



13 MAY 2008

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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 |

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

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

COUNCIL MEETING MINUTES

Minutes of an Ordinary Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 13 May 2008.

MINUTES

13 May 2008

NOTE: These minutes are subject to confirmation at the Council Meeting on 3 June 2008.

1. DECLARATION OF OPENING BY THE MAYOR

His Worship the Mayor, Mr David Smith, declared the meeting open at 6.04pm.

2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

PRESENT

| Council Committee Members | |
|---|---------------------------------------|
| Presiding Member: | His Worship the Mayor, Mr David Smith |
| Members: | Councillor Judy Jones |
| | Councillor Shane Rooney |
| | Councillor Brendan Kelly |
| | Councillor Wayne Major |
| | Councillor Helen Punch |
| | Councillor Noel Whittle |
| | Councillor Ross Slater |
| | Councillor Alfred Leigh |
| | Councillor Michelle Steck |
| Executive Management Team (Non-Voting) | |
| Chief Executive Officer: | Mr Greg Trevaskis |
| Executive Manager Corporate Services: | Mr Ken Weary |
| Executive Manager City Services: | Mr Michael Scott |
| Executive Manager City Life: | Mr Domenic Marzano |
| Executive Manager City Development: | Mr Geoff Klem |
| Council Officers (Non-Voting): | |
| Visitor Information Centre Coordinator: | Ms Felicity Anderson |
| Senior Engineering Technical Officer: | Mr Myles Bovell |
| Manager Operations & Works Coordinator: | Mr Ric Normington |
| Works Supervisor: | Mr Colin Thomson |
| Fleet Officer: | Mr Paul Wood |
| Senior Engineer: | Mr Chris Gibberd |

13 May 2008
Minutes - Council Meeting

PRESENT (continued)

| | |
|---|-------------------|
| Senior Engineer (Program/Asset Management): | Ms Beatrice Plant |
| Administration Officer Corporate Services: | Ms Fiona Wood |
| Administration Officer Corporate Services: | Ms Denise Ryan |

| | |
|-----------------------------|--------------|
| Others (Non-Voting): | |
| Members of the Public: | 13 (approx.) |
| Members of the Press: | 1 |

APOLOGIES:

Councillor Lorna Worthington - leave of absence 6 to 13 May 2008

Deputy Mayor, Councillor Stephen Craddock – leave of absence 6 to 13 May 2008

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

Not applicable.

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

Resident of Withers, Bunbury

Question 1: Is Council aware that the Withers Underground Power Project works started last week in Queen Street?

Response: No. Council understands Western Power will commence works later during the year if Council agrees to proceed with the project. The works currently being carried out are more likely to relate to general maintenance required for the existing grid in Withers.

Question 2: Is Council aware that if Homeswest houses were excluded from the Survey conducted, that the majority of Ratepayers would be against the proposed Withers Underground Power Project, and that there would be a "no-vote". Why is the Homeswest vote included for this project when it has not been included for others?

Response: In Withers, 12% of the properties are Homeswest owned. Homeswest are property owners and pay rates like other residents. Homeswest will also have to pay their contribution towards the project therefore there is no reason why they should not be included in the survey.

Question 3: I understand that there is the payment option over 20 years for people unable to pay upfront. Is it fair to impose a loan of this size over such a long period of time for people on low incomes?

Response: Western Power and the State Government normally contribute 50% on these projects. In this case, they are contributing an additional 15% because of the situation of low income earners in the area. If owners wish to ascertain what the likely cost of the project is, this information is available from the Council.

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

Nil.

6. CONFIRMATION OF PREVIOUS MINUTES

Cr Major moved, Cr Punch seconded the following motion which was adopted to become a decision of the Council:

Council Decision 69/08

The minutes of the Council Meeting held 8 April 2008, be confirmed as a true and accurate record subject to the vote for Item 15.1. "2006/07 Annual Performance Appraisal – Chief Executive Officer" being amended to read 11 Votes "For" / 1 Vote "Against".

CARRIED

10 Votes "For" / Nil Votes "Against"

7. DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995

Cr Steck disclosed an impartiality interest in the item title "*Proposed Underground Power Project – Withers*" as she is a former employee of the commercial complex that would be affected by the project.

Cr Major disclosed an impartiality interest in the item titled "*South Bunbury Football Club Inc. – Extension of Lease/Licence over portion of Hand Memorial Oval being Part Lot 11 and Part Lot 12 Clarke Street, Bunbury*" as he knows a Board Member of the Club through his employment with the Health Department.

8. ANNOUNCEMENTS BY THE MAYOR (WITHOUT DISCUSSION)

The Mayor invited all councillors to view a gift that the City had received from the Senior Citizens Centre in appreciation of the City's hospitality.

9. CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS

Nil.

10. RECEPTION OF FORMAL PETITIONS AND MEMORIALS

10.1 PETITION CALLING FOR SPECIAL ELECTORS MEETING – BUNBURY WATERFRONT PROJECT

| | |
|-----------------------------|---|
| File Ref: | A03183 |
| Applicant/Proponent: | Save Our Shores Group |
| Author: | Not Applicable |
| Executive: | <i>Refer to:</i> Geoff Klem, Executive Manager City Development |

Cr Steck tabled a Request for Special Electors Meeting concerning the Bunbury Waterfront Project signed by over 300 signatories on behalf of the Save Our Shores (“SOS”) Group.

The group is requesting a 60 day extension of the public submission period for the project.

The Mayor advised Cr Steck that there is a statutory process that needs to be followed in relation to the calling of a Special Electors Meeting and he referred the request to the Chief Executive Officer for action.

At this point in proceedings, Cr Steck sought confirmation that the Council would extend the submission period as requested and was advised that this would need to be dealt with as an item of Urgent Business later in the meeting (Refer to Item 13.1 of these minutes).

11. RECEPTION OF REPORTS AND RECOMMENDATIONS FROM THE COUNCIL (STANDING) COMMITTEE MEETING HELD 6 MAY 2008

At this point in proceedings, the Council adopted *en bloc* committee recommendations listed under items 11.1, 11.2, 11.3, 11.4, 11.10, 11.13 , 11.15, 11.16 and 11.9 of the meeting agenda (as permitted under the City's Standing Orders).

Items 11.5, 11.6, 11.7, 11.8, 11.9, 11.11, 11.12, 11.14, 11.17 and 11.18 of the meeting agenda were then dealt with (and voted on) individually.

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

11.1 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR LORNA WORTHINGTON

| | |
|-----------------------------|---|
| File Ref: | A00215 |
| Applicant/Proponent: | Councillor Lorna Worthington |
| Author: | Greg Trevaskis, Chief Executive Officer |
| Executive: | Greg Trevaskis, Chief Executive Officer |

Summary/Background

Councillor Worthington requests leave of absence from all Council-related business from 6 to 13 May 2008 (inclusive).

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

Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Lorna Worthington is granted leave of absence from all Council-related business from 6 to 13 May 2008 (inclusive).

Outcome of the Council Committee Meeting – 6 May 2008

The recommendation was moved Cr Leigh, seconded Cr Dillon. The Presiding Member put the motion to the vote and it was adopted *9 votes "for" to nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Lorna Worthington is granted leave of absence from all Council-related business from 6 to 13 May 2008 .

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Slater, seconded Cr Punch. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 70/08

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Lorna Worthington is granted leave of absence from all Council-related business from 6 to 13 May 2008 (inclusive).

CARRIED

10 Votes "For" / Nil Votes "Against"

11.2 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR STEPHEN CRADDOCK

| | |
|-----------------------------|---|
| File Ref: | A00215 |
| Applicant/Proponent: | Councillor Stephen Craddock |
| Author: | Greg Trevaskis, Chief Executive Officer |
| Executive: | Greg Trevaskis, Chief Executive Officer |

Summary/Background

Councillor Craddock requests leave of absence from all Council-related business from 6 to 13 May 2008 (inclusive).

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

Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Stephen Craddock is granted leave of absence from all Council-related business from 6 to 13 May 2008 (inclusive).

Outcome of the Council Committee Meeting – 6 May 2008

The recommendation was moved Cr Dillon, seconded Cr Slater. The Presiding Member put the motion to the vote and it was adopted *9 votes "for" to nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Stephen Craddock is granted leave of absence from all Council-related business from 6 to 13 May 2008.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Slater, seconded Cr Punch. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 71/08

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Stephen Craddock is granted leave of absence from all Council-related business from 6 to 13 May 2008 (inclusive).

CARRIED

10 Votes "For" / Nil Votes "Against"

11.3 SOUTH BUNBURY FOOTBALL CLUB INC. - EXTENSION OF LEASE/LICENCE OVER PORTION OF HANDS MEMORIAL OVAL BEING PART LOT 11 AND PART LOT 12 CLARKE STREET, BUNBURY

| | |
|-----------------------------|---|
| File Ref: | F00009 |
| Applicant/Proponent: | South Bunbury Football Club Inc. |
| Author: | John Beaton, Manager Administration & Property Services |
| Executive: | Ken Weary, Executive Manager Corporate Services |

Summary

An application has been received from the South Bunbury Football Club Inc. for extension of its current lease/licence over a portion of Hands Memorial Oval for a further 21 years. The Club's existing lease/licence arrangement is due to expire on 30 June 2010 - the lease covers the clubrooms (commonly referred to as the Club's premises) and the licence covers the playing field which the Club may use for Australian Rules Football matches and training sessions based on fixtures agreed to by the City's Manager of Parks & Urban Design. The total lease site area is 4,050 square metres.

Background

The South Bunbury Football Club Inc. has occupied its current lease/licence site since the late 1960's. The subject land is comprised within part of Lots 11 and 12 Clarke Street, Bunbury which is land owned freehold by the City of Bunbury (Certificate of Title Vol. 1090 Fol. 816 on Plan 2138). A location plan is **attached** at Appendix 19.

The lease area (or Club's premises) comprises clubrooms, spectator stand and car parking. Through its licence, the Club has full use of the playing field but the public is permitted access to it as follows:

"The terms and conditions upon which the Lessee may use the Playing Field are as follows:

- (a) For FIVE (5) training nights each week such training nights to be nominated by the Manager of Parks and Urban Design from time to time PROVIDED ALWAYS that the Playing Field shall at all times be used under the control direction and instructions of the Manager of Parks and Urban Design who shall determine the condition of the Playing Field from time to time with power to prohibit the use of the Playing Field or any part of it for training for such period of time as the Manager of Parks and Urban Design shall consider necessary and the Manager of Parks and Urban Design' decision shall be final and binding on the Lessee and accepted without question PROVIDED FURTHER that in the event of the Playing Field or any part of it being considered unusable by the Manager of Parks and Urban Design the Lessor will not be obliged to provide compensation or alternative training periods or training nights.*

- (b) As a Member of the South West Football League for participation in League Fixtures."*

The Club intends undertaking major capital expenditure on extensive renovation of its existing clubrooms. The proposal was put forward (and accepted by) the members of the Club's 2007 Annual General Meeting on the proviso that the Club endeavours to seek the Council's support in granting an extension of the current lease to justify the Club's commitment toward expenditure of approximately \$180,000.

Details of the proposed Scope of Works for the proposed capital expenditure are **attached** at Appendix 20. Concept plans are also **attached** - refer to Appendix 21 Subject to Council's approval to extend the lease, the Club will be required to obtain a Development Approval and Building Licence.

A review of the South Bunbury Football Club Inc. 2007 Annual Report indicates that the Club has a sound membership base and is well positioned to meet its proposed financial commitment. It is also noteworthy that the Club has undertaken significant improvements to the clubrooms and the playing field throughout its previous lease/licence terms including expenditure of \$90,000 of its own funds for floodlighting of the playing field, upgrading the gymnasium, reticulating the grass "spectators' bank" and painting internal/external areas.

At all times the Club has satisfactorily fulfilled its obligations and responsibilities under the lease.

The Club is prepared to work with other groups and organisations to encourage a strategic approach to the development of recreational use and sports facilities at Hands Oval.

The Club is aware that during the proposed term the City will consider a Master Plan for Hands Oval which will highlight further opportunities to co-exist with other community groups and organisations or feature events to benefit the broader community. It is envisaged the outcomes will not prejudice the Club and the use of Hands Oval for Australian Rules Football.

Lease Details

Existing Lease Details

| | |
|---------------------|--|
| Commencement: | 1 July 1989 |
| Term: | Twenty-one (21) years |
| Expiry: | 30 June 2010 |
| Rental: | \$1,141.96 inclusive of GST |
| Rent Review: | CPI annually |
| Outgoings: | Responsibility of the Lessee |
| Insurance: | The Lessee to maintain Public Risk Insurance and General Insurance cover over the premises with Public Liability to be set at \$10(M). |
| Special Conditions: | Use of Playing Field to be under Licence (refer the "Background" section of this report for further detail). |

Proposed Extension of Lease

| | |
|-----------------------|--|
| Commencement: | 1 July 2010 |
| Renewed Term: | Twenty-one (21) years |
| Expiry: | 30 June 2031 |
| Rental: | As determined by Landgate Valuation Services on commencement then indexed by CPI 1st year, CPI 2nd year and a Market Rental Valuation 3rd year with this cycle to repeat throughout the term. |
| Rent Review: | Indexed by CPI annually |
| Outgoings: | To be the responsibility of the Lessee |
| Insurance: | The Lessee to maintain Public Risk Insurance and General Insurance cover over the premises with Public Liability to be set at \$10(M). |
| Special Conditions: | a) Use of Playing Field for season training and fixtures to be under Licence by agreement with Manager Parks and Urban Design (refer the "Background" section of this report for further detail) plus playing field to be made available for feature cricket matches. b) The Lessee will be required co-exist with any other community group or organisation which becomes party to a redevelopment or feature event, to showcase Hands Oval as the City's principal venue for staging recreation and community events. |
| Document Preparation: | The Lessee to pay full cost of document preparation and registration. |

Strategic and/or Regional Outcomes

The proposal complies with the City of Bunbury Strategic Plan 2007-2012 and in particular Strategy 2.4 which states that the City will: *"develop a Property Strategy that benefits the City's residents, businesses and community/sporting organisations."*

Community Consultation

Notice of the intention to grant the South Bunbury Football Club Inc. an extension of lease for a further twenty (20) years will be published in the City Update Column of the Bunbury Mail Newspaper.

Councillor/Officer Consultation

The proposal was discussed at the Council Briefing Session on 4 March 2008. Council officers have held discussions with the applicant and have mutually agreed on the terms and conditions of the extended lease.

Analysis of Financial and Budget Implications

Landgate Valuation Services will be required to assess the lease rental prior to the due date of expiry of the current lease on 30 June 2010. The Lessee is responsible for all normal outgoings.

The Lessee is responsible for payment of costs for documentation preparation (and registration) associated with the lease extension.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The Club is prepared to undertake a number of major improvements for the benefit of its members and guests. The work will provide economic benefit through employment opportunities for local suppliers.

The Club's commitment reinforces the confidence it has in the growth of Australian Rules Football and the South West Football League Inc.

Social Issues

The improvements will enhance the premises and provide viewing for members and their guests with facilities of a high-standard.

Environmental Issues

The proposal is in keeping with the amenity of the local area. The Club will be required to obtain a Development Approval and Building Licence before undertaking any work.

Heritage Issues

There are no known heritage issues to consider.

Council Policy Compliance

There is no Council policy concerning leasing of Council buildings.

Legislative Compliance

As previously indicated, notice of the intention to grant the South Bunbury Football Club Inc. an extension of lease for a further twenty (20) years, will be published in the City Update Column of the Bunbury Mail Newspaper.

Delegation of Authority

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

Relevant Precedents

The Council last renewed this lease at its meeting on 25 March 1985.

Council regularly considers requests from community groups and organisations for extension, renewal or assignment of leases.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Per the recommendation listed in this report as amended by Council members.

Option 3

Council may opt not to approve the application from the South Bunbury Football Club Inc. for extension of its lease over portion of Hands Memorial Oval (part Lot 11 and part Lot 12 Clarke Street, Bunbury).

Conclusion

The South Bunbury Football Club Inc. has leased the site since the late 1960's and has satisfactorily fulfilled its obligations and responsibilities under the lease during this time.

The Club intends to improve its facilities at Hands Memorial Oval which will provide a social benefit both for its members and their guests. The works will be undertaken at no cost to the Council.

The Club's existing lease/licence term of 21 years is due to expire on 30 June 2010. The Bunbury Recreation Plan does not identify Hands Memorial Oval (and in particular, the lease/licence area) for future alternative use.

Recommendation

Council agrees to extend the lease/licence held by the South Bunbury Football Club Inc. over portion of City of Bunbury Freehold Lots 11 and 12 Clarke Street, Bunbury ("Hands Memorial Oval"); such extension to commence on 1 July 2010 for a term of 21 years, and, be based on the terms and conditions as specified in the report to Council with the Lessee to pay full costs of document preparation and registration.

Outcome of the Council Committee Meeting – 6 May 2008

The Presiding Member advised committee members that Mr Craig Cahill, President of the South Bunbury Football Club was available to answer any questions they may have

Mr Craig Cahill, President of the South Bunbury Football Club, addressed the committee, some of the main points raised were:

- The club is self-sufficient and need security of tenure at the oval in order to justify expending extensive funds on the renovation of the club rooms.
- Original Club rooms were built by volunteers in 1971
- The Club has the funds to undertake renovations (which will be undertaken by voluntary labour.
- The sports ground is subject to a separate licence agreement and is utilised for other sporting activities apart from football including Netball and Cricket.
- The Club rooms are often utilised by other sporting clubs including Perth Glory and AFL football teams.

The Chief Executive Officer confirmed that the adjoining public ablution facilities will be upgraded by the City following completion of a Master Plan for Hands Oval.

The recommendation was moved Cr Dillon, seconded Cr Leigh and adopted *8 votes "for" to 1 vote "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Council agrees to extend the lease/licence held by the South Bunbury Football Club Inc. over portion of City of Bunbury Freehold Lots 11 and 12 Clarke Street, Bunbury ("Hands Memorial Oval"); such extension to commence on 1 July 2010 for a term of 21 years, and, be based on the terms and conditions as specified in the report to Council with the Lessee to pay full costs of document preparation and registration.

