of the construction of the proposed access way and small park.
- d) Request the CEO to submit a report to Council on these matters no later than end of March 2014;
- e) Further consider these proposals as part of the 2014-15 annual budget deliberations.

CARRIED

13 votes “for”/ nil votes “against”

In support of Cr Hayward’s motion:

*“The intent of this motion is to allow council officers the ability to be able to commence works and negotiate with the developers of the Fawltly Towers Development in terms of a possible contribution to the cost of establishment.*

*The desire for the open space development came from a number of meetings with residents who shared concerns about the ‘Fawltly Towers’ rezoning application. During that process it became clear local residents had felt significantly aggrieved by the process.*

*Many concerns were raise some were immediately remedied, others are still a work in progress and some were not able to be resolved other than improved communication between the parties.*

*One project which the community clearly communicated was a request that an improvement to the amenity of the area, the reestablishment of a walkway from Birch Street and a possible park or recreational area was requested.”*

#### **Council Policy Compliance/ Legislative Compliance**

Not Applicable

#### **Officer Comments**

There is an existing bitumen pedestrian footpath access incorporating a hand rail between the head of Joel Crescent and Ocean Drive, which provides for good north-south sightline distance to safely cross Ocean Drive to the existing beach access walk.

The proposed location of a pedestrian footpath through the dune system within Crown Reserve R31823 between Birch Street and Ocean Drive will potentially, unless well-designed and constructed, give rise to conflict between pedestrians and vehicles associated with and or in the vicinity of the Bunbury Seaview Apartment development.

The development approval is not conditional upon the developer to make any monetary contribution for any capital works south of the development site; hence the developer cannot be compelled to make any monetary or in-kind contribution other than a voluntary contribution.

The builder had earlier indicated willingness to assist with the reinstatement of the former dune (closest to the development) that had been disturbed some years earlier by the previous builder. Recent attempted improvement works requires further attention by the builder/ developer, which is separately being dealt with. The Norfolk Island Pines along the frontage of the development are proposed to be relocated within the road reserve along with ground cover planting to visually frame the development on Ocean Drive.

The draft new City of Bunbury Town Planning Scheme 8 has referenced the entire Crown Reserve R31823 as an environmental asset to the wider Bunbury community. Local resident foot traffic has worn a one (1) metre wide track through the dune choosing the shortest and most direct route through the dune to Ocean Drive resulting in the need for rehabilitation to the dune system.

The construction of a foot path between Birch Street and the Bus Stop on Ocean Drive; the construction of a footpath between the Bunbury Seaview Apartment development and the Bus Stop, including the construction of a concrete pad to set down and collect passengers and landscaping provides is a both a reasonable and responsible approach to safeguard pedestrian and vehicular movements in close proximity to the Bunbury Seaview Apartments.

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

The proposed works have not been included as Projects in the draft 2014-15 or later years budgets.

### **Community Consultation**

On the 18 December 2013, a *To the Householder* letter was hand delivered to 73 households in Birch Street; Joel Crescent; and Ashford Place, **attached** at Appendix DPDS-2. The letter advised that submissions would be received until 31 January 2014; however this report includes all submissions received up to the preparation of this report on 17 March 2014.

Submissions (**attached** at Appendix DPDS-3) were received from:

1. Mrs Kim Fildes, 12 Birch Street South Bunbury

Summary of comments:

- Ask the owners of the Seaview Apartments to beautify the land as a way of “giving back” to the community surrounding the development.
- It is not the intention of residents to have the City foot the bill for this path/park; it was the intention for the developers to pay for it.
- No support for proposal if it meant an increase in rates.
- Residents have paved a path through the dune system and a proper path needs to be constructed to protect the dune.
- The developers ruined a portion of the dune system during the early days of construction.
- There needs to be accountability for damage to dunes and dumping of rubbish.
- A minimum of a safe path from Ocean Drive to Birch Street and rehabilitation of the dunes.
- There isn't a desperate need, but it would be greatly appreciated including its irrigation.

2. J & C Kemp, 4 Joel Crescent Bunbury

Summary of comments:

- It was never intended that the park/access path be a burden for the City but rather “compensation” by the developers for the mess they have made of this piece of land.
- The developers have the obligation to repair their damage at their expense; they could install a better path than previously existed and replant the natural vegetation that has been run over by heavy equipment.
- Anything more than this would be gratefully accepted and enjoyed by the neighbourhood.

- The council could think more carefully before they agree to put an aberration like this hotel development in the middle of a residential area.
3. Eternal Life Pty Ltd 470 Scarborough Beach Road Osborne Park Perth  
Summary of comments:
- Eternal Life (developer) has stated “as confirmed in the Council meeting with residents (pre-Christmas) we support and will contribute to whatever is agreed upon for the immediate area south of our development”.
4. Mr Jeff and Mrs Bernadette Lovett, 2 Ashford Place Bunbury  
Summary of comments:
- Full support for proper access over the dune.
  - Opposed to any sort of playground equipment.
  - Dune reserve should be tidied-up and rejuvenated.

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

Councillor Murray Cook and Councillor James Hayward attended the local residents meeting onsite on 10 March 2014.

Councillors had previously received representation from both objectors and the developer, in addition to undertaking site inspections for familiarisation with issues pertaining to both the original development approval and the more recent proposal to amend the planning scheme to reflect the intended use of the development for tourism and unrestricted residential accommodation and an incidental shop premises.

**10.5.2 Request to Initiate Scheme Amendment 74 – Proposed Rezoning of Lots 2, 9, 10, 11, 12, 42 and part Lots 3, 43 Boyanup-Picton Road and Lots 8 and 4208 Harris Road, Picton from “Rural Zone” to “Development Zone - Industrial”.**

<b>File Ref:</b>	A05963
<b>Applicant/Proponent:</b>	City of Bunbury
<b>Author:</b>	Jana Joubert, Strategic Planning Officer Thor Farnworth, Manager Sustainability and Integrated Land Use Planning
<b>Executive:</b>	Bob Karaszekewych, Director Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-4 – GBRs Scheme Amendment Report Appendix DPDS-5 – Submission Report made by Thor Appendix DPDS-6 – GBRs Report on Submissions

**Summary**

The City of Bunbury has been advised by the Western Australian Planning Commission that it has initiated an amendment to the Greater Bunbury Region Scheme (GBRS 0024/41), which involves a change in the zoning of Lots 2, 9, 10, 11, 12, 42 and part Lots 3, 43 Boyanup-Picton Road and Lots 8 and 4208 Harris Road, Picton from regional “Rural Zone” to regional “Industrial Deferred Zone”.

Although the “Industrial Deferred Zone” is a recently created GBRs zone, the location and extent of the proposed “Industrial Deferred Zone” is currently best captured in the City of Bunbury Town Planning Scheme No. 7 (TPS7) as “Development Zone – Industrial”. As such, in order to ensure ongoing compatibility between the region and local planning schemes, an appropriate consequential amendment to TPS7 will be required.

