



12 AUGUST 2008

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Council Committee Minutes

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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
BRVCIG	Bunbury Regional Visitor Centre Investigation Group
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

Term	Explanation
GBPG	Greater Bunbury Progress Group
GBRP	Greater Bunbury Resource Plan report
GBRS	Greater Bunbury Region Scheme
GL	Gigalitres
GLA	Gross Leasable Area
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
SAT	State Administrative Tribunal
SBCC	South Bunbury Cricket Club Inc.
SCADA	Supervisory Control and Data Acquisition
SWAS	South West Academy of Sport
SGDC	Sportsgrounds Development Committee
SW	South West
SWACC	South Western Area Consultative Committee
SWAMS	South West Aboriginal Medical Service

Term	Explanation
SWBP	South West Biodiversity Project
SWCC	South West Catchments Council
SWDC	South West Development Commission
SWDRP	South West Dolphin Research Program
SWEL	South West Electronic Library
SWSC	South West Sports Centre
TEC's	Threatened Ecological Communities
TME	Thompson McRobert Edgeloe
TPS	Town Planning Scheme
TWPCG	Three Waters Project Control Group
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 (STANDING) COMMITTEE MINUTES

Minutes of an Ordinary Meeting of the Council (Standing) Committee held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 12 August 2008.

MINUTES

12 August 2008

NOTE: The recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the subsequent Council Meeting on 2 September 2008.

1. DECLARATION OF OPENING BY THE PRESIDING MEMBER

The Presiding Member, declared the meeting open at 6.03pm.

2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

PRESENT

Council Committee Members	
Presiding Member:	His Worship the Mayor - D Smith
Members:	Deputy Mayor - Councillor S Craddock
	Councillor J Harrop
	Councillor A Leigh
	Councillor B Kelly
	Councillor H Punch
	Councillor N Whittle
	Councillor R Slater
	Councillor W Major (<i>arrived 6.13pm</i>)
	Councillor D Spencer
	Councillor J Jones
	Councillor M Steck (<i>arrived 6.06pm</i>)
Executive Management Team (Non-Voting)	
Chief Executive Officer	Mr G Trevaskis
Executive Manager Corporate Services:	Mr K Weary
Executive Manager City Services:	Mr M Scott
Executive Manager City Life:	Mr D Marzano
Council Officers (Non-Voting):	
Manager Development Services	Mr G Fitzgerald
Manager Administration & Property Services	Mr J Beaton

12 August 2008
Minutes - Council Committee Meeting

PRESENT (Continued)

Council Officers (Non-Voting):	
Manager Economic & Social Development	Ms J Massey
Cultural Development Officer	Mr P Hayward
Cultural Development Assistant	Ms C Otranto
Administration Officer Corporate Services:	Ms F Wood
Others (Non-Voting):	
Members of the Public:	23(approx.)
Members of the Press:	0

APOLOGIES:

Councillor S Rooney – Leave of Absence
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3. **RESPONSES TO 'PUBLIC QUESTIONS' FROM THE PREVIOUS COUNCIL COMMITTEE MEETING (WHERE THEY COULD NOT BE ANSWERED AT THAT MEETING)**

Nil

4. **PUBLIC QUESTION TIME**

Nil.

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

Nil.

6. CONFIRMATION OF PREVIOUS MINUTES

Cr Leigh moved, Cr Punch seconded the recommendation as printed in the meeting agenda. The motion was put to the vote and adopted to become the Committee's decision.

Committee Decision

The minutes of the Council (Standing) Committee Meeting held 22 July 2008, be confirmed as a true and accurate record.

CARRIED

10 Votes "For" / Nil Votes "Against"

7. DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995

- Cr Punch disclosed an impartiality interest for Item 11.13 titled "*Free Wireless Network – CBD Precinct*" as her husband is the Chief Executive Officer of the South West Development Commission.
- Cr Craddock disclosed an impartiality interest for Item 11.12 titled "*Extended Christmas Trading Hours 2008*" and a Proximity Interest in Item 11.13 titled "*Free Wireless Network – CBD Precinct*" as he is a business owner within the CBD.
- Mayor D. Smith disclosed a conflict of interest for Items 11.7 titled "*Aqwest/Bunbury Water Board – Proposed Management Order over Irwin Street Water Treatment Plant Site*" and Item 11.5 titled "*Bunbury Port Authority Dust Monitoring – Renewal of Licence Agreement Over Portion Reserve 6962 (Lot 726) Stirling Street, Bunbury*" as he is a member of the Board of Aqwest and the Bunbury Port Authority.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Mayor presented a distinguished service award to former Councillor, Mr Tom Dillon on behalf of the Western Australian Local Government Association. The award recognises his commitment to the community whilst serving as an elected member with the City of Bunbury. The Mayor endorsed the award and complimented Mr Dillon on his service to this community.

