



Bunbury City Council

Minutes 13 May 2014

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GLOSSARY OF ABBREVIATED TERMS

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

GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
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 Minutes

Minutes of the Ordinary meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street Bunbury held Tuesday 13 May 2014.

Minutes 13 May 2014

Note: These minutes are subject to confirmation at the next Ordinary meeting of the Council.

1. Declaration of Opening / Announcements of Visitors

The meeting was declared open by the Mayor Mr Gary Brennan at 5.30pm.

2. Disclaimer

All persons present were 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

The Mayor expressed his congratulations to the promoters of Groovin the Moo for a very successful 2014 event. He noted that this year was a sold out concert and he felt the City was buzzing which was fantastic.

The Mayor also wished to record the City's appreciation to the State Government and South West Development Commission for the \$100,000 grant for CCTV grant for the Withers community, noting that the grant is greatly received.

The Mayor commended the State Government for providing for the first time a royalties funding pool for the southern regions, advising the pool consists of over 600 million dollars over 5 years. The Mayor advised Councillors that he and the CEO will be meeting with the South West Development Commission to discuss a number of projects that may fall within this pool.

4. Attendance

Present:

Council Members:	
Presiding Member	Mayor G Brennan
Deputy Presiding Member	Deputy Mayor Cr B Kelly
Members	Councillor J Hayward
	Councillor B McCleary
	Councillor J Jones
	Councillor S Morris
	Councillor N McNeill
	Councillor D Prosser
	Councillor M Steck (<i>arrived at 5.36pm</i>)
	Councillor K Steele
	Councillor W Giles
	Councillor M Cook
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr A Brien
Director Community Development	Ms S Addison-Brown
Director Corporate Services	Mr W Wright
Director Planning and Development Services	Mr B Karaszkewych
Director Works and Services	Mr P Harris
Council Officers (Non-Voting)	
Senior Building and Structures Officer	Mr M Robson
Executive Assistant to the CEO	Ms F Quinn
Council Meeting Support Officer	Ms J Pezzaniti
Others (Non-Voting)	
Members of the Public	6 (approximately)
Members of the Press	2

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Councillor Miguel is on approved leave of absence from all Council related business from 11 May 2014 to 23 May 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.”*

Outcome – Council Meeting 13 May 2014

Cr Morris declared a financial interest for item 10.5.1 titled “Proposed Scheme Amendment 71 - Special Use Zone 43 - LOT: 3 #205 Ocean Drive SOUTH BUNBURY (Ocean View Apartments formerly Fawly Towers Motel)” as he has registered interest in purchasing a unit in the complex. Cr Morris will vacate the chamber for the discussion and vote on the matter.

Cr Prosser declared a proximity interest for item 10.6.3 titled “Spencer Street Underground Power” as his family owns property in the area. Cr Prosser will vacate the chamber for the discussion and vote on the matter.

Cr Jones declared an impartiality interest for item 10.6.4 titled “Sound Attenuation Wall” as the CEO of Aqwest is a resident of Cantwell Court and Cr Jones is a chairman of Aqwest. Cr Jones will remain in the 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

Mr David Smith, 8 Picton Crescent

Mr Smith asked the following three (3) questions to Council.

Question 1: Can Council please provide a list of payments made by Council for the design of the Building, the Hay Park South Pavilion, for design and architectural work, commencing with that supplied for the funding application to date, showing the date, amount and the payee.

Question 2: Can you please also provide the expected payments to come for the design and architectural of the building including any contingency payments and who the likely payee is.

Question 3: Can you also advise what has caused the need for each redesign and whether the plan now being proposed has been referred to the State Soccer Association for confirmation that it meets their requirement for elite level games including player security between the change rooms and the pitch.

The Chief Executive Officer advised that the questions posed by Mr Smith would be taken on notice and a response will be provided to Mr Smith.

John Sherwood of 53A Stockley Rd, Bunbury

Mr Sherwood asked the following three (3) questions to Council. The Mayor provided the responses to Mr Sherwood noting that these were his views and not necessarily that of the Council.

Question 1: Does Council consider that the electors, residents and ratepayers of Bunbury were adequately informed about the proposal to reduce Councillor numbers?

Response: Yes

Question 2: Does Council consider that the consultation and data gathering process with the community, about reduced councillor numbers, could have been more thorough?

Response: Yes

Question 3: Given that the proposal to reduce councillor numbers is a structural change to the composition of Council, with major effects on elected representation by the community on Council into the future, will Council consider some strategy for gaining statistically significant results from some form of rigorous community survey, before making such a major decision?

Response: That's a decision for Council to make.

6.2 Responses to Public Questions Taken 'On Notice'

Nil

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 29 April 2014 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 29 April 2014 be confirmed as a true and accurate record.

Outcome – Council Meeting 13 May 2014

The Mayor provided clarity on the footnote contained of item 10.11 titled “Proposed Change of Use from ‘Showroom’ or ‘Office’ to ‘Shop’, LOT: 119 DP:36374 #24 Spencer Street Bunbury” wherein it detailed Cr Prosser approaching himself and the CEO post meeting, to advise of a retrospective declaration of interest in the matter.

The following motion was then moved Cr Morris, seconded Cr Cook.

“The Minutes of the Ordinary meeting of the Bunbury City Council held 29 April 2014 be confirmed as a true and accurate record with the following amendment to item 10.11 titled “Proposed Change of Use from ‘Showroom’ or ‘Office’ to ‘Shop’, LOT: 119 DP: 36374 #24 SPENCER STREET BUNBURY”:

"Following the completion of the meeting, Cr Prosser declared a retrospective interest in this item as he is a beneficiary of a family trust that is linked to Scandas Pty Ltd. Cr Prosser did not become aware of Scandas Pty Ltd's involvement in this matter until after the fact."

The Mayor put the motion to the vote and was adopted to become the Council’s decision on the matter.

Council Decision 152/14

The Minutes of the Ordinary meeting of the Bunbury City Council held 29 April 2014 be confirmed as a true and accurate record with the following amendment to item 10.11 titled “Proposed Change of Use from ‘Showroom’ or ‘Office’ to ‘Shop’, LOT: 119 DP: 36374 #24 SPENCER STREET BUNBURY”:

"Following the completion of the meeting, Cr Prosser declared a retrospective interest in this item as he is a beneficiary of a family trust that is linked to Scandas Pty Ltd. Cr Prosser did not become aware of Scandas Pty Ltd's involvement in this matter until after the fact."

CARRIED

12 votes “for” / nil votes “against”

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Appendix MTBN-1 – Withers Advisory Committee Meeting Minutes 11.04.14 Appendix MTBN-2 - Youth Advisory Committee Meeting Minutes 9.04.14

Summary

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

1. Title: Withers Advisory Committee Meeting Minutes 11.04.14
Author: Alison Baker
Appendix: MTBN-1
2. Title: Youth Advisory Committee Meeting Minutes 9.04.14
Author: April Byrne
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 11.04.14
2. Youth Advisory Committee Meeting Minutes 9.04.14

Outcome – Council Meeting 13 May 2014

The recommendation (as printed) was moved Cr Hayward, seconded Cr McCleary.

The Mayor put the motion to the vote and was adopted to become the Council's decision on the matter.

Council Decision 153/14

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

1. ***Withers Advisory Committee Meeting Minutes 11.04.14***
2. ***Youth Advisory Committee Meeting Minutes 9.04.14***

CARRIED

12 votes "for" / nil votes "against"

8. Petitions, Presentations, Deputations and Delegations

8.1 *Petitions*

Nil

8.2 *Presentations*

Nil

8.3 *Deputations*

In accordance with section 6.9 (2)(b) of Councils Standing Orders, the CEO referred the following deputation requests to Council to decide by simple majority, whether or not to receive the deputation.

Two deputations were received:

Mr Guy Italiano of the Bunbury Forum Force

Mr Italiano requested to address Item 10.6.1 titled "*Hay Park Sports Pavilion*".

Mr David Smith of 8 Picton Crescent

Mr Smith requested to address Item 10.6.1 titled "*Hay Park Sports Pavilion*".

Council Decision 154/14

Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves the following deputations:

- ***Mr Guy Italiano relating to item 10.6.1 titled "Hay Park Sports Pavilion" and allows a period of up to 10 minutes to present to Council.***
- ***Mr David Smith relating to Item 10.6.1 titled "Hay Park Sports Pavilion" and allows a period of up to 10 minutes to present to Council.***

CARRIED

All deputations were accepted.

8.4 Council Delegates' Reports

Nil

8.5 Conference Delegates' Reports

Nil

9. Method of Dealing with Agenda Business

Standing Order 5.5 permits the Council to adopt the recommendations “by exception” (en-bloc). The Mayor put the matters listed in Section 10 to be “adopted by exception” to the vote.

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for items 10.4.1, 10.4.2, 10.4.3 and 10.6.2.

Items 10.2.1, 10.5.1, 10.6.1, 10.6.3 and 10.6.4 of the meeting agenda were then discussed and voted on separately and in the order that they appeared on the agenda. The items have been renumbered with the items voted “by exception” listed first.

The items “*adopted by exception*” was moved Cr Prosser, seconded Cr Cook.

10. Reports

10.1 Lot 70 Winthrop Avenue – Amended College Grove Joint Venture (*was listed as item 10.4.1 of the Council Agenda*)

Applicant/Proponent:	Internal
Author:	Felicity Anderson, Manager Corporate Projects
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Nil

Summary

Lot 70 Winthrop Avenue, College Grove is identified as a contaminated site and investigations are required to resolve contamination issues before progress of any structure planning for the Amended College Grove Joint Venture may commence.

Allocation of funds from the College Grove Reserve Account in the 2013/14 financial year to PR-3595 Prepare Structure Plan Lot 70 Winthrop Ave, College Grove Joint will enable the preliminary investigations to commence immediately.

This will facilitate progression of the project saving several months and allow engineering and planning aspects to commence early in the 2014/15 financial year.

Executive Recommendation

That Council:

1. Authorise the allocation of \$30,000 from the College Grove Reserve Fund in the 13/14 financial year to allow the commencement of preliminary contaminated site investigations for Lot 70 Winthrop Avenue.