Scheme Amendment 74 to TPS7 seeks to maintain consistency with the GBRs by amending the designation of the subject land, as it currently appears on the Scheme Map, from local “Rural Zone” to local “Development Zone – Industrial”, which would be in keeping with the designation of adjacent zoned land.

The Local Planning Scheme Amendment Report (incorporating the GBRs amendment document as supporting information) is attached as Appendix DPDS-4.

**Executive Recommendation**

That Council, in accordance with section 124 of the *Planning and Development Act 2005*, resolves to:

1. Initiate proposed Scheme Amendment 74 to the City of Bunbury Town Planning Scheme No. 7 by amending the Scheme Map by rezoning Lots 2, 9, 10, 11, 12, 42 and part Lots 3, 43 Boyanup-Picton Road and Lots 8 and 4208 Harris Road, Picton from “Rural Zone” to “Development Zone - Industrial”; as detailed in the Local Planning Scheme Amendment Report.
2. Notify the Western Australian Planning Commission (WAPC) of Council’s decision to initiate proposed Scheme Amendment 74, and furnish the Commission with a copy of the scheme amending documentation, prior to proceeding to public advertising.

3. Refer a copy of the proposed scheme amending documentation to the Environmental Protection Authority (EPA) and any other relevant public authority, for consideration and comment.
4. Subject to formal assessment not being required by the EPA, and no objection received from the WAPC, proceed to advertise proposed Scheme Amendment 74 for public comment with a submission period of not less than forty two (42) days.
5. Following public advertising, the proposal and any public submissions lodged with the City of Bunbury during the advertising period are to be returned to Council for further consideration.

### **Background**

A large swath of rural land was originally identified as having the potential for industrial development in the Industry 2030 – Greater Bunbury Industrial Land and Port Access Planning Final Report (2000). The preparation of the subsequent Preston Industrial Structure Plan (incorporating Picton North, Picton South and Preston precincts) highlighted that a significant portion of land identified in the Industry 2030 report was not suitable for industrial development given environmental constraints.

Further work has since been undertaken by the Department of Planning (DoP), as part of the Greater Bunbury Strategy, which incorporated the section 16 advice of the EPA identifying the more unconstrained areas potentially suitable for industrial development. Those investigations have identified portions of the Picton and Preston Industrial areas, including lots still included in the “Rural Zone”, as being relatively unconstrained and having the potential for industrial development in the short term.

For that reason, the DoP is currently preparing a district level structure plan for the Picton South precinct, which includes a number of lots that are already zoned for industrial purposes under both the GBRS and TPS7, but will also include those rural lots that are subject to this amendment.

### **Strategic Relevance**

Amending the GBRS zoning of the subject site from “Rural Zone” to “Industrial Deferred Zone” will facilitate the lifting of the deferment status once structure planning has been finalised, and as such, will in theory reduce the timeframe for releasing land for development.

Therefore, the proposed rezoning of the subject lots under TPS7 to “Development Zone – Industrial” is entirely consistent with the intentions of the GBRS by enabling the development of the land for industrial uses, subject to the adoption of local structure plan(s) in accordance with Clause 6.2.4 of the Scheme.

### **Council Policy Compliance**

The subject site is situated within the area defined in the City Vision Strategy and Action Plan as the “Industry focus-area”, which largely comprises the industrial land in the south and east of the city, including the localities of Preston, Davenport and Picton.

The strategy more specifically makes reference to the “Picton Area” as being highly valued and rapidly developing industrial estates with a growing workforce. The strategy recognises the need for:

(1) the review of transport connections to Davenport and Picton industrial areas in order to ensure that these estates are adequately serviced, and

(2) research to be undertaken in order to establish the type and level of current and future demand for general and service industrial land and the availability of land, including a review of servicing costs, to meet that demand.

From discussions with the DoP, it is anticipated that district structure planning by the department will, in part, address some of those issues.

### **Legislative Compliance**

Proposals to amend a Local Planning Scheme are required to be undertaken in accordance with the *Planning and Development Act 2005* and associated Town Planning Regulations 1967. The proposed Scheme Amendment 74 report will need to be referred to the EPA and WAPC for their review, prior to any formal public advertising period.

Once public advertising is concluded, should Council resolve to adopt the scheme amendment, the documentation together with the schedule of submissions and Council's resolution are to be forwarded on to the WAPC for its endorsement to the Minister for Planning for final approval and gazettal.

### **Officer Comments**

The primary purpose of Scheme Amendment 74 is to ensure on-going consistency with the zoning designations of an amended GBRS. The justification for the region scheme amendment is provided within the supporting document prepared by the DoP, which is captured as part of the Scheme Amendment 74 report.

Nevertheless, it is worth noting that the scheme amendment proposal creates a range of potential opportunities for the future development of the subject lots due to them being:

- located in proximity of the Inner Harbour with road connectivity via the Port Access Road;
- part of the regionally significant Preston Industrial Park;
- adjacent to existing industrial uses and associated activities; and
- situated within a unique coalescing of road and rail freight transport networks.

The subject site satisfies a number of basic requirements for transport related or heavier industrial land uses, hence given the immediate proximity to the Ferguson River, it is suggested that the future land use classes developed in this area be limited to non-polluting light and general industry uses, that would be in keeping with the State Planning Framework.

In addition, whilst the Region Planning Scheme and associated Local Planning Scheme amendments facilitate future industrial development, it must be noted that any proposed structure plan(s) will need to be supported by flood studies and flood mitigation plans that are endorsed by the Department of Water (DoW) and the WAPC, prior to any development within the floodway and flood fringe of the Ferguson River (refer to Appendix DPDS-5)

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

The scheme amendment procedure has no associated budgetary impact other than necessary staffing and public advertising costs.

### **Community Consultation**

The GBRS amendment has now been endorsed by the Minister for Planning after undergoing a separate community consultation procedure administered by the DoP. Landowner expression of interest submissions and correspondence were received by the WAPC dating back to September 2013, as summarised in Appendix DPDS-6.

Subject to initiation by Council, it is intended that Scheme Amendment 74 be advertised for public comment in accordance with the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967* for a minimum period of 42 days.

### 10.5.3 Section 31 Order – SAT – Lot 30 #22 Palmer Crescent, Bunbury

Section 31 Order – State Administrative Tribunal Act 2004 – Reconsideration of Council’s decision in respect of the (retrospective) change of use from Storage to Industry: Noxious (sandblasting/ spray painting).

<b>File Ref:</b>	P07308
<b>Applicant/Proponent:</b>	David Evans
<b>Author:</b>	Mr Anthony Pick – Planning Officer
<b>Executive:</b>	Bob Karaszekewych, Director Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-7 – Council Report and Resolution of 4/02/2014 Appendix DPDS-8 – Questions and Answers

#### Summary

At its meeting of 4 February 2014, Council pursuant to section 31(1) Order by the State Administrative Tribunal 2004 (WA) (SAT) resolved to substitute its original decision\* to refuse the above application and recommend granting planning approval. A copy of the latest Council Report and Resolution is **attached** at Appendix DPDS-8.