The Mayor also announced that at the recent WALGA Conference held in Perth, Bunbury received first place in the Banners in the Terrace competition in two categories. There were approximately 85 entries from Local Governments throughout Western Australia, and the banner entered by the City won first prize in the category of Best Community Group and also won first prize in the Best Banner Overall category.

The Mayor presented certificates of appreciation to the project team including Paul Hayward, Charlotte Otranto and South West Artist and Banner creator, Mr Chris Williamson. The Mayor also presented three certificates to school children Courtney Eaton, Claire Tournay and Krystal Fleming in recognition of their input and creative ideas for the Banner.

The Mayor referred to a letter from Councillor Leigh providing an overview of Elected Member Development Courses conducted by WALGA. The Mayor congratulated Cr Leigh for completing all 14 courses and receiving the Elected Member Development Framework Certificate presented at the Perth Convention Centre on 31 July 2008.

9. CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS

Nil.

10. RECEPTION OF FORMAL PETITIONS AND MEMORIALS

Nil

11. RECEPTION OF REPORTS AND RECOMMENDATIONS FROM OFFICERS & ADVISORY COMMITTEES

11.1 AQWEST/BUNBURY WATER BOARD – PROPOSED MANAGEMENT ORDER OVER IRWIN STREET WATER TREATMENT PLANT SITE. (WAS LISTED AS ITEM 11.7 ON THE MEETING AGENDA)

File Ref:	F00136
Applicant/Proponent:	Aqwest/Bunbury Water Board
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

This issue was previously considered by Council at its meeting on 8 April 2008.

The Notice of Intention for the City of Bunbury to relinquish its interest in portion of the Irwin Street road reserve and portion of the adjoining Public Recreation Reserve No. 37730 (Lot 632) comprising the Aqwest/Bunbury Water Board Water Treatment Plant Site, was advertised pursuant to the *Guidelines for the Administration Section 20A Public Recreation Reserves* and Section 58 (Road Closures) of the *Land Administration Act 1997*.

At the close of the public submission period on 30 April 2008, three public submissions had been received two of which object to the proposal. Accordingly, this matter is again referred to the Council for further consideration and a final decision.

Background

The City of Bunbury holds Management Order 1184/981 over Reserve No 37730 for the purpose of “Recreation” without the power to lease. The City also has responsibility for management, care and control of the Irwin Street Road Reserve under the dedicated land provisions in Section 55 of the *Land Administration Act 1997*.

Subject to receipt of Council consent, the City of Bunbury proposes to support the Aqwest Board in obtaining approval from the Minister for Lands to hold the Management Order over the site for the purpose of “Water Supply”. If the site is decommissioned at any time during the future, it will be rehabilitated by Aqwest prior to being reverted back to the management and control of the City. The proposal to transfer the Management Order to Aqwest retains the existing boundaries of the site and protects the community interest in the use of the land for the length of time that the Water Treatment Plant continues to operate.

The site was commissioned in the mid 1970’s during the period that administration of the Bunbury Water Board was part of the City’s operations. The site comprises 2,155 sq.m and is zoned “Water Supply” in accordance with the City’s Town Planning Scheme No. 7. A location map is **attached** at Appendix 14

The proposal was previously considered by Council at its meeting on 8 April 2008 and the following decision was made:

Council Decision 53/08

Council agrees to relinquish its interest in portion of the Irwin Street road reserve and portion of adjoining Public Recreation Reserve No. R37730 (Lot 632) comprising the Aqwest/Bunbury Water Board's Water Treatment Plant Site, subject to the terms and conditions as stated in this report to the Council and the following:

- 1. The City's intention be brought to the notice of local residents and the "Friends of Irwin Reserve" and advertised for public information locally with a statutory submission period as set out in the Guidelines for the Administration of Section 20A Public Recreation Reserves and Section 58 (Road Closures) of the Land Administration Act 1997 - this will include a notice in the City Update column of the Bunbury Mail Newspaper and notices placed on notice boards at the City's Administration Centre, both libraries and the City's internet website.*
- 2. If no submissions are received from the public or other statutory authorities; the Chief Executive Officer is authorised to notify the Minister for Lands to proceed with the grant of the Management Order to Aqwest/Bunbury Water Board.*
- 3. Aqwest/Bunbury Water Board is responsible for the full cost of administering the public consultation process and preparation of any associated documentation.*

Public Comment - Schedule of Submissions

The closing date for submissions was 30 April 2008. Three submissions were received, two of which object to the proposal. The Schedule of Submissions **attached** at Appendix 15 gives a summary of the main points raised by submitters and lists responses from Council Officers.

A full copy of each submission has been circulated to Council in a Confidential Report circulated **under separate cover**.