Background

At the Council meeting of 20 November 2012 the Council resolved as follows:

“Council Decision 357/12

- 1) That Council provide in-principle support for the termination of the current Joint Venture Agreement and the finalisation of a new Joint Venture Agreement between the City and Department of Regional Development and Lands (RDL) generally in accordance with the following drafts;
a) Termination Agreement dated 3 December 2012
b) Joint Venture Agreement dated 3 December 2012*
- 2) That the Chief Executive Officer be authorised to progress the final drafting of the two (2) Agreements following advice from Council solicitors;*
- 3) That the Department of Regional Development and Lands and Landcorp be advised of Council's decision.”*

The matter was then presented to the Council meeting of 12 February 2013, wherein Council resolved:

“Council Decision 41/13

That Council:

- 1. Notes that the review of the two (2) draft documents has been undertaken by Council’s solicitors with a number of minor amendments suggested which do not impact upon the previous decision and that the two (2) documents are still in accordance with the previous in-principle support; and*
- 2. Delegates authority to the Chief Executive Officer to finalise the documents once final drafting has been completed, subject to their being no material changes to the drafts.”*

The matter was then taken back to Council 6 August 2013, where Council resolved:

“Council Decision 227/13

That following provision of the audited financial statements to the CEO Council delegate authority to the Chief Executive officer to sign on behalf of Council:

- 1. Deed of Termination and Release - College Grove Bunbury*
- 2. Joint Venture Deed – College Grove Bunbury.”*

The new “Amended Joint Venture Deed ” was signed in October 2013 and the Joint Venture partners have been working toward the progression of activities relating to the Amended Joint Venture.

Officer Comments

To progress and achieve the intent of the Joint Venture, resolution of contamination issues relating to Lot 70 Winthrop Avenue must be addressed. Allocation of funds from the College Grove Reserve Account in the 2013/14 financial year to PR-3595 Prepare Structure Plan Lot 70 Winthrop Ave, College Grove Joint Venture will enable the preliminary investigations to commence immediately, minimising project delays.

Analysis of Financial and Budget Implications

Council are requested to release \$30,000 of the College Grove Reserve Fund to undertake preliminary contaminated site investigations in the 13/14 financial year.

Council Officer Consultation

The matter of Lot 70 contamination has been discussed at several College Grove Joint Venture Project meetings held since January 2014. On Monday 15th April 2014 the Executive Team, College Grove Joint Venture Project Team together with relevant officers including the Team Leader Sustainability met and discussed the matter. At this meeting it was recommended to commence preliminary contaminated site investigations as soon as possible to minimise the impact on project timelines.

Outcome – Council Meeting 13 May 2014

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Prosser seconded Cr Cook and adopted ('en bloc') to come the Council's decision on the matter.

Council Decision 155/14

That Council:

- 1. Authorise the allocation of \$30,000 from the College Grove Reserve Fund in the 13/14 financial year to allow the commencement of preliminary contaminated site investigations for Lot 70 Winthrop Avenue.***

CARRIED

12 votes "for" / nil votes "against"

10.2 Proposed disposal of Lot 361 Geographe Way Withers; proposed subdivision and disposal of Lot 1028 Latreille Road South Bunbury; and proposed subdivision and disposal of Lots 492, 5002, and a portion of Lot 50 Withers Crescent Bunbury (was listed as item 10.4.2 of the Council Agenda)

Applicant/Proponent:	Internal Report
Author:	Massimo Andreone, Manager Contracts and Property
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-1 - Landgate Current Record of Geographe Way and Latreille Road Appendix DCS-2 - Site Location Plan Lot 361 Geographe Way Appendix DCS-3 – Market Valuation Lot 361 Geographe Way Appendix DCS-4 - Unimproved Market Valuation Lot 361 Geographe Way Appendix DCS-5 – Site Location Plan Lot 1028 Latreille Road Appendix DCS-6 – Future Site Plan Options Lot 1028 Latreille Road Appendix DCS-7 – Scheme Amendment Map 50 Withers Crescent

Summary

The Minister for Lands has agreed to transfer to the City in freehold, and for nominal consideration, Lot 361 Geographe Way, in Withers ("Lot 361"), and Lot 1028 Latreille Road, in South Bunbury ("Lot 1028"), which the City has accepted (together with the transfer of Lot 881 Koombana Drive) as part of the New College Grove Joint Venture Agreement.

Lot 361, and the subdivided portions of Lot 1028, would become available for disposal by Council.

Subject to Ministerial approval of Scheme Amendment No. 56 - Boulters Heights Parking Area Modifications, an amalgamated area relating to Lots 492, 5002, and a portion of Lot 50 Withers Crescent, Bunbury ("the Withers Crescent Lots"), measuring 1,597m², is proposed.

The area created by the amalgamation of the Withers Crescent Lots would similarly become available for possible development and sale by Council.

To cater for survey and subdivision costs for the above proposed developments, expenditure of \$25,000, in the 2013/14 financial year is sought, with the approval of Council.

Executive Recommendation

That Council:

1. Authorises the Chief Executive Officer to negotiate and effect the transfer of a portion of Lot 5002 Withers Crescent from the State.
2. Agrees to engage SDEA Nominees Pty Ltd T/a Southern Districts Estate Agency to market and sell Lot 361 Geographe Way, Withers; Lot 1028 Latreille Road, South Bunbury; and the subdivided and amalgamated portion of Lots 492, 5002, and a portion of Lot 50 Withers Crescent, Bunbury ("the Properties"), subject to statutory advertisement of the proposed disposals and Council's subsequent endorsement of the disposals in terms of the Act.
3. Delegates authority to the Chief Executive Officer to agree to a marketing and sales plan for the Properties, and to negotiate an appropriate fee proposal with the Agency.
4. Agrees to a budget allocation of \$25,000 in 2013/14 to meet proposed survey and subdivision costs.

5. Agrees to subdivision of Lot 1028 Latreille Road, South Bunbury, and to seek quotations to attend to the subdivision from the City's Surveying Panel, and to appoint a Surveyor to attend to the subdivision.
6. Agrees to subdivide and amalgamate Lots 492, 5002, and a portion of Lot 50 Withers Crescent, and to seek quotations to attend to the subdivision and amalgamation from the City's Surveying Panel, and to appoint a Surveyor to attend to the subdivision and amalgamation.

Background

Lot 361 Geographe Way, Withers

Lot 361 is unallocated Crown Land, measuring approximately 874m², and is situated on the western side of Ocean Drive, in the locality of Withers, at 22 Geographe Way. A copy of the Record of Certificate of Crown Land Title is currently unavailable (refer to Appendix DCS-1), and a copy of the Site Location Plan for the property is **attached** at Appendix DCS-2.

The current zoning is 'Residential R20', and the Lot consists of vacant land.

A current market valuation was conducted by LMW Hegney on 20 February 2014, on an "As Is" basis, which determined the market value of the property at \$185,000 (if there is any GST payable, this figure is inclusive). A copy of the valuation is **attached** at Appendix DCS-3.

An unimproved market valuation completed in September 2013 by Landgate, for the Department of Lands, valued the lot at \$195,000 exclusive of GST. A copy of the valuation is **attached** at Appendix DCS-4.

Lot 1028 Latreille Road, South Bunbury

Lot 1028 is unallocated Crown Land, measuring approximately 2,274m², and is situated at 9 Latreille Road, at the corner of the intersection with Halsey Street, in the locality of South Bunbury. A copy of the Record of Certificate of Crown Title is a currently unavailable (refer to Appendix DCS-1) and a copy of the Site Location Plan is **attached** at Appendix DCS-5.

The current zoning is "Residential R20/30", and the lot consists of vacant land.

An unimproved market valuation on the lot conducted and completed in September 2013 by Landgate, for the Department of Lands, valued the lot at \$400,000 exclusive of GST.

The lot lends itself to subdivision, which would result in at least four new titles being created as a result thereof, varying in size between 528m² and 594m². A further Site location Plan, reflecting approximate sites of the lots post- subdivision, is **attached** at Appendix DCS-6. The Real Estate Agency will be instructed to provide a more accurate projection on the subdivision and subsequent sale of the lots upon Council endorsement of the proposal.

Lots 492, 5002, and a portion of Lot 50 Withers Crescent

Subject to the provisions of the *Planning and Development Act 2005* (as amended), the City has amended its Town Planning Scheme No. 7 by the rezoning and land exchange incorporating the rezoning of Lot 492 and a portion of Lot 50 from 'Public Purposes - Local Government' to 'Residential R20/60', the amendment of the reserve designation of the balance of Lot 50 to 'Access Road', the rezoning of a portion of Lot 23 Withers Crescent from 'Residential R20/60' to 'Access Road', amending the reserve designation of a portion of the existing 'Access Road' reserve to 'Parks and Recreation', and amending the reserve designation of a portion of Lot 5002 from 'Parks and

Recreation' to 'Access Road'. A copy of the Scheme Amendment Map is **attached** at Appendix DCS-7.

Lots 50 (measuring 945m²), 492 (measuring 246m²), and 23 (measuring 475m²) are owned in freehold by the City. Lot 5002 (measuring 911m²) is Crown reserve for recreation vested in the City. The City proposes to investigate the option of acquiring Lot 5002 from the State, with the objective to amalgamate Lots 5002, 492 and 50 to create one parcel of land, and subdividing a portion of Lot 50 to redirect the current roadway.

The finalization of the rezoning amendment and land exchange would give Council an overall development area of 1,597m², which Council could sell as one lot (or possibly subdivide the site to create two lots).

A fair market valuation for what is to become the new land parcel has been requested from LMW Hegney.

Other

In terms of the provisions of Section 3.58 of the *Local Government Act 1995* ("the Act"), Council can endorse such disposal of property pursuant to compliance by the Local Government with the applicable provisions of the Act.

SDEA Nominees Pty Ltd T/a Southern Districts Estate Agency ("the Agency") have previously been engaged by Council, under Council Resolution number 253/13 dated 6 August 2013, to market and sell surplus freehold land owned by the City, for a period of twelve (12) months, commencing on 1 October 2013, with the option of a further extension of twelve (12) months thereafter, subject to the satisfactory performance of the Agency during the term of the Agreement, and the continued demand or requirement by the City of the service.