AT THE COUNCIL MEETING

Cr Major disclosed an impartiality interest as he knows a Board Member of the Club through his employment with the Health Department. As this matter was dealt with *en bloc* at the beginning of the meeting, he took part in the vote (there was no discussion).

The Committee's recommendation was moved Cr Slater, seconded Cr Punch. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 72/08

Council agrees to extend the lease/licence held by the South Bunbury Football Club Inc. over portion of City of Bunbury Freehold Lots 11 and 12 Clarke Street, Bunbury ("Hands Memorial Oval"); such extension to commence on 1 July 2010 for a term of 21 years, and, be based on the terms and conditions as specified in the report to Council with the Lessee to pay full costs of document preparation and registration.

CARRIED

10 Votes "For" / Nil Votes "Against"

11.4 EATING HOUSE AND LODGING HOUSE FEES

| | |
|-----------------------------|--|
| File Ref: | A00120 & A01692 |
| Applicant/Proponent: | Internal Report |
| Author: | Tim Hunter, Manager Health |
| Executive: | Geoff Klem, Executive Manager City Development |

Summary

The setting of local law fees under the Health Act is a different process to that under the Local Government Act in that it requires a Council Decision be published in the local paper and the Government Gazette at least fourteen (14) days before the fees take effect. As licences issued under the provisions of the Health Act expire on 30 June each year, it is necessary to resolve this issue prior to the normal budget process.

The fees were not reviewed in the 2007/08 budget due to the assumption that the Food Bill before Parliament would be enacted and the complete fee structure would change. The Bill has been stalled in the upper house at the 3rd reading stage since September 2006 and it is not known when it will be enacted, therefore a review of the fees is sought based on a CPI increase of 3.8% in 2007/08 and a projected CPI increase of 3.5% for 2008/09

Background

The City of Bunbury's Health (Eating-houses) Local Laws 2000 (as amended) and Part 8 to the City's Health Local Laws 2001 which relate to lodging-houses, provide for registration and licensing fees to be fixed by Council in accordance with Section 344C of the Health Act.

An extract of the relevant paragraphs of Section 344C follow:

- "344C.(1) Where a local government is empowered to make a local law setting fees or charges under a provision set out in the Table to this section, it may fix that fee or charge by resolution in accordance with this section.*
- (2) Fees or charges fixed under this section shall be fixed by resolution of a local government and notice of the resolution shall be published at least 14 days before the day on which the resolution is to take effect –*
- (a) In the Gazette; and*
 - (b) In a newspaper circulating generally throughout the district of the local government.*
- (3) Notice of a resolution under subregulation (2) shall specify –*
- (a) The day on which the resolution is to take effect; and*
 - (b) The amounts of the fees or charges.*

- (4) *Notwithstanding anything else in this Act, where a local government fixes a fee or charge by resolution under this section, that fee or charge applies in respect of the district of the local government and the fee or charge prescribed by local law which otherwise would have applied does not apply in respect of that district."*

The current fees set by Council Resolution 47/06 of Council meeting 4 April 2006 are:

| | |
|---|-----------------|
| - Registration of an Eating-house | \$270 per annum |
| - Renewal of an Eating-house Registration | \$270 per annum |
| - Eating-house Proprietor's Licence | \$ 50 per annum |
| - Renewal of an Eating-house Proprietor's Licence | \$ 50 per annum |
| | |
| - Registration of a Lodging-house for less than 100 lodgers | \$ 85 per annum |
| - Renewal of Lodging-house Registration for less than 100 lodgers | \$ 85 per annum |
| - Registration of a Lodging-house for 100 or more lodgers | \$225 per annum |
| - Renewal of Lodging-house Registration for 100 or more lodgers | \$225 per annum |

The proposed fees (Current fees +3.8% +3.5% rounded to the nearest dollar) are:

| | |
|---|-----------------|
| - Registration of an Eating-house | \$290 per annum |
| - Renewal of an Eating-house Registration | \$290 per annum |
| - Eating-house Proprietor's Licence | \$ 54 per annum |
| - Renewal of an Eating-house Proprietor's Licence | \$ 54 per annum |
| | |
| - Registration of a Lodging-house for less than 100 lodgers | \$ 91 per annum |
| - Renewal of Lodging-house Registration for less than 100 lodgers | \$ 91 per annum |
| - Registration of a Lodging-house for 100 or more lodgers | \$242 per annum |
| - Renewal of Lodging-house Registration for 100 or more lodgers | \$242 per annum |

Strategic and/or Regional Outcomes

To maintain eating-houses and lodging-houses fees in line with the CPI projection for the 2008/09 financial year.

Community Consultation

Statutory advertising in accordance with the provisions of Section 344C of the Health Act will be undertaken should Council agree to the proposal. As it is not proposed to increase fees above the CPI projected level, further consultation is not considered necessary.

Councillor/Officer Consultation

The matter has been discussed with the City's Accounting Officers.

Analysis of Financial and Budget Implications

The licence fees currently generate \$42,820.00 as follows:

| | | |
|--------------------------------|---|-----------------|
| 128 Eating Houses x \$270 | = | \$34,560 |
| 128 Proprietors Licence x \$50 | = | \$ 6,400 |
| 6 Lodging House x \$225 | = | \$ 1,350 |
| 6 Lodging House x \$ 85 | = | <u>\$ 510</u> |
| | = | <u>\$42,820</u> |

The anticipated increase in income is \$3,210

| | | |
|--------------------------------|---|-----------------|
| 128 Eating Houses x \$290 | = | \$37,120 |
| 128 Proprietors Licence x \$55 | = | \$ 6,912 |
| 6 Lodging House x \$242 | = | \$ 1,452 |
| 6 Lodging House x \$91 | = | <u>\$ 546</u> |
| | = | <u>\$46,030</u> |

Economic, Social, Environmental and Heritage Issues

There are no issues to consider.

Council Policy Compliance

The proposal is not contrary to any Council Policy.

Legislative Compliance

The fixing of Eating-houses and Lodging-houses fees as proposed is in accordance with Section 344C of the Health Act 1911 and the relevant local laws. It is also proposed that the new fees be published in the Government Gazette and the Bunbury Mail at least fourteen (14) days prior to their effective date.

Delegation of Authority

As the Health Act specifically requires the fees to be fixed by a decision of the Council, no delegated authority applies

Relevant Precedents

Movement of fees in line with the projected CPI is common practice.

Options

Option 1

Per the Recommendation as listed in this report.

Option 2

Maintain fees at their current rate (ie: the current fees set by Council Resolution 47/06 made 4 April 2006) which are:

| | |
|---|-----------------|
| Registration of an Eating-house | \$270 per annum |
| Renewal of an Eating-house Registration | \$270 per annum |
| Eating-house Proprietor's Licence | \$ 50 per annum |
| Renewal of an Eating-house Proprietor's Licence | \$ 50 per annum |
| Registration of a Lodging-house for less than 100 lodgers | \$ 85 per annum |
| Renewal of Lodging-house Registration for less than 100 lodgers | \$ 85 per annum |
| Registration of a Lodging-house for 100 or more lodgers | \$225 per annum |
| Renewal of Lodging-house Registration for 100 or more lodgers | \$225 per annum |

Option 3

Reduce fees

Option 4

Increase fees beyond the projected CPI.

Conclusion

In order to keep in line with CPI increases the fees will need to be increased to reflect the CPI increase of 3.8% in 2007/08 and the projected increase of 3.5% in 2008/09

Recommendation

1. The Bunbury City Council fix the following fees effective from 1 July 2008 with respect to City of Bunbury (Eating-houses) Local Laws 2000:

| | |
|---|-----------------|
| Registration of an Eating-house | \$290 per annum |
| Renewal of an Eating-house Registration | \$290 per annum |
| Eating-house Proprietor's Licence | \$ 54 per annum |
| Renewal of an Eating-house Proprietor's Licence | \$ 54 per annum |

2. The Bunbury City Council fix the following fees effective from 1 July 2008 with respect to Part 8 (Lodging-houses) contained within City of Bunbury Health Local Laws 2001:

| | |
|---|-----------------|
| Registration of a Lodging-house for less than 100 lodgers | \$ 91 per annum |
| Renewal of Lodging-house Registration for less than 100 lodgers | \$ 91 per annum |
| Registration of a Lodging-house for 100 or more lodgers | \$242 per annum |
| Renewal of Lodging-house Registration for 100 or more lodgers | \$242 per annum |

Outcome of the Council Committee Meeting – 6 May 2008

The City's Manager Health responded to questions from committee members.

The recommendation was moved Cr Dillon, seconded Cr Punch and adopted *9 votes "for" to nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

1. The Bunbury City Council fix the following fees effective from 1 July 2008 with respect to City of Bunbury (Eating-houses) Local Laws 2000:

| | |
|---|-----------------|
| Registration of an Eating-house | \$290 per annum |
| Renewal of an Eating-house Registration | \$290 per annum |
| Eating-house Proprietor's Licence | \$ 54 per annum |
| Renewal of an Eating-house Proprietor's Licence | \$ 54 per annum |

2. The Bunbury City Council fix the following fees effective from 1 July 2008 with respect to Part 8 (Lodging-houses) contained within City of Bunbury Health Local Laws 2001:

| | |
|---|-----------------|
| Registration of a Lodging-house for less than 100 lodgers | \$ 91 per annum |
| Renewal of Lodging-house Registration for less than 100 lodgers | \$ 91 per annum |
| Registration of a Lodging-house for 100 or more lodgers | \$242 per annum |
| Renewal of Lodging-house Registration for 100 or more lodgers | \$242 per annum |

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Slater, seconded Cr Punch. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 73/08

1. *The Bunbury City Council fix the following fees effective from 1 July 2008 with respect to City of Bunbury (Eating-houses) Local Laws 2000:*

| | |
|--|------------------------|
| <i>Registration of an Eating-house</i> | <i>\$290 per annum</i> |
| <i>Renewal of an Eating-house Registration</i> | <i>\$290 per annum</i> |
| <i>Eating-house Proprietor's Licence</i> | <i>\$ 54 per annum</i> |
| <i>Renewal of an Eating-house Proprietor's Licence</i> | <i>\$ 54 per annum</i> |

2. *The Bunbury City Council fix the following fees effective from 1 July 2008 with respect to Part 8 (Lodging-houses) contained within City of Bunbury Health Local Laws 2001:*

| | |
|--|------------------------|
| <i>Registration of a Lodging-house for less than 100 lodgers</i> | <i>\$ 91 per annum</i> |
| <i>Renewal of Lodging-house Registration for less than 100 lodgers</i> | <i>\$ 91 per annum</i> |
| <i>Registration of a Lodging-house for 100 or more lodgers</i> | <i>\$242 per annum</i> |
| <i>Renewal of Lodging-house Registration for 100 or more lodgers</i> | <i>\$242 per annum</i> |

CARRIED

10 Votes "For" / Nil Votes "Against"

11.5 PROPOSED CLOSURE OF PORTION OF HAIG CRESCENT AND ITS EQUAL AMALGAMATION INTO ADJOINING LOT 1 (NO. 35A) AND LOT 521 (NO. 33)
(WAS LISTED AS ITEM 11.10 ON THE MEETING AGENDA)

| | |
|-----------------------------|--|
| File Ref: | A00396 |
| Applicant/Proponent: | Mr Lance Gardiner and Mr Ted Seroka |
| Author: | Beatrice Plant, City Engineer |
| Executive: | Michael Scott, Executive Manager City Services |

Summary

It is proposed that Council approve the closure of a portion of Haig Crescent and its amalgamation into the adjoining freehold properties, Lot 1 and Lot 521 (see Location Plan **attached** at Appendix 7).

Background

On 15 November 2004, correspondence was received from Mr Lance Gardner and Norman Hart Solicitors on behalf of Mr Ted Seroka requesting the City approve the closure of a portion of Haig Crescent and its amalgamation into the adjoining freehold properties, Lot 1 and Lot 521, which are owned freehold by Mr Ted Seroka and Mr Lance Gardiner respectively. (See location map **attached** at Appendix 7).

The portion of road reserve, which is proposed to be closed, was acquired by the City to accommodate a road widening which did not eventuate. The landowners now wish to amalgamate the land into their properties.

The proponents have indemnified the City against, all fees, charges and costs associated with the proposal (**attached** at Appendix 8). The land in question is Crown land and all proceeds from the proposal will be allocated to State Revenue.

Strategic and/or Regional Outcomes

Strategic Outcomes

This proposal is consistent with the City Strategic Plan 2007-2012 Strategy 2.4: “*Operate Council’s Land and Facilities Portfolio as a Capital Efficient Investment*”. This will include a review of vacant land that has a potential for other uses than its current use.

Regional Outcomes

There are no Regional outcomes associated with this proposal.

Community Consultation

As required under Section 58 of the Department of Land Administration Act 1997, an advertisement was placed in a locally distributed newspaper, "The Bunbury Mail" on 9 February 2005 advising of the proposed closure and requesting public submissions. Submissions closed on 18 March 2005, thus providing in excess of the thirty-five (35) days required by legislation. Signs advising of the proposal were also placed on site (as required by legislation) for a period in excess of the required thirty-five days. No submissions were received.

The relative service authorities have been contacted and no objections have been received.

Councillor/Officer Consultation

The City's Executive has considered the proposal and has no objection to the closure and amalgamation.

Analysis of Financial and Budget Implications

There will be no detrimental affect on the City's Annual budget as a result of the proposed closure and amalgamation. The proponents will be responsible for, and have indemnified the City against all fees, charges and costs associated with the proposal. The land in question is Crown land and all proceeds from the proposal will be allocated to State Revenue.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The portion of road reserve in question is vested to the Crown and therefore the City is currently responsible for its care and maintenance.

Social Issues

There are no social issues associated with this proposal.

Environmental Issues

There are no environmental issue associated with this proposal.

Heritage Issues

There are no known heritage issues relative to the proposal.

Council Policy Compliance

It is considered that all Council policies have been adequately assessed and that no policy has been contravened.

Legislative Compliance

Council has complied with the Department of Land Administration Act 1997 (Section 58) which requires a public notice to be placed in a “locally distributed paper” for a period of thirty five (35) days. A public notice was placed in the Bunbury Mail on 9 February 2005 advising of the proposal and inviting written submissions. Signs were also erected on site for a period in excess of 35 days advising of the proposal and inviting written submissions, as required under Section 58. All service providers have commented that they have no objection to the proposal. There are no statutory voting requirements for this item.

Delegation of Authority

The Department of Land Information and Land Asset Management Services requires the consent of Council to instigate the closure of Road Reserve.

Relevant Precedents

There have been many precedents whereby Council has resolved to close a portion of road reserve and amalgamate it into adjoining freehold property.

At its meeting 23 August 2005, Resolution No. 188/05 Council resolved to close a portion of the Kaeshagen Road reserve and amalgamate it into the adjoining freehold property.

Options

Option 1

Per the recommendation printed in this report.

Option 2

That Council does not approve the closure of a portion of the Haig Crescent road reserve and its amalgamation into adjoining freehold property.

Conclusion

The subject portion of Haig Crescent road reserve, which is proposed to be closed and amalgamated into adjoining freehold properties, is excess to the City’s requirements and the City Engineer does not envisage that this portion of road reserve will be required for any future road widening.

Recommendation

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

1. Close the portion of Haig Crescent as identified in the attached location plan and amalgamate it equally into Lot 1 and Lot 521.
2. Indemnify the Department of Planning and Infrastructure against all costs associated with the closure and amalgamation, having received a like indemnity from the applicants.

Outcome of the Council Committee Meeting – 6 May 2008

The recommendation was moved Cr Dillon, seconded Cr Leigh and adopted *9 votes "for" to nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

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

1. Close the portion of Haig Crescent as identified in the attached location plan and amalgamate it equally into Lot 1 and Lot 521.
2. Indemnify the Department of Planning and Infrastructure against all costs associated with the closure and amalgamation, having received a like indemnity from the applicants.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Slater, seconded Cr Punch. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 74/08

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

- 1. Close the portion of Haig Crescent as identified in the attached location plan and amalgamate it equally into Lot 1 and Lot 521.*
- 2. Indemnify the Department of Planning and Infrastructure against all costs associated with the closure and amalgamation, having received a like indemnity from the applicants.*

CARRIED

10 Votes "For" / Nil Votes "Against"

11.6 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION REPORT – LOCAL GOVERNMENT SUSTAINABILITY INTO THE FUTURE (*WAS LISTED AS ITEM 11.13 ON THE MEETING AGENDA*)

| | |
|-----------------------------|---|
| File Ref: | A00220 |
| Applicant/Proponent: | Internal Report |
| Author: | Ken Weary, Executive Manager Corporate Services |
| Executive: | Greg Trevaskis, Chief Executive Officer |

Summary

The Systematic Sustainability Study (SSS) was created out of a request from the WA Local Government Association's member Councils in 2004 to investigate sustainability in the sector. Independent research carried out in 2006 found that 58% of Western Australian Councils were unsustainable given their current source revenue, and made a number of recommendations for action.

The sector, through the SSS Taskforce and five separate Working Groups has considered these recommendations, culminating in a draft plan proposing a new structure to improve delivery services to communities while retaining local representation.

The Draft Report *The Journey – Local Government Sustainability into the Future* is open for feedback and comment from Local Government and key stakeholders until 16 June 2008. Following this period, feedback will be considered and potentially incorporated into the final report, to be published in August 2008.

An overview of the report has previously been issued to Councillors under memorandum dated 8 April 2008.

Background

This Systemic Sustainability Study (SSS) Report outlines a vision for Local Government in the future. The Report results in 61 recommendations and proposes Regional delivery of Council Services retaining local representation through a Regional Model that transfers some of the roles of individual Local Governments to the Regional Body. It also proposes the Regional Council carrying out Federal/State Government service on a fee for service basis.