Aqwest Comments

The following information has been received from the Aqwest Chief Executive Officer: *"From an on-site meeting with submitters on 30 May 2008, it appears their concerns are long term issues and this includes the issue of restricted vehicle access along the unmade portion of the Irwin Street road reserve. It is likely the Aqwest Board will decommission the site within the next ten years so in the short term, the following points are relevant:*

- a) The Irwin Street Water Treatment Plant is currently an essential component of the City's water supply infrastructure.*
- b) If there is as noise and/or smell issue at the site then Aqwest will obviously investigate and rectify as required.*
- c) It is not intended to relocate the settling ponds or any other infrastructure on this site."*

It is also noted that the City recently upgraded Irwin Street (from Picton Crescent) with the financial assistance from Aqwest/Bunbury Water Board of \$27,500.

Strategic and/or Regional Outcomes

Assisting government agencies is considered with reference to the *City of Bunbury 2007–2012 Strategic Plan* and specifically, through Strategic Direction 2.1, as the City would be assisting Aqwest to provide a strategy that benefits the City's residents, businesses and community.

Community Consultation

An extensive community consultation programme has been undertaken as follows:

- Individual letters sent to twenty two (22) local residents and the 'Friends of Irwin Reserve' providing details of the proposal for consideration and comment.
- Comment has been obtained from Alinta Gas, Telstra Corporation, Western Power, WA Planning Commission and Department for Planning and Infrastructure.
- A public notice was displayed in the Bunbury Mail Newspaper (City Update Column) on 16 April 2008.
- A notice has been displayed on the City's public notice boards at the Customer Service Centre and at both libraries.
- A notice has been added to the public notices on the City's website.
- A public notice was sign-posted on-site.
- On 30 May 2008, an on-site meeting was held between the authors of the two objecting submissions received and representatives from the City and Aqwest.

Councillor/Officer Consultation

The proposal was previously considered by Council at its meeting on 8 April 2008.

Council officers have held discussions with the Executive of Aqwest/Bunbury Water Board and have mutually agreed on the terms and conditions on the proposal.

Analysis of Financial and Budget Implications

The Aqwest Board is to meet the full cost of administering the public consultation process and preparation of any associated documentation.

Economic, Social, Environmental and Heritage Issues

Economic

Aqwest will be responsible for the capital and operating infrastructure costs associated with the proposal.

Social

The Management Order merely retains the land parcels (as is) as a community asset.

Environmental

The Water Treatment facility is licensed and complies with the requirements stipulated by the Department of Minerals and Energy.

Heritage

The water treatment plant has been in place since the 1970's so there are no heritage issues to consider.

Council Policy Compliance

There is no Council policy for relinquishment of reserve land.

Legislative Compliance

The proposal to provide a Management Order over the site complies with the *Guidelines for the Administration Section 20A Public Recreation Reserves* and Section 58 (Road Closures) of the *Land Administration Act 1997*.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority of the Council to relinquish this land/road reserve.

Relevant Precedents

Council has previously considered relinquishing various tenancy agreements over reserve land under its control. The application from Aqwest differs in that the City is required to relinquish portion of its Management Order over the land as the Council does not have the power to enter into a lease or licence agreement over the required portion of Reserve 37730 or road reserve.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Per the recommendation printed in this report together with any amendments as suggested by members of the Council Committee or Council.

Option 3

The Chief Executive Officer of Aqwest/Bunbury Water Board to be advised that the Board's request for the City of Bunbury to relinquish its interest in portion of the Irwin Street Road Reserve and portion of adjoining Recreation Reserve No. 37730 (Lot 632) comprising the Irwin Street Water Treatment Plant Site; is refused.

Conclusion

The Water Treatment Plant Site was commissioned in the mid 1970's during the period that the Bunbury Water Board's operations were administered through the City of Bunbury.

Relinquishing the Management Order over the land will provide the Board with reservation only and would not preclude community interest in the use of the land in the longer term if the site were decommissioned at any time in the future.

A review of the current land holding (taking into account the submitters requests to relocate the 'holding tanks' and extend Irwin Street) has revealed that although in principle the requests are a likely alternative, the ramification affecting the submissions include:

- Cost of relocating the holding tanks and fencing;
- Cost of constructing the Irwin Street road extension;
- Further encroachment into the adjoining public recreation reserve is environmentally sensitive.

As these attributes pose constraints that are prohibitive and there is a real possibility the site will be decommissioned within the next ten years, the requests contained in the public submissions cannot be supported.

If Aqwest is successful in assuming the Management Order over the land then it assumes the City's current responsibility for care and control of the land together with ensuring that its infrastructure on-site is maintained in a manner that it is aesthetically satisfactory.