Council Policy Compliance

There is no Council Policy applicable to this item.

Legislative Compliance

Section 3.58 of the *Local Government Act 1995*

Analysis of Financial and Budget Implications

Council is requested to endorse provision for \$25,000 in the 2013/14 budget to meet survey and subdivision costs.

All legal fees, marketing and selling agents commission, and related costs and disbursements associated with the sale of the Properties will be deducted from the proceeds of the various disposals.

In relation to Lot 5002 Withers Crescent, any balance of funds from the sale of the development site are intended to be utilised for improvement and upgrading of the overall Boulters Heights reserve area.

Strategic Relevance

Improve the City's financial performance.

Improve urban design, diversity of land uses, and enabling infrastructure.

Outcome – Council Meeting 13 May 2014

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Prosser seconded Cr Cook and adopted ('en bloc') to come the Council's decision on the matter.

Council Decision 156/14

That Council:

- 1. Authorises the Chief Executive Officer to negotiate and effect the transfer of a portion of Lot 5002 Withers Crescent from the State.***
- 2. Agrees to engage SDEA Nominees Pty Ltd T/a Southern Districts Estate Agency to market and sell Lot 361 Geographe Way, Withers; Lot 1028 Latreille Road, South Bunbury; and the subdivided and amalgamated portion of Lots 492, 5002, and a portion of Lot 50 Withers Crescent, Bunbury ("the Properties"), subject to statutory advertisement of the proposed disposals and Council's subsequent endorsement of the disposals in terms of the Act.***
- 3. Delegates authority to the Chief Executive Officer to agree to a marketing and sales plan for the Properties, and to negotiate an appropriate fee proposal with the Agency.***
- 4. Agrees to a budget allocation of \$25,000 in 2013/14 to meet proposed survey and subdivision costs.***
- 5. Agrees to subdivision of Lot 1028 Latreille Road, South Bunbury, and to seek quotations to attend to the subdivision from the City's Surveying Panel, and to appoint a Surveyor to attend to the subdivision.***
- 6. Agrees to subdivide and amalgamate Lots 492, 5002, and a portion of Lot 50 Withers Crescent, and to seek quotations to attend to the subdivision and amalgamation from the City's Surveying Panel, and to appoint a Surveyor to attend to the subdivision and amalgamation.***

CARRIED

12 votes "for" / nil votes "against"

10.3 Tender for: South West Sports Centre Pool Tiling RFT 1314-00015. (was listed as item 10.4.3 of the Council Agenda)

File Ref:	RFT1314 – 00015
Applicant/Proponent:	Internal Report
Author:	David Russell, Senior Contracts and Procurement Officer
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-8 - Confidential Evaluation Report – RFT 1314-00015 SWSC Pool Tiling

Summary

The City of Bunbury is seeking to engage a suitably qualified and experienced Contractor to supply and install tiles to the 50m Competition Pool at the South West Sports Centre.

The works to be carried out will consist of the following;

1. Remove the vinyl liner that covers the 50m pool internal surface.
2. Prepare the surface to allow tiling to commence.
3. Retile the pool and required wet deck areas.
4. Replace water inlet / outlet fittings.
5. Ensure electrical earthing requirements are maintained in-tact.

The contract is anticipated to commence in July 2014 on site by the Contractor. Upon award of the tender the successful contractor will place a tile order (10 week lead time) for delivery. The Contract will be considered complete upon acceptance of the works to the satisfaction of the Principal. It is envisaged that work will conclude by approximately September 2014.

Funding has been allocated in the 2014/15 budget through the Capital Renewal Budget area (PR-1431) for these works to be undertaken. The recommended tenderer is within this allocation.

Executive Recommendation

1. Council accepts the tender submitted by Safeway Building and Renovations Pty Ltd for the supply and installation of tiles to the 50m Competition Pool at the South West Sports Centre.
2. Council authorises the CEO to enter into a Contract with Safeway Building and Renovations Pty Ltd for the tendered works to be undertaken in 2014/15.

Background

The South West Sports Centre was built 11 years ago. The 50m Competition Pool has a vinyl pool liner that over time has had numerous repairs and upgrades which has resulted in significant down time and expense. The pool liner needs replacement and a commitment has been made by the City of Bunbury to provide a longer term solution to these issues by tiling the surface of the floor, walls and wet deck area.

Council Decision 49/14 – Council Meeting 18th February 2014

That Council:

1. *Endorses the replacement of the South West Sports Centre 50m vinyl pool liner with tiles as outlined in project number PR-1431.*

2. Authorise the Chief Executive Officer to seek tenders for the replacement of the pool vinyl liner to enable this tender to be considered as part of finalising the draft 2014/15 budget.

CARRIED

12 votes “for” / nil votes “against”

This tender was advertised in the West Australian and the Bunbury South West Times newspapers on the 19th and 20th March 2014. The documentation was made available via www.tenderlink.com/bunbury/. A total of 53 suppliers viewed the documents on line, 12 companies downloaded the documentation and at closing three (3) responses were received from:

1. **Safeway Building and Renovations Pty Ltd** – Unit 1 / 63 Gordon Road, Mandurah WA
2. **Holling Corporation Pty Ltd (T/as Aquatic Developments)** – C1 / 4 King Edward Road, Osborne Park WA
3. **Commercial Aquatics Australia** – 1 Hales Street, Bunbury WA

An evaluation panel comprising of the following assessed the responses;

- Senior Building and Structures Officer
- Senior Contracts and Procurement Officer
- Team Leader Aquatics – South West Sports Centre
- Geoff Ninnes – Geoff Ninnes Fong and Partners

The tenders were evaluated using the following criteria:

- Compliance Criteria – Yes / No answers

- Qualitative Criteria weighting

1. Relevant Experience - 50%
2. Key Personnel – 25%
3. Tenderer’s Resources – 25%

Evaluation of the tender prices (and ranking) has been assessed but because the results are "commercial in confidence" details are listed in a Confidential Report that has been circulated to members, **attached** at Appendix DCS-8.

Council Policy Compliance

The tender process complies with the requirements of the City's Policy DCS-9 “Purchasing – Local Preferences”

Legislative Compliance

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

Officer Comments

All members of the evaluation panel have signed a confidentiality and impartiality agreement.

Analysis of Financial and Budget Implications

Funding of \$700, 000 has been allocated in the draft budget for 2014/15 under Project PR-1431.

The tender amount is within the draft budget allocation.

Delegation of Authority

This tender has been dealt with in accordance with Local Government (Functions and General) Regulations 1996 (Part 4 - Tenders for Providing Goods or Services).

Relevant Precedents

Council has dealt with all tenders previously called which exceed delegated authority limits.

Outcome – Council Meeting 13 May 2014

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Prosser seconded Cr Cook and adopted ('en bloc') to come the Council's decision on the matter.

Council Decision 157/14

- 1. Council accepts the tender submitted by Safeway Building and Renovations Pty Ltd for the supply and installation of tiles to the 50m Competition Pool at the South West Sports Centre.**
- 2. Council authorises the CEO to enter into a Contract with Safeway Building and Renovations Pty Ltd for the tendered works to be undertaken in 2014/15.**

CARRIED

12 votes "for" / nil votes "against"

10.4 Proclamation of Willinge Drive, Bunbury Outer Ring Road, Boyanup Picton Realignment and Associated ramps and rotaries *(was listed as item 10.6.2 of the Council Agenda)*

File Ref:	R00804
Applicant/Proponent:	Main Roads Western Australia
Author:	Alison Baker Executive Assistant Works and Services
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix DWS-4 – Proclamation Plan – Declared Roads

Summary

The City of Bunbury received a request from Main Roads WA (MRWA) on the 15 April 2014 to formalise the completion of the Bunbury Outer Ring Road Stage 1, Willinge Drive Stage 2 and Boyanup Picton Road realignment. To formalise the change within the City of Bunbury area, in accordance with Section 13 of the Main Roads Act, the Commissioner of Main Roads intends on making a recommendation to proclaim the Bunbury Outer Ring Road Stage 1 as MRWA Road Number H58 , Stage 2 of Willinge Drive (H59) and the realignment of Boyanup Picton Road intersection with South Western Highway (M52 & H9) and associated roundabouts and ramps (H261, H866, H423, and H425) as shown on the enclosed Drawings 1021-0163-03, 1321-0309-00, 1321-0310-00 and 1321-0311-00 **attached** at Appendix DWS-4.

Before making the recommendation to the Minister to proclaim the stated roads and associated ramps and rotaries, the Commissioner requires a Council Resolution in support and endorsement of the attached drawings.

Executive Recommendation

Council resolves to support Main Roads WA in the proclamation of

1. The Bunbury Outer Ring Road Stage 1 as MRWA Road Number H58
2. Stage 2 of Willinge Drive (H59)
3. The realignment of Boyanup Picton Road intersection with South Western Highway (M52 & H9) and associated roundabouts and ramps (H261, H866, H423, and H425)

Background

At its meeting on 9 November 2010 Council considered Port Access Road – Stage 2 Alignment as per Council Decision 217/10:-

Council supports “in principle” the proposed Bunbury Port Access Road Stage 2 alignment as depicted in the plan titled “Bunbury Port Access Road (Stage 2) – Option 7 and Bunbury Outer Ring Road Stage 1 (22 June 2010).

Council Policy Compliance

Not application

Legislative Compliance

Provision of the Main Roads Act applies. Section 13 states that on the recommendation of the Commissioner, the Governor may by proclamation declare that any section or part of a road shall be a highway or main road.

Officer Comments

This is a routine process to correct the land tenure associated with State's highways and main roads

Analysis of Financial and Budget Implications

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

Community Consultation

Main Roads will undertake statutory advertising and consultation

Councillor/Officer Consultation

Not Applicable

Outcome – Council Meeting 13 May 2014

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Prosser seconded Cr Cook and adopted ('en bloc') to come the Council's decision on the matter.