The five themes addressed in the Report include:

- Leadership for change
- Finance
- Revenue
- Services
- Capability

The Report notes that in all other States of Australia there has been externally imposed reform of Local Government by the relevant State Governments. The Report notes that achievement of the Regional Model will not occur without genuine commitment by Local Governments to properly support and strategically engage with the Regional Model.

The report proposes the creation of a regional system of service delivery that leverages the economies of collective Local Government geographic groups, while retaining local Councils to represent the specific interests of their communities. Unlike previously recommended sector reform by other industry groups, the report does not require any Council amalgamations.

Strategic and/or Regional Outcomes

This matter can be linked to the 2007 – 2012 Strategic Plan in that the potential outcomes from the recommendations contained within the draft report, could have impacts on various components such as Councils Local Sustainability Strategy, City Vision Strategy, Tourism Strategy and others.

In particular, consideration of this report can be linked directly to the Cities Vision (Value 5) “Regional Cooperation”, to meet the demands arising from changes in the economic and demographic climate of the surrounding region. The City will cooperate and network with other authorities or stakeholder organisations to share resources and establish visionary or innovative solutions to regional infrastructure needs, while continuing to promote the use, and advocate for the Greater Bunbury Urban Area to be amalgamated into a single local authority.

Community Consultation

The draft report is being addressed at a Local Government industry level within respective Local Government zones throughout the state.

Councillor/Officer Consultation

The Local Government Sustainability Report has been considered in consultation with His Worship the Mayor and the Chief Executive Officer. An overview of the report has previously been issued to Councillors under memorandum dated 8 April 2008.

Council previously considered matters of structural reform in December 2005 and were advised of the reports findings and recommendations at a Council Briefing on Tuesday 29 April 2008.

Analysis of Financial and Budget Implications

There is no immediate impact on Councils 2007/2008 budget relating to this issue. It is anticipated however, that should Council participate in the establishment of a Regional Council, that significant financial impacts will be incurred by affected Local Governments.

Economic, Social, Environmental and Heritage Issues

There are no known specific impacts on the Economic, Social, Environmental or Heritage issues currently affecting the City.

Council Policy Compliance

There are no existing Council policies relating to this matter.

Legislative Compliance

Comment and feedback on the draft report is required to be submitted to WALGA by 16 June 2008.

Delegation of Authority

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

Relevant Precedents

Council has previously considered reports and studies and has provided submissions, comment and feedback in respect to Local Government Structural Reform where considered appropriate.

Options

Option 1

Per the recommendation listed in this report, with or without amendment.

Option 2

Endorse the WALGA Systemic Sustainability Study proposal.

Conclusion

The comment/feedback period in relation to the Future Sustainability of Local Government draft report is 16 June 2008. The findings that come from all submissions will be compiled and considered by the taskforce before referral back to Local Government Zones. The final report is expected to be published at this stage in August 2008.

Recommendation

That the City of Bunbury advise Western Australian Local Government Association, in respect to the draft Systemic Sustainability Study Report, as follows:

1. The City of Bunbury does not support Western Australian Local Government Association's Draft Report on Local Government Sustainability into the Future as it is considered to be unworkable and there is no new incentive to local Governments. The opportunity for Councils to cooperate and operate Regional Councils has always been available. The setting up of Regional Councils in the manner described within the report will be cumbersome, very complex and an extreme financial burden on participating Local Authorities as well as reducing each Local Governments influence within the Regional Council.
2. Council advises it supports Structural Reform in Western Australian Local Government by way of amalgamation to achieve Local Government reform.
3. Council already supports Regional cooperation and this is evidenced with the establishment of the Bunbury Harvey Regional Council to provide a joint waste disposal site at Stanley Road for use by both City of Bunbury and Shire of Harvey and other users. This is formally managed by a Regional Council.
4. Where the adjoining Local Authorities identify other cooperative activities, Council would be willing to participate to address these items. It may not be through the establishment of a Regional Council, as the cost of operating a Regional Council, which has the same legislative, financial and compliance requirements as a Local Authority would be prohibitive on participating Local Authorities.
5. Council does not support the City of Bunbury reducing Membership to 5 Councillors with one Councillor being nominated to represent the City on a potential 8 Member regional Council. This would reduce Council's influence and control over the City of Bunbury activities which would be the responsibility of the Regional Council.

Outcome of the Council Committee Meeting – 6 May 2008

The recommendation was moved Cr Slater, seconded Cr Dillon and adopted *9 votes "for" to nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

That the City of Bunbury advise Western Australian Local Government Association, in respect to the draft Systemic Sustainability Study Report, as follows:

1. The City of Bunbury does not support Western Australian Local Government Association's Draft Report on Local Government Sustainability into the Future as it is considered to be unworkable and there is no new incentive to local Governments. The opportunity for Councils to cooperate and operate Regional Councils has always been available. The setting up of Regional Councils in the manner described within the report will be cumbersome, very complex and an extreme financial burden on participating Local Authorities as well as reducing each Local Governments influence within the Regional Council.
2. Council advises it supports Structural Reform in Western Australian Local Government by way of amalgamation to achieve Local Government reform.
3. Council already supports Regional cooperation and this is evidenced with the establishment of the Bunbury Harvey Regional Council to provide a joint waste disposal site at Stanley Road for use by both City of Bunbury and Shire of Harvey and other users. This is formally managed by a Regional Council.
4. Where the adjoining Local Authorities identify other cooperative activities, Council would be willing to participate to address these items. It may not be through the establishment of a Regional Council, as the cost of operating a Regional Council, which has the same legislative, financial and compliance requirements as a Local Authority would be prohibitive on participating Local Authorities.
5. Council does not support the City of Bunbury reducing Membership to 5 Councillors with one Councillor being nominated to represent the City on a potential 8 Member regional Council. This would reduce Council's influence and control over the City of Bunbury activities which would be the responsibility of the Regional Council.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Slater, seconded Cr Punch. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 75/08

That the City of Bunbury advise Western Australian Local Government Association, in respect to the draft Systemic Sustainability Study Report, as follows:

- 1. The City of Bunbury does not support Western Australian Local Government Association's Draft Report on Local Government Sustainability into the Future as it is considered to be unworkable and there is no new incentive to local Governments. The opportunity for Councils to cooperate and operate Regional Councils has always been available. The setting up of Regional Councils in the manner described within the report will be cumbersome, very complex and an extreme financial burden on participating Local Authorities as well as reducing each Local Governments influence within the Regional Council.*
- 2. Council advises it supports Structural Reform in Western Australian Local Government by way of amalgamation to achieve Local Government reform.*
- 3. Council already supports Regional cooperation and this is evidenced with the establishment of the Bunbury Harvey Regional Council to provide a joint waste disposal site at Stanley Road for use by both City of Bunbury and Shire of Harvey and other users. This is formally managed by a Regional Council.*
- 4. Where the adjoining Local Authorities identify other cooperative activities, Council would be willing to participate to address these items. It may not be through the establishment of a Regional Council, as the cost of operating a Regional Council, which has the same legislative, financial and compliance requirements as a Local Authority would be prohibitive on participating Local Authorities.*
- 5. Council does not support the City of Bunbury reducing Membership to 5 Councillors with one Councillor being nominated to represent the City on a potential 8 Member regional Council. This would reduce Council's influence and control over the City of Bunbury activities which would be the responsibility of the Regional Council.*

CARRIED

10 Votes "For" / Nil Votes "Against"

11.7 FINANCIAL STATEMENTS - MARCH 2008 (*WAS LISTED AS ITEM 11.15 ON THE MEETING AGENDA*)

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

Summary/Background

Financial Statements for the period ending 31 March 2008 have been circulated to members under separate cover. The statements include the following details:

Income Statement
Balance Sheet
Statement of Changes in Equity
Statement of Financial Activity
Statement of General Purpose Income
Statement of Rating Information
Note 1 - Significant Accounting Policies
Note 2 - Description of Programmes
Note 3 - Net Current Assets
Note 4 - Receivables
Note 5 - Other Financial Assets
Note 6 - Payables
Note 7 - Provisions
Note 8 - Trust Funds
Note 9 - Explanations - Significant Variations to Income Statement
Note 10 - Capital Expenditure
Note 11 - Key Operating Expenditure and Income (budget exceeding \$20,000)
Note 12 - Loan Funds
Note 13 - Reserve Funds
Note 14 - Bunbury Timber Jetty
Note 15 - Investment Funds

Recommendation

The Financial Statements for the period ending 31 March 2008, be received.

Outcome of the Council Committee Meeting – 6 May 2008

The recommendation was moved Cr Dillon, seconded Cr Leigh and adopted *9 votes "for" to nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

The Financial Statements for the period ending 31 March 2008, be received.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Slater, seconded Cr Punch. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 76/08

The Financial Statements for the period ending 31 March 2008; be received

CARRIED

10 Votes "For" / Nil Votes "Against"

11.8 VACANCY ON BUNBURY-HARVEY REGIONAL COUNCIL (*WAS LISTED AS ITEM 11.16 ON THE MEETING AGENDA*)

| | |
|-----------------------------|---|
| File Ref: | F00075 |
| Applicant/Proponent: | Internal Report |
| Author: | David Ransom, City Accountant |
| Executive: | Ken Weary, Executive Manager Corporate Services |

Summary

Due to the resignation from Council of Councillor Dillon, a vacancy now exists on the Bunbury-Harvey Regional Council ('BHRC').

The BHRC's objectives are:

- Orderly and efficient treatment, storage and disposal of waste.
- Provision and maintenance of machinery and equipment for waste treatment/disposal
- Charge fees for waste treatment/disposal
- Represent the region on the WA Waste Disposal Advisory Council

Background

The Bunbury-Harvey Regional Council ('BHRC') is a regional council formed under the Local Government Act 1995. It was form in 1990 to oversee operation of the Stanley Road Waste Disposal Site in Harvey. The BHRC comprise 3 City of Bunbury Councillors and 3 Shire of Harvey Councillors. The City's representation on the BHRC is currently:

Councillor Judy Jones (Presiding)
Councillor Tom Dillon
Councillor Wayne Major

There are no ex-officio or community representatives on the BHRC. As it is a Body independent of the Bunbury City Council, it employs its own Chief Executive Officer - Mr Bruce Lorimer. The liaison at the City of Bunbury is with the City's Waste Services Supervisor.

At its meeting on 26 February 2008, the councillors and public were formally advised of Councillor Dillon's intention to resign from the Council to take effect on 7 May 2008. A Councillor Election will be held on Saturday, 28 June 2008.

To ensure that the City's representation on the BHRC is maintained, it is recommended that Cr Dillon's position on the BHRC be filled as soon as possible.

Strategic and/or Regional Outcomes

The City's Strategic Plan 2007-2012 states that the City's vision is: *"To enhance our community's pride in our City by demonstrating the pursuit of excellence by our leadership, advocacy, service delivery and facilities."* The City's participation on the BHRC assures Bunbury residents of an efficient waste disposal service.

Community Consultation

Membership of the BHRC is dictated by legal agreement so there is no need to undertake public consultation in relation to filling the vacancy.

Councillor/Officer Consultation

Councillors will have the opportunity to nominate themselves or others to fill the vacancy on the BHRC when this matter is discussed at the meeting.

Analysis of Financial and Budget Implications

The BHRC is a self-funded operation. The City's tipping fees to the BHRC for 2007/2008 is estimated at \$372,159.

Council Policy Compliance

There is no Council policy with regard to the activities of the Bunbury-Harvey Regional Council.

Legislative Compliance

As the BHRC is a Regional Council, the Bunbury City Council is not at liberty to increase or decrease the number of councillors or officers representing the City; or amend the Terms of Reference unless an agreement is reached with the Shire of Harvey pursuant to the terms of the Local Government Act 1995.

Delegation of Authority

Not applicable - the Chief Executive Officer has not been delegated the authority to appoint members to a Regional Council.

Relevant Precedents

The Council regularly appoints members to (or updates its representation on) external committees and other organisations.

Options

Council is required to nominate a Councillor to be appointed to the BHRC.

Recommendation

Cr _____ be appointed to fill the vacancy on the Bunbury-Harvey Regional Council created due to the resignation of Councillor Tom Dillon.

Outcome of the Council Committee Meeting – 6 May 2008

The recommendation was moved Cr Dillon, seconded Cr Slater

Cr Punch was nominated to fill the vacancy unopposed.

The Presiding put the motion (as amended) to the vote and it was adopted *9 votes "for" to nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Cr Punch be appointed to fill the vacancy on the Bunbury-Harvey Regional Council created due to the resignation of Councillor Tom Dillon.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Slater, seconded Cr Punch. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 77/08

Cr Punch be appointed to fill the vacancy on the Bunbury-Harvey Regional Council created due to the resignation of Councillor Tom Dillon.

CARRIED

10 Votes "For" / Nil Votes "Against"

11.9 ITEMS NOTED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING ON 6 MAY 2008 (WAS LISTED AS ITEM 11.19 ON THE MEETING AGENDA)

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

Council to refer to the report circulated under separate cover.

Outcome of the Council Committee Meeting – 6 May 2008

A motion to note the Items for Information was moved Cr Dillon, seconded Cr Punch and adopted *9 votes "for" to nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

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

1. Title: Minutes – 7-Day Retail Trading Implementation Committee (19/09/2007, 19/02/2008 & 18/03/2008)
Author: Trevor Ayers, Economic Development Officer
File: A03058
2. Title: Minutes – Recreation Project Control Group (20/02/2008)
Author: Bill Carlsen, Recreation Planner
File: A02709
3. Title: Annual Report 2006/2007 – Environmental Health Service
Author: Tim Hunter, Manager Health
File: A00347
4. Title: Building & Planning Approvals Issued for January & February 2008
Author: Gary Fitzgerald, Manager Development Services
File: A00566
5. Title: Accounts for Payment for the Period 1 to 31 March 2008
Author: David Ransom, City Accountant
File: A00083
6. Title: Minutes - Bunbury Environment and Sustainability Advisory Committee ("BESAC") - 3/04/2008
Author: Ben Deeley, Environmental Officer
File: A02445

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Slater, seconded Cr Punch. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 78/08

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

1. *Title: Minutes – 7-Day Retail Trading Implementation Committee (19/09/2007, 19/02/2008 & 18/03/2008)*
Author: Trevor Ayers, Economic Development Officer
File: A03058
2. *Title: Minutes – Recreation Project Control Group (20/02/2008)*
Author: Bill Carlsen, Recreation Planner
File: A02709
3. *Title: Annual Report 2006/2007 – Environmental Health Service*
Author: Tim Hunter, Manager Health
File: A00347
4. *Title: Building & Planning Approvals Issued for January & February 2008*
Author: Gary Fitzgerald, Manager Development Services
File: A00566
5. *Title: Accounts for Payment for the Period 1 to 31 March 2008*
Author: David Ransom, City Accountant
File: A00083
6. *Title: Minutes - Bunbury Environment and Sustainability Advisory Committee ('BESAC') - 3/04/2008*
Author: Ben Deeley, Environmental Officer
File: A02445

CARRIED

10 Votes "For" / Nil Votes "Against"

11.10 NEW BUNBURY REGIONAL VISITOR CENTRE GEOTECHNICAL SITE INVESTIGATION (WAS LISTED AS ITEM 11.5 ON THE MEETING AGENDA)

| | |
|-----------------------------|--|
| File Ref: | A00449 |
| Applicant/Proponent: | Internal Report |
| Author: | Domenic Marzano, Executive Manager City Life |
| Executive: | Domenic Marzano, Executive Manager City Life |

Summary

The members of the Bunbury Regional Visitor Centre Investigation Group (BRVCIG) and the Three Waters Project Control Group (TWPCG) recommend that a geotechnical survey be undertaken of Lots 881 and 882 Koombana Drive and the Railway Reserve directly opposite the Dolphin Discovery Centre (**attached** at Appendix 10). The purpose of the geotechnical survey is to determine if the area would be suitable to construct a facility to house the new Bunbury Regional Visitor Centre. Council's City Vision Strategy proposes a Museum, Noongar Cultural Centre and New Visitor Centre being located on this site.

Background

The re-location and re-development of the new Bunbury Visitor Centre was endorsed by Council as a component of the Three-Waters Centre project.

The existing Visitor Centre is located in the Old Railway Station - a heritage listed building. The facility lacks basic amenities such as clean drinking water, hot water and staff toilets. Display and storage facilities are inadequate and there is no further room to develop or expand services or capitalise on business opportunities while parking facilities and access for visitors with caravans, campers, trailers or buses is inadequate.

Visitor numbers are increasing and Bunbury is one of the fastest growing regional centres in Australia. It is expected demand for services will increase.

Strategic and/or Regional Outcomes

Development of a new Bunbury Regional Visitor Centre is congruent with the City of Bunbury Strategic Plan 2007-2012 in "facilitating desired tourism growth and increasing visitor numbers." The proposed development would address Strategy 2.5 in "improving the level and quality of customer service" and objective 8.9 to "establish a task force to investigate a new Visitor Centre".

City Vision Strategy Outcomes

CBD31: Subject to detailed site analysis, endorse the location of a museum, Noongar cultural centre and new visitor centre between the mangrove colony and Koombana Drive as part of a tourism node that includes the Dolphin discovery centre. Subject to further investigation, consideration be given to locating the Bunbury Regional Art Gallery at this location.

Community Consultation

Consultation has occurred with the BRVCIG and the TWPCG. A communication strategy for stakeholders and the general community is currently being prepared.

Councillor/Officer Consultation

The Mayor, David Smith, Deputy Mayor Stephen Craddock, Cr Brendon Kelly, Cr Helen Punch and Cr Michelle Steck are on the BRVCIG and TWPCG. Executive Management Team, Visitor Centre Manager, City Engineer and Engineering Technical Officer have been consulted.

Analysis of Financial and Budget Implications

The geotechnical study is costed at approximately \$40,000. Funds in the Regional Museum Reserve (\$43,442) have been identified to facilitate the project.

Economic, Social, Environmental and Heritage Issues

It is envisaged that a new Bunbury Regional Visitor Centre with enhanced access, parking and display opportunities will directly increase the economic benefit to the Greater Bunbury Region.

