



3 JUNE 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, 3 June 2008.

MINUTES

3 June 2008

NOTE: These minutes are subject to confirmation at the Council Meeting on 24 June 2008.

1. DECLARATION OF OPENING BY THE MAYOR

His Worship the Mayor, Mr David Smith, declared the meeting open at 6.00pm.

2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

PRESENT

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 Stephen Craddock
	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 Development:	Mr Geoff Klem
Council Officers (Non-Voting):	
Administration Officer Corporate Services:	Ms Fiona Wood
Others (Non-Voting):	
Members of the Public:	16 (approx.)
Members of the Press	Nil

APOLOGIES:

Cr Lorna Worthington – Apology

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**

Nil.

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

Nil.

6. **CONFIRMATION OF PREVIOUS MINUTES**

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

Council Decision 94/08

The minutes of the Council Meeting held 13 May 2008, be confirmed as a true and accurate record.

CARRIED

11 Votes "For" / Nil Votes "Against"

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

Nil.

8. ANNOUNCEMENTS BY THE MAYOR (WITHOUT DISCUSSION)

Approval has been given from the Minister of Arts to transfer the \$1,000,000 grant which was previously allocated to the Museum, to the Bunbury Regional Art Galleries for the purposes of undertaking urgent refurbishment and installation of a lift.

Lotteries Commission has advised they would increase their Pioneer Park grant of \$100,000 to \$160,000.

The Mayor advised he is in receipt of a letter from ratepayer inviting Council members to conduct a physical inspection of College Grove. This will be discussed further at the Briefing Session to be held 10 June 2008.

9. CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS

Nil.

10. RECEPTION OF FORMAL PETITIONS AND MEMORIALS

Nil.

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

At this point in proceedings, the Council adopted *en bloc* committee recommendations listed under items 11.1, 11.2, 11.3, 11.6, 11.7 and 11.12 of the meeting agenda (as permitted under the City's Standing Orders).

Items 11.4, 11.5, 11.8, 11.9, 11.10 and 11.11 of the meeting agenda were then dealt with (and voted on) individually.

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

11.1 REPORT ON STRATEGIC ACTIVITIES FOR PERIOD MARCH 2007 TO 31 MARCH 2008

File Ref:	A00836
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Ken Weary, Executive Manager Corporate Services

Council adopted the Corporate Strategic Plan 2007 - 2012 on the 6 March 2007.

A report on strategic activities identified in the Strategic Plan for the period March 2007 to 31 March 2008 is circulated **under separate cover**.

The report lists progress on individual goals and strategies linked to the City's Strategic Plan 2007-2012, the Principal Plan of Activities and the Annual Budget.

The report reflects the six heading in the Strategic Plan, as follows:

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

Recommendation

The Report on Strategic Activities for the period March 2007 to 31 March 2008 be received.

Outcome of the Council Committee Meeting – 27 May 2008

Members requested further details on the Corporate Strategic Report projects including the following:

- Cr Kelly requested that a more detailed reporting structure on the outcomes of projects be listed in future reports. Due to the absence of the Chief Executive Officer, the Executive Manager Corporate Services advised he will pass this request on to the Chief Executive Officer.

- Cr Steck requested an update on the Greater Bunbury Region Scheme and the implementation of City Vision. She also raised her concern that the City Vision document is being used as a decision making document rather than the City's Town Planning Scheme 7.
The Executive Manager City Development clarified that City Vision Strategy is applied through statutory schemes such as the Greater Bunbury Region Scheme which is an Act of Parliament. The City Vision document is a reference for Council.
Mr Klem advised members that the City Vision Strategy is not used for any decision making, only guidance and that Town Planning Scheme No. 7 is the statutory document used when changing the use of areas, creating new planning policies and approving new development applications.

- Cr Jones requested clarification if the programs run by the City are evaluated, if there are Seniors Programs and the status of the Summer School program.
The Executive Manager City Life advised that the programs are evaluated and advised he would provide a report containing which programs were evaluated and how this was undertaken. Mr Marzano advised he would also provide a report on the Seniors and Summer School programs including resources required and costings. The Presiding Member requested that all members receive a copy of the Summer School report.

- Cr Jones requested a progress report on school children attending the Council Chambers on excursions.
The Executive Manager City Life advised he will provide a report to her next week.

The recommendation was moved Cr Major, seconded Cr Punch and adopted *8 votes "for" to nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

The Report on Strategic Activities for the period March 2007 to 31 March 2008 be received.

AT THE COUNCIL MEETING

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

<p>Council Decision 95/08</p>

<p><i>The Report on Strategic Activities for the period March 2007 to 31 March 2008 be received.</i></p>
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<p>CARRIED</p>

<p>11 Votes "For" / Nil Votes "Against"</p>
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11.2 BUNBURY AIRPORT – VARIOUS NEW LEASE SITE AGREEMENTS

File Ref:	F00080
Applicant/Proponent:	Various Applicants - <i>refer to the Confidential Report for names of Company Directors</i>
Author:	John Beaton, Manager Administration & Property Services, and; Nigel Archibald, Airport Reporting Officer
Executive:	Michael Scott, Executive Manager City Services

Summary

Applications have been received from the following list of applicants seeking to lease aircraft hangar sites at the Bunbury Airport:

Site No.	Proposed Lessee
36	Dharmendran Chelvanayagam
37	Peter Kevin Bairstow
38	Lloyd Henriksen
39	William Francis Owen
40	Robert Hayden Rogers
41	Winterlea Pty Ltd (ABN 95 102 849 105)
42	Allsummer Pty Ltd (ACN 098 029 826)
43	Air Charters West Pty Ltd (ABN 89 099 695 057)
44	Blair Howe
45	Terence Andrew Doe and Leslie John Doe
46	Susan Elizabeth Schaffner
47	Alexandros Karatamoglou as Trustee for the Karatamoglou Family Trust (ABN 72 197 612 349)
48	Terrence James Freeman for and on behalf of Freeman Aerial Services (ABN 75 077 184 635)

It is proposed to grant the leases for an initial three (3) year term commencing 1 July 2008 with an option to renew for a further term of five (5) years. The initial three-year term will expire on 30 June 2011 to coincide with existing lease agreements.

A site plan is **attached** at Appendix 1.

Background

The Bunbury Airport is located on Reserve 27686, Lot 455 South Western Highway, Bunbury. The land is held by the City of Bunbury under Management Order Crown Land Record 3040/63 (Crown Land title Vol 3007 Folio 583) for the purpose of an “Aerodrome” with the power to lease for a term of up to twenty-one (21) years.

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The term of the existing lease agreements and proposed lease agreements are determined in accordance with the *Bunbury Airport Strategic Plan Directions 2000–2010* which requires all leases to have corresponding expiry dates (being 30 June 2011) and corresponding terms and conditions.

The City was successful in obtaining a grant of \$45,000 from the Department for Planning and Infrastructure under its Regional Airports Development Scheme and this represents 50% of the capital costs to clear the new lease site area, construct taxi-ways and re-align perimeter fencing. The balance of funds (of \$45,000) will be recovered through a Headworks Levy on each new lease calculated at a rate of \$12.00 per sq.m for each new lease area. The lessee will be provided with the option to pay this levy by one upfront payment or by equal instalments over five (5) years. A Schedule of Financial Details for the proposed new leases (showing the Headworks Levy that will apply in each case) is **attached** at Appendix 2.

At the Council Meeting held on 18 December 2007, the following decision was made:

“Council Decision 253/07

Council approves expenditure of funds to develop additional leases sites at the Bunbury Airport with the funding to be achieved through grants, donations and a Headworks Charge on lessees.”

The City's Executives and the applicants have mutually agreed on the terms and conditions of each lease. The generic terms and conditions of each lease are as follows;

Commencement Date:	1 July 2008
Term:	Three (3) years with an option for a further term of five (5) years
Expiry Date:	30 June 2011
Annual Rental:	Refer to Schedule of Financial Details attached at Appendix 2
Rent Review	Increased in line with the City's <i>Commercial and Industrial Rate</i> throughout the term of the lease. The Administration Fee for each lease will be adjusted annually in accordance with the Consumer Price Index.
Permitted Use:	Aircraft storage
Outgoings:	To be the responsibility of each Lessee (includes payment of municipal property rates)
Insurance:	Lessees are to maintain Public Risk and General insurance policies over the land/buildings/property/equipment on their lease site. The Public Risk component for each lease site is to be set at \$10(M).
Document Preparation:	Each Lessee will be responsible for the full costs of document preparation, registration and advertising associated with their lease.
Special Condition:	Lessees will be required to construct (or be shown to have made significant progress towards) construction of a hangar on their lease site within the first 12-months of their lease. If this condition is not met the Council has the right to cancel the lease.

Strategic and/or Regional Outcomes

Strategic 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.”

The proposal also complies with the *Bunbury Airport Strategic Directions Plan 2000-2010*.

Regional Outcomes

The proposal provides opportunities to interested persons from the Greater Bunbury Region to use the Bunbury Airport.

City Vision Strategy

Future expansion (and anticipated future use) of the Bunbury Airport was considered as part of the City Vision Strategy process.

Community Consultation

The proposal to grant the leases must be advertised pursuant to Section 3.58 of the Local Government Act 1995 and requires a public submission period of fourteen (14) days.

Councillor/Officer Consultation

Council officers have held discussions with the lessees and have mutually agreed on the terms and conditions of each lease.

Analysis of Financial and Budget Implications

The Department for Planning and Infrastructure under its Regional Airports Development Scheme has provided \$45,000 (or 50%) of the capital funding to carry out the works required at the airport for the new lease sites including: cleaning the new lease site areas, constructing taxiways and re-aligning perimeter fencing.

The balance of funds (\$45,000) will be recovered through a Headworks Levy on each new lease. The project will not pose a financial burden on Council with funding secured from other sources.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The use of aircraft provides economic benefits to suppliers.

Social Issues

The provision of an increased number of aircraft hangar sites at the Bunbury Airport will alleviate the increasing demand on the airport to cater for business and recreational aviators.

Environmental Issues

An increase in the number of aircraft hangar sites at the airport will not conflict with the "Bunbury Airport Location Analysis Study City of Bunbury" compiled by Connell Wagner Pty Ltd in April 2004: and is in keeping with the amenity of the area.

Heritage Issues

There are no known heritage issues relative to the proposal.

Council Policy Compliance

There is no Council policy concerning the granting of new leases at the airport.

Legislative Compliance

The intention to grant the new leases will be advertised for public information with a submission period of fourteen (14) days in accordance with Section 3.58 (3) and (4) of the Local Government Act 1995.