Council Decision 158/14

Council resolves to support Main Roads WA in the proclamation of

- 1. The Bunbury Outer Ring Road Stage 1 as MRWA Road Number H58***
- 2. Stage 2 of Willinge Drive (H59)***
- 3. The realignment of Boyanup Picton Road intersection with South Western Highway (M52 & H9) and associated roundabouts and ramps (H261, H866, H423, and H425)***

CARRIED

12 votes "for" / nil votes "against"

10.5 Review of Elected Member Representation – Proposed Reduction of Councillor Numbers (*was listed as item 10.2.1 of the Council Agenda*)

Applicant/Proponent:	Internal
Author:	Greg Golinski, Manager Corporate Performance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-1 – Summary of Submissions Received Appendix CEO-2 – Results of Online Surveys

Summary

At the Meeting of 4 March 2014, Council Resolved (Decision 67/14)

1. *Council endorse the undertaking of community consultation to obtain views on the following:*
 - a) *Pursuant to section 2.18(3) and clause 5(b) of schedule 2.2 of the Local Government Act 1995, advise the Local Government Advisory Board of its intention to reduce the number of Elected Members from twelve (12) to eight (8).*
 - b) *Withdraw two (2) Elected Members positions at each of the 2015 and 2017 ordinary local government elections, bringing the total Elected Member representation down to 8 Councillors plus the Mayor by 2017.*
 - c) *The reduction be progressed as a minor matter pursuant to clause 5(b) of Schedule 2.2 of the Local Government Act 1995.*

2. *Following the consultation period of 30 days, a further report be prepared for Council consideration at the Ordinary meeting of 29 April 2014.*

The purpose of this report is for Council to now consider the submissions following public consultation on the proposed reduction in the number of City of Bunbury Elected Members and make a recommendation going forward. The Executive recommendation provided is based on the previous direction of Council and incorporates a new point four in relation to the issue of local representation. It is considered that the survey results are statistically invalid, therefore the recommendation moving forward is to proceed with a reduction of Elected Members to ten (10) positions at the 2015 Election in the first instance.

Recommendation A

Pursuant to clause 11.6 of the City of Bunbury Standing Orders 2012, the debate be resumed in order for further discussion to be undertaken.

Executive Recommendation

That Council:

1. Advises the Local Government Advisory Board that pursuant to section 2.18(3) and Clause 5(b) of schedule 2.2 of the *Local Government Act 1995*, our intention to reduce the number of Elected Members from twelve (12) to eight (8).

2. Withdraws two (2) Elected Members positions at each of the 2015 and 2017 ordinary local government elections, bringing the total Elected Member representation down to eight (8) Councillors, plus the Mayor, by 2017.
3. Agrees the reduction be progressed as a minor matter, pursuant to Clause 5(b) of Schedule 2.2 of the Local Government Act 1995.
4. Authorises the CEO to initiate community consultation and research into the potential establishment of Community Panels or Precinct Committees based on geographic groupings of interest throughout the City

Background

On 5 February 2009, the then Minister for Local Government (the Minister) announced strategies for local government reform based on a voluntary reduction in the number of individual Councils. Additionally, part of the reform agenda was that Councils' also reduce their Elected Member numbers to between six (6) and nine (9).

At the Ordinary Council meeting held on 29 September 2009, Council endorsed the City's submission to the Minister's local government reform agenda. Council decision 199/09 of that meeting endorsed that submission, with an amendment to include the words "*If there is no amalgamation in the greater Bunbury region, then the City of Bunbury would not agree to reduce the current number of Elected Members.*"

Furthermore, at the Council Committee meeting held 9 April 2013, Cr Cook moved a Motion on Notice that the "*City of Bunbury advise the Minister for Local Government that it plans to reduce the number of Elected members from 13 to 9 from the date of the October 2013 local government election.*" This motion was lost, 3 votes to 7.

Following Council Decision 67/14, extensive public consultation was undertaken for a period of 30 days with the discussion paper relating to the Elected Member Representation being placed on the City's website. In accordance with the Council decision, the submission period closed on 7 April 2014 with ten (10) submissions being received and a further 145 via online surveys. A summary of the submissions received are attached at Appendix CEO-1 and the summary of the online surveys are attached at Appendix CEO-2.

Schedule 2.2 of the *Local Government Act 1995* (the Act) sets out the process for a review of Elected Member representation.

In principle, Council has two options in this regard:

1. Retain the status quo and not seek to reduce the number of Elected Members; or
2. Agree to a reduction in Elected Member numbers over a defined period of time (numbers and time periods to be quantified).

Should Council agree in principle to a reduction in representation, the issues required to be addressed in this regard relate to:

- Issue 1: Should the proposed reduction be pending the results of a review of representation under clause 5(a) of Schedule 2.2?
- Issue 2: Should the proposal be dealt with as a minor matter under clause 5(b) of Schedule 2.2?

Issue 3: How many positions should be withdrawn, and the timeframe to implement the proposal?

Comment – Issue 1

Clause 5(a) of Schedule 2.2 of the Act enables a local government to carry out a review of whether or not an order under section 2.18 of the Act should be made.

To undertake a review will require some time. The Act requires a public submission period of not less than six weeks, after which a report must be compiled and endorsed by Council, then sent to the Local Government Advisory Board for consideration.

Given that the City no longer has Ward representation, it is suggested that a formal review is unnecessary, as the only matter of contention is the ratio of Councillors to electors, with the other matters prescribed within Schedule 2.2 being irrelevant, namely: community of interest; demographics trends; physical and topographic features, and economic factors.

The City's current ratio of Elected Members to electors (excluding the Mayor) is 1:1773. A reduction to eight (8) Councillors would see this ratio change to 1:2660

Comment – Issue 2

Clause 5(b) of Schedule 2.2 of the Act enables a local government to propose to the Local Government Advisory Board that an order under section 2.18 of the Act should be made and progressed as a minor matter where public submissions need not be invited.

This approach forms part of the Executive Recommendation, and proposes that Council inform the Local Government Advisory Board of its intention to reduce Elected Member numbers and have the matter dealt with as a minor matter in accordance with Clause 5(b) of Schedule 2.2 of the Act.

This will only require an absolute majority resolution of Council, with no public consultation required. The Board will then consider the proposal and make a recommendation to the Minister.

It is also important to note that if the Board considers that the proposed reduction is not a minor matter, it will instruct the City to undertake a review as per Issue 2.

Comment – Issue 3

The Executive Recommendation proposes a total reduction of four (4) Councillors over two (2) ordinary elections (2015 and 2017). This would ensure that following the 2017 ordinary election, the Council would comprise four (4) members with two (2) year terms, and four (4) members with four (4) year terms.

In the event that Council wishes to reduce representation from twelve (12) Councillors to eight (8) at a single ordinary election (2015), then it is suggested that a complete spill of Councillor positions take place to facilitate immediate equilibrium in relation to length of terms.

It is possible that such a scenario could still be undertaken without a complete spill of positions, although equilibrium in relation to length of terms could not be obtained until 2017.

Point 4 of the recommendation will allow the CEO to initiate community consultation and research into the potential establishment of Community Panels or Precinct Committees based on geographic groupings of interest throughout the City.

The establishment of such panels or committees would incorporate more participatory decision making building on our household panels and other means of communicating with our community to seek community input to decision making. The Elected Council would then be in a position to focus on strategic matters and through the establishment of Community Panels/Precinct Committees across the City the Council has direct access to a resource at street level.

If these are established it is envisaged a time when budgets will be allocated to these bodies to expend on improvements at street level similar to our delegations to the Withers Advisory Committee. Examples include Swan, Fremantle, Vincent and on an international scale, Auckland, Vancouver and several cities in England. The DLGC has also researched this topic.

Council Policy Compliance

There is no Council Policy applicable to this proposal.

Legislative Compliance

Schedule 2.2 of the *Local Government Act 1995* sets out the process for a review of Elected Member representation.

The proposal will also be applicable to section 2.18(3) and Clause 5(b) of schedule 2.2 of the *Local Government Act 1995*, in which the City of Bunbury will advise the Local Government Advisory Board of its intention to reduce the number of Elected Members from twelve (12) to eight (8) if adopted.

It should also be noted that it is proposed that the reduction be progressed as a minor matter pursuant to Clause 5(b) of Schedule 2.2 of the Local Government Act 1995, if the proposal is adopted.

Officer Comments

Whilst there has been significant advertising of the proposal and numerous opportunities for members of the public to have a say in relation to this matter, the level of responses to all avenues does not provide a statistically valid response from which to gauge overall public opinion in relation to the proposed changes. After fully considering the written submissions, it is not possible to summarise them in a simple format. Therefore, each of the submissions is provided as an attachment to this report in full. Overall the general thrust of the submissions is opposed to a reduction in the number of elected members based on the perception of a reduction in the level of representation. When looking at other local governments which have reduced the level of representatives this has not been the case, and whilst the same arguments were presented at the time it has not resulted in issues for the community at large. The arguments based around the lack of representation in local areas is addressed through the review of alternative arrangements such as community panels or precinct committees such as has been established in Withers as part of the Withers Urban Renewal Project. This allows a much greater level of involvement and decision making at the local level and is supported by the Councillors involved.

Analysis of Financial and Budget Implications

A reduction of four (4) Elected Member positions would facilitate annual operational savings of \$102,000 (sitting fees plus allowances) or in excess of \$1M over a ten (10) year period.

Community Consultation

Whilst there was no statutory requirement, community consultation was sought to seek the views on the proposed reduction in the number of Elected Members.

Following Council Decision 67/14, extensive public consultation was undertaken for a period of 30 days with the discussion paper relating to the Elected Member representation being placed on the City's website

Public consultation regarding the review of councillor numbers was advertised on the City's website, with the main information is accessible via the notices tab on the homepage and included an overview, the Discussion Paper, submission information including a link to a Survey Monkey yes/no/comment poll. There was also a link in the news article <http://www.bunbury.wa.gov.au/Pages/Council-to-review-elected-member-representation.aspx> and information and link to the information on the first image slider on the homepage.