There are no social issues under consideration and it is expected that environmental and heritage issues will be explored after the geotechnical study is undertaken.

Council Policy Compliance

This recommendation does not contravene any Council policy.

Legislative Compliance

Legislative requirements relating to the Local Government Act 1995 or any other Act, Local law or Regulations have been complied with in the preparation of this report.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to approve the allocation of funds from the museum reserve for the purposes of the geotechnical study.

Relevant Precedents

Reserve funds have previously been reallocated at the direction of Council.

Options

Option 1

Per the recommendation listed in this report.

Option 2

1. Refer \$40,000 from the Museum Reserve Fund to fund the geotechnical study to budget.
2. Refer \$50,000 to the budget process for a feasibility study to determine the location, scale and function of the proposed facility. Council refer associated costs for consideration with the City's 2008/09 budget program.

Option 3

1. Council agrees to allocate \$40,000 from the Museum Reserve Fund for the purpose of undertaking a geotechnical study of the proposed site.
2. Council refers funding of \$50,000 for design, costing, and associated feasibility of the proposed Visitor Information Centre for consideration with the City's 2008/09 Budget program.

Executive Comment: This option allows for immediate geotechnical works to proceed as soon as possible but allows the further commitment of funds to be discussed/consulted with other priorities in 2008/09 as part of the normal budget process

Option 4

That Council suspend further consideration and development of the proposed Bunbury Regional Visitor Centre in favour of other funding priorities.

Conclusion

A new Bunbury Regional Visitor Centre will assist in addressing the demand on visitor servicing, ensuring quality customer service, improving accessibility for visitors and providing a functional and flexible working environment with capacity for future requirements. The role of the Visitor Centre is extremely important in the support of the tourism industry and economic development in Bunbury.

The BRVCIG is anxious to proceed with geotechnical site investigations, and then if site factors are favourable to quickly progress design, costing and business plan to enable the project to be fully developed prior to the next State Government elections for possible endorsement and funding assistance.

Recommendation

Council agrees to:-

1. Allocate \$40,000 from the Museum Reserve Fund to fund the geotechnical study.
2. Approve immediate funding of \$50,000 to be included in the 2008/09 Budget to undertake preliminary design, site location, quantity survey costing to fully scope the project requirements for a new Visitor Information Centre and that funding be committed to the City's 2008/09 budget for this purpose (recommended by the Bunbury Regional Visitor Centre Investigation Group).

Outcome of the Council Committee Meeting – 6 May 2008

The City's Visitor Information Centre Coordinator and Chief Executive Officer responded to questions from committee members and confirmed that a geotechnical report needs to be done on the site because if it is not suitable, another option will need to be investigated.

The Executive Manager City Services confirmed traffic studies for the area in question would be made available to the Bunbury Regional Visitor Centre Investigation Group.

The Executive Manager City Life confirmed that at completion of the geotechnical study a feasibility study will be undertaken to determine the form and size of the building footprint required to house all three components if required. Ie: Museum, Noongar Cultural Centre and New Visitor Centre.

Option 2 was moved Cr Steck, seconded Cr Punch (as amended at the Chief Executive Officer for clarity), as follows;

1. *Refer \$40,000 from the Museum Reserve Fund to fund the geotechnical study for consideration with the City's 2008/09 budget program.*
2. *Refer \$50,000 to the budget process for a feasibility study to determine the location, scale and function of the proposed facility. Council refer associated costs for consideration with the City's 2008/09 budget program.*

In support of her motion Cr Steck indicated she is worried about the source of funding for the project and would like the opportunity to work with the City's Executive to investigate a more balanced option.

The Presiding Member elected to put the motion to the vote in separate parts, with the following result

Point 1: 3 votes "for" to 6 votes "against"

Point 2: 4 votes "for" to 5 votes "against"

The recommendation as printed was moved Cr Dillon, seconded Cr Slater and the Presiding Member elected to put the motion to the vote in separate parts, with the following result:

Point 1: *6 votes "for" to 3 votes "against"*

Point 2: *5 votes "for" to 4 votes "against"*

For convenience the committee recommendation is printed below:

Committee Recommendation

1. Allocate \$40,000 from the Museum Reserve Fund to fund the geotechnical study.
2. Approve immediate funding of \$50,000 to be included in the 2008/09 Budget to undertake preliminary design, site location, quantity survey costing to fully scope the project requirements for a new Visitor Information Centre and that funding be committed to the City's 2008/09 budget for this purpose (recommended by the Bunbury Regional Visitor Centre Investigation Group).

AT THE COUNCIL MEETING

During discussion, the Executive Manager City Services provided the following information on traffic movements for the area:

- A number of traffic studies have been undertaken in the area.
- The 2008 traffic study undertaken in the area indicates that the average daily movement of vehicles on Koombana Drive is 5,500 vehicles, Blair Street (north bound) is 5,300, Picton Road is 5,300, Sandridge Road is 9,300 and Bussell Highway (southbound) is 10,100.
- The main routes of access into the City are Sandridge Road into Blair Street and Bussell Highway into Blair Street.
- Currently, the signs on the Australind Bypass direct traffic down Sandridge Road as the main entrance to Bunbury.
- Koombana Drive is identified as a "tourist drive" thus vehicle numbers on this road are lower.

The Committee's recommendation was moved Cr Slater, seconded Cr Major (pro forma). The Mayor elected to put the motion to the vote in separate parts, with the following result.

Council Decision 79/08

Council allocate \$40,000 from the Museum Reserve Fund to fund the geotechnical study for a New Visitor Information Centre.

CARRIED

7 Votes "For" / 3 Votes "Against"

Council Decision 80/08

Council approve immediate funding of \$50,000 to be included in the 2008/09 Budget to undertake preliminary design, site location, quantity survey costing to fully scope the project requirements for a new Visitor Information Centre and that funding be committed to the City's 2008/09 budget for this purpose.

CARRIED

7 Votes "For" / 3 Votes "Against"

A request was made for the vote to be recorded:

For: Mayor D. Smith, Cr Punch, Cr Whittle, Cr Rooney, Cr Jones, Cr Kelly, Cr Slater

Against: Cr Leigh, Cr Major, Cr Steck

11.11 PROPOSED UNDERGROUND POWER PROJECT – WITHERS (*WAS LISTED AS ITEM 11.6 ON THE MEETING AGENDA*)

| | |
|-----------------------------|---|
| File Ref: | R00567 |
| Applicant/Proponent: | Internal Report |
| Author: | David Ransom, City Accountant |
| Executive: | Ken Weary, Executive Manager Corporate Services |

Summary

The Chief Executive Officer and Executive staff met with representatives from Western Power and Office of Energy on 7 April 2008 to discuss the Withers Underground Power Project. Western Power and Office of Energy have documented their position (refer to **Attachment 1** to the report circulated to members under separate cover) which can be summarised as follows:

- The Withers Underground Power project of \$16M requires a \$5.6M contribution from the City/ratepayers.
- The State Government and Western Power's contribution of \$10.4M (i.e. 65%) is only available to the City if \$5.6M is also committed from the City/ratepayers.
- If the City decides not to endorse the project, the likelihood of the City being successful in any future applications for Underground Power Projects is reduced as each funding round takes account to some degree the prior performance of the relevant Local Government.
- Western Power has committed substantial funds to the design and development for underground power in Withers based on the original application for funding.
- Western Power and Office of Energy consider the project a very good deal for the City with 65% of the \$16M project funded from the State Government and Western Power.
- Council's loan borrowing to underwrite the project on behalf of Withers property owners should be able to be reduced from \$5.6M with upfront contributions from Department of Housing and Works (Approx. \$1M) and other Withers ratepayers.
- In consultation with Council officers, Western Power has extended the repayment of the \$5.6M contribution from the City/ratepayers from 2 years to 3 years commencing from October 2008.

While recognising the benefits that are derived from proceeding with the Withers Underground Project such as: reduced power supply surges, fewer supply interruptions, improved street appearance, brighter and safer streetlights, and possible improved property values; Council needs to also consider the following:

1. *Do the property owners within the Withers Underground Power precinct support the project and are willing to contribute to the cost of the project?*

An answer to this is difficult to determine with any degree of accuracy due to the poor participation rate in the survey of property owners. Of the 37% response received, 63.7% voted Yes and 36.3% voted No. However, excluding the Department of Housing and Works block vote of 210 properties of the total 1,622 properties (i.e. 24% return from property owners excluding Department of Housing and Works), 43.5% of other residents voted Yes and 56.5% voted No.

2. *Should Council subsidise the Withers property owners' contribution to reduce the financial impact on them?*

Possible funding options are included for Councillors consideration under the heading "Analysis of Financial and Budget Implications" in this agenda item.

3. *Does the City's underwriting of the project through loan borrowings (which will be repaid over 20 years by the Withers property owners) reduce Councils ability to borrow future loan funds for City projects?*

Yes it will. The effect to the City is analysed under the heading "Analysis of Financial and Budget Implications" in this agenda item.

Councillors are required to determine whether to proceed with the Withers Underground Power project or not.

Background

At the Council Meeting of 5 February 2008, the following decision was made:

"Council Decision 13/08

1. *Council to prepare and issue a Community Survey to ratepayers in Withers seeking their support to have underground power installed in the precinct on the basis that each property owner pays one upfront payment for connection to the new underground grid:*

- 1.1 *If the project is supported by the majority of ratepayers in Withers then it is proposed the details of the Community Survey be referred to Council for consideration and a final decision.*

- 1.2 *If the project is not supported by the majority of ratepayers then Council Officers are to seek the Office of Energy's commitment to allocation of the \$10(M) funding source that has been set aside for the Withers project on a "street-by-street" basis so that those streets in Withers that are a high priority for replacement are attended to only at no cost to the City or its ratepayers.*

2. *The Office of Energy to be requested to provide written confirmation that it will provide project funding of \$10(M) toward the Withers Underground Power Project should the project receive majority support from ratepayers in Withers.*
3. *The results of the Community Survey to be referred to Council for further consideration."*

At the Council Meeting of 8 April 2008, the following decision was made:

"Council Decision 62/08

A decision on the Withers Underground Power Project be deferred to give Western Power and the City of Bunbury Executive time to discuss the matter and put together a formal proposal for consideration by Council"

Strategic and/or Regional Outcomes

Replacement of the overhead power system in Withers with an underground power grid is not a component of the City Vision Strategy nor is there a specific strategic objective in the Strategic Plan 2007-2012.

At this point the Withers Underground Power Project is not included in the Annual Budget for 2007/2008 or the Council's Five-Year Finance Plan to 2011/2012.

Community Consultation

As a result of Council Decision 13/08 a community survey was distributed to the 1,622 property owners within this project boundary. A total of 600 surveys (including 210 from the Department of Housing and Works) were received by the advertised closing date which represents a 37% return from property owners (24% return from property owners excluding Department of Housing and Works). A summary of responses forms **Attachment 2** to the report circulated to members under separate cover.

Of the 37% response received, 63.7% voted Yes and 36.3% voted No. However, excluding the Department of Housing and Works block vote of 210 properties of the total 1,622 properties (i.e. 24% return from property owners excluding Department of Housing and Works), 43.5% of other residents voted yes and 56.5% voted no.

Councillor/Officer Consultation

Executive Management has been consulted concerning this proposal. Council was also consulted on this proposal at a Council Briefing on 4 December 2007, and at its meetings on 5 February 2008 and 8 April 2008.

Analysis of Financial and Budget Implications

The Executive Manager Corporate Services has provided the following report:

Within the Context of Council's Five-Year Finance Plan

The Withers Underground Power Project ("WUPP") is not included in the Annual Budget for 2007/2008 or Council's Five-Year Finance Plan 2007/2008 to 2011/2012 and how this will affect Council's future projects should be carefully weighed against the capacity for ratepayers to make underground power contribution repayments.

An analysis of the Council's proposed \$5.6 million contribution to the WUPP could be construed as a cost-shifting exercise by the State Government whereby it seeks Local Government funds to pay for the upgrade of State Government infrastructure. The City's Asset Coordinator has confirmed that the City of Bunbury has a shortfall on asset renewal requirements of \$1.7 million per annum. It is therefore appropriate that the \$5.6 million contribution requested by the Office of Energy also be included in Council's Five-Year Finance Plan and not be considered in isolation.

A financial contribution to the State Government's Office of Energy would compete with Council's funding of existing infrastructure requirements. In addition to Council's existing \$1.7 million shortfall per annum in respect to asset renewal, municipal funding in Withers for underground power needs to be compared against the other municipal infrastructure needs in the district including active/passive recreation facilities, improvements to playgrounds, parks and reserves, provision of playground equipment, cycleways and security lighting, etc.

Although Council's Draft *Corporate Financial Plan 2008/2009–2012/2013* identifies \$16 million of capital works expenditure in 2008/09 it does not fund the known \$1.7 million per annum shortfall in asset renewal. Council's funding sources are fully committed in achieving this works program. Hence, any draw on Council revenues to fund the Office of Energy's infrastructure in Withers by way of providing underground power will compete with Council's future Capital Works Programs.

Council's Capital Works Program currently being considered over the next 5 years totals \$73.85(M) as follows:

| | |
|---------------------------------------|---------------------|
| New City Library | \$3,740,000 |
| Infrastructure Development | \$36,990,000 |
| Bunbury Timber Jetty | \$3,500,000 |
| New Depot | \$3,050,000 |
| Parking Strategy Implementation | \$17,330,000 |
| Recreation Plan | \$3,750,000 |
| Bunbury Regional Entertainment Centre | <u>\$ 5,490,000</u> |
| Total: | \$73,850,000 |

Effect on Council's Debt Program and Contributing Property Owners

The Withers Underground Power Project would affect the City's Debt Management Program should Council elect to utilise borrowed funds for payment of its contribution to the project. This affect is shown on the Loan Liability and Debt Service Costs graphs form **Attachment 3** to the report circulated to members under separate cover.

The additional loans of \$1.5M each year over 3 years (i.e. a total of \$4.5M assuming upfront payments of \$1.1M are received) will result in the City's total loan liability increasing from \$12.6M as at 30 June 2008 to \$14.8M on 30 June 2011. The Debt Service Ratio (the ratio of loan repayments of interest and principal to Operating Revenue) will increase from 7.70% to 8.05% over this period. Note: Council's target range in the Corporate Financial Plan is between 4-8%. Borrowing the additional \$4.5(M) would move the Debt Service Ratio to the top of Council's target range and would limit the future borrowing capacity of Council.

The project will also require property owners within the project area to pay either a one-off payment of approximately \$3,000, payment of \$984 per annum over 3 years or a \$250-\$290 annual payment over a 20-year period. This would equate to a 27% increase for an average Withers residential property over the repayment period.

Ratepayer Repayment Options

| Ratepayer Repayment Options | Cost to Average Residential Property* | The Anticipated Effect on the City of Bunbury |
|------------------------------------|---|---|
| 1) One-off Payment | \$2,952 | No effect (Payment by Property Owner) |
| 2) Up-front payment over 3 years. | \$984 each year for 3 years. | No effect (Payment by Property Owner) |
| 2) Repayment over a 20-year period | (a) \$287 per annum per residential property which equates to a 27% increase in Rates over the project area. (b) If charged over the whole of Bunbury: \$24 per residential property or 2% City Rate increase. | Council to borrow \$5.6(M) and recoup the cost of repayments through a Specified Area Rate over 20 years. |

(* Note: The cost will vary according to the Gross Rental Valuation of the property as determined by Landgate Valuation Services. The range of property values and the amount payable is shown at **Attachment 5** in the report circulated to members under separate cover

Preferred Funding Option

The preferred funding option is that each property is invoiced upfront for the cost to install underground power within the Withers precinct. The average cost to the residential property being \$2,952 and additional substantial higher costs for commercial, retail or high density residential investment complexes in the precinct. Each individual property is costed as shown in **Attachment 4** of the report circulated to members under separate cover

Possible Funding Sources

Should Council consider providing a further subsidy to property owners in excess of the 15% additional subsidy already granted by the Office of Energy, the following funding sources are identified:

| Funding Source | Comment |
|--|--|
| 1. Aqwest Land Sales | Funds currently committed to the library project, new depot, Art Gallery air-conditioning and debt reduction. |
| 2. Punchbowl Caravan Park Site | Funds currently committed to Bunbury Timber Jetty Restoration Project, Bunbury Regional Entertainment Centre and loan reduction. |
| 3. Lot 66 Ocean Drive | Funds currently committed to the new depot. |
| 4. Loan Funds | Additional loan borrowing would exceed Council's debt management guidelines by increasing current debt from \$12.6(M) to \$14.8(M) by June 2011. Council's own revenue sources, i.e., the Rate Revenue would be required to meet loan repayments. This is the <u>least</u> preferred option. |
| 5. Land Rationalisation within Withers | A number of possible sites have been identified. These are currently classified as "Crown Reserves" and would require public consultation and land rezoning. |

Economic, Social, Environmental and Heritage Issues

Economic

Underground power is an attractive feature to home-buyers as it results in less black-outs (due to faults/tree branches) and increases the visual appeal of an area. Accordingly, it would not be unreasonable to anticipate that properties in Withers could increase in value should the project proceed.

Replacement of overhead power grids with underground systems broadly reduces the level of maintenance, repairs and fault-rectification associated with overhead power systems but it is unknown whether this will have any flow-on effect on employment in the region.

Social and Environmental Issues

Underground power is safer, improves security of the power supply and reduces the need for tree pruning. Other benefits include improved visual appeal and a reduction in the death of some native animals known to climb on power poles and electrical wires. Although these benefits would be appealing to many in Withers, property owners will be required to pay for connection to the new underground power grid at a substantial cost and as this precinct contains many lower income households and pensioners, it is likely this cost (whether paid direct by home-owners or absorbed through imposition of rental increases on tenants) could result in undue financial stress on those that can least afford it.

Heritage Issues

There are no known heritage issues to consider.