Recommendation

1. Council agrees to relinquish its interest in portion of the Irwin Street Road Reserve and portion of adjoining Public Recreation Reserve No. R37730 (Lot 623) comprising the Aqwest/Bunbury Water Board's Water Treatment Plant Site, subject to the terms and conditions as stated in this report to the Council.
2. Aqwest/Bunbury Water Board is responsible for the full costs of administering the public consultation process and preparation of any associated documentation.
3. The submitters are to be thanked for their submissions.

Outcome of the Council Committee Meeting – 12 August 2008

Mayor D. Smith disclosed a conflict of interest in the item as he is a member of the Board of Aqwest. He elected to remain at the meeting for the duration of the discussion and the vote on this matter.

Mr Brad Bevis, representative from Aqwest and Mr John Beaton responded to questions from members. During discussion, it was clarified that the two submitters have met on site with Aqwest and Council Officers to discuss and clarify their concerns.

The recommendation was moved Cr Major, seconded Cr Jones and adopted *11 votes "for" to 1 vote "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

1. *Council agrees to relinquish its interest in portion of the Irwin Street Road Reserve and portion of adjoining Public Recreation Reserve No. R37730 (Lot 623) comprising the Aqwest/Bunbury Water Board's Water Treatment Plant Site, subject to the terms and conditions as stated in this report to the Council.*
2. *Aqwest/Bunbury Water Board is responsible for the full costs of administering the public consultation process and preparation of any associated documentation.*
3. *The submitters are to be thanked for their submissions.*

Cr Steck requested that her vote "against" be recorded.

11.2 MOTION ON NOTICE – BUNBURY TIMBER JETTY – RESCIND COUNCIL DECISION 203/07 (MEETING DATE 16 OCTOBER 2007) (WAS LISTED AS ITEM 12.1 ON THE MEETING AGENDA)

File Ref:	A00205
Applicant/Proponent:	Councillor Brendan Kelly
Author:	Councillor Brendan Kelly
Executive:	<i>If adopted by Council refer to:</i> Greg Trevaskis, Chief Executive Officer

Cr Kelly submitted the following motion for the Council Meeting on 29 July 2008 which was subsequently discussed, but referred back to Committee for further consideration at this time:

- " 1. *That Council decision 203/07 of the meeting dated 16 October 2007 be rescinded.*
2. *That \$3.5 Million committed towards the Bunbury Timber Jetty component of Stage 1 of the Bunbury Waterfront Project, as a result of Council decision 203/07 be reallocated to other projects in the 2008/09 City Budget*
3. *That the State Government and Landcorp be advised immediately of this decision*
4. *That the Mayor, one Councillor and Executive Staff liaise with State and Federal Authorities to take responsibility for the Bunbury Timber Jetty under their respective legislation."*

COUNCIL DECISION 16 OCTOBER 2007 - 203/07 States:

- Council advise Landcorp it will contribute \$3.5(M) towards the Bunbury Timber Jetty component of Stage 1 of the Bunbury Waterfront Project noting that Council's commitment will be part of the proceeds of the sale of Lots 210 and 211 Holywell Street (formerly the Punchbowl Caravan Park site).*
- In respect to the City preparing a sustainable Business Plan for the ongoing management and maintenance of the Bunbury Timber Jetty - Landcorp to be advised that the City is aware that subsequent stages of the Bunbury Waterfront Project will include development of the foreshore areas around the old jetty. Although Project definition is not completed, it is expected that opportunities to generate revenue through particular leasehold agreements will emerge in relation to water-based and tourism related activities.*
- Council to request of Landcorp to make every genuine endeavour to bring forth the commencement of works to an earliest-start date given the inclement conditions which prevail in Bunbury as from April.*
- CEO to liaise with the Bunbury Timber Jetty Society to arrange for an ongoing agreement for maintenance of the Jetty once the current arrangement is complete.*

Comments - Cr Kelly

In support of his motion, Cr Kelly states that:

"Council Decision 203/07 resolved that the City of Bunbury would contribute \$3.5 Million towards the Bunbury Timber Jetty component of Stage 1 of the Bunbury Waterfront Project.

In accordance with State Cabinet approval of the Project, Landcorp's matching expenditure of \$3.5 Million on the jetty was subject to:

- *The City of Bunbury matching and having available a matching contribution; and*
- *The City preparing a sustainable business plan for the ongoing management and maintenance of the jetty.*

Subsequently, it has become clear that circumstance to facilitate the decision are negative and the City can no longer afford to commit any portion of its budget for the ongoing planning, management and maintenance of the jetty.