There was also updates posted via Social Media (Facebook and Twitter) and the information also appeared in the City Focus weekly column of the Bunbury Mail. Details of these are listed below:

Newspaper articles:

- 27 February: South Western Times; 12 March: Bunbury Mail; 13 March: South Western Times

City Focus:

- 12 March; 19 March; 26 March; 02 April

Facebook posts:

- 07 March; 26 March; 31 March; 07 April; 69 Shares of the Town Hall Social poll

Twitter posts:

- 18 March; 10 March

Email newsletters:

- 10 March (e-newsletter); 21 March (e-newsletter); 1 April (Household Panel); 4 April (e-newsletter – new subscribers since 21 March)

In accordance with the Council Decision, the submission period closed on 7 April 2014 with ten (10) submissions being received and a further 145 via the online surveys. A summary of the submissions received are attached at Appendix CEO-1 and the summary of the online surveys are attached at Appendix CEO-2.

Councillor/Officer Consultation

The issue of Elected Member representation was discussed at the Ordinary Council Meeting of 4 March 2014.

The matter has also been raised with the previous elected Council as referenced within this report.

Outcome – Council Meeting 13 May 2014

Cr Giles moved the procedural motion that the matter be adjourned until a meeting of Council to be held mid June. Cr Steck seconded the motion.

The Mayor put the motion to the vote and was adopted to become the Council's decision on the matter.

Council Decision 159/14

Pursuant to Clause 11.1(b) of the City of Bunbury Standing Orders 2012, the debate on the matter be adjourned until the Council meeting to be held on 10 June 2014.

CARRIED

7 votes "for" / 5 votes "against"

10.6 Proposed Scheme Amendment 71 - Special Use Zone 43 - LOT: 3 #205 Ocean Drive SOUTH BUNBURY (Ocean View Apartments formerly Fawltly Towers Motel) (was listed as item 10.5.1 of the Council Agenda)

File Ref:	A05828
Applicant/Proponent:	TME Town Planning Management Engineering Pty Ltd
Author:	Laura Sabitzer, Planning Officer
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-1 – Scheme Amendment Report 71 Appendix DPDS-2 – Location Plan Lot 3 #205 Ocean Drive South Bunbury Appendix DPDS-3 – Local Planning Policy Appendix DPDS-4 – Schedule of Submissions – Scheme Amendment 71

Summary

Ocean View Apartments at Lot 3, No. 205 Ocean Drive, South Bunbury has approval for the development of a 45 unit complex, with the majority of construction works now complete. The City of Bunbury Town Planning Scheme No. 7 at Schedule 2 – Special Use Zone 43 contains provisions specific to this site. The current provisions of Special Use Zone 43 requires that a maximum of 25% of the units can be approved as Multiple Dwelling/Unrestricted Residential Accommodation use (i.e. can be used for either short stay/tourist accommodation or permanent residential accommodation) and at minimum 75% of the units can be approved for Short Stay Accommodation use only.

The proposed Scheme amendment seeks to remove the provision requiring that a maximum 25% of units can be approved as Multiple Dwelling/Unrestricted Residential Accommodation use and instead replaced with a provision requiring at minimum 14 units for the exclusive use of Short Stay Accommodation. Furthermore, the use of ‘Shop’ with a limited net lettable area of maximum of 100 sq m is proposed to be added to the list of discretionary (D) land uses that may be permitted. The Scheme amendment report is **attached** at Appendix DPDS-1.

On 26 November 2013, Council initiated Scheme amendment 71. Following public advertising and consultation, the item is returned to Council for determination. One submission was received during the consultation period from the South West Development Commission (SWDC).

It is recommended that Council adopts the Scheme amendment subject to minor modifications indicated in Condition 2.

Executive Recommendation

That Council in accordance with the *Planning and Development Act 2005* resolves to:

1. Adopt Scheme amendment 71 to the City of Bunbury Town Planning Scheme No. 7 as detailed in the Scheme amendment report, as follows:
 - a. Modifying the Scheme text by modifying condition 2 of Special Use No. 43 in Schedule 2 – Special Use Zones; and
 - b. Modifying the Scheme text by inserting the land use of ‘Shop’ into Special Use No. 43 in Schedule 2 – Special Use Zones.

2. The Scheme amendment report is to be modified by the applicant and submitted to the City of Bunbury with the following minor modifications:
 - a. Indicate that the density code of R80 applies to the site;
 - b. Clause 2 is to be renumbered from 2.i, 2.ii... to 2.1, 2.2... for consistency with the rest of the Scheme text in Special Use No. 43.
 - c. Amend Clause 2.1 from “A minimum of 14 units of any development on site are to be for motel [not hotel] use...” so that this is consistent with the permitted land uses, indicated in the ‘Special Use(s)’ column;
 - d. Reference to Local Planning Policy: Unrestricted Residential Accommodation (as amended) in condition 2.2’
3. Refer the Scheme amendment documentation, with minor modifications, to the Western Australian Planning Commission for final approval in accordance with the Town Planning Regulations 1967.
4. Advise the applicant and the submitter of Council’s decision.

Background

The provisions Scheme at Schedule 2 - Special Use Zone 43 are applicable to Lot 3 #205 Ocean Drive, South Bunbury. The site is located opposite South Bunbury beach, has access from Ocean Drive and is 4822 sq m in area. Refer to the attached location plan at Appendix DPDS-2.

The purpose of the Scheme amendment is to amend the provisions at Schedule 2 - Special Use Zone 43 in relation to land use. Specifically, modifying condition 2 of Special Use No. 43 in Schedule 2 of the Scheme and insert the land use of ‘Shop’ with a maximum net lettable floor area of 100 sq m be added to the list of discretionary (D) land uses that may be permitted.

Condition 2 of Schedule 2 – Special Use Zone 43 currently reads as follows:

2 Land Use Requirements

- 2.1 *The special use of ‘Motel’ and/or ‘Short stay Multiple Unit’ is to be the primary/predominant land use.*
- 2.2 *The special use if ‘Multiple Dwelling – Unrestricted Residential Accommodation’ is to be incidental to the primary/predominant land use.*
- 2.3 *The maximum percentage/proportion of ‘Multiple Dwelling – Unrestricted Restricted Accommodation’ use permitted within the lot / development site shall be equal to or less than 25%, and limited to those units designated for such use on an adopted Detailed Area Plan (or Planning Approval where the need for a Detailed Area Plan has been waived).*

It is proposed that Condition 2 of Schedule 2 – Special Use Zone 43 is modified as follows:

2 Land uses for the subject site shall be restricted to:

- 2.1 *A minimum of 14 units of any development on the site are to be for ~~hotel~~ [motel] and short stay accommodation uses. [Short stay accommodation’ means a building or buildings used for the purpose of providing accommodation for a person or persons on a temporary basis for a period of time not exceeding three months in duration within a 12 month period]; and*
- 2.2 *Any ‘Multiple Dwelling – Unrestricted Residential Accommodation’ units are designed to encourage integration into the management/letting pool for tourism*

use [in accordance with Local Planning Policy: Unrestricted Residential Accommodation (as amended)].

2.3 'Shop' use to be restricted to maximum net lettable area of 100 sq m.

If this Scheme amendment is gazetted, a development application is to be submitted and approved by the City of Bunbury to change the previously approved land use/s of the units.

Previous Council decisions

- At the Ordinary Council meeting on 26 November 2014, Council resolved to initiate Scheme amendment 71 - refer to Council decision 361/13. Following Council's decision the Scheme amendment in accordance with the Town Planning Regulations 1967 was referred to the Environment Protection Authority (EPA) who deemed that an Environmental Review was not required. Subsequently the proposed Scheme amendment was advertised to the public for a 42 day comment period.
- In 2010, a request for a scheme amendment was lodged by Harley Global on behalf of the owners to permit 25% of the units to be used for permanent residential accommodation. This Scheme amendment was endorsed by Council on 22 March 2011 - refer to Council decision 51/11. Final approval was granted by the Minister for Planning in June 2011, which in turn created Special Use Zone 43 allowing the following land uses:
 - Motel
 - Short-Stay Multiple Unit
 - Multiple Dwelling – Unrestricted Residential Accommodation (i.e. allows for either Short-Stay or permanent residential)
 - Restaurant
- In 2007, planning approval was granted for the redevelopment of the motel - refer to Council decision 56/07. Since the initial planning approval, amendments to the planning approval have been issued varying the roof design, boundary walls and retaining walls. The majority of the construction works for the 45 unit complex have now been complete.

Council Policy Compliance

Local Planning Strategy for Tourism

Local Planning Strategy for Tourism (2009, LPS-T) identifies the Fawltly Towers Motel site as a "Non-Strategic Tourism Site", situated within the "Punchbowl – Big Swamp Strategic Tourism Location".

The designation of and subsequent strategic planning approach taken towards dealing with non-strategic tourism sites are addressed in part 3.4.3 of the LPS-T. The LPS-T states, in respect of facilitating an element of permanent accommodation:

"In keeping with the recommendations of the Tourism Planning Taskforce Report, it is considered that 25% (permanent residential component) become the upper limit in most circumstances."

Notably, anticipating a move towards the introduction of a more flexible case by case approach by the State Government (as realised in Planning Bulletin 83/2013 – Planning for Tourism), the LPS goes on to say:

“However for those proposals that can demonstrate exceptional merit/quality in design, and where the overall benefit to tourism would be particularly significant, a higher percentage of permanent residential may be judged appropriate in order for the development to be realised.”

Planning Bulletin 83/2013 – Planning for Tourism does not prescribe a capped ratio of short stay to permanent accommodation for non-strategic tourism sites, such as the subject development.

In light of this, it is recommended that the capped restriction for the percentage for short stay accommodation units is removed and is replaced with allowance for ‘Multiple Dwelling/Unrestricted Residential Accommodation’ to allow for flexibility, with the proviso that at least 14 units are to remain as Short Stay Accommodation units, to not diminish the existing accommodation stock.

Back Beach Tourism Precinct Plan (BBTPP) - (2012)

The BBTPP represents the Council’s adopted policy position in respect of progressing development along Ocean. Although the Fawly Towers Motel site is situated to the south of the precinct, the land use and design principles applied within the precinct have relevance to this scheme amendment proposal.