Council Policy Compliance

Council Policy CEO-6 "Infrastructure Asset Management" applies to the street-lighting upgrade component of the project only - a copy of the policy forms **Attachment 5** to the report circulated to members under separate cover.

Legislative Compliance

Section 6.37 of the Local Government Act 1995 permits a Council to impose a specified area rate on rateable land within portion of its district for the purpose of meeting the cost of the provision of services to those who will benefit from the supply of underground power.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to make a decision on this matter.

Relevant Precedents

Tree Street Underground Power Project

At its meeting on 1 August 2000, the Bunbury City Council decided to discontinue the Underground Power Project proposed for the Tree Street Precinct due to insufficient support for the project from residents. At that time, the precinct contained 2,050 rateable properties. The project was first proposed in 1995 when the total project cost would have been \$8.7(M). Of the total number surveyed only 37% returned the survey form and of these only 16% were in favour of the project.

Spencer Street Underground Power Project

At its meeting on 20 September 2005, the City decided to support a proposal for undergrounding of power on the western side of Blair Street (between Teede and Stirling Streets) and both sides of Spencer Street (between Stirling Street and Beach Road) provided sufficient ratepayer support was obtained.

The project was the subject of an Office of Energy Local Enhancement Project ("LEP") Level 4 application and the City of Bunbury was successful in obtaining Office of Energy support for the Spencer Street portion of the project on the basis that the State Government contributes \$250,000 of the estimated \$1(M) project cost. The balance of \$750,000 is to be provided out of City of Bunbury revenue sources either as a part contribution by the City and ratepayers or as a full-cost recovery cost to affected ratepayers. A preliminary survey of ratepayers proved inconclusive but a detailed survey is still required once options for financial implications and analysis have been prepared.

Options

Option 1

Council conduct a second survey of property owners within the Withers Underground Power precinct to obtain a better indication of support for the project before proceeding.

Option 2

Council not proceed with the Underground Power Project at Withers

Option 3

Council proceed with the Underground Power Project at Withers with a combination of upfront payments for those who wish to pay upfront and the balance being charged by way of annual instalments over 20 years through a self-supporting loan.

Conclusion

As a result of Council Decision 13/08, a community survey was distributed to the 1,622 property owners within the Withers Project boundary. A total of 600 surveys (including 210 from the Department of Housing and Works) were received by the advertised closing date which represents a 37% return from property owners (24% return from property owners excluding Department of Housing and Works).

Of the 37% response received, 63.7% voted yes and 36.3% voted no. Excluding the Department of Housing and Works block vote, 43.5% of other residents voted yes and 56.5% voted no.

The Withers Underground Power Project ("WUPP") is not included in the Annual Budget for 2007/2008 or Council's Five-Year Finance Plan 2007/2008 to 2011/2012 and how this will affect Council's future projects should be carefully weighed against the capacity for ratepayers to make underground power contribution repayments.

The WUPP would affect the City's Debt Management Program should Council elect to utilise borrowed funds for payment of its contribution to the project. The project will also require property owners within the project area to pay either a one-off payment of approximately \$3,000 or a \$250-\$290 annual payment over a 20-year period. This would equate to a 27% increase for an average Withers residential property over the repayment period.

Recommendation

Council to discuss and determine an appropriate decision.

Outcome of the Council Committee Meeting – 6 May 2008

Cr Steck disclosed an impartiality interest in this item as she has a personal interest in the matter. She left the meeting for the duration of discussion and the vote on this matter.

Justin Marshall (Project Development Manager – Underground Power Project Western Power) responded to questions from Committee Members.

The meeting referred to a memorandum circulated by email to members prior to the meeting by His Worship the Mayor, Mr David Smith, which contained a variation to option 3 – a copy is **attached** at Appendix 22.

Cr Kelly moved, Cr Punch seconded Option 3 as printed in the meeting agenda, and it was adopted *6 votes "for" to 2 votes "against"* to become the Committee's recommendation on this matter.

Committee Recommendation

Council proceed with the Underground Power Project at Withers with a combination of upfront payments for those who wish to pay upfront and the balance being charged by way of annual instalments over 20 years through a self-supporting loan.

AT THE COUNCIL MEETING

Cr Steck disclosed an impartiality interest in this item as she as she is a former employee of the commercial complex that would be affected by the project. She left the meeting at 6.40pm for the duration of discussion and the vote on this matter.

The Mayor responded to questions from members regarding the suburbs that would be converted to underground power.

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

During discussion Cr Slater foreshadowed that if the Motion is defeated, he will move Option 1 (as printed).

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

Council Decision 81/08

Council proceed with the Underground Power Project at Withers with a combination of upfront payments for those who wish to pay upfront and the balance being charged by way of annual instalments over 20 years through a self-supporting loan

CARRIED

6 Votes "For" / 3 Votes "Against"

A request was made for the vote to be recorded:

For: Mayor D. Smith, Cr Whittle, Cr Rooney, Cr Kelly Cr Punch, Cr Major

Against: Cr Leigh, Cr Slater, Cr Jones

Cr Steck returned to the meeting at 7.08pm

11.12 PROPOSED 4 LEVEL OFFICE BUILDING AT LOT 3 (NO. 17) STIRLING STREET, BUNBURY – STATE ADMINISTRATIVE TRIBUNAL RESPONSE *(WAS LISTED AS ITEM 11.7 ON THE MEETING AGENDA)*

This item was referred to section 15.1 of the meeting (Confidential Business) to enable Council to discuss the response from the State Administrative Tribunal that had been circulated to members as a confidential report under separate cover.

11.13 AMEND MEMBERSHIP - BUNBURY ENVIRONMENT & SUSTAINABILITY ADVISORY COMMITTEE "BESAC" (WAS LISTED AS ITEM 11.8 ON THE MEETING AGENDA)

| | |
|-----------------------------|--|
| File Ref: | A02445 |
| Applicant/Proponent: | Internal Report |
| Author: | Ben Deeley, Environmental Officer |
| Executive: | Geoff Klem, Executive Manager City Development |

Summary

The members of Council's *Bunbury Environment and Sustainability Advisory Committee* ("BESAC") met on 3 April 2008, and recommended that the ex-officio membership list for their committee be changed, as follows:

Current List of Ex-Officio Members - BESAC

| |
|---|
| 1 Rep. - Department of Environment & Conservation |
| 1 Rep. - Department of Water |
| 1 Rep. - South West Catchments Council |

Change to:

Recommended List of Ex-Officio Members - BESAC

| |
|---|
| 1 Rep. - Department of Environment & Conservation |
| 1 Rep. - Leschenault Catchment Council |
| 1 Rep. - South West Development Commission |

Background

Following elections late last year, the Bunbury Environment and Sustainability Advisory Committee ("BESAC") was re-appointed by Council on 27 November 2007, with a membership list and terms of reference as reviewed by Elected Members and Executive Management at a special Council Workshop on 7 November 2007.

BESAC's current membership and terms of reference are set out in the extract from the Committee Book **attached** at Appendix 3.

At a meeting of BESAC held on 3 April 2008, the committee made a recommendation that:

"2. *BESAC has historically had ex-officio representation from the Leschenault Catchment Council and South West Development Commission. The Department of Water decided not to be represented on the committee and the South West Catchments Council has never directly been represented on the committee (under "Ex-Officio Members (Non-Voting)"*

Accordingly, it is recommended that the Council amend the ex-officio membership list for BESAC to read as follows:

Recommended List of Ex-Officio Members - BESAC

| |
|---|
| 1 Rep. - Department of Environment & Conservation |
| 1 Rep. - Leschenault Catchment Council |
| 1 Rep. - South West Development Commission |

At the same meeting, BESAC also requested amendment to the committee's entry in the Committee Book to change the wording of the paragraph under the heading "Purpose" to delete reference to the City's Environmental Levy as this is no longer in effect, and; to change the "Meeting Details" listed to reflect that the committee intends to meet on a monthly basis - neither of these requests require a Council decision as they can be handled administratively.

Strategic and/or Regional Outcomes

The City's Strategic Plan 2007-2012 states that the City's vision is: *"To enhance our community's pride in our City by demonstrating the pursuit of excellence by our leadership, advocacy, service delivery and facilities."* Updating the membership of a Council committee to ensure ongoing relevancy; meets with this objective.

Amendment of the membership of the committee (as requested) will not impact on the City Vision Strategy.

Community Consultation

The membership of BESAC comprises five (5) community representatives together with ex-officio representation from a number of government departments/agencies. BESAC has historically had ex-officio representation from the Leschenault Catchment Council and South West Development Commission and both these organisations have given indication they wish this arrangement to continue.

The Department of Water has been contacted and advised that it does not wish to be represented on the committee.

The South West Catchments Council has never directly been represented on the committee in the past.

Councillor/Officer Consultation

Council representation on BESAC is as follows:

- His Worship the Mayor - Mr David Smith
- Councillor Shane Rooney
- Councillor Brendan Kelly

The Chief Executive Officer and Executive Manager City Development are also voting members.

All representatives of the Bunbury City Council and staff are aware of (and support) the recommendation made by BESAC at its meeting on 3 April 2008.

Analysis of Financial and Budget Implications

The activities and objectives of advisory committees or project control groups correlate with the City's annual budget, annual programme of works or the City Vision Strategy and are resourced accordingly.

Economic, Social, Environmental and Heritage Issues

Not applicable - this is a change to membership of an existing committee of the Council.

Council Policy Compliance

The proposal does not conflict with Policy CEO7 (adopted by Council on 27 November 2007) which sets out guidelines for establishment and operation of advisory committees.

Legislative Compliance

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

Appointments to a committee of the Council (or any amendment to its terms of reference) must be by an absolute majority vote.

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

Delegation of Authority

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

Relevant Precedents

The Council regularly appoints members to (or updates membership of) its various committees.

Options

Option 1

Per the recommendation listed in this report.

Option 2

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

Option 3

The recommendation from BESAC to amend its ex-officio membership is not supported by the Bunbury City Council.

Conclusion

Option 1 is strongly supported as the three external agencies in question have all indicated a desire to be represented upon the committee. Further, these external agencies can provide expert advice to the committee which will be of benefit to the committee in performing its duties as directed by Council.

Option 3 is not supported as several of the external agencies currently listed as ex-officio members do not wish to be represented on the committee or have never had involvement with the committee to date.

Recommendation

The ex-officio membership list for Council's Bunbury Environment and Sustainability Advisory Committee ('BESAC') be amended to read:

"Ex-Officio Members (Non-Voting):

1 Representative - Department of Environment & Conservation

1 Representative - Leschenault Catchment Council

1 Representative - South West Development Commission"

Outcome of the Council Committee Meeting – 6 May 2008

Cr Punch disclosed an impartiality interest in the item as her husband is the Chief Executive Officer at the South West Development Commission. She elected to remain at the meeting for the duration of the discussion and the vote on this matter.

The recommendation was moved Cr Steck, seconded Cr Rooney and adopted *9 votes "for" to nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

The ex-officio membership list for Council's Bunbury Environment and Sustainability Advisory Committee ('BESAC') be amended to read:

"Ex-Officio Members (Non-Voting):

- 1 Representative - Department of Environment & Conservation
- 1 Representative - Leschenault Catchment Council
- 1 Representative - South West Development Commission"

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Major, seconded Cr Steck. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 82/08

The ex-officio membership list for Council's Bunbury Environment and Sustainability Advisory Committee ('BESAC') be amended to read:

"Ex-Officio Members (Non-Voting):

- 1 Representative - Department of Environment & Conservation*
- 1 Representative - Leschenault Catchment Council*
- 1 Representative - South West Development Commission"*

CARRIED

10 Votes "For" / Nil Votes "Against"
Absolute Majority Vote Attained

11.14 APPOINTMENT OF AUTHORISED COUNCIL OFFICERS/PERSONS – DARRELL HUTCHENS, JEFFREY WEAVER & ERIN HUTCHINS (*WAS LISTED AS ITEM 11.9 ON THE MEETING AGENDA*)

| | |
|-----------------------------|--|
| File Ref: | A00276 |
| Applicant/Proponent: | Internal Report |
| Author: | John Kowal, Manager Community Law and Safety |
| Executive: | Geoff Klem, Executive Manager City Development |

Background

Mr Darrell Hutchens and Mr Jeffrey Weaver have recently commenced employment with the City of Bunbury as Ranger/Fire Control Officers. Ms Erin Hutchins has recently commenced employment with the City of Bunbury as Administration Officer.

These officers now require Council authorisation to perform relevant duties in accordance with various legislation that is administered by the Department.

Legislative Compliance

Council is required to authorise and appoint a person or persons to act on behalf of the City of Bunbury pursuant to various pieces of legislation. Once Council has appointed a person, the appointment must be advertised for public information (a statutory requirement).

Options

Option 1

Per the Executive Recommendation listed in this report.

Option 2

Council may elect not to approve the appointments.

Recommendation

1. Council appoints Darrell William Hutchens, Jeffrey Laurence Weaver and Erin Hutchins as Authorised Person's and/or Authorised Officer's in accordance with the following legislation:
 - 1.1 Dog Act 1976, Dog Act Regulations, Dog (Restricted Breeds) Regulations (No. 2) and Dog Local Laws (as amended);
 - 1.2 Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1995 as amended;

- 1.3 Litter Act 1979 and Litter Act Regulations (as amended);
 - 1.4 Control of Vehicles (Off-road Areas) Act 1978 and Control of Vehicles (Off-road Areas) Act Regulations (as amended);
 - 1.5 The purpose of control and supervision of any of the Local Laws of the City of Bunbury Council; and
 - 1.6 Bush Fires Act 1954 and Bush Fires Act Regulations (as amended).
2. Council appoints Darrell William Hutchens, Jeffrey Laurence Weaver and Erin Hutchins as:
 - 2.1 Registration Officer in accordance with the Dog Act 1976;
 - 2.2 Fire Control Officer in accordance with Section 38 and 59 of the Bush Fires Act 1954 (as amended);
 - 2.3 Pound Keeper/Ranger pursuant to the provision of Part XX of the Local Government (Miscellaneous Provisions) Act 1995.
 3. The appointments to be advertised in accordance with the various Legislations.
 4. The previous Council appointment of Dean Raymond Host, Jacquelyn Zena Randall (Nee Robinson) as Authorised Persons and Authorised Officers are hereby cancelled.
 5. The appointments in points 1 and 2 herein are to apply as from the date of the officer's commencement of employment with the City of Bunbury.

Outcome of the Council Committee Meeting – 6 May 2008

The recommendation was moved Cr Kelly, seconded Cr Leigh and adopted *9 votes "for" to nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

1. Council appoints Darrell William Hutchens, Jeffrey Laurence Weaver and Erin Hutchins as Authorised Person's and/or Authorised Officer's in accordance with the following legislation:
 - 1.1 Dog Act 1976, Dog Act Regulations, Dog (Restricted Breeds) Regulations (No. 2) and Dog Local Laws (as amended);
 - 1.2 Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1995 as amended;
 - 1.3 Litter Act 1979 and Litter Act Regulations (as amended);
 - 1.4 Control of Vehicles (Off-road Areas) Act 1978 and Control of Vehicles (Off-road Areas) Act Regulations (as amended);
 - 1.5 The purpose of control and supervision of any of the Local Laws of the City of Bunbury Council; and
 - 1.6 Bush Fires Act 1954 and Bush Fires Act Regulations (as amended).
2. Council appoints Darrell William Hutchens, Jeffrey Laurence Weaver and Erin Hutchins as:
 - 2.1 Registration Officer in accordance with the Dog Act 1976;
 - 2.2 Fire Control Officer in accordance with Section 38 and 59 of the Bush Fires Act 1954 (as amended);
 - 2.3 Pound Keeper/Ranger pursuant to the provision of Part XX of the Local Government (Miscellaneous Provisions) Act 1995.
3. The appointments to be advertised in accordance with the various Legislations.
4. The previous Council appointment of Dean Raymond Host, Jacquelyn Zena Randall (Nee Robinson) as Authorised Persons and Authorised Officers are hereby cancelled.
6. The appointments in points 1 and 2 herein are to apply as from the date of the officer's commencement of employment with the City of Bunbury.

AT THE COUNCIL MEETING

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

Council Decision 83/08

- 1. Council appoints Darrell William Hutchens, Jeffrey Laurence Weaver and Erin Hutchins as Authorised Person's and/or Authorised Officer's in accordance with the following legislation:**
 - 1.1 Dog Act 1976, Dog Act Regulations, Dog (Restricted Breeds) Regulations (No. 2) and Dog Local Laws (as amended);**
 - 1.2 Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1995 as amended;**
 - 1.3 Litter Act 1979 and Litter Act Regulations (as amended);**
 - 1.4 Control of Vehicles (Off-road Areas) Act 1978 and Control of Vehicles (Off-road Areas) Act Regulations (as amended);**
 - 1.5 The purpose of control and supervision of any of the Local Laws of the City of Bunbury Council; and**
 - 1.6 Bush Fires Act 1954 and Bush Fires Act Regulations (as amended).**
- 2. Council appoints Darrell William Hutchens, Jeffrey Laurence Weaver and Erin Hutchins as:**
 - 2.1 Registration Officer in accordance with the Dog Act 1976;**
 - 2.2 Fire Control Officer in accordance with Section 38 and 59 of the Bush Fires Act 1954 (as amended);**
 - 2.3 Pound Keeper/Ranger pursuant to the provision of Part XX of the Local Government (Miscellaneous Provisions) Act 1995.**
- 3. The appointments to be advertised in accordance with the various Legislations.**
- 4. The previous Council appointment of Dean Raymond Host, Jacquelyn Zena Randall (Nee Robinson) as Authorised Persons and Authorised Officers are hereby cancelled.**
- 7. The appointments in points 1 and 2 herein are to apply as from the date of the officer's commencement of employment with the City of Bunbury.**

CARRIED

10 Votes "For" / Nil Votes "Against"

11.15 VACANCY - LAND RATIONALISATION PROJECT CONTROL GROUP (WAS LISTED AS ITEM 11.11 ON THE MEETING AGENDA)

| | |
|-----------------------------|--|
| File Ref: | A00420 |
| Applicant/Proponent: | Internal Report |
| Author: | Denise Ryan, Administration Officer Corporate Services |
| Executive: | Ken Weary, Executive Manager Corporate Services |

Summary

Councillor Craddock has applied to fill a vacancy on the Land Rationalisation Project Control Group.