Those changed circumstances include:

- *The indefinite delay in commencing Stage 1 of the Bunbury Waterfront Project;*
- *The rapid deterioration of the Bunbury Timber Jetty*
- *The increased threat posed to the operations of the Bunbury Port (under both State and Federal Legislation) by the ongoing deterioration of the Jetty;*
- *The general tightening of fiscal circumstances of Federal, State and Local Governments that demands best use of economic resources;*
- *The ongoing need for the City budget to be spent on higher priority projects*
- *The existing doubt about the financial viability of the Bunbury Timber Jetty.*

Councillors should also note that current responsibility for the Timber Jetty is contentious and that the jetty will ultimately remain an asset (and therefore responsibility) of the Crown.

It is regrettable that the history and heritage values of the Bunbury Timber jetty (in situ) should be lost, however Council has a broader responsibility to its operations and a duty of care regarding both the dangers posed to shipping channels by an aging and badly deteriorated structure and the future economic well-being of its constituents.

I strongly urge my fellow Councillors to support this motion."

Executive Comments

Council at its meeting in October 2007 agreed to commit \$3.5 million of its share of the \$7 million total cost for demolition and restoration of the Bunbury Timber Jetty. A copy of the Minutes of that Council meeting are **attached** at Appendix 27 along with a copy of correspondence to LandCorp confirming the decision, at Appendix 28.

As a consequence of Council's decision and through an exchange of letters an agreement has been established between Council and LandCorp. LandCorp has also acted upon this advice and expended significant monies in detailing tenders, calling for tenders, receiving tenders to undertake the required works. Negotiations are continuing with LandCorp to appoint a successful tenderer as soon as possible to enable the works to commence without delay to ensure maximum benefits are achieved due to ever increasing costs and the set budget limit of \$7 million.

To rescind Council's agreement to provide the \$3.5 million towards the jetty project such a direction would raise the question of potential compensation claims being lodged against the City for costs incurred by LandCorp and possibly other parties (eg consultants, contractors and tenderers). Legal advice would need to be sought on this aspect if Council wishes to withdraw from the jetty project. With regard to Council's obligations for ongoing care and management of the Bunbury Timber Jetty a legal opinion on the validity of the 1998 agreement between the Minister and the City was sought and provided in January 2007. This senior counsel / QC advice concluded that there was no ground upon which it might be suggested that the agreement could be set aside. Copies of relevant correspondence with Council's Solicitors and the QC legal opinion are **attached** in a separate confidential report for all members assistance along with a copy of the Licence for the jetty as well as the Management Agreement with the Preservation Society are **attached** at Appendix 29 and 30.

Council's current position on this subject matter supports the general view that the City is legally and morally responsible for the jetty and that the offer from the State Government to jointly fund a \$7m demolition and restoration is a good outcome for the City.

It has been argued that the quicker actions can be taken to prepare suitable specifications, contract and tenders, the greater likelihood of retaining more of the jetty is possible.

The additional prospect of protracted negotiations with the State Government and uncertainty for undertaking demolition of the more dilapidated outer sections of the jetty, presents potential safety concerns to the general boating community should large timbers be dislodged and be found floating in Koombana Bay through time and adverse weather conditions.

For these reasons, Council has been keen to cooperate with LandCorp which has the expertise, experience and knowledge to project manage a project of the size and complexity required for the Bunbury Timber Jetty. This direction has also provided some comfort to the Bunbury Timber Jetty Preservation Society whose members support the demolition and restoration of the jetty to enable at least a good part of the jetty being retained for future generations.

Suggested Recommendations

1. Should Council wish to withdraw its funding from the jetty project:
“That prior to rescinding Council decision 203/07 of 16th October 2007 a legal opinion be sought on the implications for Council withdrawing its funding commitment to the Bunbury Timber Jetty project, such opinions to be sought for the purpose of protecting Council’s interests and proposed course of action.
2. If Council wishes to pursue efforts to demolish and restore the timber jetty as part of the Bunbury Waterfront program then Cr Kelly’s ‘Notice of Motion’ should be defeated.

Cr Kelly ‘s Motion

- " 1. *That Council decision 203/07 of the meeting dated 16 October 2007 be rescinded.*
2. *That \$3.5 Million committed towards the Bunbury Timber Jetty component of Stage 1 of the Bunbury Waterfront Project, as a result of Council decision 203/07 be reallocated to other projects in the 2008/09 City Budget*
3. *That the State Government and Landcorp be advised immediately of this decision*
4. *That the Mayor, one Councillor and Executive Staff liaise with State and Federal Authorities to take responsibility for the Bunbury Timber Jetty under their respective legislation."*

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Mr Phil Smith and Mr Shane Woodhouse, representatives speaking on behalf of the Bunbury Timber Jetty Preservation Society, addressed Council responding to questions and speaking against the Motion. The Society raising the following points:

- The Society has spent the last 25 years trying to save the Jetty.
- Over the last 10 years, the Society has not received any funds from the City therefore no costs have been passed on to ratepayers.
- Volunteers have been recovering and removing pieces of timber as they fall into the ocean.
- 2 areas of the Jetty have already partially collapsed
- The Jetty is utilised by the Young, Elderly and Disabled for recreational fishing and observing oceanic wildlife.
- The Jetty is a valuable Heritage Icon for Bunbury.
- The Society uses the interest received off the remaining funds (\$400,000) to employ a full time worker, with other workers being volunteers.