Local Planning Policy: Unrestricted Residential Accommodation (URA)

This policy is intended for the dual use of specifically designed developments or the change of use and modification of existing multiple dwellings, for the optional purpose of providing short term accommodation on a commercial basis, in addition to permanent residential accommodation. The policy has been developed to manage URA developments and to ensure that an accommodation development can be flexible and adaptive to meet the relevant short or long stay accommodation demand over time, as well as managing potential amenity impacts within a development. Whilst the policy does not have a direct bearing on the issues raised by this amendment proposal, further regard would be required during any resubmission of a revised development application. It is recommended that compliance with this Local Planning Policy (as amended) is referenced in the Scheme text.

A copy of this Local Planning Policy is **attached** at Appendix DPDS-3.

Legislative Compliance

Planning and Development Act 2005 & Town Planning Regulations 1967

Part 5 of the *Planning and Development Act 2005* and the *Town Planning Regulations 1967* detail the procedures for amending an existing Town Planning Scheme. In this regard, Council may prepare and initiate a scheme amendment that shall then, subject to consent from the Environmental Protection Authority (EPA), be advertised for public inspection. The amendment is then considered for final adoption by Council and ultimately submitted to the Minister for Planning for determination.

The proposed Scheme amendment has been prepared and initiated by Council and has received consent from the EPA. The amendment is now referred to Council for resolution to either adopt the proposed Scheme amendment or to resolve that it does not wish to proceed with the Scheme amendment.

Should Council resolve to adopt the Scheme amendment, the Amendment documentation (with or without modification), together with the schedule of submissions and Council's resolution, will be referred to the WAPC for its endorsement and referral to the Minister for Planning for final approval and gazettal.

City of Bunbury Town Planning Scheme No. 7

The definitions of the land uses of; Motel, Shop, Restaurant and Unrestricted Residential Accommodation are found in Schedule 1 of the Scheme.

The existing Special Use Zone No.43, which contains provisions specific to the subject site, can be found in Schedule 2 of the Scheme. Scheme amendment 71 proposes to amend the provisions in the Special Use Zone No. 43 relating to land use.

Officer Comments

Specifically, as identified in the Scheme amendment report, Scheme amendment 71 proposes the following changes to Schedule 2 – Special Use Zone 43 of the Scheme:

- a) Deleting the requirement that the primary/predominate land use be 'Motel' or 'Short Stay Multiple Unit' and that any 'Multiple Dwelling/Unrestricted Residential Accommodation' element be incidental in nature;
- b) Removing the maximum 25% land use cap associated with the provision of 'Multiple Dwelling/Unrestricted Residential Accommodation', subject to the site retaining a minimum of 14 units of any development for the exclusive use of Short-Stay Accommodation;
- c) Subject to a limitation on the maximum net lettable area of 'Shop' to 100 sqm, adding 'Shop' to the list of discretionary (D) land uses that may be permitted, as detailed in the Scheme amendment report;
- d) Subject to deletion of 'Convenience Store' from Scheme amendment report;
- e) Subject to the Scheme amendment report being modified to identify an appropriate R-Coding over the site.

Modifying condition 2 of Special Use No. 43 in Schedule 2 of the Scheme

In accordance with the current provisions of Special Use Zone 43, 25% of the units are approved as Multiple Dwelling/Unrestricted Residential Accommodation use and the remaining 75% of the units are approved as Short Stay Accommodation use only.

This breakdown reflects the general position adopted by the Local Planning Strategy for Tourism and the provisions of similar Special Use Zones 7 and 52 relating to properties on Ocean Drive.

However, the tourism strategy advises that higher percentages may be considered where proposals can:

“demonstrate exceptional merit/quality in design and where the overall benefit to tourism would be particularly significant”.

The proposed Scheme amendment 71 seeks to remove the maximum 25% cap on units being used for Multiple Dwelling/Unrestricted Residential Accommodation use and facilitate the option of Multiple Dwelling or Unrestricted Residential Accommodation being available to 31 out of the 45 units on site. A minimum fourteen (14) short stay accommodation units only would be retained to ensure that the site continues to contribute to the pool of dedicated tourism accommodation available in Bunbury at a level that remains consistent with that provided by the former Fawltly Towers motel. Therefore there would be no loss of dedicated short stay/tourist accommodation at

the site, and potentially an increase of accommodation with the remaining units being able to be used as short stay/tourist accommodation or permanent residential.

Multiple Dwelling/Unrestricted Residential Accommodation allows for dual usage for the unit to be used for either short stay/tourist accommodation or permanent residential accommodation. By allowing the majority of the units in the complex to have the dual usage this provide the landowners and investors with greater flexibility in the use and leasing of the unit. The proponents have indicated that the proposed amendment to Condition 2 will allow for the development to adapt to meet market demand for both short term and long term accommodation. This is in line with the Western Australian Planning Commission's Planning Bulletin 83 which promotes a flexible approach to 'non strategic' tourist sites, such as the subject site, to ensure the long term sustainability of the development.

Additional Land Use of Shop

The introduction of a 'Shop' use, with limited retail floor space, would be consistent with LPS Tourism in this location (Table 3.20) and reflects the approach already adopted for the Punchbowl (Special Use Zone No. 7) and the Back Beach Tourism Precinct Plan (Special Use No. 66). An overall site maximum of 100m² net lettable area for 'Shop' use is intended to ensure that the scale does not compete with shops or shopping occurring at a neighbourhood level, or grow to a level that is inconsistent with the intended tourism/residential function and character of the site and existing setting. Therefore, the addition of a 'Shop' use with a limited net lettable area of 100 sq m as a discretionary (D) use is considered appropriate.

Proposed Minor Modifications

The Scheme amendment report recognises that an appropriate R-Code (density code) is to be identified for the site. The number of units developed on the subject lot equates to an R-Code of R80. This means that there would be roughly 80 dwellings per hectare. It is recommended that the R-Code of R80 is included in the Scheme text as the Scheme amendment facilitates a higher percentage of permanent residential accommodation and to allow for the appropriate assessment of any future residential developments of the site in accordance with the Residential Design Codes of WA.

It is recommended that Local Planning Policy: Unrestricted Residential Accommodation is referenced in clause 2.2. A copy of this Local Planning Policy is **attached** at Appendix DPDS-3. The purpose of this is to ensure that any approved Multiple Dwellings/Unrestricted Residential Accommodation units are designed in an appropriate manner, have an operational management plan and are consistent with other planning approvals granted for this use. Any development applications to change the use of the units to Multiple Dwellings/Unrestricted Residential Accommodation units will be assessed against the policy provisions.

Additionally two minor changes are proposed to ensure consistency with the Scheme text of Special Use Zone 43, namely renumbering Clause 2 and replacing the word 'hotel' with 'motel' in Clause 2.1.

Formalising Land Uses

If this Scheme amendment is gazetted, a development application would be required to be submitted and approved by the City of Bunbury to change the previously approved land use/s of the units.

Analysis of Financial and Budget Implications

There are no direct financial or budgetary implications to the City of Bunbury.

There is a positive impact on rate revenue and tourism generating income to the local economy

Community Consultation

Following initiation of the Scheme amendment and confirmation from the Environmental Protection Agency that an environmental assessment was not required, the application was advertised for public comment in accordance with the requirements of the *Planning and Development Act 2005* and associated Town Planning Regulations 1967.

The application was advertised to the public for 42 days from 5 February to 19 March 2014. Public consultation included the following:

- Letters sent to land owners surrounding the development site;
- Scheme amendment notification signs (x2) at the subject site;
- Published in local paper (Bunbury Mail) in four editions;
- Notification and scheme amendment documentation available on the City of Bunbury website and at the City of Bunbury Administration office.

No submissions from the general public were received. A submission was received from South West Development Commission (SWDC). Refer to the Schedule of Submissions at **attached** at Appendix DPDS-4.

Delegation of Authority

In accordance with Council Decision 361/31 the Scheme amendment is returned for resolution to either adopt the proposed Scheme amendment or to resolve that it does not wish to proceed with the Scheme amendment.

Relevant Precedents

- A Scheme amendment for the Hungry Hollow site (Scheme Amendment 70) was initiated by Council at the Ordinary Council meeting on 04 February 2014. The Scheme amendment proposes a list of discretionary 'D' and 'A' uses such as; Restaurant, Multiple Dwelling/Unrestricted Accommodation, Short Stay Grouped Unit, Short Stay Multiple Unit, Hotel and Motel. Similar to Scheme Amendment 71, a Shop with a maximum gross floor area of 100 sqm and a density coding (R-Code) of R80 are proposed. At the time of writing this report, the Scheme amendment for the Hungry Hollow site was undergoing public advertising.
- The former Punchbowl caravan park at Lot 210 Holywell Street and Lot 211 Pandal Street, South Bunbury is located approximately 500m north of the subject site. In accordance with Special Use 7 in Schedule 2 – Special Use Zones in the Scheme, it has a maximum 25% allowance for residential dwelling development/use and a minimum 75% allowance for a mix of non residential uses (i.e. Hotel and Short Stay Accommodation uses).
- Lot 66 Ocean Drive, Bunbury (also bounded by Scott Street and Upper Esplanade) is located approximately 1.8km north of the subject site. In accordance with Special Use 52 in Schedule 2 – Special Use Zones in the Scheme, allows requires a maximum 25% allowance for residential dwelling development/use and a minimum 75% allowance for a mix of non residential uses (i.e. Hotel and Short Stay Accommodation uses).

Outcome – Council Meeting 13 May 2014

Cr Morris declared a financial interest in this matter (see section 5). Cr Morris left the chambers at 5.42pm and did not vote on the matter.

The recommendation (as printed) was moved Cr Steck, seconded Cr Prosser.

The Mayor put the motion to the vote and was adopted to become the Council's decision on the matter.

Cr Morris returned to the chambers at 5.43pm.