An extract from the City's Committee Book showing the committee's *Terms of Reference* is **attached** at Appendix 9.

Background

The Land Rationalisation Project Control Group was appointed by Council on 27 November 2007, to provide guidance and recommendations to Council in connection with its Land Rationalisation Programme. Membership of the committee is currently:

Councillor Tom Dillon
Councillor Judy Jones
Councillor Brendan Kelly
Councillor Lorna Worthington

There are no ex-officio or community representatives on the committee. Council officers nominated to support and assist the members of the committee are Mr Ken Weary, Executive Manager Corporate Services and Mr Paul Davies, Planning Consultant.

At its meeting on 26 February 2008, the councillors and public were formally advised of Councillor Dillon's intention to resign from the Council to take effect on 7 May 2008. Earlier this month, the Deputy Mayor - Cr Stephen Craddock - expressed an interest in filling the vacancy that will be created on the Council's Land Rationalisation Project Control Group due to Cr Dillon's resignation.

Strategic and/or Regional Outcomes

The City's Strategic Plan 2007-2012 states that the City's vision is: *"To enhance our community's pride in our City by demonstrating the pursuit of excellence by our leadership, advocacy, service delivery and facilities."* Further, Strategic Direction 2.4 states that the City will *"develop a property strategy that benefits the City's residents, businesses, community and sporting organisations"*.

The members of the Council's Land Rationalisation Project Control Group are charged with making recommendations to Council to rationalise the Council's land and property holdings so that any land surplus to requirements is rezoned, developed, conserved or disposed of in line with the 'Land Use and Infrastructure Planning Strategies' listed in the City Vision Strategy and associated Functional Strategies and Implementation Plans. The members of the group must also have regard to the City's various 5-Year Plans.

Community Consultation

As the Council has restricted membership of this committee to councillors only there is no need to undertake public consultation in relation to filling the vacancy.

Councillor/Officer Consultation

Other councillors will have the opportunity to nominate themselves or others to fill the vacancy when this matter is discussed at the meeting.

Analysis of Financial and Budget Implications

The activities and objectives of the Land Rationalisation Project Control Group correlate with the City's Five Year Financial Plan.

Economic, Social, Environmental and Heritage Issues

Environmental issues are addressed on each site being researched by the Land Rationalisation Project Control Group.

Council Policy Compliance

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

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

Legislative Compliance

Appointments to a committee of the Council must be by an absolute majority vote.

The tenure of committee membership is specified in Section 5.11 of the Local Government Act 1995.

Delegation of Authority

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

Relevant Precedents

The Council regularly appoints members to (or updates membership of) its various committees.

Options

Option 1

Per the recommendation listed in this report.

Option 2

The Deputy Mayor (Cr Stephen Craddock) be appointed to the Land Rationalisation Project Control Group to fill the vacancy created due to the resignation of Councillor Tom Dillon - the tenure of Cr Craddock's membership is as specified in Section 5.11 of the Local Government Act 1995.

Executive Comment: Councillor Craddock has given notice of his interest in being appointed as a member of the Land Rationalisation Project Control Group.

Recommendation

That Cr _____ be appointed to the Land Rationalisation Project Control Group to fill the vacancy created due to the resignation of Councillor Tom Dillon - the tenure of Cr _____'s membership is as specified in Section 5.11 of the Local Government Act 1995.

Outcome of the Council Committee Meeting – 6 May 2008

It was pointed out to meeting members that the Land Rationalisation Project Control Group now requires 2 new members due to the resignation of Cr Lorna Worthington.

Councillors Whittle and Craddock were nominated to fill the positions unopposed.

The recommendation (as amended) was moved Cr Dillon, seconded Cr Leigh and adopted 9 votes "for" to nil votes "against" to become the Committee's recommendation on this issue.

Committee Recommendation

Cr Craddock and Cr Whittle be appointed to the Land Rationalisation Project Control Group to fill the vacancies created due to the resignation of Councillors Tom Dillon and Lorna Worthington - the tenure of their membership to be as specified in Section 5.11 of the Local Government Act 1995.

AT THE COUNCIL MEETING

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

Council Decision 84/08

Cr Craddock and Cr Whittle be appointed to the Land Rationalisation Project Control Group to fill the vacancies created due to the resignation of Councillors Tom Dillon and Lorna Worthington - the tenure of their membership to be as specified in Section 5.11 of the Local Government Act 1995.

CARRIED

10 Votes "For" / Nil Votes "Against"
Absolute Majority Vote Attained

11.16 ATTENDANCE AT (AND APPOINTMENT OF VOTING DELEGATES TO) LOCAL GOVERNMENT CONVENTION 2008 AND ANNUAL GENERAL MEETING OF THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION *(WAS LISTED AS ITEM 11.12 ON THE MEETING AGENDA)*

| | |
|-----------------------------|---|
| File Ref: | A00106 |
| Applicant/Proponent: | Internal Report |
| Author: | Jack Dyson, Senior Administration Officer |
| Executive: | Ken Weary, Executive Manager Corporate Services |

Summary

Correspondence has been received from The Western Australian Local Government Association (WALGA), advising that the Annual General Meeting will be held Saturday 2 August 2008 as part of the Local Government Convention, this year being conducted at the Perth Convention Exhibition Centre.

WALGA is also inviting member Local Governments to submit motions for consideration of inclusion on the agenda.

Council is also invited to nominate two (2) voting delegates for the purpose of exercising its right to vote at the Annual General Meeting.

Background

WALGA has once again given notice of the date of its Annual General Meeting, which is to be conducted on Saturday 2 August 2008 as part of the Annual Local Government Convention.

This year convention is scheduled to be conducted from Wednesday 30 July until Sunday 3 August although sessions for most participants will not commence officially until Thursday 31 July.

WALGA has invited member Local Governments to submit motions for inclusion on the Agenda, to be considered at the Annual General Meeting. Motions should be submitted in writing to the Chief Executive Officer of WALGA by no later than Friday 6 June 2008.

In submitting motions, member council's are requested to observe the following guidelines:

- Motions should focus on policy matters rather than issues which could be dealt with by the WALGA State Council with minimal delay.
- Due regard should be given to the relevance of the motion to the total membership and to Local Government in general. Some motions are of a localised or regional interest only and might be better handled through other forums.

- Due regard should be given to the timeliness of the motion – will it still be relevant come the Local Government Convention or would it be better handled immediately by the Association?
- The likely political impact of the motion should be carefully considered.
- Due regard should be given to the educational value to Members – i.e. does awareness need to be raised on the particular matter?
- The potential media interest of the subject matter should be considered.
- Annual General Meeting motions submitted by Member Local Governments must be accompanied by fully researched and documented supporting comment.

In previous years Council has nominated His Worship the Mayor and Deputy Mayor as its voting delegates, although another Councillor has from time to time been nominated in the absence of the Deputy Mayor.

In recent years the City has had a strong participation rate by elected members, at the Annual Local Government Convention. Councillors will be provided with the program when they become available and are invited to attend.

Proposal

It is proposed that Council nominate His Worship the Mayor and the Deputy Mayor as its voting delegates to attend the Local Government Convention from Wednesday 30 July 2008 until Sunday 3 August 2008 inclusive. The Chief Executive Officer advises that he will also be attending this convention.

Strategic and/or Regional Outcomes

Matters of strategic or regional significance can be raised (and discussed) at the convention and the Annual General Meeting. This convention is an ideal opportunity to network with other elected members from across the State as well as those from within the South West region.

Community Consultation

There is no need for community consultation in regard to this proposal.

Councillor/Officer Consultation

The Chief Executive Officer and Council are aware of the forthcoming convention.

Analysis of Financial and Budget Implications

Council's 2008/2009 draft budget provides funding for elected members attendance at this conference which traditionally includes some elected member training and development.

Economic, Social, Environmental and Heritage Issues

There are no economic, social, environmental or heritage issues associated with this item.

Council Policy Compliance

This proposal is in compliance with existing council policies CEO 1 and CEO 9.

Legislative Compliance

Under the terms and conditions of the WALGA constitution, Council is only permitted to appoint two (2) voting delegates.

Delegation of Authority

The Chief Executive Officer has no delegated authority relevant to this proposal.

Relevant Precedents

The City of Bunbury has in previous years, nominated His Worship the Mayor and the Deputy Mayor or another Councillor as its voting delegates to attend the Annual Local Government Convention.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council decide not to approve the attendance and therefore not exercise its voting rights at the convention

Conclusion

Council has always had strong representation at the Annual Local Government Convention from its elected members and has, in recent history always nominated voting delegates to exercise Councils right to vote on matters being considered by the industry at the Annual General Meeting of the Association.

Recommendation

His Worship the Mayor and the Deputy Mayor be authorised to attend the Local Government Week Convention from Wednesday 30 July until Sunday 3 August 2008 inclusive (as voting delegates) as well as obtaining interactive industry view from other delegates.

Outcome of the Council Committee Meeting – 6 May 2008

The recommendation was moved Cr Dillon, seconded Cr Leigh and adopted *9 votes "for" to nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

His Worship the Mayor and the Deputy Mayor be authorised to attend the Local Government Week Convention from Wednesday 30 July until Sunday 3 August 2008 inclusive (as voting delegates) as well as obtaining interactive industry view from other delegates.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Major, seconded Cr Leigh. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 85/08

His Worship the Mayor and the Deputy Mayor be authorised to attend the Local Government Week Convention from Wednesday 30 July until Sunday 3 August 2008 inclusive (as voting delegates) as well as obtaining interactive industry view from other delegates.

CARRIED

10 Votes "For" / Nil Votes "Against"

11.17 JIAXING STUDENT ACCOMMODATION SCHOLARSHIP (WAS LISTED AS ITEM 11.14 ON THE MEETING AGENDA)

| | |
|-----------------------------|---|
| File Ref: | A01830 |
| Applicant/Proponent: | Internal Report |
| Author: | Greg Trevaskis, Chief Executive Officer |
| Executive: | Greg Trevaskis, Chief Executive Officer |

Summary

A proposal has been received from Edith Cowan University (ECU) for the City of Bunbury to assist with scholarship funding of \$6,000 per annum to sponsor a Jiaxing Student Accommodation Scholarship for a 3 year period (**attached** at Appendix 11).

Background

The proposal was presented to Council's Bunbury–Jiaxing Sister Cities Committee at its meeting on 28 March 2008 (Minutes **attached** at Appendix 12). The Committee has recommended that the City should consider supporting the scholarship as part of consideration in the 2008/09 Budget program.

Strategic and/or Regional Outcomes

Council's agreement with the City of Jiaxing seeks to explore opportunities in the fields of economy, education, trade, science and technology to promote common prosperity and development (**attached** at Appendix 13).

The City has also identified key strategies for developing ECU (Bunbury) into a stronger and more diverse university campus in terms of increasing student numbers and degree courses provided (City Vision and Corporate Strategic Plans). This proposal is in accord with both of the above key strategic pursuits.

Community Consultation

Not applicable.

Councillor/Officer Consultation

The Mayor and Chief Executive Officer are members of the Bunbury–Jiaxing Sister Cities Committee.

Analysis of Financial and Budget Implications

Should Council agree to enter into an ECU/City of Bunbury–Jiaying Student Accommodation Scholarship Program the City will be committed to an additional expense of \$6,000 per annum over a three year period. Associated costs would be above that provided for resourcing a Mayoral visit from Jiaying in October 2008 and a return visit by the Mayor and City of Bunbury delegation in May 2009.

Economic, Social, Environmental and Heritage Issues

Council's sister city program with Jiaying (China) is focused on developing economic opportunities between the two cities. The Student Accommodation Scholarship also supports social/educational objectives.

There are no known adverse environmental or heritage issues associated with the proposed scholarship.

Council Policy Compliance

The proposal is in accordance with the principles of the Joint Communiqué between the Cities of Jiaying and Bunbury.

Legislative Compliance

All legislative requirements have been complied with.

Delegation of Authority

The matter before Council relates to funding of a new initiative not previously budgeted for. Should Council approve funding within the 2008/09 Budget program for the Student Accommodation Scholarship, the Chief Executive Officer has delegated authority to enter into a Scholarship Agreement on behalf of Council.

Relevant Precedents

Council enters into various agreements for periods of time with other government and semi-government agencies on a regular basis eg: Club Development Officer (3 year program) – Department of Sport and Recreation, Bunbury Wellington Economic Alliance - \$20,000 per annum to support economic development within the region.

Options

Option 1

Council refer a financial contribution of \$6,000 per annum (to be extended over a 3 year period) to sponsor a Jiaying Student Accommodation Scholarship at Edith Cowan University (Bunbury) for possible consideration as part of the City's 2008/09 Budget program.

Executive comment: This is the recommendation from the Bunbury–Jiaying Sister Cities Committee.

Option 2

That Council advise Edith Cowan University (Bunbury) it is unable to support funding of the proposed Jiaying Student Accommodation Scholarship as the proposal goes beyond the resources of the City and its obligations under the Sister City Agreement with Jiaying as reported to Council in February 2000.

Recommendation

Council refer a financial contribution of \$6,000 per annum (to be extended over a 3 year period) to sponsor a Jiaying Student Accommodation Scholarship at Edith Cowan University (Bunbury) for possible consideration as part of the City's 2008/09 Budget program.

Outcome of the Council Committee Meeting – 6 May 2008

The recommendation was moved Cr Dillon, seconded Cr Steck and adopted *7 votes "for" to 2 votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Council refer a financial contribution of \$6,000 per annum (to be extended over a 3 year period) to sponsor a Jiaying Student Accommodation Scholarship at Edith Cowan University (Bunbury) for possible consideration as part of the City's 2008/09 Budget program.

AT THE COUNCIL MEETING

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

Council Decision 86/08

Council refer a financial contribution of \$6,000 per annum (to be extended over a 3 year period) to sponsor a Jiaxing Student Accommodation Scholarship at Edith Cowan University (Bunbury) for possible consideration as part of the City's 2008/09 Budget program.

CARRIED

7 Votes "For" / 3 Votes "Against"

A request was made for the vote to be recorded:

For: Mayor D. Smith, Cr Slater, Cr Whittle, Cr Rooney, Cr Kelly Cr Punch, Cr Steck

Against: Cr Leigh, Cr Steck, Cr Jones

11.18 PROPOSED TOWN PLANNING AMENDMENT NO. 21 - REZONING VARIOUS PORTIONS OF LAND FROM "PARKS AND RECREATION RESERVE" TO "RESIDENTIAL" (WAS LISTED AS ITEM 11.17 ON THE MEETING AGENDA)

| | |
|-----------------------------|--|
| File Ref: | A02843 |
| Applicant/Proponent: | Internal Report |
| Author: | Paul Davies, Planning Consultant |
| Executive: | Geoff Klem, Executive Manager City Development |

Summary

At its meeting on 15 April 2008, the Council resolved to: *“Refer final approval of Scheme Amendment No 21 back to Committee for further consideration”*.

The proposal is to rezone the following lots or portions of land for future residential development including:

1. Portion of Part lot 200 Charterhouse Close from Reserve for “Parks and Recreation” to “Residential R30” and portion “Residential R15”.
2. Lot 8 Tuart Street from Reserve for “Parks and Recreation” to “Residential R40”.

The subject portions of land are considered by the Land Rationalisation Working Group as generally surplus to requirements for the current reserve purposes and it is proposed to rezone the respective sites so that the land can be disposed of as necessary.

The amendment was advertised for public comment for a period of 42 days and a total of 13 submissions were received. Details of the submissions are discussed in the report and the Schedule of Submissions **attached** at Appendix 14.

It is recommended that Council resolve to;

1. Modify the zoning boundary for portion Part Lot 200 Charterhouse Close to rezone only a 3-metre wide strip to facilitate rear access to the existing adjoining residential lot.
2. Refer final approval of Scheme Amendment 21 back to Committee for further consideration of rezoning Lot 8 Tuart Street pending discussions with the Water Corporation on a possible land exchange with adjoining Lot 568 for land requirements.

Background

At its meeting on 7 August 2007, the Council resolved to initiate appropriate amendment(s) to the City of Bunbury Town Planning Scheme No. 7, to rezone:

1. Lot 33 Strickland Street, Lot 33 Denning Road and Reserve R41676 from Reserve for "Public Purpose- Drainage" to "Mixed Business".
2. Portions of Lot 454 Richter Road, Davenport from "Industry" and Reserve for "Parks and Recreation" to "Industry", "Local Distributor Road" and Reserve for "Parks and Recreation".
3. Lot 28 Mangles Street from Reserve for "Public Purpose -, Water Supply" to "Residential R 15".
4. Reserve 31945 Harrison Place from Reserve for "Parks and Recreation" to "Residential R40"
5. Portion of Part Lot 200 Charterhouse Close from Reserve for "Parks and Recreation" to "Residential R30" and portion "Residential R15".
6. Lot 8 Tuart Street from Reserve for "Parks and Recreation" to "Residential R40".

Two separate scheme amendments were initiated for the subject sites being proposed. Amendment No. 20 for sites 1 to 4 as outlined above, and, the current proposed Amendment No. 21 for sites 5 and 6 as outlined above.

A separate amendment was initiated for sites 5 and 6 in view of environmental issues to be addressed for the sites which are identified as containing a Resource Enhancement Category EPP Wetland and potential acid sulphate soils risk.

Amendment No. 20 (for sites 1 to 4 as outlined above) was previously considered by Council at its meeting on 18 March 2008. The currently proposed Amendment No. 21 has recently completed advertising for public comment for a period of 42 days and a total of 13 submissions were received - 5 submissions were received from Government and Service agencies and 8 submissions were received from the general public and nearby landowners. Details of the submissions are discussed in the report and the Schedule of Submissions.