Cr Steck moved, Cr Major seconded the procedural motion that “*Standing Orders be suspended to allow debate on the issue to start a fresh*”. The procedural motion was carried 8 votes “for” to 3 votes “against”.

Cr Whittle indicated he wished to foreshadow the following motion:

Cr Whittle’s Foreshadowed Motion

1. *Council advise the Chief Executive Officer, Landcorp and the Minister for Planning and Infrastructure of its extreme concern in relation to potential delays in awarding tenders for the timely commencement of the proposed works on the Bunbury Timber Jetty.*
2. *Council reiterate that, as per the resolution of October 16th 2007, it sees the need for commencement of these works as extremely urgent in order to avoid more damage to the rapidly deteriorating, Heritage listed Jetty.*
3. *Council advises Landcorp and the Minister that it is Council's view that this project should proceed concurrently with the Eastside approvals process and not be dependant on it.*

During debate on Cr Kelly’s Motion, the following points were raised:

In support of the motion:

- It is not an asset of the City’s, it is the State Government’s and therefore the City should forego the Licence over the Jetty and hand it back to the State.
- The City is currently liable for any incidents that are a result of timbers falling into the ocean.
- The cost of maintenance for the Jetty once works have been undertaken would be ongoing.
- Funding would be better utilised on other projects.
- The problem has been ongoing for many years with no action still being taken.
- The matching contribution of \$3.5M will not be provided to the City until LandCorp see a positive income stream.
- The motion would enable restoration to be undertaken sooner rather than wait for LandCorp/Council which has no set timeframe and could be delayed for many months.

Against the Motion:

- Council entered into the Licence and the Licence is enforceable.
- The Jetty provides recreational fishing to Bunbury and surrounding residents.
- It is a Heritage Icon and should be available for future use by future generations.
- Funds are unable to be reallocated to other projects as the land from where the monies are coming from, have not been sold to date.

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- Council has a legal obligation to care for the Jetty and has advised LandCorp of its wiliness to commit \$3.5M, which as been acted upon by LandCorp and its agents.
- The Licence agreement clearly states that if the State Government were to carry out the whole of works at their expense, they are legally able to charge the City for the full cost. They have acted generously by committing funds of \$3.5M when they are not legally required to.
- If Council did decide to rescind the decision, it may result in protracted legal disputation with various parties.

Cr Jones moved, Cr Kelly seconded the procedural motion *“That Standing Orders be Resumed”*. The procedural motion was carried *12 votes "for" to Nil votes "against"*.

Cr Kelly’s Motion was moved Cr Kelly, seconded Cr Jones. The Mayor put the motion to the vote and it was lost 5 votes "for" to 7 votes "against".

It was requested that all votes be recorded:

Votes “for” the motion:

- Cr Kelly, Cr Jones, Cr Major, Cr Slater and Cr Steck

Votes “against” the motion:

- Cr Harrop, Cr Spencer, Cr Leigh, Cr Punch, Cr Craddock, Cr Whittle and Mayor D Smith

Cr Jones moved the procedural motion *“That the Council Proceed to the Next Business”* which was carried *10 votes "for" to 2 votes "against"*.

At this point in proceedings, the Mayor announced that Council would have a 10 minute recess. The Mayor then reopened the meeting at 9.00pm.

11.3 BUNBURY AIRPORT STRUCTURE PLAN (*WAS LISTED AS ITEM 11.1 ON THE MEETING AGENDA*)

File Ref:	F00080
Applicant/Proponent:	Internal Report
Author:	Nigel Archibald, Airport Reporting Officer
Executive:	Michael Scott, Executive Manager City Services

Summary

Council endorsement is sought for the Bunbury Airport Structure Plan.

Background

At its meeting held on the 28th August 2007, Council decided:

COUNCIL DECISION 176/07

“Council to undertake the following with respect to Tender 2006/2007-25 for the provision of a Royal Flying Doctor Transfer Lounge and City of Bunbury Office and Store at the Bunbury Airport:

- 1. Accept the Tender from Smith Constructions for Option 1.*
- 2. Record the Tender price in the Council Minutes.”*

At its meeting held on the 18th December 2007, Council decided:

COUNCIL DECISION 253/07

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

Both projects have been completed and Council is receiving applications for Planning Approvals and Building Licences for aircraft hangars on the lease sites.