Pursuant to Section 18 of the *Land Administration Act 1997* the Office of the Minister for Lands has no objection to the leasing proposal.

Delegation of Authority

The Chief Executive Officer has the delegated authority to negotiate the terms and conditions of property leases provided the settled terms/conditions are presented to Council for endorsement before documentation is finalised.

It is proposed that subject to no objecting submissions being received as a result of public advertising, the Chief Executive Officer will proceed with preparation of the individual lease documents.

Relevant Precedents

Council currently leases thirty-two (32) hangar sites at the Bunbury Airport and regularly considers request for new and assigned leases due to the growing demand for aircraft hangers.

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 elect not to support the individual applications to lease the new Bunbury Airport Site (Reserve 27686, Lot 455 South Western Highway).

Conclusion

At its meeting held on 18 December 2007, Council made the following decision: "*Council approves expenditure of funds to develop additional leases sites at the Bunbury Airport with the funding to be achieved through grants, donations and a Headworks Charge on lessees.*" Applications to lease the new aircraft hangar sites have now been received and a decision of the Council is required to initiate the leasing process.

Recommendation

Council agrees to grant a Lease over the following newly created Bunbury Airport sites on portion of Reserve 27686, Lot 455 South Western Highway, Bunbury; subject to the terms and conditions as specified in the report to Council (and associated Schedule of Financial Details) together with the conditions set out in points 1. to 4. below:

Site	Proposed Lessee
36	Dharmendran Chelvanayagam
37	Peter Kevin Bairstow
38	Lloyd Henriksen
39	William Francis Owen
40	Robert Hayden Rogers
41	Winterlea Pty Ltd (ABN 95 102 849 105)
42	Allsummer Pty Ltd (ACN 098 029 826)
43	Air Charters West Pty Ltd (ABN 89 099 695 057)
44	Blair Howe
45	Terence Andrew Doe and Leslie John Doe
46	Susan Elizabeth Schaffner
47	Alexandros Karatamoglou as Trustee for the Karatamoglou Family Trust (ABN 72 197 612 349)
48	Terrence James Freeman for and on behalf of Freeman Aerial Services (ABN 75 077 184 635)

1. The term of each lease to be for three (3) years to 30 June 2011 with an option to renew for a further five (5) year term.
2. Public notice of the intention to lease to be provided pursuant to Section 3.58 of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration Centre and Libraries; and a notice published in the "City Update" column of the Bunbury Mail Newspaper.
3. Subject to no objecting submissions being received, the Chief Executive Officer to proceed with preparation (and signing) of the Lease documents.
4. All costs associated with the proposal to be the responsibility of the applicants.

Outcome of the Council Committee Meeting – 27 May 2008

The Presiding Member advised that the applicant interested in leasing Site 36 has withdrawn their application.

Members then moved to vote on an amended recommendation, removing reference to Site 36.

The recommendation was moved Cr Major, seconded Cr Whittle and adopted *8 votes "for" to nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Council agrees to grant a Lease over the following newly created Bunbury Airport sites on portion of Reserve 27686, Lot 455 South Western Highway, Bunbury; subject to the terms and conditions as specified in the report to Council (and associated Schedule of Financial Details) together with the conditions set out in points 1. to 4. below:

Site	Proposed Lessee
37	Peter Kevin Bairstow
38	Lloyd Henriksen
39	William Francis Owen
40	Robert Hayden Rogers
41	Winterlea Pty Ltd (ABN 95 102 849 105)
42	Allsummer Pty Ltd (ACN 098 029 826)
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44	Blair Howe
45	Terence Andrew Doe and Leslie John Doe
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2. Public notice of the intention to lease to be provided pursuant to Section 3.58 of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration Centre and Libraries: and a notice published in the "City Update" column of the Bunbury Mail Newspaper.
3. Subject to no objecting submissions being received, the Chief Executive Officer to proceed with preparation (and signing) of the Lease documents.
4. All costs associated with the proposal to be the responsibility of the applicants.

AT THE COUNCIL MEETING

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

Council Decision 96/08

Council agrees to grant a Lease over the following newly created Bunbury Airport sites on portion of Reserve 27686, Lot 455 South Western Highway, Bunbury; subject to the terms and conditions as specified in the report to Council (and associated Schedule of Financial Details) together with the conditions set out in points 1. to 4. below:

<i>Site</i>	<i>Proposed Lessee</i>
37	<i>Peter Kevin Bairstow</i>
38	<i>Lloyd Henriksen</i>
39	<i>William Francis Owen</i>
40	<i>Robert Hayden Rogers</i>
41	<i>Winterlea Pty Ltd (ABN 95 102 849 105)</i>
42	<i>Allsummer Pty Ltd (ACN 098 029 826)</i>
43	<i>Air Charters West Pty Ltd (ABN 89 099 695 057)</i>
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48	<i>Terrence James Freeman for and on behalf of Freeman Aerial Services (ABN 75 077 184 635)</i>

- 1. The term of each lease to be for three (3) years to 30 June 2011 with an option to renew for a further five (5) year term.*
- 2. Public notice of the intention to lease to be provided pursuant to Section 3.58 of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration Centre and Libraries: and a notice published in the "City Update" column of the Bunbury Mail Newspaper.*
- 3. Subject to no objecting submissions being received, the Chief Executive Officer to proceed with preparation (and signing) of the Lease documents.*
- 4. All costs associated with the proposal to be the responsibility of the applicants.*

CARRIED

11 Votes "For" / Nil Votes "Against"

11.3 BUNBURY AIRPORT SITE NO. 29A - ASSIGNMENT OF LEASE FROM AIR CHARTERS WEST PTY LTD TO BLAIR HOWE

File Ref:	F00080
Applicant/Proponent:	Malcolm Ashworth, Air Charters West Pty Ltd - <i>refer to Confidential Report for details of Company Directors</i>
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

An application has been received from Air Charters West Pty Ltd (“the Lessee”) seeking Council’s consideration to assign the lease over Bunbury Airport Site No. 29A to Mr Blair Howe (“the Assignee”). The lease is due to expire on 30 June 2011.

Mr Howe already leases Sites Nos. 28A, 28B, 28C, 31, 31B, 33C and 33D for the following purposes:

Sites 28A, 28B and 28C - Aircraft storage and maintenance
Site 31 and 31B - Flight school classrooms and flight simulation
Sites 33C and 33D - Flight school office and ablutions

Subject to Mr Howe being successful in acquiring assignment of the lease of Site 29A, it is his intention to continue to use the site for the storage of aircraft. A site plan is **attached** for information at Appendix 3.

Background

The Bunbury Airport is located on Reserve 27686, Lot 455 South Western Highway, Bunbury. The land is held by the City of Bunbury under Management Order Crown Land Record 3040/63 (Crown Land Title Vol. 3007 Fol. 583) for the purpose of an “Aerodrome” with the power to lease for a term of up to twenty-one (21) years.

The term of the existing lease over Bunbury Airport Site No. 29A was determined in accordance with the *Bunbury Airport Strategic Plan Directions 2000–2010* which require all leases at the airport to have corresponding expiry dates, terms and conditions.

Current Lease Details

Details in relation to the status of the property and the current lease are as follows:

Current Lease Commenced:	1 July 2001
Current Lessee:	Air Charters West Pty Ltd
Term of Current Lease:	Five (5) years with a further five (5) year option
Expiry Date:	30 June 2011
Annual Rental:	\$1,532.07 per annum plus GST
Administration Fee:	\$32.53 per annum plus GST
Rent Review:	Lease fees adopted at the Council Meeting on 14 August 2007 are increased annually in line with the City's <i>Commercial and Industrial Rate</i> throughout the term of the lease. The administration fee is adjusted annually in accordance with the consumer price index.
Permitted Use:	Storage of aircraft
Lease Area:	441.35 sq.m
Outgoings:	To be the responsibility of the Lessee
Insurance Requirements:	The Lessee to maintain a Public Risk and General Insurance Policy over the land and buildings at Site No. 29A, Bunbury Airport. The Public Risk component to be set at \$10(M).
Document Preparation:	The Lessee is responsible for the full costs of documentation registration and advertising

The City's Executive, the Assignor and Assignee have mutually agreed on the terms and conditions of assignment for the unexpired term of the lease.

Strategic and/or Regional Outcomes

Strategic 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.*"

The proposal also complies with the *Bunbury Airport Strategic Directions Plan 2000–2010*.

Regional Outcomes

The proposal provides opportunities to interested persons from the Greater Bunbury Region to use the Bunbury Airport.

City Vision Strategy

There are no strategies specific to the lease of hangars and buildings at the Bunbury Airport.

Community Consultation

The proposal to grant the assignment must be advertised pursuant to Section 3.58 of the Local Government Act 1995 and requires a public submission period of fourteen (14) days.

Councillor/Officer Consultation

Council officers have held discussions with the Assignor and Assignee and have mutually agreed on the terms and conditions of assignment of the unexpired term of the existing lease.

Analysis of Financial and Budget Implications

Lease fees were adopted at the Council Meeting held 14 August 2007 and are increased annually in line with Council's *Commercial and Industrial Rate* throughout the term.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The use of aircraft provides economic benefits to suppliers.

Social Issues

The activity provides an avenue for like-minded enthusiasts to participate.

Environmental Issues

The application does not conflict with the "Bunbury Airport Location Analysis Study City of Bunbury" compiled by Connell Wagner Pty Ltd in April 2004; and is in keeping with the amenity of the area.

Heritage Issues

There are no known heritage issues relative to the proposal.

Council Policy Compliance

There is no Council policy concerning lease assignments.

Legislative Compliance

The intention to assign the lease will be advertised for public information with a submission period of fourteen (14) days in accordance with Section 3.58(3) and (4) of the Local Government Act 1995.

Pursuant to Section 18 of the *Land Administration Act 1997*, the Office of the Minister for Lands has no objection to the proposal to assign the lease.

Delegation of Authority

The Chief Executive Officer has the delegated authority to negotiate the terms and conditions of property leases provided the settled terms/conditions are presented to Council for endorsement before documentation is finalised.

It is proposed that subject to no objecting submissions being received as a result of public advertising, the Chief Executive Officer will proceed with preparation of the assignment of lease document.

Relevant Precedents

Council currently leases thirty-two (32) hangar sites at the Bunbury Airport and regularly considers requests for new and assigned leases due to the growing demand for aircraft hangars.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council may elect not to support the application from Air Charters West Pty Ltd to assign its lease for Bunbury Airport Site No. 29A (Reserve 27686, Lot 455 South Western Highway) to Mr Blair Howe.