\* Original decision for the purposes of this report means the decision taken 2 July 2013 to refuse the application.

Council’s latest resolution (Decision 42/14), in the view of the SAT, contains technically conflicting information. It is important to note that a time unlimited approval cannot be conditioned such that it expires if certain requirements are not satisfied. Likewise, a land use granted temporary approval cannot remain in force at the end of the term, unless a separate application for Planning Approval is issued. Therefore, in order to remove any ambiguity from the resolution, and to make it clear to all parties what is required of the applicant, two alternative options are presented for Council’s deliberation and clarification.

Staff sought clarification on the intention of the Council to issue a time unlimited planning approval. On 14 March 2014, as part of the ongoing mediation process, Council’s resolution was presented to the SAT. The SAT determined to issue a further section 31 Order for the Council to reconsider and clarify the resolution and conditions.

The City’s legal advisor recommended that both the resolution and conditions need to be explicitly clear as to whether Council is seeking to issue a temporary approval or a time unlimited approval.

#### Executive Recommendation

That Council, pursuant to section 31 of the State Administrative Tribunal Act 2004 (WA), sets aside the original decision to refuse the application and substitutes its new decision resolving to grant a temporary planning approval for thirteen (13) months, with the following conditions:

- (1) The temporary planning approval and development must cease on (date fixed 13 months from date of decision) at which time the approval will expire pursuant to Clause 10.6 of the City of Bunbury Town Planning Scheme No. 7.
- (2) Development shall be in accordance with the approved development plans (dated 7 August 2013) that form part of the planning approval.



- (3) Within 21 days of the date of the approval, the applicant shall provide the City with verification from a suitably qualified person that the sandblasting operations are in full compliance with the Environmental Protection (Abrasive Blasting) Regulations 1988.
- (4) Within 21 days of the date of the approval, the applicant shall provide the City with verification from a suitably qualified person that the spray painting operations are in full compliance with the Environmental Protection (Metal Coating) Regulations 2001.
- (5) The applicant shall instruct a suitably qualified independent consultant to undertake scientific monitoring of the impacts arising from the development, in respect of the following matters: noise, air quality (dust), and odour for a continuous period of not less than 11 months; and
  - The results shall be analysed and submitted to Council in the form of a scientifically validated independent consultants report, at the end of the monitoring period. The monitoring results shall be made available, on request, to the City during the monitoring period.
  - The brief for the monitoring and scientific report shall be agreed with the City within four (4) weeks of the date of the decision notice. The monitoring and scientific report shall be carried out in accordance with the agreed brief.
- (6) There shall be no sandblasting or spray painting carried out in the open.
- (7) The applicant shall submit to the City a Management Plan based on the parameters set out in 'Suckling Civil & Structural Engineers Management Plan' within 21 days of the date of the decision notice. The Management Plan shall be strictly adhered to at all times unless any variance is agreed to in writing by the City of Bunbury.
- (8) Notwithstanding the submitted plan, a minimum of 16 car parking bays shall be provided on the land the subject of this planning approval and to the satisfaction of the City of Bunbury. A minimum of one of those car parking bays shall be provided for the exclusive use of disabled persons in accordance with AS/NZS 2890.6:2009 and to the satisfaction of the City of Bunbury. Car parking bays shall remain accessible, at all times, and be used solely for the purposes of car parking.
- (9) There shall be no storage of materials within the parking, access driveways, or landscaped areas.
- (10) All verge areas abutting the boundaries of the subject site must remain clear at all times and must not be used for any other purpose including car parking, trade display, storage and signage to the satisfaction of the City.
- (11) Except with the prior written consent of the City of Bunbury, the approved use must only operate between the following times (excluding Sundays and public holidays):
  - 7am and 5pm Monday to Friday inclusive.
  - 7am and 1pm Saturday.

Informative Notes:

(1) The development, other than where restricted by planning condition, shall comply with the *Environmental Protection (Metal Coating) Regulations 2001*; *Environmental Protection (Abrasive Blasting) Regulations 1988*; and, *Environmental Protection (Noise) Regulations 1997*.

(2) Prior to the expiry of the temporary approval the applicant is required to apply to the City of Bunbury for Planning Approval. The City will require the applicant to demonstrate that the land use(s) operated without any adverse impact on the environment or amenity of the locality, and shall submit a scientific report and monitoring analysis as required by Condition 5 of this temporary approval for Council's consideration.

(3) Council shall provide a contact and telephone number for the Management Plan for the public to call should an incident occur and / or report any concerns arising from the development. The City

shall maintain a register of any complaints received from local residents concerning the operation of the business, including information as to:

- (i) the date and time of the complaint;
- (ii) the address of the person making the complaint;
- (iii) the nature and details of the complaint;
- (iv) the work being undertaken by the business at the time of the complaint;
- (v) the measures taken by the business in response to the complaint;

and make this register available for inspection of request.

(4) The City of Bunbury advises that the development the subject of this planning approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.

(5) The City of Bunbury advises that the development the subject of this planning approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Unauthorised Discharge) Regulations 2004 in relation to discharges into the environment. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.

(6) The development the subject of this planning approval must comply with the requirements of the Health Act 1911.

(7) The development, the subject of this planning approval, is required to comply with the requirements of the Department of Mines and Petroleum (Resources Safety Section) in relation to the storage of dangerous goods. Further information may be found at this Departments website at [www.dmp.wa.gov.au](http://www.dmp.wa.gov.au)

### **Background**

The history is set out within the attached Council report – see Appendix DPDS-7.

### **Council Policy Compliance**

In order to comply with the City's Local Planning Policy: Access and Parking for Pedestrians, Bicycles and Vehicles, a condition is necessary to secure an additional seven (7) car parking bays.

### **Legislative Compliance**

The application is subject to GBRS approval, as the lot adjoins Regional Open Space.

The application is delegated to Local Government for determination under Schedule 2, Instrument of Delegation pursuant to s16 of the Planning and Development Act, subject to meeting one of the following provisions:

- (a) Development where the Local Government accepts the recommendation and any advice of the Department of Planning.
- (b) Development for which the Local Government decides to refuse approval under the GBRS.

‘Noxious – Industry’ is not permitted in the Industry Zone, unless the Council exercises its discretion in favour of the application and has granted planning approval after advertising the application in accordance with advertising the application in respect of the provisions of Clause 9.4 of the Scheme.

#### **Officer Comments**

Council’s Decision 42/14, at the Council Meeting of 4 February 2014, contained technically conflicting information. It is important to note that a time unlimited approval cannot be conditioned so that it expires if certain requirements are not satisfied. Likewise, a land use granted temporary approval cannot remain in force at the end of the term, unless a separate application for Planning Approval is issued. Officers clarified that the Council’s intent was for a time unlimited approval and that information was presented to the SAT.