The subject land is considered by the Land Rationalisation Working Group as generally surplus to requirements for the current reserve purposes and it is proposed to rezone the respective sites so that the land can be disposed of as necessary.

Proceeds from the disposal of Crown land vested for Parks and Recreation will be utilised for capital works on public open space in close proximity to the subject area which are yet to be determined.

The proceeds from disposal of Council owned freehold land will assist funding projects of regional significance as identified in Council's Corporate Plan.

Portion of Part Lot 200 Charterhouse Close

The subject land has a total area of 3.76 hectares. It is proposed to excise approx 3,000 sq.m from the site for residential development and allow a 3-metre wide access strip for an existing adjoining residential property.

The land is owned in freehold by the City of Bunbury and is reserved for "Parks and Recreation" under Town Planning Scheme No 7 - refer to the location plan and aerial photograph **attached** at Appendix 15.

The subject land comprises generally undulating sandy soils and includes a small portion of remnant wetland with a creek linking to the EPP wetland. It is partly cleared and partly heavily vegetated with a significant intrusion of kikuyu grass and introduced species of trees.

The subject land is also identified as being adjacent to land containing a Resource Enhancement Category Wetland and identified EPP Wetland. Importantly however, the portion of the site proposed to be excised is located well away from the identified EPP Wetland and it is proposed that a buffer of approximately 150 metres, be retained.

It is proposed to excise a lot of approximately 3,000 sq.m to be rezoned to Residential R30. This would accommodate development of 10 grouped dwellings based on an average lot size of 300 sq.m in accordance with the City's Residential Design Codes.

Also, an adjoining property owner has approached the City in regard to obtaining access to the rear of his property from Charterhouse Close. The subject lot is located on the corner of Picton Road and Robertson Drive. The property owner seeks the alternative access in view of concerns with traffic conflicts at the intersection. Accordingly, it is proposed that a 3-metre wide access leg be created for access to the rear of an adjoining residential property. The adjoining landowner will need to acquire the land at the current market rate.

The subject land is adjacent to land which contains a wetland protected under the Environmental Protection Act 1986 and Environmental Protection (Swan Coastal Plain Lakes) Policy 1992.

It is proposed that all necessary rehabilitation and management plans including drainage, nutrient and storm water management be prepared for the site to address any possible impacts on the EPP wetland prior to any works being undertaken on the site.

A clearing permit will need to be obtained from the Department of Environment and Conservation. Prior to any de-watering works, a De-watering Licence will need to be obtained from the Department of Water in accordance with the Rights in Water and Irrigation Act 1914.

The subject land is located in a high acid sulphate soil risk area, is in very close proximity to a Conservation Category Wetland associated with the Preston River; and is in a proclaimed ground water area.

Prior to the commencement of any site works it is proposed that the following action is taken:

- a) A preliminary site investigation shall be undertaken to determine whether acid sulphate soils are present on the land and, if present, their extent and severity;
- b) If the site is found to contain acid sulphate soils, an Acid Sulphate Soil Management Plan will be prepared and submitted for approval by the Department of Water.
- c) All site works shall be carried out in accordance with the provisions of the approved Management Plan.

Submissions - Portion of Part Lot 200 Charterhouse Close

One submission from the adjoining property owner at the intersection of Picton Road and Robertson Drive advises that they support the provision of a 3-metre strip for access to the rear of their property.

Six submissions object to the proposed rezoning of the subject portion of reserve and request that the land be retained for Parks and Recreation. The submissions outline that the vegetation on the site provides a visual screen and buffer from dust and pollution from adjacent Robertson Drive.

The submissions also consider that the area provides a valuable ecological link for natural drainage and street run-off and habitat for wildlife in the park. The submissions further indicate that the park is considered to be of significant recreation value for the local community.

A submission from the St Mark Park Development Committee outlines that they strongly object to the rezoning of the 3,000 sq.m portion of Park to Residential R30. They do not, however, object to provision of a 3-metre strip for access to the rear of the existing adjoining property.

One submission from a local resident objects to the rezoning as proposed increased residential density in the City will increase demand for open space, hence, open space areas should not be reduced. The submission outlines that the Council should retain existing parks and recreation areas.

The submission further suggests that Council's financial position is sound, hence, rezoning and sale of land is not necessary. The submission also discusses that the cost of maintaining reserved land sale and the necessity for the Council to retain land for parks and recreation purposes.

Council at its meeting on 27 August 2002, resolved in regard to Lot 200 Charterhouse Close that *“this land be withdrawn from the programme as the site is a natural watercourse and provides a breeding ground for wildlife”*.

On 22 April 2008, a bus tour by councillors inspected various areas under consideration by the Land Rationalisation Project Control Group including the subject land. The general discussion indicated that the rezoning of Lot 200 should not proceed in view of environmental concerns and significant earthworks requirements.

In view of the local community opposition to the rezoning it is recommended that the rezoning of the proposed 3,000 sq.m portion of the site be deleted. It is recommended that the amendment be modified to rezone only the 3-metre wide strip required to facilitate rear access to the existing adjoining residential lot.

Lot 8 Tuart Street

The subject land has an area of 4,486 sq.m. The land is owned in freehold by the City of Bunbury and is reserved for “Parks and Recreation” under Town Planning Scheme No 7. The subject land is also zoned Regional Open Space under the Greater Bunbury Region Scheme (GBRS) - see location plan and aerial photograph **attached** at Appendix 16.

As the subject land is reserved for Regional Open Space under the Greater Bunbury Region Scheme an amendment to the GBRS is also required to rezone the land to "Urban".

The subject land has been partially filled in the past and contains a remnant portion of wetland which is significantly degraded. The site is predominantly vegetated with Kikuyu grass and introduced weeds with small areas of reeds and several other natives (recently established) adjacent to the wetland area.

The subject land is identified as containing a Resource Enhancement Category Wetland and identified EPP Wetland. The site contains a small portion of wetland as a remnant part of Big Swamp which was severed by construction of Tuart Street.

It is proposed that the subject land be rezoned to Residential R40. This would accommodate a grouped dwelling development of 20 dwellings based on an average area of 220 sq.m per dwelling required under the Residential Design Codes.

Land adjoining to the rear of the property is currently zoned Special Use Zone 15 under Town Planning Scheme No. 7 which can accommodate a variety of commercial and civic uses including consulting rooms, motel, offices, restaurant, showrooms, recreation and other uses as well as Residential R40.

The subject land is considered well located for residential development in view of its proximity opposite Big Swamp, for access to recreational facilities and zoning of adjoining land for future development.

The subject land contains a wetland protected under the Environmental Protection Act 1986 and Environmental Protection (Swan Coastal Plain Lakes) Policy 1992.

It is proposed that all necessary management plans including drainage, nutrient and storm water management be prepared for the site to address any possible impacts on the EPP Wetland prior to any works being undertaken on the site.

The subject land is located in a high acid sulphate soil risk area. Prior to the commencement of any site works:

- a) A preliminary site investigation shall be undertaken to determine whether acid sulphate soils are present on the land and, if present, their extent and severity;
- b) If the site is found to contain acid sulphate soils, an Acid Sulphate Soil Management Plan will be prepared and submitted for approval by the Department of Water.
- c) All site works shall be carried out in accordance with the provisions of the approved Management Plan.

Submissions Lot 8 Tuart Street

Submissions from the Water Corporation outline that the Corporation requires an approximate 1,000 sq.m portion of Lot 8 and a portion of adjoining Lot 256 to accommodate future provision of an underground storage tank and upgrading of waste water pump station. The Water Corporation advises that the required land will be purchased.

The Water Corporation also advises that there is an existing sewer main located on approximately 2- metre alignment from Tuart Street at a depth up to 5.5 metres. The Water Corporation requests that an easement up to 5 metres wide be provided to protect the existing sewer main.

Further, the Water Corporation advises that there is a nominal odour buffer requirement for the existing waste water pump station. The required buffer is, however, achieved within the approximate 1,000 sq.m portion of Lot 8 to be acquired by the Corporation.

Lot 256 is owned by the City and is currently reserved for Parks and Recreation under Town Planning Scheme No. 7 and is reserved for Regional Open Space under the Greater Bunbury Region Scheme.

Lot 568 (Reserve 31988) Francis Street adjoining Lot 8 and Lot 256 to the east is Crown land under control of the Department of Housing and Works. The land is part zoned Special Use Zone 15 and part Parks and Recreation under the City of Bunbury Town Planning Scheme No. 7. Council officers are currently liaising with Water Corporation in regard to a possible land exchange with adjoining Lot 568 for the infrastructure land requirements.

One submission from an adjacent property owner objects to the rezoning on the basis that that development of the site will reduce their visual amenity and quiet enjoyment of the area.

One submission from a local resident objects to the rezoning as proposed increased residential density in the City will increase demand for open space, hence, open space areas should not be reduced. The submission outlines that the Council should retain existing parks and recreation areas.

The submission further suggests that Council's financial position is sound, hence, rezoning and sale of land is not necessary. The submission also discusses the cost of maintaining and developing reserved land sale and the necessity for the Council to retain land for parks and recreation purposes.

It is considered that the site is well located for grouped dwelling development with close proximity to the Big Swamp area for recreation and close proximity to Shopping facilities. The subject land is also well located for medium density residential development with close proximity to the City Centre.

It is recommended that Council resolve to refer final approval of Scheme Amendment 21 back to Committee for further consideration of rezoning Lot 8 Tuart Street pending discussions with the Water Corporation on a possible land exchange with adjoining Lot 568 for infrastructure land requirements.

Strategic and Regional Outcomes

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

Community Consultation

The amendment was advertised for public comment for a period of 42 days and a total of 13 submissions were received - 5 submissions were received from Government agencies or Service Agencies and 8 submissions were received from the general public.

Submissions related to each of the proposed sites to be rezoned. Details of the submissions are discussed in the report and the Schedule of Submissions.

Councillor/Officer Consultation

An outline of the proposed rationalisation programme was presented at a briefing session held with councillors on 15 May 2007. Discussions have been undertaken by officers within the Development Services Division and the other City officers in regard to the proposed development requirements.

Analysis of Financial and Budget Implications

The subject land is proposed for disposal. Proceeds received from disposal of Crown land vested for public open space will be utilised for upgrading public open space areas generally in the locality. Proceeds from disposal of freehold land owned by the City will be available for allocation to City development projects.

Economic, Social, Environmental and Heritage Issues

The availability of quality residential and industrial land promotes employment opportunities through development of the land and increased economic infrastructure. There are no known social reasons in respect of the proposal.

There are no heritage issues that have come to light as a result of this proposal. Environmental issues with individual sites can be appropriately addressed through the rezoning process or at time of any required works or development being undertaken.

Council Policy Compliance

There are no related Council policies to consider.

Legislative Compliance

Rezoning of the sites is required to be undertaken in accordance with the requirements of the Planning and Development Act 2005.

Delegation of Authority

The Chief Executive Officer does not have delegated authority of Council to enact rezoning of land.

Relevant Precedents

Council has previously granted consent for rezoning surplus Council owned land prior to disposal including Lot 66 Ocean Drive (13 February 2007), Lot 610 Maiden Park Road (7 December 2004) and Lot 779 Lockwood Crescent (8 February 2005).

It should be noted that final approval rests with the Minister for Planning and Infrastructure.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council may elect not to proceed with the rezoning of land located on portion Part Lot 200 Charterhouse Close and/or Lot 8 Tuart Street.

Conclusion

The subject land is considered by the Land Rationalisation Working Group as generally surplus to requirements for the current reserve purposes and it is proposed to rezone the respective sites so that the land can be disposed of as necessary.

Proceeds from the disposal of Crown land vested for Parks and Recreation will be utilised for capital works on public open space in close proximity to the subject area which are yet to be determined.

The proceeds from disposal of Council-owned freehold land will assist funding projects of regional significance as identified in Council's Corporate Plan.

Recommendation

Council, under the Planning and Development Act 2005 (as amended), hereby resolves to:

1. Modify the zoning boundary for portion Part Lot 200 Charterhouse Close to rezone only a 3-metre wide strip to facilitate rear access to the existing adjoining residential lot.
2. Refer final approval of Scheme Amendment 21 back to Committee for further consideration of rezoning Lot 8 Tuart Street, pending the outcome of discussions with the Water Corporation concerning a possible land exchange with adjoining Lot 568 for infrastructure land requirements.

Outcome of the Council Committee Meeting – 6 May 2008

The recommendation as printed in the report was moved Cr Kelly, seconded Cr Rooney and the Presiding Member elected to put the motion to the vote in separate parts, with the following result.

Point 1: 4 votes *"for"* to 5 votes *"against"*

Point 2: 9 votes *"for"* to nil votes *"against"*

Cr Dillon moved, Cr Slater seconded the following motion:

Council, under the Planning and Development Act 2005 (as amended), hereby resolves to:

1. Refer final approval of Scheme Amendment 21 back to Committee for further consideration of rezoning Lot 8 Tuart Street, pending the outcome of discussions with the Water Corporation concerning a possible land exchange with adjoining Lot 568 for infrastructure land requirements.

2. Rezone Lot 200 Charterhouse Close from Reserve for "Parks and Recreation" to "Residential R30" and portion "Residential R15" and subject to approval by the Minister, sell "as is".

The motion was put to the vote and adopted 5 votes "for" to 4 votes "against"

A request was made for the vote to be recorded:

For: Cr Jones, Cr Punch, Cr Steck, Cr Dillon, Cr Slater

Against: Cr Leigh, Cr Whittle, Cr Rooney, Cr Kelly

For convenience the committee recommendation (in full) is printed below:

Committee Recommendation

Council, under the Planning and Development Act 2005 (as amended), hereby resolves to:

1. Refer final approval of Scheme Amendment 21 back to Committee for further consideration of rezoning Lot 8 Tuart Street, pending the outcome of discussions with the Water Corporation concerning a possible land exchange with adjoining Lot 568 for infrastructure land requirements.

2. Rezone Lot 200 Charterhouse Close from Reserve for "Parks and Recreation" to "Residential R30" and portion "Residential R15" and subject to approval by the Minister, sell "as is".

3. Modify the zoning boundary for portion Part Lot 200 Charterhouse Close to rezone a 3-metre wide strip to facilitate rear access to the existing adjoining residential lot.

AT THE COUNCIL MEETING

The recommendation as printed in the report was moved Cr Slater , seconded Cr Major (Pro Forma).

During discussion the Executive Manager City Development suggested that the wording of the Motion be amended to comply with statutory requirements as follows:

Council, under the Planning and Development Act 2005 (as amended), hereby resolves to:

1. Refer final approval of Scheme Amendment 21 back to Committee for further consideration of rezoning Lot 8 Tuart Street, pending the outcome of discussions with the Water Corporation concerning a possible land exchange with adjoining Lot 568 for infrastructure land requirements.

2. Finally, adopt rezoning of portion Lot 200 Charterhouse Close from "Reserve for Parks and Recreation" to "Residential R30" and "Residential R15" and refer the amendment to the Hon Minister for Planning for final approval.

3. Subject to the Minister's final approval, that Lot 200 Charterhouse Close be sold as is, without any improvements.

The Mover and Seconder agreed to the amendment. During discussion of the amended motion, some members raised concern at the high acid sulphate soil on Lot 200 Charterhouse Close.

The Mayor elected to put the three parts of the amended motion to the vote separately. The result was as follows:

Part 1: Carried 9 Votes "For" to 1 Vote "Against"

Parts 2 & 3: Defeated 3 Votes "For" to 7 Votes "Against"

For ease of reference, the resulting Council Decision reads as follows;

Council Decision 87/08

Council, under the Planning and Development Act 2005 (as amended), hereby resolves to refer final approval of Scheme Amendment 21 back to Committee for further consideration of rezoning Lot 8 Tuart Street, pending the outcome of discussions with the Water Corporation concerning a possible land exchange with adjoining Lot 568 for infrastructure land requirements.

CARRIED

9 Votes "For" / 1 Vote "Against"

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

Council Decision 88/08

Council, under the Planning and Development Act 2005 (as amended), hereby resolves to modify the zoning boundary for portion Part Lot 200 Charterhouse Close to rezone only a 3-metre wide strip to facilitate rear access to the existing adjoining residential lot.

CARRIED

7 Votes "For" / 3 Votes "Against"

A request was made for the vote to be recorded:

For: Mayor D. Smith, Cr Leigh, Cr Whittle, Cr Rooney, Cr Kelly Cr Punch, Cr Major

Against: Cr Slater, Cr Steck, Cr Jones

11.19 SUSPENSION OF REDEVELOPMENT OF COUNCIL DEPOT – NUYTSIA AVENUE (WAS LISTED AS ITEM 11.18 ON THE MEETING AGENDA)

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|-----------------------------|--|
| File Ref: | A00417 |
| Applicant/Proponent: | Councillor Judy Jones |
| Author: | Councillor Judy Jones |
| Executive: | <i>If adopted refer to:</i> Michael Scott, Executive Manager City Services |

Cr Jones has given written notice that she intends to move the following Motion:

“That proposals for the redevelopment of the Council Depot on the Nuytsia Avenue site be suspended until such time as the suitability of Lot 521 Robertson drive is assessed for a Council Depot.”

In support of her motion, Cr Jones makes the following comments:

- That Lot 521 Robertson Drive has not previously been assessed for its suitability as a Council Depot site, and appears to meet the requirements for the construction of a new Depot;
- That Lot 521 Robertson Drive contains an area of 35,256 sq.m and is contained within an industrial area;
- That a purpose built facility situated in an industrial area has significant benefits for Bunbury City Council operations compared to the redevelopment of a Council facility on a non-conforming site in a residential area;
- That a tilt-panel construction method of construction for buildings can be utilised on Lot 521 Robertson Drive creating significant savings in the construction of the Depot and allied function (construction costs for stages 1, 2 and 3 estimated at \$4M compared with \$7.2M at Nuytsia Avenue).
- That the sale of the Nuytsia Avenue site for residential purposes is estimated to raise \$2M, and provide a rates-revenue stream for the Bunbury City Council.