Conclusion

The proposal for the Airport Site No. 29A lease to be assigned from Air Charters West Pty Ltd (the current lessee) to Mr Blair Howe, meets the following objectives.

- The City will meet its responsibilities for the management, care and control of Reserve 27686, Lot 455 South Western Highway, Bunbury for the benefit of an “Airport”.
- The terms and conditions of the assignment have been mutually agreed to by the City’s Executive, the Assignor and Assignee.

Recommendation

Council agrees to grant an Assignment of Lease over Bunbury Airport Site No. 29A (portion of Reserve 27686, Lot 455 South Western Highway) from the current lessee, Air Charters West Pty Ltd, to Mr Blair Howe subject to the terms and conditions (as specified in the report to Council) and the following:

1. The term of the assigned lease will commence 1 July 2008 and be for the unexpired portion of the term of the lease to 30 June 2011.
2. Public notice of the intention to assign the lease to be provided pursuant to Section 3.58 of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration Centre and Libraries; and a notice published in the "City Update" column of the Bunbury Mail Newspaper.
3. Subject to no objecting submissions being received, the Chief Executive Officer to proceed with preparation (and subsequent signing) of the Assignment of Lease document.
4. All costs associated with the proposal to be the responsibility of the applicants.

Outcome of the Council Committee Meeting – 27 May 2008

The recommendation was moved Cr Major, seconded Cr Whittle and adopted *8 votes "for" to nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Council agrees to grant an Assignment of Lease over Bunbury Airport Site No. 29A (portion of Reserve 27686, Lot 455 South Western Highway) from the current lessee, Air Charters West Pty Ltd, to Mr Blair Howe subject to the terms and conditions (as specified in the report to Council) and the following:

1. The term of the assigned lease will commence 1 July 2008 and be for the unexpired portion of the term of the lease to 30 June 2011.
2. Public notice of the intention to assign the lease to be provided pursuant to Section 3.58 of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration Centre and Libraries; and a notice published in the "City Update" column of the Bunbury Mail Newspaper.
3. Subject to no objecting submissions being received, the Chief Executive Officer to proceed with preparation (and subsequent signing) of the Assignment of Lease document.
4. All costs associated with the proposal to be the responsibility of the applicants.

AT THE COUNCIL MEETING

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

Council Decision 97/08

Council agrees to grant an Assignment of Lease over Bunbury Airport Site No. 29A (portion of Reserve 27686, Lot 455 South Western Highway) from the current lessee, Air Charters West Pty Ltd, to Mr Blair Howe subject to the terms and conditions (as specified in the report to Council) and the following:

- 1. The term of the assigned lease will commence 1 July 2008 and be for the unexpired portion of the term of the lease to 30 June 2011.*
- 2. Public notice of the intention to assign the lease to be provided pursuant to Section 3.58 of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration Centre and Libraries; and a notice published in the "City Update" column of the Bunbury Mail Newspaper.*
- 3. Subject to no objecting submissions being received, the Chief Executive Officer to proceed with preparation (and subsequent signing) of the Assignment of Lease document.*
- 4. All costs associated with the proposal to be the responsibility of the applicants.*

CARRIED

11 Votes "For" / Nil Votes "Against"

11.4 FINANCIAL STATEMENTS - APRIL 2008 (*WAS LISTED AS ITEM 11.6 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 30 April 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 30 April 2008, be received.

Outcome of the Council Committee Meeting – 27 May 2008

The recommendation was moved Cr Jones, seconded Cr Major and adopted *8 votes "for" to nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

The Financial Statements for the period ending 30 April 2008, be received.

AT THE COUNCIL MEETING

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

Council Decision 98/08

The Financial Statements for the period ending 30 April 2008, be received.

CARRIED

11 Votes "For" / Nil Votes "Against"

11.5 DRAFT PUBLIC HEALTH BILL 2008 (WAS LISTED AS ITEM 11.7 ON THE MEETING AGENDA)

File Ref:	A00348
Applicant/Proponent:	WALGA / WA Department of Health
Author:	Tim Hunter, Manager Health
Executive:	Geoff Klem, Executive Manager City Development

Summary

The Department of Health has released a draft Public Health Act which will replace the Health Act 1911 when fully enacted. A full copy of the Proposed Act is available from the Manager Health on request. Western Australian Local Government Association (WALGA) has released a position paper for comment on the Act (**attached** at Appendix 11).

A presentation was made to Council at a briefing session on 29 April 2008 and the Council indicated that it supported the WALGA position. The meeting indicated that WALGA should be advised of the Council's support and that a copy of the submission completed by the Manager Health should also be forwarded to them. A copy of this submission is **attached** at Appendix 12.

Council requested that this item be presented for a formal resolution.

Background

The proposal to establish a new Public Health Act has been in the pipeline for many years and has now received political imperative. Council considered a discussion paper released by the WA Department of Health and a position paper released by WALGA in October 2005 and resolved to fully support the WALGA position.

The proposed Act significantly changes the approach of government to issues of public health from the "abatement of nuisances" approach to a "risk based" approach, through a general duty to take reasonable and practical steps to prevent or minimise harm to public health. The Act provides a framework of modern legislation to support this approach.

There is sufficient flexibility embodied in the Act to allow for the emerging threats to public health to be addressed and provides an effective head of power for the management of emergency situations (such as pandemic influenza). The proposed Act also introduces a formal process of Public Health Assessment to run in parallel with the Environmental Impact Assessment process under the Environmental Protection Act.

Strategic and/or Regional Outcomes

The new Public Health Act will change the way in which local government health services are delivered to the community. The range and scope of services will be defined in local public health plans.

The Act will require each local government to prepare a public health plan that applies to its local government district. The plan is to identify the public health needs of the district and for the establishment of a strategic framework for the management of risks of harm to public health and is to:

- include an examination of data relating to health status and health determinants in the local government district,
- establish objectives and policy priorities for the promotion and protection of public health in the local government district, and
- describe the development and delivery of public health services in the local government district.

There is a requirement to include a report on the performance of the local government with regard to its functions under this Act. The intent is to incorporate the public health planning process into existing local government 'future plans' prepared under the Local Government Act 1995 to integrate public health into existing planning processes and minimise the number of separate planning processes required of local government.

Community Consultation

As this is a process driven by the State Government, community consultation is not appropriate at this stage

Councillor/Officer Consultation

The proposed Act has been fully discussed among environmental health staff and a submission developed in response to the questions raised in the explanatory paper. Council was briefed on this issue on 29 April 2008 and indicated their support for the WALGA position.

Analysis of Financial and Budget Implications

At this stage it is not possible to assess the financial implication as none of the detail of the proposed Policies has been released. In the short term (2 year phase in period after the Act is proclaimed) it is expected that there will be no additional budgetary issues and that the Environmental Health Service will continue with the current establishment.

Economic, Social, Environmental and Heritage Issues

Currently the Environmental Health Service conducts routine inspections of some 420 premises in the City however a fee, through a registration/licensing process, can only be recovered from 179 of the premises. Changes proposed to the registration and licensing of activities under the provisions of both the Public Health Act and the Food Act will address this issue by permitting the charging of fees set under the provisions of the Local Government Act 1995.

Council Policy Compliance

There is no Council policy that deals with this issue

Legislative Compliance

There are no legislative compliance issues.

Delegation of Authority

There are no delegation issues.

Relevant Precedents

At its meeting of 18 October 2005, Council considered a discussion paper released by the WA Department of Health and a position paper released by WALGA and resolved as follows:

- “1. Council fully supports the position of the WA Local Government Association in relation to the new Public Health Act discussion paper.*
- 2. The WA Local Government Association to be advised accordingly.”*

Options

Option 1

As per the recommendation as listed in this report.

Option 2

Council conditionally support the position of the WA Local Government Association in relation to the proposed Public Health Bill.

Option 3

Council oppose the position of the WA Local Government Association in relation to the proposed Public Health Bill

Conclusion

The review of the Health Act 1911 is long overdue and the proposed Public Health Act will provide a vehicle for the Council to provide effective health services designed to protect and enhance the health status of the community into the future.

Recommendation

1. Council fully support the position of the Western Australian Local Government Association in relation to the proposed Public Health Bill
2. The Western Australian Local Government Association be advised accordingly
3. Council endorses the Submission prepared by the Manager Health and forward a copy to the Western Australian Department of Health.

Outcome of the Council Committee Meeting – 27 May 2008

The recommendation was moved Cr Jones, seconded Cr Major and adopted *8 votes "for" to nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

1. Council fully support the position of the Western Australian Local Government Association in relation to the proposed Public Health Bill
2. The Western Australian Local Government Association be advised accordingly
3. Council endorses the Submission prepared by the Manager Health and forward a copy to the Western Australian Department of Health.

AT THE COUNCIL MEETING

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

Council Decision 99/08

1. *Council fully support the position of the Western Australian Local Government Association in relation to the proposed Public Health Bill*
2. *The Western Australian Local Government Association be advised accordingly*
3. *Council endorses the Submission prepared by the Manager Health and forward a copy to the Western Australian Department of Health.*

CARRIED

11 Votes "For" / Nil Votes "Against"

11.6 ITEMS TO BE NOTED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING *(WAS LISTED AS ITEM 11.12 ON THE MEETING AGENDA)*

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

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

Recommendation

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

1. Title: Minutes – Bunbury Regional Roadwise Committee 5/05/2008
Author: Beatrice Plant, Senior Engineer (Program & Asset Management)
File: A00692
2. Title: Building & Planning Approvals Issued 1 to 30 April 2008
Author: Gary Fitzgerald, Manager Development Services
File: A00566
3. Title: Leschenault Homestead Planning Committee – Final Report
Author: Geoff Klem, Executive Manager City Development
File: A00537
4. Title: Accounts for Payment for the Period 1 to 30 April 2008
Author: David Ransom, City Accountant
File: A00083
5. Title: Review of the Appropriateness and Effectiveness of the City's Financial Management Systems
Author: David Ransom, City Accountant
File: A00084
6. Title: Minutes – Audit Committee 30/04/2008
Author: David Ransom, City Accountant
File: A00083