However, the SAT issued a further s31 Order for the Council to reconsider its decision and clarify the resolution/conditions. Therefore in order to remove any ambiguity from the resolution and to make it clear to all parties what is required of the applicant, two alternative options are presented for Council’s deliberation/clarification.

#### Option 1 – Temporary Planning Approval

The Council to substitute its original decision with a temporary approval for 13 months. This option would be appropriate where Council in its original resolution sought to require the applicant to demonstrate compliance at certain timeframes before allowing the approval to remain in force. In order to achieve this outcome, it would be necessary to issue a temporary planning approval. This is the preferred option.

Officers have consistently taken the position that a temporary approval would be the most appropriate way forward. The reasoning has been well documented – see attached Council Report. In summary, a temporary approval has been recommended on the basis that the Department of Environment Regulation has not formally objected or identified any harmful impacts arising from the operations, although they are currently auditing the business. However, the land use is outside of the established generic buffer distances set out in the Environmental Protection Authority guidance document entitled: ‘Separation Distances between Industrial and Sensitive Land Uses No. 3’.

The guidance note provides a planning tool to identify appropriate buffer distances between industrial development and any sensitive land use e.g. recreational and residential development. In this case the site adjoins land used for recreation and is within 115m from residential development and 100m from the playground. The buffer distance for spray painting is 200m and sandblasting is on a case-by-case basis. Para 4.4.1 of the Guidance note states: ‘Where the separation distance is **less** than the generic distance, a scientific study based on site and industry-specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts’.

It is therefore considered that a temporary approval would allow appropriate monitoring to be undertaken and fully enable Council to reach an informed decision at the expiry of the temporary approval, as to whether to issue a time unlimited approval or indeed a further temporary approval.

Option 2 – Grant Planning Approval (time unlimited)

However, if it is Council's intent to issue a time unlimited approval, then a second option is presented for Council's consideration. Option 2, is understood to be in line with Council's intentions. Council should note that if a time unlimited approval is given there is no ability to impose conditions that have the effect of taking away the Planning Approval. For instance, if the monitoring/ scientific report presents that the operations are giving rise to an adverse impact on amenity or environmental considerations, it is not possible to impose a condition that would result in the planning approval expiring. However, the monitoring report could be used to inform the Department of Environment Regulation as to whether Approval.

If a time unlimited approval is granted, conditions would need to be effectively enforced through taking compliance action, if required. For example, if the applicant failed to fulfil the requirements of any of the conditions of approval the City would initiate compliance action, where expedient to do so. Options include serving of a 'Stop Work Notice' or prosecuting the 'offence'.

An additional condition is recommended should Council determine to substitute its decision for a time unlimited approval. Condition 1 would restrict any other 'Industry – Noxious' land use being operated from the site, without a further grant of planning approval.

In the event that Council wishes to issue a permanent approval, the alternate option listed below can be moved.

Option 2 – Grant Planning Approval (Time Unlimited)

Council, pursuant to section 31 of the State Administrative Tribunal Act 2004 (WA), sets aside the original decision to refuse the application and substitutes its new decision resolving to a time unlimited Planning Approval with the following condition -:

- (1) The Planning Approval shall be restricted to 'sandblasting and spray painting activities' undertaken by the applicant (Mr David Evans and employees) only, and for no other land uses, including 'Industry – Noxious' without the requirement for Planning Approval.
- (2) Development shall be in accordance with the approved development plans (dated 7 August 2013) that form part of the planning approval.
- (3) Within 21 days of the date of the approval, the applicant shall provide the City with verification from a suitably qualified person that the sandblasting operations are in full compliance with the Environmental Protection (Abrasive Blasting) Regulations 1988.
- (4) Within 21 days of the date of the approval, the applicant shall provide the City with verification from a suitably qualified person that the spray painting operations are in full compliance with the Environmental Protection (Metal Coating) Regulations 2001.
- (5) The applicant shall instruct a suitably qualified independent consultant to undertake scientific monitoring of the impacts arising from the development, in respect of the following matters: noise, air quality (dust), and odour for a continuous period of not less than 11 months; and

- The results shall be analysed and presented to Council in the form of a scientifically validated independent consultants report. The monitoring results shall be made available, on request to the City, during the monitoring period.
  - The brief for the monitoring and scientific report shall be agreed with the City within four (4) weeks of the date of the decision notice. The monitoring and scientific report shall be carried out in accordance with the agreed brief.
- (6) There shall be no sandblasting or spray painting carried out in the open.
- (7) The applicant shall submit to the City, a Management Plan based on the parameters set out in 'Suckling Civil and Structural Engineers Management Plan' within 21 days of the date of the decision notice. The Management Plan shall be strictly adhered to at all times unless any variance is agreed to in writing by the City of Bunbury.
- (8) Notwithstanding the submitted plan, a minimum of 16 car parking bays shall be provided on the land the subject of this planning approval and to the satisfaction of the City of Bunbury. A minimum of one of those car parking bays shall be provided for the exclusive use of disabled persons and marked accordingly in accordance with AS/NZS 2890.6:2009 to the satisfaction of the City of Bunbury. Car parking bays shall remain accessible at all times and be used solely for the purposes of car parking.
- (9) There shall be no storage of materials within the parking, access driveways, or landscaped areas.
- (10) All verge areas abutting the boundaries of the subject site must remain clear at all times and must not be used for any other purpose including car parking, trade display, storage and signage to the satisfaction of the City.
- (11) Except with the prior written consent of the City of Bunbury, the approved use is only permitted to operate during the following times (excluding Sundays and public holidays):  
7am and 5pm Monday to Friday inclusive.  
7am and 1pm Saturday.

**Informative Notes:**

(1) The development, other than where restricted by planning condition, shall comply with the *Environmental Protection (Metal Coating) Regulations 2001; Environmental Protection (Abrasive Blasting) Regulations 1988; and, Environmental Protection (Noise) Regulations 1997.*

(2) Council shall provide a contact and telephone number for the Management Plan for the public to call should an incident occur and / or report any concerns arising from the development. The City shall maintain a register of any complaints received from local residents concerning the operation of the business, including information as to:

- (vi) the date and time of the complaint;
- (vii) the address of the person making the complaint;
- (viii) the nature and details of the complaint;
- (ix) the work being undertaken by the business at the time of the complaint;
- (x) the measures taken by the business in response to the complaint;

and make this register available for inspection of request.

(3) The City of Bunbury advises that the development the subject of this planning approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.

(4) The City of Bunbury advises that the development the subject of this planning approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Unauthorised Discharge) Regulations 2004 in relation to discharges into the environment. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.

(5) The development the subject of this planning approval must comply with the requirements of the Health Act 1911.