The formal endorsement of the Bunbury Airport Structure Plan will define the orderly development at the airport whilst providing leaseholders with clear direction on the airport's future. A copy of the Bunbury Airport Structure Plan is **attached** at Appendix 1.

Strategic and/or Regional Outcomes

The development of Bunbury Airport is consistent with the City Vision Strategy which recommends “The existing airport being planned for improvements to support recreation flying and emergency services”.

The development of the additional hangar lease sites is consistent with the Bunbury Airport Strategic Directions 2000-2010 implementation plan.

Community Consultation

The Bunbury Airport Structure Plan has been developed in consultation with the members of the Bunbury Airport Advisory Committee and was formally endorsed by the Committee at its meeting held on the 31st May 2007.

Councillor/Officer Consultation

At the Council Briefing held on the 4th December 2007, the Bunbury Airport Structure Plan was presented and discussed, to ensure Council was fully informed prior to resolving Council Decision 253/07.

Minor alterations have been made to the plan since, specifically showing the RFDS Patient Transfer Station as being existing along with the dimensions of some of the lease sites being altered at the lessee's request.

Analysis of Financial and Budget Implications

The endorsement of the Bunbury Airport Structure Plan will not have any financial or budget implications on Council.

Construction of developments outlined in the Structure Plan will still be subject to obtaining Government grants and the allocation of funding in Council's Annual Budget.

Economic, Social, Environmental and Heritage Issues

The endorsement of the Bunbury Airport Structure Plan is an administrative outcome which will not have any economic, social, environmental or heritage issues.

Specific economic, social, environmental and heritage issues will be resolved prior to the commencement of each individual project detailed in the Structure Plan.

Council Policy Compliance

The proposal is consistent with all applicable Council policies.

Legislative Compliance

There is no known legislative compliance

Delegation of Authority

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

Relevant Precedents

Council has previously endorsed structure plans in this way.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council does not endorse the Bunbury Airport Structure.

Conclusion

Council is requested to endorse the Bunbury Airport Structure Plan to define the orderly development at the Bunbury Airport.

Recommendation

Council endorses the Bunbury Airport Structure Plan (Drawing Number 6-2007-004-1 of 1 REV B).

Outcome of the Council Committee Meeting – 12 August 2008

The recommendation was moved Cr Major, seconded Cr Slater and adopted *12 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Council endorses the Bunbury Airport Structure Plan (Drawing Number 6-2007-004-1 of 1 REV B).

11.4 COUNCIL SUPPORT FOR THE PROPOSED DEDICATION OF BUNBURY PORT ACCESS ROAD LAND REQUIREMENTS (WAS LISTED AS ITEM 11.2 ON THE MEETING AGENDA)

File Ref:	A01109
Applicant/Proponent:	Main Roads South West Region
Author:	Beatrice Plant, City Engineer
Executive:	Michael Scott, Executive Manager City Services

Summary

The City of Bunbury has received correspondence dated the 29 February 2008 from Main Roads Western Australia South West Region (MRWA) (**attached** at Appendix 2) seeking support for their application to the Department of Planning and Infrastructure (DPI) to dedicate land they require to accommodate the first stage development of the Bunbury Port Access Road.

Background

MRWA has initiated action to acquire land required to accommodate the first stage development of the Bunbury Port Access Road. **Attached** at Appendix 3 are the amended Land Dealings Plans numbered 200702-0469-2 and 200702-0470-3 that show the areas being acquired.

Strategic and/or Regional Outcomes

The proposal complies with the City of Bunbury Strategic Plan 2007-2012 and in particular Strategy 3.2 which states that the City will: “*Develop and maintain an integrated and sustainable approach to transport with reference to road hierarchy, traffic management, public transport cycleways and dual-use paths.*”.

Community Consultation

Under Section 56 of the *Land Administration Act 1997* no community consultation is required.

Councillor/Officer Consultation

The City’s Executive has considered the proposal and has no objections to the dedication.

Analysis of Financial and Budget Implications

There will be no detrimental effect on the City’s Annual Budget as a result of the proposed dedication as MRWA will be responsible for and has indemnified the City against all fees, charges and costs associated with the proposal. A copy of the email indemnifying the City is **attached** at Appendix 4.

Economic, Social, Environmental and Heritage Issues

The proposed dedication will have no economic, social, environmental or heritage implications for the City of Bunbury.

Council Policy Compliance

No Council policy applies.

Legislative Compliance

Where (in a district of a Local Government) land is used by the public as a road, then, compliant to Section 56 of the Land Administration Act 1997, the Council is required to pass a decision supporting the dedication of the land as a "Road".

Delegation of Authority

The DPI requires the official consent of the Council to instigate the dedication as a "Road".

Relevant Precedents

At its meeting on 11 July 2006, Council resolved to excise a portion of Reserve 670 and request the Minister to dedicate it as "Road" (Robertson Drive).