Outcome of the Council Committee Meeting – 27 May 2008

A motion to note the Items for Information was moved Cr Major, seconded Cr Kelly and adopted *8 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 – Bunbury Regional Roadwise Committee 5/05/2008
Author: Beatrice Plant, Senior Engineer (Program & Asset Management)
File: A00692
2. Title: Building & Planning Approvals Issued 1 to 30 April 2008
Author: Gary Fitzgerald, Manager Development Services
File: A00566
3. Title: Leschenault Homestead Planning Committee – Final Report
Author: Geoff Klem, Executive Manager City Development
File: A00537
4. Title: Accounts for Payment for the Period 1 to 30 April 2008
Author: David Ransom, City Accountant
File: A00083
5. Title: Review of the Appropriateness and Effectiveness of the City's Financial Management Systems
Author: David Ransom, City Accountant
File: A00084
6. Title: Minutes – Audit Committee 30/04/2008
Author: David Ransom, City Accountant
File: A00083

AT THE COUNCIL MEETING

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

Council Decision 100/08

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

1. *Title: Minutes – Bunbury Regional Roadwise Committee 5/05/2008*
Author: Beatrice Plant, Senior Engineer (Program & Asset Management)
File: A00692
2. *Title: Building & Planning Approvals Issued 1 to 30 April 2008*
Author: Gary Fitzgerald, Manager Development Services
File: A00566
3. *Title: Leschenault Homestead Planning Committee – Final Report*
Author: Geoff Klem, Executive Manager City Development
File: A00537
4. *Title: Accounts for Payment for the Period 1 to 30 April 2008*
Author: David Ransom, City Accountant
File: A00083
5. *Title: Review of the Appropriateness and Effectiveness of the City's Financial Management Systems*
Author: David Ransom, City Accountant
File: A00084
6. *Title: Minutes – Audit Committee 30/04/2008*
Author: David Ransom, City Accountant
File: A00083

CARRIED

11 Votes "For" / Nil Votes "Against"

11.7 PROPOSED APPOINTMENT TO CITY PROMOTIONS COMMITTEE (WAS LISTED AS ITEM 11.4 ON THE MEETING AGENDA)

File Ref:	A03402
Applicant/Proponent:	Internal Report
Author:	Michael Fraser, Events Officer
Executive:	Domenic Marzano, Executive Manager City Life

Summary

It is proposed to appoint Jo O’Dea as a 'Community Representative' on the City Promotions Committee.

An extract from the City's Committee Book showing the committee's Terms of Reference is **attached** at Appendix 4.

Background

The City Promotions Committee was appointed by the Council on 27 November 2007 to provide guidance and recommendations to assist the Council in discharging its duties. Membership of the committee is currently:

Committee Members (voting)

Deputy Mayor – Councillor Stephen Craddock
Councillor Michelle Steck
Councillor Noel Whittle
Greg Trevaskis, City of Bunbury CEO
Dom Marzano, Executive Manager City Life

Ex-officio Members (non voting)

City of Bunbury Marketing Officer
Bunbury Visitor Centre Coordinator
Allan Birrell – Bunbury Chamber of Commerce & Industries CEO
Graham Harvey – Bunbury Regional Entertainment Centre

Technical and administrative support is provided to the committee by the following Council officers:

- Jackie Massey, Manager Economic & Social Development
- Michael Fraser, Events Officer
- Del Ambrosius, Communications Officer

Members of the City Promotions Committee approached Ms O’Dea to join the committee as they believe she has valuable experience and knowledge in events management and promotions.

Strategic and/or Regional Outcomes

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

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

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

Community Consultation

No community consultation has been undertaken concerning this proposal

Councillor/Officer Consultation

The members of the City Promotions Committee unanimously support the nomination

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

There are no known Economic, Social, Environmental or Heritage issues associated with this proposal as this is a nomination for appointment to an existing committee of the Council.

Council Policy Compliance

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

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

Legislative Compliance

Section 5.9(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

The Chief Executive Officer does not have delegated the authority to appoint members to committees of council.

Relevant Precedents

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 (as amended by Council members)

Option 3

Council not appoint Jo O'Dea to the City Promotions Committee.

Recommendation

Council appoints Jo O'Dea as a 'Community Representative' on the City Promotions Committee - tenure of membership to be as specified in Section 5.11 of the Local Government Act 1995:

Outcome of the Council Committee Meeting – 27 May 2008

The recommendation was moved Cr Jones, seconded Cr Slater and adopted 8 votes *"for"* to nil votes *"against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Council appoints Jo O'Dea as a 'Community Representative' on the City Promotions Committee - tenure of 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 Craddock, seconded Cr Major. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 101/08

Council appoints Jo O'Dea as a 'Community Representative' on the City Promotions Committee - tenure of membership to be as specified in Section 5.11 of the Local Government Act 1995.

CARRIED

11 Votes "For" / Nil Votes "Against"
Absolute Majority Vote reached.

11.8 PROPOSED CLOSURE OF PUBLIC ACCESS WAY ABUTTING BREND TOR STREET AND ITS AMALGAMATION INTO THE ADJOINING FREEHOLD LAND
(WAS LISTED AS ITEM 11.5 ON THE MEETING AGENDA)

File Ref:	A00396
Applicant/Proponent:	Edwin Abdo & Associates on behalf of The Roman Catholic Church
Author:	Beatrice Plant, City Engineer
Executive:	Michael Scott, Executive Manager City Services

Summary

Edwin Abdo & Associates (Solicitors), on behalf of the Roman Catholic Church, proposes to close the Public Access Way abutting Brend Tor Street and amalgamate it into the adjoining freehold properties owned by the Roman Catholic Church. A Location Plan is **attached** at Appendix 5.

Background

On 23 November 2006, correspondence was received from Edwin Abdo & Associates on behalf of the Roman Catholic Bishop of Bunbury, requesting that the City approve closure of the Public Access Way (PAW) abutting Brend Tor Street and approve its amalgamation with adjoining freehold properties owned by the Roman Catholic Church. See the map **attached** at Appendix 6.

In May 2005, a destructive tornado hit Bunbury, damaging the Roman Catholic Cathedral eventually resulting in its demolition. The area surrounding the Cathedral is owned by the Catholic Church and is referred to as the Roman Catholic Cathedral Precinct (see Location Plan **attached** at Appendix 7). Following the demolition of the Cathedral plans for the redevelopment of the Catholic Cathedral Precinct ensued and approval of those plans is dependent upon approval of the proposed closure and amalgamation of the PAW. It is further proposed, at the same time, to amalgamate all Catholic Church holdings lots into one lot.

This proposal is being processed under Section 52 of the Land Administration Act 1997, whereby Council can request the Minister to acquire the PAW as Crown Land. Since the land in question would become Crown land, all proceeds from the proposed amalgamation will be allocated to State Revenue. The Roman Catholic Church has indemnified Council against all costs associated with the acquisition and amalgamation (**attached** at Appendix 8).

Strategic and/or Regional Outcomes

Strategic Outcomes

The Recommendation is consistent with Council's 2007-2012 Strategic Plan, which states that the Bunbury City Council has a goal to "Have a built environment which is safe, accessible, functional, attractive and sympathetic with the natural environment". To achieve this goal, the Strategic Plan specifies assessment and approvals of all development proposals within the context of the Town Planning Scheme. The proposed development of the Roman Catholic Cathedral Precinct is consistent with this goal.

Regional Outcomes

There are no Regional outcomes associated with this proposal.

Community Consultation

Under the Act, the proposed acquisition is required to be advertised once in a state wide distributed newspaper for a period not less than 30 days. Accordingly, the proposal was advertised in The West Australian newspaper on 8 September 2007 requesting public comment (Advertisement **attached** at Appendix 9). The submission period closed on 13 October 2007 thus allowing thirty-five days for the public to comment.

More advertising than normal has been undertaken with this proposal due to the fact that the parcel of land was originally shown incorrectly as Road Reserve on the Department of Land Information's (DLI) Corporate Spatial Data Base.

Accordingly, advertising was originally undertaken in accordance with Section 58 of the Land Administration Act 1997, which requires advertising in a locally distributed newspaper and the placement of signs at either end of the PAW for a period of thirty-five days when closing a "road".

The anomaly has since been rectified on the Department of Land Information's (DLI) Corporate Spatial Data Base.

One submission was received following both advertising periods and is (**attached** at Appendix 10). It should be noted that the submission objects to the closure of a portion of the Road Reserve rather than to the closure of the PAW in question. This issue has since been clarified with the objector.

All relative service authorities have been contacted in accordance with Section 52 of the Land Administration Act 1997.

No other objections have been received.

Councillor/Officer Consultation

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

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, as the proponent will be responsible for and has indemnified the City against all fees, charges and costs associated with the proposal. The land in question will become Crown land and all proceeds from the proposed amalgamation will be allocated to State Revenue

Economic, Social, Environmental and Heritage Issues

Economic Issues

The PAW will be initially vested to the Crown and then amalgamated into the adjoining freehold properties therefore the City will not be responsible for its maintenance.

Social Issues

The closure of the PAW and its amalgamation into the adjoining freehold properties will enable redevelopment of the Catholic Cathedral Precinct.

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 Land Administration Act 1997 (Section 52), which requires a public notice to be placed in a "state wide distributed paper" for a period of not less than 30 days. A public notice was placed in the West Australian on the 8 September 2007 advising of the proposed acquisition and inviting written submissions. 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 acquisition of a PAW as Crown Land.

Relevant Precedents

At its Council Meeting on 3 August 2004, Under Section 58 of the Land Administration Act 1997, Council resolved to request the Minister to close the PAW between Julia Drive and Knight Street and amalgamate it into the adjoining lots.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council does not approve the acquisition of the Brend Tor Street PAW or its amalgamation into the adjoining freehold properties

Conclusion

The Brend Tor Street PAW serves no public purpose. Its primary purpose is to provide access to the adjoining properties, which are all owned by the Roman Catholic Church. The acquisition of the PAW as Crown Land and its subsequent amalgamation into the adjoining properties will enable the redevelopment of the Roman Catholic Church Precinct to proceed.

The Roman Catholic Church has indemnified Council against all costs associated with the proposed acquisition and subsequent amalgamation.

Recommendation

In relation to the proposed closure of the public access way abutting Brend Tor Street and its amalgamation into the adjoining freehold land, Council to take the following action:

1. Pursuant to the provisions of Section 52 of the Land Administration Act 1997 and having given the prescribed notice and consideration of submissions, request the Minister to acquire the Public Access Way abutting Brend Tor Street as shown in the location plan, and amalgamate it into adjoining freehold Lots 2, 5 and 6.
2. Indemnify the Department of Planning and Infrastructure against all costs associated with the closure and amalgamation, having received a like indemnity from the Applicant.

Outcome of the Council Committee Meeting – 27 May 2008

The Executive Manager City Development responded to questions relating to parking and provided the following information:

- There are no specific parking provisions for churches. Some Local Governments work on 'kneeling space'.
- The pre-existing parking for the former church met with the patrons demands.
- Due to the floor space in the Church increasing by double, the parking provisions for the church have also done so.
- The parking area behind the City Library will also be able to be utilised by Church patrons on weekends with no impact on patrons using this area during the week.