(6) The development, the subject of this planning approval, is required to comply with the requirements of the Department of Mines and Petroleum (Resources Safety Section) in relation to the storage of dangerous goods. Further information may be found at this Departments website at [www.dmp.wa.gov.au](http://www.dmp.wa.gov.au)

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

The current legal costs are in the vicinity of \$53,245 and continue to increase where legal representation is required.

### **Community Consultation**

This matter was the subject of extensive community consultation and media attention during the original determination of the application. The community has been invited to attend Council meetings during the SAT mediation process.

The City continues to receive complaints in respect of both the sandblasting and spray painting operations. Those complaints are referred to the Department of Environment Regulation who regulate the operations carried out.

The main issues raised by local residents and a response to those matters are **attached** as Appendix DPDS-8

### **Councillor/Officer Consultation**

The matter has been heard by Council on four previous occasions and some Councillors attended a site visit during mediation.

### **Conclusion**

To remove any ambiguity from the resolution it is recommended that Council vote on substituting its original decision and substituting its new decision with either a time a temporary approval (Option 1) or Planning Approval (time unlimited).

## **10.6 Director Works and Services Reports**

### **10.6.1 Petition Report – Objection to the current Bunbury Primary School Parking Proposal**

<b>File Ref:</b>	A04417
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Alison Baker, Executive Assistant Works and Services
<b>Executive:</b>	Phil Harris, Director Works and Services
<b>Attachments:</b>	Nil

#### **Summary**

At the Council Meeting held 18 March 2014, Council Decision 77/14 resolved:

*Pursuant to Clause 6.10(2) of the City of Bunbury Standing Orders 2012, the petition received from Councillor Morris containing 291 signatures objecting to the current Bunbury Primary School Parking Proposal, is to be received and referred to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings.*

#### **Executive Recommendation**

1. Council receive the petition report and notes that a further report will be submitted to Council to endorse the new design and scope once the public consultation period has expired.
2. The petitioners be advised of the outcomes.

#### **Background**

The Bunbury Primary School – School Frontage Program commenced the public consultation stage in mid-January 2014. Letters were sent to the effected residents with the public consultation finishing on 31 January 2014. The proposed works were aimed at reducing areas of vehicle – pedestrian conflict with a focus on creating a safer road environment. At the same time Council was going to use this opportunity to upgrade the existing drainage to reduce localised flooding.

The proposal was subject to criticism including the amount of time allowed to respond to proposal, removal of the trees and one way traffic flow. Meetings were held with the Friends of Lovegrove representatives and Bunbury Primary School Board representatives to discuss the issues and possible solutions. After the meeting on 27 February 2014 the Mayor requested that officers prepare new design that was the ‘best engineering solution’. This design was presented at the stakeholder meeting on Monday 24 March 2014.

#### **Council Policy Compliance**

There is not Council Policy applicable to this matter.

#### **Legislative Compliance**

There is no Legislative Compliance applicable to this matter.

### **Officer Comments**

At the meeting held on Monday 24 March 2014 a new design was presented as per the request from Mayor Brennan to find the 'best engineering solution'. The new design will be subject to public consultation and a report to Council. It is expected that the public consultation will conclude during the week ending 25 April 2014 with a report for the 20 / 27 May round of Council meeting.

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

The project is subject to 50 / 50 funding between City of Bunbury and Education Department. The Education Department has been kept up to date on the projects progress to ensure funding is retained.

### **Community Consultation**

There has been a number of meetings with 'Friends of Lovegrove' and the representatives of the Bunbury Primary School Board facilitated by the City. The latest meeting was held on Monday 24 March 2014 which will result in further public consultation as a report to be submitted to council.

### **Councillor/Officer Consultation**

The Engineering Team has spent significant time investigating, reviewing, producing and presenting the new plan. Councillors Morris, Steele, Hayward, Deputy Mayor Kelly and Mayor Brennan have attended meetings regarding the project.



### 10.6.2 Intersection Upgrade Spencer Street- Forrest Avenue and Beach Road

<b>File Ref:</b>	A05426
<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Kyle Daly
<b>Executive:</b>	Phil Harris, Director Works & Services
<b>Attachments:</b>	Appendix DWS-1 – Western Power Quotation Appendix DWS-2 – Design Drawing

#### Summary

The upgrade of the Spencer Street, Forrest Avenue and Beach Road intersection has been programmed for several years. Increased vehicle movements, combined with the age of the Traffic Control Signals (TCS) requires modifications to provide safe pedestrian movements and improved vehicle movement across the intersection.

The project requires all electrical transmission lines at the intersection to be undergrounded. A cost provided by Western Power indicates that this component of the works will cost \$510,889. A copy of the quotation and design drawing is **attached** at Appendix DWS-1 and Appendix DWS-2

Western Power is classed as a sole supplier for the purpose of these works.

#### Executive Recommendation

In accordance with Division 2, Section 11, (Part 2F) of the Local Government (Functions and General) Regulations 1996:

1. Council accepts the quotation from Western Power to provide underground power around the intersection of Spencer Street, Forrest Avenue and Beach Road intersection.

#### Background

A need has been identified at this intersection to improve accessibility for pedestrian safety, reduce vehicle congestion through improved geometry and to increase the overall amenity of the surrounding area. City of Bunbury residents, business owners and other key stakeholders have expressed such concerns for a number of years.

The works will consist of a TCS upgrade and associated civil works to improve pedestrian access. As there will be a full upgrade of the electrical system, this will be an ideal time to upgrade the infrastructure at this intersection that is currently inhibited by these assets.

The new TCS will include a parallel walk phase. A number of existing crossing points will be realigned and have new ramps constructed to increase safety for pedestrians. Other upgrades will extend existing medians, dedicated turning lanes, upgrade of footpaths, upgrade of the Plaza car park, laying of asphalt and upgrade of utilities including significant undergrounding of existing overhead power lines.

### **Council Policy Compliance**

Council Policy states that purchases over \$100,000 must go to public tender. This policy is taken from and governed by legislative requirements as per below. In this case Western Power is recognised as a sole provider of the works.

### **Legislative Compliance**

Local Government must go to tender for all works or services contracts over the value of \$100,000. An exemption to this condition is contained in *Local Government (Functions and General) Regulations 1996, Division 2. Section 11, (Part 2F)* which states:

*“The local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier”.*

In this case Western Power is recognised as a sole provider of the works.

### **Officer Comments**

Western Power owns and manages the transmission and distribution infrastructure that needs to be relocated. Only works that it has designed and approved (with exception of new subdivisions) are to be undertaken by its accredited panel of approved contractors. The City investigated whether there was potential for other contractors to price for and carry out the proposed work. Western Power has since advised that the City is required to have the works designed and undertaken only by its approved contractors for this project.

Western Power has extended their quotation validity period until 22 April 2014.

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

This aspect of the project is priced at \$510,889 and has Regional Road Group (RRG) funding. The overall value of the intersection upgrade is \$1,517,000.