Council Decision 160/14

That Council in accordance with the Planning and Development Act 2005 resolves to:

- 1. *Adopt Scheme amendment 71 to the City of Bunbury Town Planning Scheme No. 7 as detailed in the Scheme amendment report, as follows:***
 - a. Modifying the Scheme text by modifying condition 2 of Special Use No. 43 in Schedule 2 – Special Use Zones; and***
 - b. Modifying the Scheme text by inserting the land use of 'Shop' into Special Use No. 43 in Schedule 2 – Special Use Zones.***
- 2. *The Scheme amendment report is to be modified by the applicant and submitted to the City of Bunbury with the following minor modifications:***
 - a. Indicate that the density code of R80 applies to the site;***
 - b. Clause 2 is to be renumbered from 2.i, 2.ii... to 2.1, 2.2... for consistency with the rest of the Scheme text in Special Use No. 43.***
 - c. Amend Clause 2.1 from "A minimum of 14 units of any development on site are to be for motel [not hotel] use...." so that this is consistent with the permitted land uses, indicated in the 'Special Use(s)' column;***
 - d. Reference to Local Planning Policy: Unrestricted Residential Accommodation (as amended) in condition 2.2'***
- 3. *Refer the Scheme amendment documentation, with minor modifications, to the Western Australian Planning Commission for final approval in accordance with the Town Planning Regulations 1967.***
- 4. *Advise the applicant and the submitter of Council's decision.***

CARRIED

11 votes "for" / nil votes "against"

10.7 Hay Park Sports Pavilion (*was listed as item 10.6.1 of the Council Agenda*)

File Ref:	A05592
Applicant/Proponent:	Internal Report
Author:	Jason Gick, Manager Engineering
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix DWS-1 – Hay Park Pavilion Project Design Brief Appendix DWS-2 – Hay Park Pavilion Concept Plan Appendix DWS-3 – Hay Park Pavilion Preliminary Cost Estimate

Summary

The Hay Park Multi Sports Pavilion project has been re-scoped and concept plans have been prepared to meet the Council nominated project budget of \$5M. Council is requested to approve the revised Project Design Brief, the Concept Plan and the preliminary cost estimate. This will allow the design process to progress towards detailed design and tender specification.

Executive Recommendation

That:

1. Council note that the revised concept and costings now meet the requirements set by Council.
2. Council Endorse the amended plan for the purposes of final consultation with the key user groups to ensure that the design meets their requirements.
3. Following consultation with the user groups, a further report be provided to Council prior to proceeding to tender for construction.

Background

The Hay Park Multi Sports Pavilion project has been planned for several years and has attracted external funding from the Department of Sport and Recreation. In 2013 the Council approved a project based largely on the City of Rockingham Larkhill Pavilion model and called for tenders on the approved design and specification. Council Decision 289/13 applies.

At its 10 December 2013 meeting Council considered three construction tenders that exceeded the Council budget vision and decided not to proceed with that building configuration. Council 384/13 applies.

Council Decision 384/13

That Council:

- 1. Advise the tenderers that all tenders exceeded Councils budget for the project and therefore no tender has been accepted.***
- 2. Requests the CEO to undertake an investigation to redesign the multi sports pavilion in accordance with current funding and stakeholder requirements.***
- 3. Requests a further report be provided in January 2014 outlining a proposed way forward.***

The City has been working with the Architect, a Quantity Surveyor and the user groups to prepare a more modest development proposal that fits with an upper limit budget of \$5M for the whole project.

Council Policy Compliance

The procurement for the construction phase will need to comply with Councils purchasing policies and legislation.

Legislative Compliance

The procurement for the construction phase will need to comply with Councils purchasing policies and legislation.

Officer Comments

As a consequence of Councils Decision 384/13 the design process has recommenced. Several concepts were explored with the objective of aligning the project with Councils budget vision of \$5M. The Architect has been working closely with the Quantity Surveyor to ensure that the various concept proposals were coupled with broad cost estimates for discussion by the Project Team.

The Project Design Brief has been streamlined to ensure that items identified in the grant application are not omitted and to ensure the user groups have access to the facilities they need for their respective sports. The Project Design Brief started with a project budget of \$5M and was 'reverse scoped' to achieve this objective.

Development Option 5 provides two separate buildings. One is the change rooms, storerooms, toilets and affiliated spaces associated with training and match day activities. The other building is the pavilion which incorporates the function room, food preparation spaces, toilets, storage and outdoor viewing spaces. The two buildings are proposed to be located close to each other adjacent to the existing Premier Soccer pitch and will create a built precinct for premier sports activities at Hay Park.

The preliminary cost estimate has been undertaken by RBB Quantity Surveyors. Working with the Architect and the project manager, RBB has estimated the total project budget to be just under \$5M. This figure includes cost to date, anticipated design costs, construction, civil works, design contingency and construction contingency.

The Architect has estimated the design and tender process will take in the order of 25 weeks. Should the Council approve the Project Design Brief, the Concept Plan and the Preliminary Cost Estimate for Option 5, the design process can be completed in 16 weeks (about August 2014).

Analysis of Financial and Budget Implications

The following table outlines the financial aspects of this project:

Item	INCOME	\$
1	Financial Funding Agreement (2009)	335,000
2	Financial Funding Agreement (2013)	2,833,657
3	City of Bunbury contribution	1,381,343
	TOTAL INCOME	4,550,000
	EXPENDITURE	
4	Pavilion Building	2,859,610
5	Carpark, service road, gate	435,000

6	Relocate lighting	75,000
7	Reticulation and landscaping	90,000
8	Water Headworks	110,000
9	Design contingency (15%)	535,442
10	Construction contingency (5%)	178,481
11	Abortive Design Costs	285,000
12	New Design costs	375,000
	TOTAL EXPENDITURE	4,943,533
Note*	Does not include cost escalation	

PR-1021 allocates \$5,000,000 over several financial years to account for monies already spent and for the anticipated cost spread over the project delivery timeframe.

Community Consultation

The project has been identified in reports previously subject to community consultation:

- City of Bunbury Recreation Plan (2006); and
- Hay Park Feasibility Study (2009).

Leading up to Council Decision 384/13, the City had consulted extensively with stakeholders including rugby, soccer and BMX groups, the Department for Sport and Recreation and hockey to discuss its annual Carnival. The user groups were consulted regularly during this time.

Since December 2013, the City has had several meetings with Stakeholders to discuss the project:

- 12 December 2013 – Meeting with user groups to communicate Council Decision 384/13 and to advise of the City's plan to initiate an alternative Concept Plan.
- 14 January 2014 – Project Team meeting to discuss the development of an alternative Concept Plan.
- 25 February 2014 – Meeting with the Architect and the Department for Sport and Recreation to align the reduced scope with the grant application requirements.
- 24 March 2014 – Meeting with the Director of the Department of Sport and Recreation, Mr Rob Didcoe, with the Mayor and CEO to clarify the Councils way forward with respect to the project and grant progress payments.
- 2 May 2014 – Meeting with stakeholders.

Councillor/Officer Consultation

As identified above, the City has held several meetings since Council Decision 384/13 involving staff, the Executive and the Mayor.

Outcome – Council Meeting 13 May 2014

Mr Guy Italiano of the Bunbury Forum Force addressed Council on this matter against the recommendation.

Mr David Smith of 8 Picton Crescent also addressed Council on the matter.

The recommendation (as printed) was moved Cr Steele, seconded Cr Hayward.

The Mayor put the motion to the vote and was adopted to become the Council's decision on the matter.

Council Decision 161/14

That:

- 1. Council note that the revised concept and costings now meet the requirements set by Council.***
- 2. Council Endorse the amended plan for the purposes of final consultation with the key user groups to ensure that the design meets their requirements.***
- 3. Following consultation with the user groups, a further report be provided to Council prior to proceeding to tender for construction.***

CARRIED

11 votes "for" / 1 vote "against"

Pursuant to Section 9.7 of the City of Bunbury Standing Orders 2012, at 6.12pm the Mayor announced an adjournment of the meeting for a period of 5 minutes.

At 6.17pm, all elected members returned to the Chambers and the Mayor then reconvened the meeting.

10.8 Spencer Street Underground Power (was listed as item 10.6.3 of the Council Agenda)

File Ref:	A05655
Applicant/Proponent:	Western Power on Behalf of the Office of Energy
Author:	Phil Harris, Director Works & Services
Executive:	Phil Harris, Director Works & Services
Attachments:	Nil

Summary

An agenda Item was submitted to Council on 21 January 2014 recommending that the Spencer Street Underground Power project (PR-1874) be deferred due to an increase in the estimated costs to complete the proposed works from \$837,000 to \$1.212m.

Council decided to adjourn the matter to allow further consultation from adjoining property owners.

Council Decision 15/14 – Pursuant to Clause 11.1(b) of the City of Bunbury Standing Orders 2012, the debate on the matter be adjourned until the Council meeting to be held on 4 March 2014.

Following further consultation where property owners were requested to consider making a contribution to the project it became apparent that while the majority of property owners agreed with the proposal to underground the power the number of property owners prepared to make a contribution numbered six out of forty two.

Executive Recommendation

1. That due to increased costs, the Spencer Street Underground Power Program – Localised Enhancement Project (Round 5) works not be progressed.
2. Officers write to the Office of Energy advising that Council wishes to defer this project until future years when additional funding contributions can be secured.
3. Officers write to property owners between Stirling Street and Lovegrove Avenue advising them that the project has been deferred.

Background

The Office of Energy originally wrote to the City in 2008 advising of opportunities for the City of Bunbury to apply for funding under the State Underground Power Program to replace the existing overhead power lines on Spencer Street between Stirling Street and Beach Road with an underground service.

There have been a number of Council resolutions relating to the proposal to replace the overhead power lines with an underground service with Decision 256/11 to proceed with the project based on the City and Office of Energy each contributing \$437,000.

Since Decision 15/14 all property owners adjacent to the proposed works were invited to a question and information session facilitated by the Mayor and Chief Executive Officer. The Director Works and Services and Manager Engineering also attended the meeting. During the presentation a number of questions were received with some taken on notice.

A copy of the questions and responses were circulated to all property owners with the anticipated contribution and a pre prepared response form which allowed property owners to respond yes or no to making a contribution and offering areas for comment.

Of forty two (42) letters sent to property owner's seventeen (17) responses were received by the end of the consultation period (11 April 2014) with only six (6) indicating that they would be prepared to make a contribution. The total of the contributions was thirty thousand, five hundred and sixty four dollars (\$30,564.27) of a requested three hundred forty-one thousand, six hundred and eighty-seven dollars (\$341,687.00). Figures are based on \$300,000 contribution repayable over 5 years with interest set at 4.5%.