The recommendation was moved Cr Steck, seconded Cr Slater and adopted *7 votes "for" to 1 vote "against"* to become the Committee's recommendation on this issue.

Cr Major requested his name be recorded as voting 'against'.

Committee Recommendation

In relation to the proposed closure of the public access way abutting Brend Tor Street and its amalgamation into the adjoining freehold land, Council to take the following action:

1. Pursuant to the provisions of Section 52 of the Land Administration Act 1997 and having given the prescribed notice and consideration of submissions, request the Minister to acquire the Public Access Way abutting Brend Tor Street as shown in the location plan, and amalgamate it into adjoining freehold Lots 2, 5 and 6.
2. Indemnify the Department of Planning and Infrastructure against all costs associated with the closure and amalgamation, having received a like indemnity from the Applicant.

AT THE COUNCIL MEETING

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

Council Decision 102/08

In relation to the proposed closure of the public access way abutting Brend Tor Street and its amalgamation into the adjoining freehold land, Council to take the following action:

- 1. Pursuant to the provisions of Section 52 of the Land Administration Act 1997 and having given the prescribed notice and consideration of submissions, request the Minister to acquire the Public Access Way abutting Brend Tor Street as shown in the location plan, and amalgamate it into adjoining freehold Lots 2, 5 and 6.*
- 2. Indemnify the Department of Planning and Infrastructure against all costs associated with the closure and amalgamation, having received a like indemnity from the Applicant.*

CARRIED

10 Votes "For" / 1 Vote "Against"

Cr Major requested that his vote 'against' the above Council Decision, be recorded.

11.9 PROPOSED SCHEME AMENDMENT – LOTS 27, 28, 29 & 45 PICKERSGILL STREET (GWN BROADCASTING BUILDING) - REZONE TO SPECIAL USE (WAS LISTED AS ITEM 11.8 ON THE MEETING AGENDA)

File Ref:	P07654
Applicant/Proponent:	Thompson McRobert Edgeloe (TME) on behalf of Prime Media Group Limited trading as Prime Television - <i>refer to the Confidential Report for names of Company Directors</i>
Author:	Sam McNeilly, Senior Planner (Statutory)
Executive:	Geoff Klem, Executive Manager City Development

Summary

Thompson McRobert Edgeloe (TME), who act on behalf of Prime Media Group Limited trading as Prime Television (who own the Golden West Network), has lodged an application with the City to amend the current Town Planning Scheme (TPS 7). The proposal is to rezone the land from its current designation (Local Scheme Reserve – Public Purposes – Local Government) to “Special Use” zone. A location plan is contained in the information issued **under separate cover**.

The land subject of the application to Council involves lots 27, 28, 29 and 45 Pickersgill Street Bunbury (total land area 3410 sqm) and currently hosts the Golden West Network (GWN) broadcasting building.

TME advises that the objective of the rezoning is to secure a land-use and development option which is more in keeping with the surrounding residential uses than the existing use (commercial/office). Prime Television is looking, according to TME, to relocate its operations to an alternative site, thus providing an ideal opportunity to implement a zoning which provides for the best use of the land as well as a consistent form of development that is in keeping with surrounding residential area.

The development proposal involves the provision of 26 apartments in the form of 2-storey structures which are proposed to be fronting Pickersgill Street, and multi-storey blocks (7 storeys) towards the rear of the land where it abuts the Water Reservoir.

Development Services considers that the proposed development has reached a stage sufficient to allow the matter to be submitted to Council for consideration and direction.

Background

The City has been involved in detailed discussions with the applicant (Prime TV – GWN) on the matter over the last number of months.

TME has advised that Prime’s investment in regional communities like Bunbury, combined with quality programming, and a focus on cost efficiencies and technology, has enabled the company to emerge as one of Australia’s most successful regional broadcasters.

The land subject of the application to Council involves lots 27, 28, 29 and 45 Pickersgill Street Bunbury (total land area 3410 sqm) and currently hosts the Golden West Network (GWN) broadcasting building. Prime Television and GWN are currently planning to relocate current operations and wish to have the land rezoned with a view, presumably, to maximising the development value of the land prior to relocation.

The representatives of GWN had, in prior discussions with Council staff, indicated that they had a preference to relocating to a position in the central business area of the City. Notwithstanding the applicant has not committed in this regard in terms of the content of the current Scheme Amendment report; the applicant's consultant simply states that "*Prime Television and GWN are seeking to relocate its operations.....*". No specific location is mentioned.

Proposal

The proposal is best described by reference to the submitted data marked Figures 3 - 4, 6a and 6b, and Figures 7, 10, 12 and 13a and which provide plans, elevations and various views relating to the proposed development (please refer to information issued **under separate cover**). TME has advised (Scheme Amendment report prepared by TME is contained in the information issued **under separate cover**) that the objective of the proposed amendment is to secure a land-use and development format which is more in keeping with the surrounding residential land uses than the existing development (GWN operations).

The applicant has produced Development Concept Plans as an integral part of the Scheme Amendment report. Essentially the development proposal consists of the construction of two-storey dwellings fronting Pickersgill Street (with the intention of allowing the development to marry visually with the existing housing stock) and twin medium-rise towers (7 storeys – including ground level) at the rear of the site to essentially reflect, and void, the dominance of the existing reservoir.

The applicant advises that the design format is the result of the developer wishing to provide a balance between the existing site constraints; of his recognising the surrounding development; of the need to provide an iconic building for the site; and to capitalise on the views with the intention of providing, potentially, a more diverse range of residential development for the City. The development is proposed to provide 26 apartments. The complex will also provide for communal facilities such as a swimming pool, or gymnasium and a courtyard.

The following criteria are considered relevant in terms of properly considering the matter, and in terms of Council determining as to whether it will, or will not, support the proposed Scheme Amendment.

Land-use

The land is currently designated as a Local Scheme Reserve (“Public Purposes – Local Govt.”) in the current Town Planning Scheme (TPS 7). The applicant proposes to rezone the land to “Special Use” (to allow residential development) zone with detailed Scheme provisions to reflect the unique character of the land concerned, and in terms of its juxtaposition with the residential land in the vicinity.

TME has advised that the objective of the proposed amendment is to secure a land-use and development format which is more in keeping with the surrounding residential land uses than the existing development (GWN operations).

It is considered that the proposal to create a Special Use zone as a mechanism to allow the use of the land for residential development is generally in order.

City Vision

The principles of the City Vision Strategy are relevant in respect of consideration of the matter. The Strategy was endorsed by Council (Decision No. 193/07) at its meeting held on 18 September 2007.

The subject land lies within what is defined as the “Strategic Regional Centre” focus area. More specifically, the land is located within the “Inner City Living West” investigation area of the Strategic Regional Centre (please refer to information issued **under separate cover**).

In terms of the proposed development, the key Recommendation of the City Vision Strategy relative to the sector of the City within which the site is located, is set out as follows:

“Prepare a housing strategy (including land availability) for Greater Bunbury that identifies opportunities for coastal short stay residential”.

In terms of one particular section which deals with the matter of Values, Issues and Proposals, it is stated in the City Vision Strategy as follows:

“Limited opportunities for infill, redevelopment and new housing development. The coastal strip can accommodate additional tourist and medium density housing.”

It is considered that it would not be inappropriate to proceed to consider the proposed development as a Scheme Amendment in advance of the preparation of a Housing Strategy (new nomenclature is “Local Planning Strategy for Activity Centres and Neighbourhoods”) for the broader Bunbury area in light of the uniqueness of the site relative to the surrounding residential area and the City at large. The Scheme Amendment process is relatively rigorous, and should guarantee that all relevant planning issues are addressed in light of any broader community concerns relative to the process being proposed. Should, after initiation (and advertising) of the proposed Scheme Amendment, Council re-consider the matter, it has the option to advise the Minister that it doesn’t support the proposed development, or that it supports the development in some other amended format.

It is worth noting that whilst in past planning legislation if Council had refused to support a Scheme Amendment after public advertising, this would have been the end of the matter (and the closure of the amendment process), now, in current legislation, the matter may be determined by the Minister.

General efficacy of the proposed development

The applicant has advised that he has developed a design format such that the proposed development marries visually with the established residential development in the vicinity. For example the two-storey housing proposed on Pickersgill Street arguably mirrors the established housing stock on the opposite side of the street. The multi-storey twin apartment blocks are located at the rear of the site with a view to blending in with the visual bulk of the reservoir structure. The eastern tower is 7.91 metres above the AHD level given for the top of the reservoir.

The maximum visual impact of the project can be measured by way of storey height (7 storeys for both towers), or by way of actual height from approximate street level. The height of the eastern residential tower is 26.58 metres above the established level of the site. The height of the western residential tower is 27.18 metres above the established level of the site (which is close to street level). The matter of height analysis can be most easily appreciated from a study of the North Elevation to Pickersgill Street (please refer to information issued **under separate cover**).

It is considered that the site exhibits a level of uniqueness in terms of its geographical location and its specific juxtaposition with the Water Reservoir, and arguably may be considered to require a unique design solution in terms of any development proposal. In fact this is what the architects have suggested in the terms of the proposed development format.

The matter of the Liveable Neighbourhoods Policy (LNP) is relevant to the matter at hand. As the land-use planning consultant has advised this policy document has been adopted by the Western Australian Planning Commission and such policy operates as a development policy or code to facilitate the development of sustainable communities. In summary, the key tenets of the LNP are: to provide “walkable neighbourhoods” (i.e. to minimise car-dependence); to ensure active street/land-use interfaces; to provide a variety of lot sizes and housing types; and to maximise land efficiency. It is considered that the proposed development accords with the LNP in this respect.

The residential density equates to approximately R80 to R100. The density of the land in the general vicinity is currently R15. Development Services considers that it is unlikely that the residential density in the general vicinity will increase significantly as part of the future Local Planning Strategy for Activities and Neighbourhoods (LPS – AN). The matter of residential density has therefore, ideally, to be measured in light of the fact that the site exhibits a level of uniqueness in the general area and therefore requires, essentially, a unique design solution and a unique density coding.

Car parking and Traffic Management

Car parking is generally located at grade level and will be required to comply with the provisions of the Scheme as proposed to be set out in the conditions relating to the Special Use zone (SU 50). It is suggested to Council that in terms of support for the Scheme Amendment that the applicant is required to prepare a traffic planning study including a safety audit and recommendations to address any safety issues (to be prepared to the satisfaction of the City Engineer).