Total approved funding for 2013/14 is \$870,000 of which \$570,000 is external grants. There may be a carry forward of \$40,000 into next financial year. Funding in 2014/15 is identified as \$647,000 with \$500,000 in external grants.

### **Community Consultation**

Correspondence was sent to residents, business owners and occupiers around the intersection on 12 September 2013.

The owners of Cathie Rice Travelworld and Caltex had concerns over the painted median strip on Forrest Avenue and how it may reduce access to their businesses. It was explained that the painted median can be used as a refuge for cars so as not to block through traffic when vehicles are turning and that cars can legally cross the medians. This seemed to alleviate both parties concerns.

The owner of Civic Video expressed concerns over the access for customers to his business during the construction phase and the operating hours as a result of undergrounding power. It was stated that access during construction would always be available on some level with restrictions being

limited and switch over to underground power being undertaken over a minimal period of time. Otherwise, there were no real concerns identified with the proposal.

A resident on Fielder Street was concerned at the prospect of being forced to a 'left-in left-out' situation at the intersection of Spencer Street and increases in traffic along Fielder Street. The safety benefits of preventing vehicles from making right movements off Spencer Street were explained in the fact that they should reduce side-swipe crashes. Traffic counters were also placed on Fielder Street for 2 weeks to determine current vehicle numbers. Once construction has taken place, counters will be positioned at the same point to determine what effect the upgrade has had on Fielder Street.

The owners of the Plaza Shopping complex raised concerns over the potential loss of car bays on the northern car park. They are currently, as part of a separate project looking to upgrade their facilities by extending the Woolworths property and increasing parking at the site as a whole. City representatives are currently working with KPA Architects (employed by Woolworths) to come to an agreed solution between all parties on the northern car park.

### **Councillor/Officer Consultation**

Councillors were provided with an overview of the project at a Major Projects briefing in August 2013.

The City's Community Development Officer – Access was approached on the design. Subsequent to this, the design was presented to the Community Access Committee for comment at their meeting dated Friday 2 August 2013, to which the Committee gave overall approval with the condition that a pedestrian crossing on Forrest Avenue be considered. This crossing has now been incorporated into the proposal.

The City's Team Leader – Parking has regularly helped consult with parking related issues. He has coordinated on the removal of parking bays on Forrest Avenue to allow for the installation of a painted central median and has provided advice for parking arrangements at the northern Plaza car park.

The engineering team has been collectively involved in the process of identifying the project need and scope of works. As part of this planning process, a design brief was created to assist in delivering the design in its current format. There has also been ongoing planning and liaison with external consultants to aid in the project delivery.

### 10.6.3 Contract Variation – Bunbury Bowling Club Roof Replacement

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Phil Harris
<b>Executive:</b>	Phil Harris, Director Works & Services
<b>Attachments:</b>	Nil

#### Summary

A contract was awarded to Safeway Building and Renovations Pty Ltd in March 2014 to remove the asbestos roof and replace with colour bond sheeting at the City of Bunbury owned Bunbury Bowling Club. A contract variation in excess of Chief Executive Officers delegated authority is required to cover the extra costs associated with replacing the Evaporative air cooling system. Variations exceeding 10% of the contract value requires Council approval.

#### Executive Recommendation

In accordance with Section 3.57 of the Local Government Act 1995 and Regulation 20 of the Local Government (Functions and General) Regulations 1996 Council authorises the Chief Executive Officer to approve:

1. Variation Order # 1 for the replacement of the ceiling insulation to the value of \$6,610.50 ex GST
2. Variation Order # 2 for the replacement of the evaporative air cooling system to the value of \$29,645 ex GST

#### Background

In 2012 the Bunbury Bowling Club (BBC) wrote to Council seeking financial assistance to replace the asbestos roof on the building after two failed attempts at sealing the roof failed to prevent water ingress. The BBC has committed \$60,000 towards the project.

City staff in consultation with the BBC engaged a design consultant to prepare specifications and drawings relying on external inspections and limited internal roof cavity investigation due to the fragile asbestos sheeting and potential for asbestos dust contamination.

The initial scope of works allowed for the temporary removal and replacement of the evaporative air cooling system which from BBC advice had been operating effectively.

On Tuesday 1 April 2014 the Project Officer was advised by the contractor that the sub frame and internal components of the evaporative air cooler was corroded and not suitable for reinstallation. The BBC were made aware of the problems which resulted their nominated representative writing to Council seeking for the evaporative system to be replaced during the reroofing works.

The condition of the asbestos roof sheeting once disturbed by the removal process is worse than originally assessed at the pre tender inspections. All asbestos handling and removal is subject to relevant legislation and managed by a licenced asbestos handling contractor.

#### Council Policy Compliance

Delegations Register Instrument of Delegation - DAG4 Contract Price Variations.

### **Legislative Compliance**

Section 3.57 of the Local Government Act 1995  
Regulations 11 -24 Local Government (Functions and General) Regulations 1996

### **Officer Comments**

While the project will exceed the original budget the logistics of upgrading the cooling system during the roof and insulation replacement will result in long term financial savings and provide an opportunity for sealing of the roof penetration that would be covered by the contractors defects liability period.

Up until the resigning of a new lease recently, the BBC had been responsible for the maintenance of the building and air cooling systems. The City now has in place a panel contractor to service and repair cooling systems on the City's buildings.

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

Project PR 3433 budget is \$120,000 with \$4,228.16 expended on tender design, documentation and advertising and a contract award value of \$93,900. The additional costs associated with the variation can be covered by under expenditure on other capital works projects and reported back to Council in the end of financial year budget consolidation.

### **Community Consultation**

Not Applicable

### **Councillor/Officer Consultation**

The Chief Executive Officer provided Elected members with advice of the propose contract variation via email on 2 April 2014. The matter was discussed by ELT on the same day.

## 11. Applications for Leave of Absence

No requests for Leave of Absence had been received at the time of printing.

## 12. Motions on Notice

### 12.1 Bunbury Port

<b>Applicant/Proponent:</b>	Councillor Kelly
<b>Author:</b>	Councillor Kelly
<b>Executive:</b>	If adopted by Council refer to: Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

Cr Kelly has submitted the following motion for the Council Meeting 15<sup>th</sup> April 2014:

1. That Council does not support the export of coal through the Bunbury Port.
2. That Council formally requests the State Government to fast track the construction of a purpose built container handling facility at the Bunbury Inner Harbour.

#### Comments - Cr Kelly

Over a number of years the Bunbury community has had cause to comment on the activities and operations at the Bunbury Port. The Port's proximity to the City, its location in and around Koombana Bay and the Leschenault Estuary, and its pursuit of growth has intermittently brought it into conflict with the community. The latest concern is that proposed coal exports will have a negative impact on the lifestyle, amenity and well-being of the City.

The Griffin Coal Company has plans to export 15 million tonnes per year of coal to India from a purpose built Bunbury Port terminal. This at a time when the amount of economic coal left in the ground in Collie has already drastically diminished. The coal fired power stations in Collie have less than 20 years before they reach their use-by date, roughly equating to the remaining reserves of economically viable coal.