Executive Comment

Lot 521 Robertson Drive has previously been assessed for its suitability as a works depot site. Council has been provided with assessment information relating to Lot 521 in a briefing on 11th November 2007 and as an attachment to the Council Agenda Item Number 11.8 of the meeting held on 27th November 2007 which resulted in Resolution 241 identifying Nuytsia Avenue as the recommended Works Depot location.

In summary, Lot 521 Robertson Drive was not preferred for the following reasons:

- Clearance of an area greater than 1 hectare of remnant vegetation would be required and a clearing permit under the Environmental Protection Act 1986 would need to be sought.
- It is zoned Regional Open Space and would require an amendment to the Greater Bunbury Regional Scheme for use as a depot.
- It is recognised as a high conservation site that provides habitat for Western Ringtail Possums and provides an important link to Manea Park. It may require state and federal environmental approval and a full environmental assessment.
- The South East and NE corners of the lot borders defined significant wetland sites.
- Buffer distances to Robertson Drive restrict the available development area of the site. Existing uses and buildings at the site limit the available area for depot use.
- There is a caveat benefiting Aqwest on the site.
- Considerable fill would be required to make the site usable.

In relation to the cost of construction the consulting architect has advised the following:

- The design of the proposed building is intended to have only the east and west walls solid and therefore suitable for tilt panel construction. This would be determined at the detailed design stage.
- Building costs per square metre are similar for tilt construction and other construction methods in this case. Costings presented by the Quantity Surveyor are applicable for the use of tilt panels so long as these are able to be fabricated off site.

In relation to the zoning of the Nuytsia Avenue site:

- The site is zoned Special Use for a Municipal Depot as a Crown Grant in Trust and as such proceeds from the sale of the site do not automatically go to the City.
- By relocating Waste and Recycling Services to McCombe Road in Halifax, the nature of the remaining operations and plant at the Nuytsia Avenue site will become less industrial in nature and more in keeping with the amenity of the immediate precinct. In addition, bulk storage of road building, paving, drainage and gardening materials is not planned for the existing site.
- The Nuytsia Avenue site is a reported contaminated site.

In relation to the costs associated with the redevelopment of the Nuytsia Avenue site:

- Council has committed \$3.0M over the next two financial years to build Stage 1 of the proposed structure plan. The proposed plan will allow for the continuous operation of

Council's outdoor operations without the need to relocate while construction takes place.

- It is estimated that the development of any alternative site would be of similar cost to develop as the Nuytsia Avenue site.
- It is proposed that subsequent Stages 2 and 3 could be considered by Council in future 5 year plans.
- It is proposed that the Nuytsia Avenue site will be progressively cleaned up as ongoing operational site maintenance work by in-house personnel.

Cr Jones' Motion

Proposals for the redevelopment of the Council Depot on the Nuytsia Avenue site be suspended until such time as the suitability of Lot 521 Robertson drive is assessed for a Council Depot.

Outcome of the Council Committee Meeting – 6 May 2008

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

During lengthy discussion on this subject, Cr Jones agreed to an amendment to the Motion to replace the words "*such time*" with "*15 July 2008*".

The motion was put to the vote and was adopted *6 votes "for" to 3 votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Proposals for the redevelopment of the Council Depot on the Nuytsia Avenue site be suspended until 15 July 2008, until the suitability of Lot 521 Robertson Drive is assessed for a Council Depot.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Slater, seconded Cr Major. Following lengthy discussion, the Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 89/08

Proposals for the redevelopment of the Council Depot on the Nuysia Avenue site be suspended until 15 July 2008, until the suitability of Lot 521 Robertson Drive is assessed for a Council Depot.

CARRIED

7 Votes "For" / 3 Votes "Against"

Mayor D. Smith requested that his vote "against" this decision, be recorded.

12. MOTIONS ON NOTICE

Nil.

13. URGENT BUSINESS WITH THE APPROVAL OF THE MAJORITY OF MEMBERS PRESENT

13.1 EXTENSION OF PUBLIC SUBMISSION PERIOD – BUNBURY WATERFRONT PROJECT

| | |
|-----------------------------|---|
| File Ref: | A03183 |
| Applicant/Proponent: | Cr Steck |
| Author: | Not Applicable |
| Executive: | <i>If adopted:</i> Geoff Klem, Executive Manager City Development |

At the meeting, Cr Steck tabled the following motion for urgent consideration as (under Standing Order 5.1.13) it cannot wait until the next round of meetings:

“That Council rescinds all prior motions in relation to timeframes of public consultation for the Bunbury Waterfront Project to allow specific time for the special electors meeting requested by the SOS group to occur. Thus allowing further time for the SOS group to uncover relevant information relating to the project and land zonings. The time requested for the group will require 60 days for further public consultation.”

During discussion on whether (or not) to discuss the motion as urgent business, the following points were raised:

- There is a statutory process associated in rescinding the previous decisions of the Council
- Due to legislative requirements associated with the calling of a Special Electors Meeting, the meeting would not be held for at least 40 days.
- The Mayor would like to give LandCorp the opportunity to comment on any proposals to rescind or modify previous decisions concerning the Waterfront Project.

Following this discussion, Cr Steck agreed to amend her proposed motion to delete reference to rescinding previous decisions of Council and the request for the Special Electors Meeting – the Chief Executive Officer to deal with the request for a Special Electors Meeting Administratively.

The Mayor requested a show of hands to indicate support for the motion to be considered as a matter of urgent business – this was supported 7 votes “for” to 2 votes “against” (Councillor Major was absent from the meeting at this point and did not take part in the vote).

Following further discussion, Cr Steck Moved, Cr Kelly Seconded an amended version of Cr Steck’s original motion. The Mayor put the motion to vote and it was adopted to become a Council Decision.

Council Decision 90/08

That Council extend the public consultation period for the Bunbury Waterfront Project by 60 days.

CARRIED

8 Votes "For" / 2 Votes "Against"

14. ITEMS TO BE NOTED (NO DISCUSSION)

There were no new items presented for noting by the Council.

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

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

Council Decision 91/08

The meeting exclude members of the public to permit Confidential Business (as defined by the Local Government Act 1995) to be discussed.

CARRIED

10 Votes "For" / Nil Votes "Against"

At this point in time, members of the public and press were requested to leave the meeting.

15.1 PROPOSED 4 LEVEL OFFICE BUILDING AT LOT 3 (NO. 17) STIRLING STREET, BUNBURY – STATE ADMINISTRATIVE TRIBUNAL RESPONSE *(WAS LISTED AS ITEM 11.7 ON THE MEETING AGENDA)*

| | |
|-----------------------------|--|
| File Ref: | P09089 |
| Applicant/Proponent: | Rob Nicholson, Architect (D & M Amonini Pty Ltd) |
| Author: | Geoff Klem, Executive Manager City Development |
| Executive: | Geoff Klem, Executive Manager City Development |

Summary

The City received a development application from D and M Amonini Pty Ltd for the construction of a 4-level office building on former tennis courts on Lot 3 (No. 17) Stirling Street, Bunbury (Deposited Plan P2388) which is the subject of Assessment No. 17077. The proposed building has a maximum height of 17 metres and a gross floor area (excluding common areas, lift shafts, etc.) of 1,911m². In accordance with Table No. 2 of Town Planning Scheme No. 7 ("TPS.7") the proposed development requires 39 car parking spaces. The proposal makes provision for 18 car parking bays at ground floor level leaving a shortfall of 21 car parking bays.

Following the decision of Council (Decision No 266/07) to refer this item back to Committee pending the completion of the Parking Policy and Strategy, the proponent lodged an appeal to the State Administrative Tribunal on the basis of a deemed refusal. Through the process of mediation, the proponents have requested that an offer of \$100,000 cash in lieu (4 bays) of parking and agreement to the provision of 18 bays on site and 5 bays kerbside in Stirling Street be considered by Council. (**Attached** at Appendix 17)

The Parking Policy and Strategy are currently being advertised for public comment with a closing date of 16th May 2008. The draft policy provides for a parking concession of 25% for a development proposal of between 1500m² and 2000m². This equates to a reduction in the parking requirement of 10 bays (or currently \$250,000) leaving a shortfall of 11 bays. With the offer of \$100,000 (4 bays) the shortfall is reduced to 7 bays or \$175,000. The proposition that 5 kerbside bays be included is not supported as these are bays that service existing development in the southern sector of the CBD which are in high demand.

Background

Council Decision No. 134/07 made at its meeting on 3 July 2007 regarding car-parking requirements in the CBD states: 'Prior to the final adoption of a new Local Planning Policy for the CBD, the Council shall exercise full discretion for approval on all Development Applications requiring parking provision on a case-by-case basis'.

The proposed development would be significantly short of the City's car parking requirements, and given that the development proposed is totally new construction on a vacant piece of land, consideration must be given to the possible impact that this development would have in terms of car parking and traffic management issues. **Attached** at Appendix 18 is an aerial photo of the site.

Proposal

The proposal is for the construction of an office building comprising 4 levels with an architectural modern frontage facing onto Stirling Street with materials primarily of frameless glass, granite and aluminium cladding. The ground floor is proposed to consist of the main entrance/foyer and two office tenancies fronting onto Stirling Street with the provision of car parking accessed from the rear minor road. Floors 1-3 are also proposed to consist of office tenancies.

The proposal has been assessed as having a major shortfall in parking bays and the proposal by the proponent to meet that shortfall through cash-in-lieu of parking bays and kerbside bays does not adequately meet the parking requirements.

Land Use

The site is located within the City Centre zone whereby 'Office' is a 'P' use in accordance with Table No. 1 – Zoning Table, (Town Planning Scheme No. 7). One of the objectives of the City of Bunbury in respect of the 'City Centre' zone is to promote a broad range of compatible uses that are appropriate to the functioning of the 'City Centre'. However, it is considered that any new developments within the City Centre should be sustainable. The proposal would create an inadequate and unsustainable situation in terms of car parking within the City Centre adding unreasonable pressure upon existing premium parking within the City Centre.

The current Town Planning Scheme (TPS 7) states that: "No person is to develop any land for a use or purpose specified in Table 2 otherwise than in accordance with the relevant standards contained therein (Town Planning Scheme No. 7, Part 5.7.1.2)." In this case the development application is not in accordance with the relevant standards and is some 53% (21 bays) short of this required standard.

TPS 7 goes on to state: "Where the number of car parking spaces proposed to be provided on land, or in a building, the subject of an application for planning approval is less than the number required under Table 2, the local government may approve the application if the applicant can demonstrate to the satisfaction of the Local Government that: (a) off street parking facilities in the near vicinity are adequate to cater for the parking requirements of the land use and/or development; and, (b) arrangement to the satisfaction of the local government have been made to enable those facilities to be used for that purpose on an on-going basis". The applicant has not submitted any documentation to support a car parking shortfall. However, reference is made to TPS 7, Part 5, 5.7.1.9 which states: "car parking spaces associated with developments of up to 2,000m² gross floor area may not be required".

While recognising the positive contribution that the proposed development would have on the City, the wider issues of traffic management and car parking must take precedent, otherwise, the City would develop with a lack of car parking adversely impacting on the economic integrity of the CBD and other objectives such as character and amenity.

Strategic and/or Regional Outcomes

The proposed development is considered to adhere to the primary objectives of the City of Bunbury Strategic Plan 2007-2012 (Section 5.3) which advocates a cohesive system of integrated land use planning.

City Vision has included statements that address the parking pressures in the Central Business District through the provision of decked parking stations in strategic locations. Actions to implement the City Vision include the finalisation of a Parking Strategy and Policy.

The officer's recommendation has had regard to Council's 2007-2012 Strategic Plan and City Vision.

Community Consultation

Community consultation is relevant to the extent that the outcome of Council's consideration of public comment on the draft Parking Strategy and Policy may affect its decision in relation to the provision of car parking spaces.

Councillor/Officer Consultation

Discussions have been undertaken with relevant officers in the Development Services Division in the preparation of this report. The Parking Strategy and Policy has been extensively canvassed with Council over the course of the past 12 months.

Analysis of Financial and Budget Implications

In the event of a parking shortfall, significant costs could be incurred by Council to meet that shortfall through car parking developments.

Relevant Precedents

The Council will recall its decision (No. 212/07) for a proposed 14-storey mixed use residential, retail and commercial development on the former Reef Hotel site at Lot 34 (No. 12) Victoria Street, Bunbury, whereby the full car parking requirements of TPS 7 are to be provided.

Economic, Social, Environmental and Heritage Issues

The site is located within the primary 'City Centre' area and is currently vacant land. The site forms an integral part of the City Centre and an Office proposal would complement the demand for City Centre Office space, and would promote an additional and convenient office facility that would contribute to the vibrancy and core functions of the Central Business District.

Inadequate parking provision may lead to congestion, reduction in pedestrian safety and loss of amenity. The commercial viability of the CBD depends on adequate and accessible parking.

Council Policy Compliance

The development application is not in accordance with Local Planning Policy – Parking Strategy, 2.4.2, Appendix 1, in that the applicant has failed to demonstrate that public/private off-street parking facilities in an appropriate area, within 400 metres (Policy 5.4, Appendix 1, Appropriate Area, ‘a’) would be available to cater for the parking requirements of the land and that arrangements to the satisfaction of the Council have been made to enable those facilities to be used for that purpose.

Legislative Compliance

The proposal is consistent with the City Zoning requirements. However, Town Planning Scheme No. 7 makes clear the requirement for car parking and the car parking deficit in this instance is relatively significant. .

Delegation of Authority

Council has recently resolved to determine all development approvals in relation to parking provision in the CBD. In relation to the acceptance or otherwise of the offer from Hardy Bowen Lawyers, the Council is required to make a resolution.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Accept the offer provided by Hardy Bowen Lawyers on behalf of D & M Amonini to meet the parking requirements for the development of Lot 3 (No 17) Stirling Street Bunbury for a 4-Level office building.

Conclusion

The design of the proposed development is acceptable and the office space proposed would contribute to the vitality and future direction of the City. However, whilst recognising the positive contribution that the proposed development would have on the City, the wider issues associated with traffic management and car parking must take precedence to avoid adverse impacts upon the City’s traffic distribution and movement as well as the safety and amenity of the Central Business District.

The proposal would contribute to the creation of an inadequate supply of car parking within the City Centre adding unreasonable pressure upon existing premium parking. TPS 7 states that no person is to develop any land for a use or purpose specified in Table 2 other than in accordance with the relevant standards contained therein (Town Planning Scheme No. 7, Part 5.7.1.2) and the development application as submitted is not in accordance with the relevant standards and is some 53% (21 bays) short of this required standard.

For the purposes of responding to the proponent's offer to meet parking requirements as part of the State Administrative Tribunal mediation on a deemed refusal, the draft Parking Policy which is currently being advertised, provides for a concession of 500m² of GLA for a development of this size, thereby reducing the overall shortfall to 11 bays. The proponent's offer of \$100,000 cash in lieu (4 bays) further reduces the shortfall to 7 bays. However, a further reduction based on counting kerbside bays is not supported. Therefore the development is 7 bays or \$175,000 short of the required amount.

Recommendation

Council resolves to not accept the proposal submitted by Hardy Bowen Lawyers on behalf of D & M Amonini to meet the parking requirements for the construction of a 4-level office building at Lot 3 (No. 17) Stirling Street, Bunbury (Deposited Plan: P2388) as the proposal provides less than the required number of parking bays for the proposed office use under the City of Bunbury Town Planning Scheme No. 7.

Outcome of the Council Committee Meeting – 6 May 2008

The Presiding Member indicated the applicant, Mr David Amonini, was present at the meeting to respond to questions. There were no questions.

Option 2 as printed in the meeting agenda was moved Cr Dillon, seconded Cr Slater.

In support of his motion Cr Dillon indicated that the proponent is providing as much parking as possible on the ground floor and that it would be impossible from a physical/engineering and financial view point to install a ramp and parking on the first floor of the building.

Executive Manager City Development responded to queries concerning:

- Parking requirements for this type of development compared with other types of developments within the City;
- Kerbside parking component of the application;
- Requirements of the City's CBD Parking Strategy Policy document

The motion was put to the vote and adopted *5 votes "for" to 4 votes "against"* to become the Committee's recommendation on this issue.

A request was made for the vote to be recorded

For: Cr Jones, Cr Steck, Cr Punch, Cr Dillon, Cr Slater

Against: Cr Leigh, Cr Whittle, Cr Rooney, Cr Kelly

Committee Recommendation

Accept the offer provided by Hardy Bowen Lawyers on behalf of D & M Amonini to meet the parking requirements for the development of Lot 3 (No. 17) Stirling Street Bunbury for a 4-Level office building.

AT THE COUNCIL MEETING

This item was dealt with as Confidential Business to enable Council to discuss the response from the State Administrative Tribunal that had been circulated to members as a confidential report under separate cover.

The Committee's recommendation was moved Cr Slater, seconded Cr Major (pro forma). The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 92/08

Accept the offer provided by Hardy Bowen Lawyers on behalf of D & M Amonini to meet the parking requirements for the development of Lot 3 (No. 17) Stirling Street Bunbury for a 4-Level office building.

CARRIED

6 Votes "For" / 4 Votes "Against"

A request was made for the vote to be recorded

For: Mayor D. Smith, Cr Jones, Cr Steck, Cr Punch, Cr Slater, Cr Major

Against: Cr Leigh, Cr Whittle, Cr Rooney, Cr Kelly

The following procedural motion was moved by Cr Leigh, seconded by Cr Slater and adopted by the Council.

Council Decision 93/08

Members of the public, press and staff members be invited to rejoin the Council Meeting.

CARRIED

10 Votes "For" / Nil Votes "Against"

Mr Amonini (the applicant) was advised of the Council's decision upon his return to the meeting chamber.

16. CLOSE OF MEETING

The Mayor declared the meeting closed at 10.25pm.

CONFIRMED this day 3 June 2008 to be a true and correct record of proceedings of the Bunbury City Council Meeting held 13 May 2008.

MR DAVID SMITH
MAYOR