In summary it is considered that the proposal by the applicant is capable of being supported in broad terms. It is suggested therefore that Council support initiation of the Scheme Amendment to allow the matter to proceed to the next stage of consideration in terms of public overview.

Strategic Outcomes

It is considered that the broad direction of the City's 2002 –2007 Strategic Plan would not be compromised to any significant extent by supporting the proposed development.

Community Consultation

Community consultation will result as part of the process of the Scheme Amendment if Council determines to support the initiation of the proposed Scheme Amendment, and subject to the EPA resolving that there would be no requirement for the EPA's assessment.

Applicant Consultation

In order to progress the matter, discussions have been undertaken with the applicant on a number of occasions.

Councillor/Officer Consultation

The various issues relating to this matter have been broadly canvassed at staff level with a view to achieving a corporate approach to the decision making process.

Analysis of Financial and Budget Implications

It is considered that there would be no adverse impact on the Municipal Budget.

Economic, Social, Environmental and Heritage Issues

Economic

It is considered that the proposed development would provide significant economic benefits to the City as it proceeds to take up its second-city status in the State.

Social

It is considered that there would not be any significant adverse social impact(s) should the development proceed. It is considered that the principle social issue will involve consideration of the proposed density relative to the proposed development. The proposed density is in the order of R80 – R100, and the density of the current housing stock in the vicinity of the development site is R15. It is anticipated that the future density of the land in the vicinity of the development in terms of the future Neighbourhood and Activity Centres Strategy may not be increased significantly from the current density.

Notwithstanding the planning consultant representing the owner has presented an argument to the effect that site under consideration is essentially unique in physical and geographical characteristics, and therefore requires separate consideration in terms of density. Essentially TME, as planning and land-use consultants are presenting the argument that single-family residential development would not fit easily on the land concerned in light of the existence of the very imposing reservoir structure on the adjoining site. TME is saying, essentially, that another solution needs to be found in terms of land-use planning

Environmental

It is considered that there are no relevant environmental issues to be resolved as a result of consideration of the matter.

Heritage

The GWN Television Studio Building (B269) is listed on the Municipal Heritage Inventory (MI) of the City of Bunbury because of its considered social value. The MI data sheet B269 describes the Management Category as “Assess in more detail at DA”. Council's Heritage Advisory Committee will discuss the level of significance of the existing place for the community and the appropriate heritage requirements at their meeting on the 21st May 2008. The Local Planning Policy – ‘Assessment of Cultural Heritage Significance’ applies to ensure that the assessment is accountable, comparable and consistent. Any recommendation will be applied as a condition of any future development approval.

It is considered that the level of Heritage Value is not such that it would preclude the matter progressing to the stage of initiation of the Scheme Amendment.

Council Policy Compliance

It is considered that the proposed development generally complies with relevant Policies.

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 processes leading up to the finalisation of this item. It should be noted additionally that the proposed activity will be required to comply with the requirements of the Health Act 1911 and the City of Bunbury Health Local Laws 2001.

Delegation of Authority

Delegation of authority is not applicable in this case.

Relevant Precedents

There are no known and precisely relevant precedents.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Should Council determine not to resolve to grant its support for the initiation of the proposed Scheme Amendment a suggested format for such action is as follows:

Council under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves to advise Thompson McRobert Edgeloe (TME) that in respect of lots 27, 28, 29 and 45 Pickersgill Street, Bunbury, it is not prepared to initiate a Scheme Amendment to allow an amendment to the current Town Planning Scheme from the current designation, Local Scheme Reserve (Public Purposes) – Local Government, to Special Use zone (50) for the following reasons:

Reasons as determined by Council as part of its deliberations on the matter.

Conclusion

Development Services considers that the proposed development has reached a stage sufficient to allow the matter to be submitted to Council for consideration and direction.

The land-use planning consultant has advised essentially that the site in question is unique in physical and other characteristics and therefore requires separate consideration from other land in the vicinity. TME is also essentially saying that single-family residential development would not fit easily on the land concerned in light of the existence of the imposing reservoir structure on the adjoining site, and that arguably another solution to land-use planning needs to be considered, in the form proposed, when the GWN facility moves to a new location.

Pure land-use considerations are seen to be broadly in order. It is suggested therefore that the matter be allowed to proceed to the next stage of consideration by Council. Should Council determine to allow the initiation of the proposed Scheme Amendment, this action will result (after consideration by the Environmental Protection Authority) in allowing public advertising to proceed. Council's support should ideally, it is suggested, be made subject to Council advising the applicant that its support will be subject to the applicant being aware that Council reserves the right to amend its position after advertising should it determine that such action would be in order, having regard to any issues which may arise after further detailed technical analysis and advertising.

Recommendation

Council, under and by virtue of the powers conferred upon it, pursuant to the Planning and Development Act 2005, hereby resolves to advise Thompson McRobert Edgeloe (TME) that in respect of lots 27, 28, 29 and 45 Pickersgill Street, Bunbury, it is prepared to initiate a Scheme Amendment to allow an amendment to the current Town Planning Scheme from the current designation, Local Scheme Reserve (Public Purposes) – Local Government, to Special Use zone (50) subject to the following parameters:

1. The applicant being aware that Council reserves the right to amend its position after advertising should it determine that such action would be in order, having regard to any issues which may arise as part of the public consultation process.
2. The applicant amending the currently submitted Scheme Amendment documentation such that 57 car-parking spaces are shown on the plans accompanying the Scheme Amendment Report and to comply with the requirements of proposed Schedule 2 of the Scheme Amendment and with Austroads in terms of layout.
3. The applicant amending the currently submitted Scheme Amendment documentation (in respect of Schedule 2) in the following manner:
 - An approved traffic planning study including safety audit and recommendations to address any safety issues to be prepared to the satisfaction of the City Engineer.

Outcome of the Council Committee Meeting – 27 May 2008

Ms Linda Brown, Ms Gail Hopkins, Mr Kim Rudd and Mr Tony Macri representing the resident of Pickersgill Street and surrounds, raised the following concerns on the proposed development:

- Most of the surrounding area is zoned R15 with the highest zoned area being R40.
- There has been no consultation with the surrounding area to be affected. This is demonstrated by the neighbourhood discovering the proposal on Sunday through the Agenda.
- Construction of a development this size would take considerable time (several years) and impact on traffic, access to the houses and noise.
- Vehicle movements would dramatically increase in the area creating safety issues and upgrading of the roads would need to be undertaken.
- Loss of privacy
- The proposal is over 27 metres tall and would create significant shadowing effects on the surrounding properties.
- Surrounding developments are all single or two storey dwellings only.

The residents of the area wished to have it known, that they are not against a redevelopment of the site, but are against there rezoning of the site to a very high density and would like to see a more appropriate development design in keeping of the area.

The following motion was foreshadowed by Cr Jones, seconded Cr Slater;

1. *The proposal for a scheme amendment in relation to lots 27, 28, 29 and 45 Pickersgill Street, Bunbury be advertised for public comment for a period of 30 days before being returned to Council for further consideration.*
2. *The colour illustrations and attachments provided by the applicant to be displayed in the foyer at the City's Administration Building for public information during this period.*

The Presiding Member put the motion to vote and it was lost 3 votes "for" to 5 votes "against"

Cr Whittle moved, Cr Kelly seconded, Option 2 (as printed in this report) and the motion was put to the vote and adopted 7 votes "for" to 1 votes "against" to become the Committee's recommendation on this issue.

Committee Recommendation

Council under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves to advise Thompson McRobert Edgeloe (TME) that in respect of lots 27, 28, 29 and 45 Pickersgill Street, Bunbury, it is not prepared to initiate a Scheme Amendment to allow an amendment to the current Town Planning Scheme from the current designation, Local Scheme Reserve (Public Purposes) – Local Government, to Special Use zone (50) as the height, scale and bulk of the proposed development are not in keeping with the character and the amenity of the area.

AT THE COUNCIL MEETING

During discussion, members reiterated the following key points in relation to the proposal:

- There was no consultation process undertaken
- Residents were not notified of the item going to Council.
- The Rezoning of R80/100 is not consistent with the surrounding R15 zoned area.
- The size and bulk of the proposed development is not in keeping with the area.
- Proponents are urged to consult with residents of the area and are encouraged to re-submit a more appropriate proposal to Council.

Following further discussion, it was questioned if it is a requirement for Council to undertake public consultation prior to a scheme amendment being presented to Council.

The Executive Manager City Development advised members that when Council resolves to initiate a scheme amendment, it is then advertised for public comment in accordance with the Local Government Act.

The Chief Executive Officer also advised that Council's internal policy would see Council, when they received a development application, contact the neighbouring properties informing them of the proposal.

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

Council Decision 103/08

Council under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves to advise Thompson McRobert Edgeloe (TME) that in respect of lots 27, 28, 29 and 45 Pickersgill Street, Bunbury, it is not prepared to initiate a Scheme Amendment to allow an amendment to the current Town Planning Scheme from the current designation, Local Scheme Reserve (Public Purposes) – Local Government, to Special Use zone (50) as the height, scale and bulk of the proposed development are not in keeping with the character and the amenity of the area.

CARRIED

11 Votes "For" Nil / Votes "Against"

11.10 BUNBURY REGIONAL ART GALLERIES CARPARK LANDSCAPING (WAS LISTED AS
ITEM 11.9 ON THE MEETING AGENDA)

File Ref:	A02998
Applicant/Proponent:	Internal Report
Author:	Grant Bilton, Senior Technical Officer Parks and Urban Design
Executive:	Michael Scott, Executive Manager City Services

Summary

The purpose of this report is to obtain approval to landscape the recently completed carpark at the rear of the Bunbury Regional Art Galleries, and the funding to be withdrawn from the parking reserve fund.

It is proposed to landscape the area with simple but effective planting design incorporates shade trees and using two species of groundcovers with contrasting foliage colours. The landscaping will also be water wise, low maintenance and will soften the harshness of the carpark creating a more appealing pleasant and cooler environment.

Background

Earlier this year the City constructed a new carpark at the rear of the Bunbury Regional Art Galleries and funding on this project did not allow for the standard of landscaping now being proposed.

Strategic and/or Regional Outcomes

The proposal complies with the *City of Bunbury Strategic Plan 2007-2012* and in particular Strategy 5 – Promote Ecological Sustainable Development of the City’s Built and Natural Environment by: *“ensuring that the natural and built environments should be carefully protected and enhance, and the sustainable use of resource by everyone in Bunbury encouraged.”*

Community Consultation

Community consultation for the construction of the carpark was undertaken prior to being adopted by council.