Coal has served Western Australia for well over a century, kept the lights glowing on the South West Interconnected System, powered our industry and made us prosperous. However the orderly process of ending our reliance on coal as a key power source must begin and that does not include export. Exporting coal through Bunbury's port is not the way of the future and it is not right for our city.

In recent times Council has taken huge steps towards rebranding the City as a preferred place to live, work and play. We are promoting our hometown on the basis of being a clean, friendly and accessible City and a great place to do business. Coal exports will only demean our 'brand-Bunbury', damage our standing and disparage our efforts thus far. The City can take a stand by saying coal

export is not the way we want to grow and we do not support the export of coal through the Bunbury Port.

Container goods are the product of the future and Bunbury must gain and grow its share of the container industry in order to export high quality, down-stream processed, Western Australian merchandise. The possibility of a regular container shipping service to and from Bunbury has been talked about for many years. Providing Bunbury with direct access to container shipping is an exciting prospect for industry, business and the community of the South West Region.

Already there are in excess of 100,000 containers originating from the South West each year, which are exported through the Port of Fremantle. The Bunbury Port Authority must be encouraged to develop container import/exports from our harbour, instead of opting for the highly problematic and ultimately finite coal export industry. The first step is to request the State Government to fast track the construction of a purpose built container handling facility at the Bunbury Inner Harbour.

#### **Executive Comments**

The Chief Executive Officer will arrange a meeting with the Bunbury Port to discuss the matter.

Following these discussions, a formal report will be prepared and submitted to Council for consideration.

#### **Cr Kelly's Motion**

1. That the City of Bunbury does not support the export of coal through the Bunbury Port
2. That Council formally requests the State Government to fast track the construction of a purpose built container handling facility at the Bunbury Inner Harbour.

## 12.2 SW Zone Meeting Topics and Motions

<b>Applicant/Proponent:</b>	Councillor Michelle Steck
<b>Author:</b>	Councillor Michelle Steck
<b>Executive:</b>	If adopted by Council refer to: Andrew Brien, CEO
<b>Attachments:</b>	Nil

As Councils representative of the SW Zone, Cr Steck has submitted the following motion for the Council Meeting on 15 April 2014 to enable consideration at the SW Zone Meeting on Thursday 24 April 2014:

- “1. That Council endorse the submission of topics and motions contained in this report for referral to the next South West Zone Meeting:
- a. SW Strategy in Adolescent Care in Minimizing Institutional Care
  - b. Zone consideration to how our region can benefit from this African nations Agreement.
  - c. Regional Mental Health and mental health strategy, growing trends, in care, after care and localized content.
  - d. Fire Ready Policy for WA Government to consider.
  - e. Regional Marketing Crown land management costs, right to sell and monetary split with State Government.
  - f. Crown land management costs, right to sell and monetary split with State Government.
  - g. Regional prison intake, regional crime problems, and the likelihood of Bunbury Prison Expansion.”
2. That Councillors request the following matters also be included on the SW Zone agenda.
- a. \_\_\_\_\_
  - b. \_\_\_\_\_

### Comments - Cr Steck

In support of her motion, Cr Steck has provided the following:

- a. **SW Strategy in adolescent care in minimizing institutional care - ie ward of the state vs something like a halfway house for teens, 14,15,16 to be constructed.**

#### **The Motion:**

*The South West Local Government (WALGA) Zone, request the state government fund or part fund local government initiatives when housing teenagers in a half-way-house or safe-house to prevent institutionalization.*

#### **Background Brief:**

The halfway house. Presently teenagers who refuse to want to return home, run-a -ways, are admitted to hospital with some trauma or suspected mental health issues, after assessment and refusal to return home, they are made wards of the state and sent to Perth and become institutionalized. This occurs with security at their hospital bed and sedation on transportation. I need not explain how traumatic that is for a young person.

Sixteen is still considered to be a minor in the eyes of the law, (although the federal government can pay a living away from home allowance), once the teenagers show up



though a state hospital, they have their rights taken away as individuals, as they are still deemed minors. Teenagers are being institutionalized against their will. This practice is effectively punishing young adults for their sometimes horrible beginnings and sometimes circumstances they did not create, hence why they are running away. Adults that are their guardians or parents have in most instances, let these teenagers down.

The perception is teenage wards of the state are way-would teenagers, this is seldom the case. Most of the teenagers who are sent to the state institution are victims of serious crimes such as rape and neglect, the reason they run away is because, they don't receive the support or help from adults who are supposed to be caring for them.

It is extremely difficult for a teenager who has been abused to press charges, as they are genuinely alone emotionally and in their immediate support base. Most victims also do not wish to discuss their issues and have difficulty in trust, especially with authorities.

My proposal is to create a half-way house, or a safe house, for teenagers to turn to when they are suffering. At the house, they will have an adult role model or models that assist the teenager to complete their schooling or find employment and have a normal structure of life, almost like a boarding house. All local governments have properties that could house such a venue and the state government should assist with funding.

This option is far more economical in terms of management, than the entire cost of institutionalizing one person. The immediate result for the teenager is less traumatic, and the long term outcomes are far more positive for the individual.

Most of all, society ends up with a stronger more balanced individual who contributes to society and has a meaningful life, rather than one who is introduced to a life of institutions, medication and mental health issues.

**b. Zone consideration to how our region can benefit from this African nations Agreement**

There are many areas that our region can benefit from the African nations agreement. Many of the Fly in fly out workers hail from the south west and collectively the workforce of the south west have many skills to offer. Skills in small business development, heavy industry reform, safety for workers, domestic issues and generally assisting in education in industry.

There are far reaching outcomes and that is, underdeveloped nations with resources should receive assistance from developed nations to provide workforce training and upgrades in technology and mining practices.

By assisting and committing to the African Nations Agreements, proper income is received to the nations for their resources to upgrade the social welfare and general wealth of the nation.

**c. Regional Mental Health and mental health strategy, growing trends, in care, after care and localized content**

The Mental Health fraternity have recently conducted an open community forum to calculate the local issues, treatments and support base. This open forum is being conducted all around the state.

It might be wise to wait for the findings and seek further information for all local governments in the zone to consider.

When the findings are published the zone should consider the localized content and seek presentation from someone fully informed, with the outcome of a white paper for the south west in mind.

**d. Fire Ready Policy for WA Government to consider**

**Motion:**

*The Zone Council request the state government to partly fund or partly refund household expense in firefighting equipment for fire high risk areas.*

**Background Brief:**

Sadly when fire destroys land parcels within communities, government is reactive in attending to the needs of the community. The resources spent in firefighting, emergency relief, emergency community housing, emergency supplies, cleaning up, insurance claims and the toll of devastation to persons, is extremely costly.