Further follow up was done with the Property Owners that had not responded before 11 April 2014 either by phone, email or registered mail.

As at Tuesday 06.05.14 the response was as follows:-

Undecided/Conditional	2
Support Contribution	10
Object to Contribution	21
No Response	9
Support Response	32.26%
Objection Response	67.74%
\$ amount of supported Contributions	\$67,311.74
% of support Contributions	19.70% of \$341,687.00 total
Total Letters sent	42
Response	33 / 78.57%

The contribution was based on a linear metre rate for Spencer Street frontage.

Council Policy Compliance

Not Applicable

Legislative Compliance

Not Applicable

Officer Comments

The results of the contribution survey are consistent with the 2009 feedback from property owners where 72% of respondents wanted the overhead power lines replaced with an underground service but did not wish to make a contribution.

Analysis of Financial and Budget Implications

The project (PR-1874) is currently scheduled for delivery in the 2014- 2015 financial year with Grant funding of \$500,000 and a City contribution of \$700,000 from unrestricted cash. The City has already contributed \$12,500 towards design costs.

Community Consultation

Property owners in the area of Spencer Street between Stirling Street and Lovegrove Avenue were invited to a meeting on 6 March 2014 with approximately 18 people attending. City officers provided an overview of the project and responded to a range of questions from attendees, taking on notice several questions which required research. Letters inclusive of all of the questions and answers were distributed to all property owners. Property owners that had not responded by 11 April 2014 were followed up with either a phone call, email or registered letter.

Councillor/Officer Consultation

The Mayor and Chief Executive Officer attended the meeting of property owners.

Outcome – Council Meeting 13 May 2014

Cr Prosser declared a proximity interest in this matter (see section 5). Cr Prosser left the chambers at 6.18pm and did not vote on the matter.

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

The Mayor put the motion to the vote and was adopted to become the Council's decision on the matter.

Cr Prosser returned to the chambers at 6.19pm.

Council Decision 162/14

- 1. *That due to increased costs, the Spencer Street Underground Power Program – Localised Enhancement Project (Round 5) works not be progressed.***
- 2. *Officers write to the Office of Energy advising that Council wishes to defer this project until future years when additional funding contributions can be secured.***
- 3. *Officers write to property owners between Stirling Street and Lovegrove Avenue advising them that the project has been deferred.***

CARRIED

10 votes "for" / 1 vote "against"

10.9 Sound Attenuation Wall *(was listed as item 10.6.4 of the Council Agenda)*

Applicant/Proponent:	Internal
Author:	Phil Harris, Director Works & Services
Executive:	Phil Harris, Director Works & Services
Attachments:	Appendix DWS-5 – Cantwell Court Sound Attenuation Wall

Summary

The Koombana Drive – Estuary Drive intersection is one of the key access points into the City for residents of Pelican Point and the Shires of Dardanup and Harvey, carrying an estimated 18,000 vehicles per day. The intersection also carries a high number of trucks either servicing the inner or outer ports. It is proposed to construct a sound attenuation wall to reduce the impact of braking and accelerating vehicles at the traffic lights to residents immediately adjacent to the intersection on Cantwell Court.

Executive Recommendation

That Council:-

1. Approve the construction of a sound attenuation wall on Koombana Drive and the intersection of Estuary Drive.
2. That the works estimated to be \$49,200 are funded from savings in the 2013/14 Capital Works Program
3. That Officers engage with local artists to develop concepts and paint the wall as part of the entry statement into Koombana and Bunbury.

Background

The Koombana Drive Estuary Drive intersection was upgraded by Main Roads WA in 2012 -2013 to compliment modifications and signalisation to the Eelup Roundabout. Since the upgrade property owners on Cantwell Court have written to Council and the Member for Bunbury on almost a monthly basis expressing concerns at the increased noise associated with trucks braking and accelerating at the traffic control signals.

Main Roads WA have been requested by the City and residents to construct a sound attenuation wall at the location however it is not deemed to be a priority and not practice on existing intersections with comparative low traffic volumes.

Main Roads preferred location for traffic control signals in the area was originally at a realigned Estuary Drive intersection opposite Austral Parade however this option was not supported by Council in 2011. With the upgrade of Eelup roundabout the Estuary Drive / Koombana Drive intersection was assessed by Main Roads as being inadequate to cater for queuing of traffic turning from the south into Estuary Drive. The only available design option was to modify the existing intersection.

The Member for Bunbury the Hon. John Castrilli has written to Council on behalf of residents of Cantwell Court requesting that Council take action to address the concerns of nearby resident.

Council Policy Compliance

Not Applicable

Legislative Compliance

Not Applicable

Officer Comments

Following the intersection upgrade by Main Roads WA the City connected its path network to the protected crossing points at the traffic control signals and at the same time installed a low limestone retaining wall on the verge of Koombana Drive to enable sufficient width for the path and increase height of the planted earth mound. It is proposed to increase the density of the planting during the winter months to provide additional screening.

City officers have designed and costed a sound attenuation wall similar to that recently constructed at the Glen Iris Skate Park for the location, see **attached** at Appendix DWS-5. There are opportunities to provide an entry welcome statement on the wall.

The typical complaints registered include

- High revving of truck and car engines accelerating from the intersection
- Some areas of the intersection has been raised creating increased noise for resident
- Vehicles 'dragging' to beat the lights or other vehicles
- Vehicles braking suddenly
- Increased truck usage to inner and outer harbour creating increased noise and vibration

Subject to Council endorsement of the project it is proposed to engage with local artists by way of a competition to develop concepts and paint the wall as part of an entry to Koombana and Bunbury with Council supplying materials.

Analysis of Financial and Budget Implications

The project is estimated to cost \$49,200. It is proposed to fund the project from savings in the 2013 – 2014 Capital Works program.

Community Consultation

The residents of Cantwell Court have written to the City repeatedly since the intersection was upgraded.

Councillor/Officer Consultation

The Chief Executive Officer and former Mayor Smith have met with the residents of Cantwell Court in relation to the noise complaints.

Outcome – Council Meeting 13 May 2014

Cr Jones declared an impartiality interest in this matter (see section 5) and remained in the chamber for the discussion and vote on the matter.

The recommendation (as printed) was moved Cr Steck, seconded Cr Giles.

The Mayor put the motion to the vote and was adopted to become the Council's decision on the matter.

Council Decision 163/14

That Council:-

- 1. Approve the construction of a sound attenuation wall on Koombana Drive and the intersection of Estuary Drive.***
- 2. That the works estimated to be \$49,200 are funded from savings in the 2013/14 Capital Works Program***
- 3. That Officers engage with local artists to develop concepts and paint the wall as part of the entry statement into Koombana and Bunbury.***

CARRIED

12 votes "for" / nil votes "against"

11. Applications for Leave of Absence

11.1 Request for Leave of Absence

12. Motions on Notice

Nil

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

Nil

13.2 Questions from Members

Nil

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

Nil

15. Meeting Closed to Public

Cr McNeill moved Cr Jones seconded the following motion:

“In accordance with Section 5.23(2)(d) of the Local Government Act 1995 and clause 6.2 of the City of Bunbury’s Standing Orders Local Law 2012, Council resolves to close the meeting to members of the public to consider the item titled: 15.1.1 CEO Performance Review.”

The Mayor put the motion to the vote and was adopted. At this this point in proceedings (6.21pm), the Mayor requested the Chief Executive Officer, Staff, members of the public and press vacate the chambers.

Council Decision 164/14

“In accordance with Section 5.23(2)(d) of the Local Government Act 1995 and clause 6.2 of the City of Bunbury’s Standing Orders Local Law 2012, Council resolves to close the meeting to members of the public to consider the item titled: 15.1.1 CEO Performance Review.”

CARRIED

12 votes “for” / nil votes “against”

15.1 Matters for which the Meeting may be Closed

15.1.1 CEO Performance Review

Applicant/Proponent:	Internal Report
Author:	Mayor Gary Brennan
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Confidential Report CRUSC-1

This report is confidential in accordance with section 5.23(2)(a) of the Local Government Act 1995, which also permits the meeting to be closed to the public for business relating to the following:

A matter affecting an employee or employees.

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report CRUSC-1). The report is not for circulation.

Outcome – Council Meeting 13 May 2014

The panel recommendation was moved Cr Kelly, seconded Cr Morris.

An amendment was moved by Cr Steele, seconded Cr Hayward that item 2 be changed by replacing two (2) year term with a three (3) year term. The motion was lost. The Mayor put the original motion to the vote and was adopted to become the Council’s decision on the matter. The Mayor read out the recommendation.

Council Decision 165/14

As a result of the CEO's Review, the Panel is able to provide the Council with the following recommendations:

- 1. Council receives and endorses the CEO Performance Review Panel's report dated April 2014.***
- 2. Council invites Mr Brien to enter a new contract for a two (2) year term commencing 1 March 2015, expiring 28 February 2017.***
- 3. Subject to Mr Brien's acceptance to enter a new contract, the CEO Performance Review Panel in consultation with Mr Brien prepares draft Key Performance Indicators as a basis for a new contract. This task to be completed by 30 June 2014.***

CARRIED

11 votes "for" / 1 vote "against"

Cr Cook moved Cr Giles seconded the motion that the meeting be reopened to the public and press. The Mayor put the motion to the vote and was adopted. The meeting was reopened to staff, public and the press at 6.45pm.

Council Decision 166/14

In accordance with Section 5.23(2)(d) of the Local Government Act 1995 and clause 6.2 of the City of Bunbury's Standing Orders Local Law 2012, Council resolves to open the meeting to members of the public and press."

CARRIED

12 votes "for" / nil votes "against"

15.2 Public Reading of Resolutions that may be made Public

In accordance with Section 6.2 (7) of the City of Bunbury's Standing Orders Local Law 2012, the Mayor then proceeded to read out the Council Decision (and voting) made whilst the meeting was closed.

16. Closure

The meeting was declared closed at 6.47 pm.

Confirmed this day 27 May 2014 to be a true and correct record of proceedings of the Bunbury City Council Meeting held 13 May 2014.

**Mr Gary Brennan
MAYOR**