Councillor/Officer Consultation

Council approved the construction of the car park at its meeting held 18th September 2007.

Analysis of Financial and Budget Implications

It is proposed to finance the landscaping of the carpark using funding from the Parking Reserve fund.

Option 1 is expected to total \$75,000 as this option requires additional earthworks (\$10,000), a further water service from Aqwest to be installed (\$15,000) and additional requirements for plants, mulch, fertilizer and labour. The total cost estimated for the ongoing maintenance on the landscaped area is \$10,000 per annum.

Option 2 is expected to total \$29,000 (as the area to be landscaped is scaled down to allow landscaping and irrigation 2 metres above the top retaining wall down to the entrance into the bottom carpark) . The total cost estimated for the ongoing maintenance estimated at \$5,000 per annum.

Maintenance of the landscaping has nominally been factored into the revised maintenance schedule for Pioneer Park.

Economic, Social, Environmental and Heritage Issues

Landscaping of the carpark will enhance the carpark creating a softer pleasant environment rather than the present harsh and hot environment.

Council Policy Compliance

Expenditure from car parking reserve funds is required to be approved by council.

Legislative Compliance

As above

Delegation of Authority

The Chief Executive Officer does not have delegated authority to approve this request.

Relevant Precedents

Council has previously approved expenditure from the Car Park Reserve for like such projects.

Options

Option 1

Council approves the expenditure of \$75,000 from the Car Park Reserve allowing landscaping of the Bunbury Regional Art Galleries carpark creating a finished landscape from Wittenoom Street through to Pioneer Park.

Option 2

Council approves the expenditure of \$29,000 from the Car Park Reserve allowing landscaping of the Bunbury Regional Art Galleries carpark for the area comprising 2 metres above the top retaining wall down to the entrance into the bottom carpark.

Option 3

Council elect not to proceed with landscaping.

Conclusion

Option 1 is the preferred option for the reason that a section of land at the side of the Call Centre is very rundown and weed infested. Option 1 would create a finished landscape from Wittenoom Street through to Pioneer Park.

Recommendation

Council approves the expenditure of \$75,000 from the Car Park Reserve allowing landscaping of the Bunbury Regional Art Galleries carpark creating a finished landscape from Wittenoom Street through to Pioneer Park.

Outcome of the Council Committee Meeting – 27 May 2008

Following discussion, the Executive Manager City Services informed members that he will provide them with a detailed costing for Option 2, prior to the full Council Meeting.

Option 3 (as printed in this report) was moved Cr Steck, seconded Cr Slater. It was then put to the vote and lost *3 votes "for" to 5 votes "against"*

Cr Whittle moved, Cr Major seconded Option 2 as printed in this report and it was then put to vote and adopted *5 votes "for" to 2 votes "against"* to become the Committee's recommendation on this issue.

Note: Councillor Major was absent during voting for Option 2.

Committee Recommendation

Council approves the expenditure of \$29,000 from the Car Park Reserve allowing landscaping of the Bunbury Regional Art Galleries carpark for the area comprising 2 metres above the top retaining wall down to the entrance into the bottom carpark.

AT THE COUNCIL MEETING

During discussion, members raised the following questions;

- Is it possible to utilise the Lotteries West Grant Funds of \$160,000 secured for Pioneer Park for this project rather than funds from the Car Park Reserve.
- Would the City try and spread the funds to cover a wider area or only landscape the area comprising of 2 metres above the top retaining wall down the to the entrance into the bottom carpark
- When would the remaining area would be landscaped

The presiding member advised Council that the \$160,000 grant from Lotteries Commission was specifically sought for the construction of a pavilion and interpretive material. The Presiding member also advised that there is a due process that would be required to be undertaken including contacting the Lotteries Commission to amend the use of the money and rescinding Council's previous decision on the use of the funds.

The Executive Manager City Services advised that landscaping would only be carried out to the area as stated in the recommendation and that Council is able to consider in its upcoming budget discussions, the inclusion of funding of roughly \$35,000 to finish the remainder landscaping in the 2008/2009 or 2009/2010 Budget.

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 104/08

Council approves the expenditure of \$29,000 from the Car Park Reserve allowing landscaping of the Bunbury Regional Art Galleries carpark for the area comprising 2 metres above the top retaining wall down to the entrance into the bottom carpark.

CARRIED

8 Votes "For" 3 / Votes "Against"

11.11 DRAFT CORPORATE FINANCIAL PLAN 2008/2009 TO 2012/2013 (WAS LISTED AS ITEM 11.10 ON THE MEETING AGENDA)

File Ref:	A00362
Applicant/Proponent:	Internal Report
Author:	David Ransom, City Accountant
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

The Draft Corporate Financial Plan for the five financial years 2008/2009 to 2012/2013 is now referred to Council for consideration and endorsement.

Background

Councillor Workshops were held on the 7 and 10 April 2008 to consider the Draft Corporate Financial Plan. The Plan was also considered at the Councillor Briefing Session on the 20 May 2008.

A copy of the Draft Corporate Financial Plan for the financial years 2008/2009 to 2012/2013 has been circulated to Council **under separate cover**.

Key projects included in the Draft Corporate Financial Plan are:

New City Library (Total Project \$9.7M)	\$ 3.74M
Infrastructure Development (Transport, Drainage, Environmental, Lighting and Recreation)	\$35.39M
Parking Strategy Implementation	\$17.33M
Bunbury Timber Jetty Contribution to Land Corp	\$ 3.50M
Sports Grounds Building Improvements	\$ 2.60M
New Depot	\$ 3.05M
Recreation Plan	\$ 3.75M
Withers Underground Power	\$ 5.60M
Spencer Street Underground Power	\$ 1.00M
Bunbury Regional Entertainment Centre	\$ 5.49M
Turkey Point	\$ 1.00M
New Visitor Centre	\$ 5.00M
Bunbury Regional Arts Gallery Air Conditioning	<u>\$ 0.45M</u>
	TOTAL <u>\$87.90M</u>

Strategic and/or Regional Outcomes

The Draft Corporate Financial Plan summarises Council's proposed major activities, is linked to Council's Corporate Strategic Plan and will guide Council's future direction, budgets and financial planning.

Community Consultation

A copy of the plan will be available from Council's Customer Service Centre for public inspection.

Councillor/Officer Consultation

Councillor Workshops were held on the 7 and 10 April 2008 to consider the Draft Corporate Financial Plan. The Plan was also considered at the Councillor Briefing Session on the 20 May 2008.

Analysis of Financial and Budget Implications

The purpose of the Corporate Financial Plan is to ensure that council's annual budget achieves the objectives outlined in City of Bunbury Corporate Strategic Plan.

The Corporate Financial Plan maintains a balanced financial position each year.

Economic, Social, Environmental and Heritage Issues

The Draft Corporate Financial Plan supports the City of Bunbury Corporate Strategic Plan, which includes the Strategic Objective: "*Strengthen the City of Bunbury's Governance and Leadership*". This Strategic Objective includes the implementation of 5 year financial planning and the commitment to strengthening Council's financial position and providing sound financial management.

Council Policy Compliance

The Corporate Financial Plan is reviewed each year.

Legislative Compliance

The preparation of a "Plan for the Future" is a requirement under the provisions of section 5.56 of the Local Government Act 1995. The adoption of the Corporate Financial Plan combined with the City of Bunbury Corporate Strategic Plan, adopted by Council on the 6 March 2007, will form Council's "Plan for the Future" and be titled the City of Bunbury Corporate Strategic Plan.

Delegation of Authority

There is no delegation of authority applicable to the Draft Corporate Financial Plan.

Relevant Precedents

Council has for many years maintained and reviewed annually its Corporate Financial Plan. The Plans were previously referred to as the 5 Year Finance Plan and Principal Plan of Activities.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council adopt the Draft Corporate Financial Plan 2008/2009 to 2012/2013 with any amendments.

Option 3

Council not adopt the Corporate Financial Plan and the plan be referred back to Committee for further review and consideration.

Conclusion

Adoption of the Draft Corporate Financial Plan 2008/2009 to 2012/2013 is supported as the Corporate Financial Plan 2008/2009 to 2012/2013 is an important strategic management tool for Council.

Recommendation

Council adopt the City of Bunbury Corporate Financial Plan 2008/2009 to 2012/2013.

Outcome of the Council Committee Meeting – 27 May 2008

The recommendation was moved Cr Kelly , seconded Cr Major and after lengthy discussion, the Presiding Member put the recommendation to vote.

The recommendation as printed, was adopted *6 votes "for" to 2 votes "against"* to become the Committee's recommendation on this issue.

A request was made for the vote to be recorded.

For: Cr Punch, Cr Whittle, Cr Slater Cr Major, Cr Craddock, Cr Kelly

Against: Cr Jones, Cr Steck

Committee Recommendation

Council adopt the City of Bunbury Corporate Financial Plan 2008/2009 to 2012/2013.

AT THE COUNCIL MEETING

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

During discussion, Cr Rooney raised his concern with the inclusion of \$250,000 of funds for the Spencer Street Underground Power Project as there were not funds contributed to the Withers Underground Power Project, and the projects should be equitable.

Cr Rooney moved, Cr Major seconded, an amendment to include the following words to the end of the motion:

“with an amendment to exclude Council's contribution of \$250,000 with respect to the Spencer Street Underground Power Project in the year 2010”.

The Mayor put the amended motion to vote and it was lost *5 votes “for” to 6 votes “against”*.

The motion (in its original state) was then put to the vote and adopted to become a Council Decision.

Council Decision 105/08

Council adopt the City of Bunbury Corporate Financial Plan 2008/2009 to 2012/2013.

CARRIED

6 Votes "For" / 5 Votes "Against"

Cr Jones, Cr Rooney and Cr Steck requested their vote ‘against’ the above Council Decision, be recorded.

11.12 PROPOSED ATHLETICS TRACK SITE (*WAS LISTED AS ITEM 11.11 ON THE MEETING AGENDA*)

File Ref:	A00106
Applicant/Proponent:	Council's Recreation Project Control Group
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary

Council endorsement is sought to finalise the preferred site and location for the establishment of a Bunbury Regional Athletics Track which is proposed for Hay Park, Bunbury.

Background

The need for an international standard synthetic athletic track field for Bunbury and the South West region to replace the current site at Payne Park (oval) has been the subject of debate for many years.

Facilities at Payne Park have been home to Bunbury Senior Athletics and Little Athletics clubs for approximately 40 years. In the 2007/08 summer season the number of athletes regularly training and competing at Payne Park was between 200 – 250. The Country State Little Athletics Championships were held at this venue in 2008 with athletes coming from all over Western Australia in attendance.