Government spends hundreds of millions of dollars being reactive to fire devastation and emergency funding. Instead, Government should be focused on building community firefighting infrastructure, or problem solving with committing funds to proactive firefighting policy. Minimise the problem from the beginning, minimize the devastation and cost.

In almost every fire aftermath the resounding evidence suggests that communities, who are in high risk fire zones, do not know what to do in the event of a fire do not have the firefighting equipment and do not prepare or educate themselves in emergency and being fire ready. Simple firefighting equipment that could be installed in homes is not because of the cost impediment. Simple fittings like, sprinklers on roofs of houses and sheds, solar powered water pumps that can be connected to swimming pools and firefighting hose reels.

In the event of a fire the first element that is defunct is electricity, so all pumps that rely on dispersing water though the use of electricity are none useable to combat fire. There is readily available diesel or petrol motors which power water pumps to fight fire at 1100 Litres of water for around \$ 3,696. Government should assist in or reimburse part cost of the firefighting equipment.

All local governments have local fire fighter volunteers and club houses, residents in high fire areas should be made to attend firefighting meetings for the local area and learn the emergency plans for the local area. If persons refuse or do not attend within a six month period, the persons should receive a fine, no different than not wearing a seatbelt. The intent is to save lives and property where possible or at least reduce the risks. The issue of fighting fire and being fire ready is an important issue; too many people do not take the readiness of firefighting and the preparedness seriously.

Many communities could have saved greater areas rather than having properties burn. Many persons are unaware of the risks and are uneducated in the risks of fire in their area; it's simply not on their personal radar. Being proactive and problem solving requires

engagement with the community so communities are more informed with fire preparedness strategy or emergency ready.

**e. Regional Marketing**

**The Motion:**

- 1) *The South West Local Government Zone (WALGA) request that the state government advertise the south west area of Western Australia in an international campaign.*
- 2) *The zone allied council request the state government to develop an advertising campaign of the region for the zone council use.*
- 3) *The South West Zone councils contribute an agreed amount from each council, for regional advertising in an overseas campaign.*
- 4) *The zone council to establish an overseas advertising campaign.*

**Background Brief:**

All members of the south west local governments are all competing for tourism dollars for advertising. Individually each local government is not as powerful in content as gearing up together and forming the regional advertising brand.

Collectively, the South west of Western Australia has a 'jewel in the crown', the area has much to experience, see and do in a short driving distance. Advertising the area in overseas papers is a must, the audience is far reaching. As a region we need to access what is the limelight and create the 'jewel in the crown'.

Tourist bureaux venues only cater for people when they have arrived at the destination, the region needs to create more arrivals through advertising.

New airways have created travel slots direct from ex-Perth with larger planes and frequent visits, so travel is more available to Perth. However, as a region we need to cement our clout to assist the Busselton airport in development, to seek to have Busselton as a destination airport for air traffic. The spin offs for us all is in the mighty tourism dollar with international and domestic travel.

**f. Crown land management costs, right to sell and monetary split with State Government. Policy for State Government to consider**

**The Motion:**

- 1) *The Government of Western Australia streamline the process of disposing sections of land or open space, vested in the management of local government and not in use either by sale, tender, expressions of interest or otherwise, and*
- 2) *The Government of Western Australia provide local governments land rationalisation opportunity through financial split of sale of asset, that the arrangement shall be, the crown shall split the proceeds of crown space, at 75% and 25% proceeds to local government.*

**Background Brief:**

The process for selling land in local government areas that is owned by the crown is convoluted and punishing to local government. It is local government who receives the cost burden with no financial gain and the crown takes the entire settlement amount. This policy sets out to rationalise land within local governments and providing the opportunity for local governments to capitalize on some assets which are draining the public purse.

The state government planning and development act requires all developments provide ten percent vacant land space on completion of development. On most occasions the land is sliced off the entire development to comply with the act, but it is not a reasonable piece of land for usefulness. Local governments inherit the management of the land but do not own the land. The local governments end up with having many areas of unused open space that is an overly high cost burden in managing the spaces.

Some of the areas and spaces are actually “dead zones” in residential areas that could easily be re-zoned to housing opportunities. This policy would also assist local governments in cleaning up some suburbs, as many of the areas are left unattended aesthetically due to budget constraints and on many occasions attract undesirable behaviour. Returning the land to housing makes sense as the areas are generally in residential areas and the infrastructure is already in place, such as electricity and sewerage.

**g. Regional prison intake, regional crime problems, and likelihood of Bunbury Prison Expansion. SW Commissioner may provide an overview or corrections Commissioner/Department**

**Motion:**

- 1) The south West Zone (WALGA) council seek an update of statistics of crime within the region.*
- 2) The zone council seek audience and invite the corrections minister or police minister or both to a zone meeting.*

**Background brief:**

SW WALGA ZONE requests an update proposal, with intent to discover what our region is really facing with crime and crime trends. The prison for some time has been under pressure for expansion as the inmates are somewhat over crowded which does impose some greater risk to employees and prisoners. An expansion was mooted several years ago, is an expansion likely soon? What are the trends of prison intake and what areas are the inmates taken from? What is the greatest regional crime problem or the constant issues? What are the ‘hot spots’ and how can local government assist local police?

Once collectively, the regional local government zone has the statistics and issues, we should seek audience and invite either the Police Minister or the Corrections Minister or the Superintendent from the corrections department to a zone meeting.

**Executive Comments**

In order to include these motions to the SW Zone meeting agenda, Council is required to consider and endorse the submission of the motions. The Council may at any time raise additional matters

and have these considered by Council and the forwarded to the zone for discussion/resolution. Point 2 of the Motion allows for Council to nominate any additional items that they wish listed for the SW Zone Meeting of 24 April 2013.

Cr Steck will be in attendance at the Zone meeting and will speak on behalf of Council on the proposed motions.

**Cr Steck's Motion**

- “1. *That Council endorse the submission of topics and motions contained in this report for referral to the next South West Zone Meeting:*
  - a. *SW Strategy in Adolescent Care in Minimizing Institutional Care*
  - b. *Zone consideration to how our region can benefit from this African nations Agreement.*
  - c. *Regional Mental Health and mental health strategy, growing trends, in care, after care and localized content.*
  - d. *Fire Ready Policy for WA Government to consider.*
  - e. *Regional Marketing Crown land management costs, right to sell and monetary split with State Government.*
  - f. *Crown land management costs, right to sell and monetary split with State Government.*
  - g. *Regional prison intake, regional crime problems, and the likelihood of Bunbury Prison Expansion.”*
  
2. *That Councillors request the following matters also be included on the SW Zone agenda.*
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_

**13. Questions on Notice**

**13.1 *Response to Previous Questions from Members taken on Notice***

Nil.

**13.2 *Questions from Members***

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

**15. Meeting Closed to Public**

**15.1 *Matters for which the Meeting may be Closed***

**15.2 *Public Reading of Resolutions that may be made Public***

**16. Closure**