In recent times, Council's Sports Grounds Development Committee recommended to Council for the proposed track to be located east of the South West Sports Centre, Hay Park. However, due to environmental considerations this site proved to be problematic and Council was swayed to explore possible alternative location/s.

A number of sites have since been reviewed within Hay Park, Adam Road / Newton Moore schools and at the rear of TAFE / ECU – College Grove (**attached** at Appendices 13 - 20)

In the end only one site has satisfied the criteria relating to:-

- Sufficient size to accommodate the necessary track and ancillary facilities
- Potential for parking / storage / clubrooms to be provided, if not immediately, over time.
- Complimentary to other uses surrounding the site
- Availability of land

The site nominated as the preferred location within Hay Park is the field currently utilised by the local Dog Club (attached at Appendix 21) Council's Recreation Planner has previously indicated to the Dog Club that this site was being explored for athletics and assistance would be provided to relocate dog training activities to another venue within the City. It is also felt that dog / animal activities on sporting fields is not necessarily a good thing and that an alternative venue may provide better long-term security for the Dog Club. The other current user of the area of Hay Park is the local archery group however, it is expected that associated activities would not be required to relocate.

Strategic and/or Regional Outcomes

The provision of a regional athletics facility is in accordance with the land's designation as "Parks and Recreation" under the City's Town Planning Scheme 7.

- City Vision Strategy
Soc 7 – Promote and facilitate sport and recreational activities for all age groups and ensure that facilities and access are appropriate for each type of user.
- Plan for the Future
Athletics Track scheduled for construction in the financial year 2011/2012 at an estimated cost of \$3.5m.
- Strategic Plan 2007-12
Strategy 3.2 Identify and prioritise infrastructure needs.
- Recreation Plan Implementation
Need for a synthetic running track identified in priorities for major development within the Recreation Plan 2007/08 to 2011/12 timeframe.

Community Consultation

Council's previous Sportsgrounds Development Committee, which comprised Councillors and community representatives from sporting organisations and clubs that utilise Hay Park's facilities, has discussed the need and potential sites for an athletics field over the past six years.

Executive members of the Seniors and Little Athletics clubs are aware and support efforts to finally determine a site for an athletic field. General support has been expressed for the preferred location as recommended in this report.

Council in conjunction with the Department of Sport & Recreation are conducting a Feasibility Study for facilities and fields within Hay Park which is due to commence later in 2008. This study will benefit from Council's determination of a preferred location for the athletic track as it will assist with its negotiations and consultation with user groups within Hay Park.

Councillor/Officer Consultation

Between 2000 and 2007 Council has considered the possible site of an athletics track east of the South West Sports Centre. This location has proven to be problematic due to its proximity to designated wetlands and advice from the EPA that it was unlikely to permit development of an athletics track as proposed.

More recently, efforts have been made to explore an alternative location for the athletics track. Briefings have been held with the former and current Council (March 2008). The City's Recreation Project Control Group which is made up of two Councillors and staff agreed and recommended a preferred location for the athletics track – which forms the basis for this report to Council.

Analysis of Financial and Budget Implications

Council's Five Year Finance Plan has identified an amount of \$3.5m in the 2011/12 financial year to establish an international standard athletics track for Bunbury. This funding assumes that Council will finance one third, State Government will finance one third and the remaining third will be sourced from fundraising, Federal Government assistance and sponsorship.

Davis Langdon, Quantity Surveyors have provided indicative costings with escalation to 2011 of \$3.5m to build:-

- Track surface
- Track sub-base
- Allowance for earthworks, drainage and professional fees.

The figure does not include any stands, sports equipment or sports lighting. A more detailed budget costing would be undertaken at a later date should funding partners be willing to commit to the project.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The provision of regional recreational infrastructure reinforces the regional status for Bunbury as the capital of the South West. A new international standard athletic track will provide opportunities for local athletics clubs, schools and community groups to hold regional, state and master events bringing visitors to the City.

Social Issues

A new athletics facility will provide much interest within the community and may stimulate more support for athletics. Sport provides an important part of the social framework of the community and the new facility encourages a healthy, social and fitness orientated lifestyle.

Environmental and Heritage Issues

There are no known environmental or heritage issues associated with the preferred location of the athletics track in Hay Park.

Council Policy Compliance

There are no Council policies relevant to this proposal.

Legislative Compliance

The preferred site is in accordance with the lands designation as 'Parks and Recreation' under TPS 7.

Delegation of Authority

Not applicable.

Relevant Precedents

The establishment of regional sporting facilities is a key objective for the City. Other venues include the South West Sports Centre, Hay Park and Hands Oval. Similar to financing for the South West Sports Centre and upgrades to Hands Oval it is planned that funding support will be provided through the State Government, Federal Government and community fundraising.

Options

Option 1

As per the recommendation and preferred location as submitted by the City's Recreation Project Control Group.

Option 2

That Council defer any decision to endorse a preferred location for the proposed synthetic athletics track and request the Recreation Project Control Group to investigate further options, for report back to Council.

Option 3

That Council determines that no further investigation into the establishment of a new athletics track is to be undertaken in the immediate future and advise all stakeholders accordingly.

Conclusion

The decision to nominate a preferred location for the long awaited international standard synthetic running track for athletics is essential if such funding is to be sought; stakeholders to

have input into (fundraising, design) and other site issues; planning can commence by Council staff (regarding Feasibility Study at Hay Park as well as identifying Council finances) and to enable community groups to comment on the relative merits of the selected site including negotiations with affected parties.

After many years of exploration, the preferred site as recommended in this report will compliment Hay Park and add to the City's reputation as the provider of outstanding recreation facilities.

The preferred site is ideally located in close proximity to the South West Sports Centre, is within the City's main recreation fields and will assist sporting programs by other bodies such as ECU, local primary and high schools, athletics and other sporting bodies. A facility of this standard will also add to the South West Academy of Sport and it's efforts to support elite sportspeople and provide first-class training opportunities but in the local area rather than travelling to Perth.

The nomination of a preferred site for the athletic track may be challenged and possibly an alternative found as a result of additional information and input. However, to not decide on a site is to hamper any serious endeavour to harness support from the community, governments and the sporting organisations of the Bunbury area.

Recommendation

1. That Council endorse the preferred location for the proposed Bunbury Regional Athletics Track as recommended by the City's Recreation Project Control Group and detailed in the report.
2. That a copy of this report be provided to all sporting groups within Hay Park and to the Bunbury Senior and Little Athletics Clubs.
3. That Council write to the Premier, Minister for Sport and Recreation and Minister for the South West advising them of the determination of a preferred location for an international standard synthetic running track in Hay Park and seek their support to make the project a reality.
4. That the Chief Executive Officer be authorised to approach community members to form a Community Committee to assist with liaison with interested sporting groups / individuals for the purpose of fundraising, sponsorship and advice on the design of the proposed new synthetic athletic track.
5. That Council's Recreation Planner liaise with the Bunbury Dog Club and seek to identify a suitable alternative venue for dog training and competition events. Report to be submitted to Council's Recreation Project Control Group on suggested options no later than December 2008.

Outcome of the Council Committee Meeting – 27 May 2008

The Presiding Member advised members that representatives from the Bunbury and Districts Little Athletics Centre Inc and Senior Athletics Centre were present to answer questions. Mr Ian Braund, responded to concerns on the orientation of the track (North to South) using Perry Lakes track as an example. Mr Braund also confirmed the location as printed in the recommendation, is the preferred track location for both the Little Athletics and Senior Athletics Clubs.

The City's recreation planner responded to questions from members and during discussion, the following points were raised:

- The orientation of the track is understood by all athletes.
- This recommended location for the track is preferred by the City's Recreation Project Control Group
- There is room for construction of stadium stands around the athletics track
- The City is currently in negotiations with the Dog club to relocate to the outer perimeters of Payne Park.
- The Archery Club that utilises the space is South of the proposed location so there would be little to no impact on them.

The recommendation was moved Cr Major, seconded Cr Steck and adopted *7 votes "for" to 1 vote "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

1. That Council endorse the preferred location for the proposed Bunbury Regional Athletics Track as recommended by the City's Recreation Project Control Group and detailed in the report.
2. That a copy of this report be provided to all sporting groups within Hay Park and to the Bunbury Senior and Little Athletics Clubs.
3. That Council write to the Premier, Minister for Sport and Recreation and Minister for the South West advising them of the determination of a preferred location for an international standard synthetic running track in Hay Park and seek their support to make the project a reality.
4. That the Chief Executive Officer be authorised to approach community members to form a Community Committee to assist with liaison with interested sporting groups / individuals for the purpose of fundraising, sponsorship and advice on the design of the proposed new synthetic athletic track.
5. That Council's Recreation Planner liaise with the Bunbury Dog Club and seek to identify a suitable alternative venue for dog training and competition events. Report to be submitted to Council's Recreation Project Control Group on suggested options no later than December 2008.

AT THE COUNCIL MEETING

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

During discussion the mover and seconder were requested to consider an amendment to the motion to include the wording "*and associated infrastructure*" to the end of point 4 of the recommendation. The mover and seconder agreed.

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

Council Decision 106/08

1. *That Council endorse the preferred location for the proposed Bunbury Regional Athletics Track as recommended by the City's Recreation Project Control Group and detailed in the report.*
2. *That a copy of this report be provided to all sporting groups within Hay Park and to the Bunbury Senior and Little Athletics Clubs.*
3. *That Council write to the Premier, Minister for Sport and Recreation and Minister for the South West advising them of the determination of a preferred location for an international standard synthetic running track in Hay Park and seek their support to make the project a reality.*
4. *That the Chief Executive Officer be authorised to approach community members to form a Community Committee to assist with liaison with interested sporting groups / individuals for the purpose of fundraising, sponsorship and advice on the design of the proposed new synthetic athletic track and associated infrastructure.*
5. *That Council's Recreation Planner liaise with the Bunbury Dog Club and seek to identify a suitable alternative venue for dog training and competition events. Report to be submitted to Council's Recreation Project Control Group on suggested options no later than December 2008.*

CARRIED

11 Votes "For" / Nil Votes "Against"

12. MOTIONS ON NOTICE

Nil.

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

Nil.

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

Nil

16. CLOSE OF MEETING

The Mayor declared the meeting closed at 7.26pm.

CONFIRMED this day 24 June 2008 to be a true and correct record of proceedings of the Bunbury City Council Meeting held 3 June 2008.

MR DAVID SMITH
MAYOR