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council does not support the dedication of the land shown on Land Dealings Plans numbered 200702-0469-2 and 200702-0470-3 as a "Road".

Conclusion

MRWA has initiated action to acquire land required to accommodate the first stage development of the Bunbury Port Access Road. To satisfy the DPI's requirements the City is now requested by way of a Council Decision to support MRWA's application for the land shown on Land Dealings Plans numbered 200702-0469-2 and 200702-0470-3 as a "Road" under Section 56 of the Land Administration Act.

Recommendation

1. Council request the Department of Planning and Infrastructure to dedicate the land shown on Land Dealings Plans numbered 200702-0469-2 and 200702-0470-3 as a "Road" under Section 56 of the Land Administration Act.
2. Council indemnify the Department of Planning and Infrastructure against all costs associated with the dedication, having received a like indemnity from Main Road Western Australia.

Outcome of the Council Committee Meeting – 12 August 2008

The recommendation was moved Cr Major, seconded Cr Harrop. During discussion, it was clarified that the dedication of the road would result in traffic calming and surrounding residents and school have no objections of the proposal.

The Mayor then put the recommendation to the vote and it was adopted *12 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

1. *Council request the Department of Planning and Infrastructure to dedicate the land shown on Land Dealings Plans numbered 200702-0469-2 and 200702-0470-3 as a "Road" under Section 56 of the Land Administration Act.*
2. *Council indemnify the Department of Planning and Infrastructure against all costs associated with the dedication, having received a like indemnity from Main Road Western Australia.*

11.5 PROPOSED APPOINTMENT TO BUNBURY REGIONAL ARTS MANAGEMENT BOARD INC. (WAS LISTED AS ITEM 11.3 ON THE MEETING AGENDA)

File Ref:	A00168
Applicant/Proponent:	Internal Report
Author:	Domenic Marzano, Executive Manager City Life
Executive:	Domenic Marzano, Executive Manager City Life

Summary

It is proposed to appoint Mrs Pip Sawyer as a 'Community Representative' on the Bunbury Regional Arts Management Board Inc. (BRAMB).

An extract from the City's Committee Book showing the committee's Terms of Reference is **attached** at Appendix 5.

Background

The Bunbury Regional Arts Galleries (BRAG) building is the former Sisters of Mercy Convent and is now a City of Bunbury asset. The building was reopened in 1987 after extensive renovation. Since this time period the BRAG have provided the people of Bunbury and the South West Region with the opportunity to view and interact with all forms of the visual arts in a top class facility.

BRAG is managed by the Bunbury Regional Arts Management Board Inc. Membership of the committee is currently:

- Councillor Helen Punch
- Leon Ridgeway, President
- Tresslyn Smith, City Arts Collection Committee
- Cathy Roads, Art Gallery of Western Australia
- Margaret Perkins, Community Member
- Carol Bryson, Community Member
- Alex Mickle, Community Member
- Dom Marzano, Executive Manager City Life (*Executive Officer*)

Members of the Bunbury Regional Arts Management Board Inc. believe that Ms Sawyer has valuable experience and knowledge in the arts and should be invited to join.

Examples of Ms Sawyer's involvement in the region include:

- Department for Housing and Works Panel for Art Coordination Services
- Manea College
- Dalyellup Middle School
- Newton Moore senior High School upgrade.

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 BRAMB 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

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

Relevant Precedents

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

Options

Option 1

Per the recommendation as listed in this report.

Option 2

That Pip Sawyer not be appointed to the Bunbury Regional Arts Management board Inc. for a period of two years (to expire 30 June 2010).

Recommendation

That Pip Sawyer be appointed to the Bunbury Regional Arts Management Board Inc. for a period of two years (to expire 30 June 2010).

Outcome of the Council Committee Meeting – 12 August 2008

The recommendation was moved Cr Punch, seconded Cr Craddock and adopted *12 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

That Pip Sawyer be appointed to the Bunbury Regional Arts Management Board Inc. for a period of two years (to expire 30 June 2010).

NOTE: AN ABSOLUTE MAJORITY VOTE WILL BE REQUIRED AT THE COUNCIL MEETING.

11.6 COUNCIL SUPPORT FOR THE PROPOSED REVOCATION OF MANAGEMENT ORDER FOR RESERVE 45819 (LOT 893) WOODLEY ROAD, GLEN IRIS *(WAS LISTED AS ITEM 11.4 ON THE MEETING AGENDA)*

File Ref:	R00227
Applicant/Proponent:	Roberts Day on behalf of Department of Housing & Works
Author:	Beatrice Plant, City Engineer
Executive:	Michael Scott, Executive Manager City Services

Summary

An application has been received from Roberts Day (Town Planning and Design) on behalf of the Department of Housing and Works (DHW) seeking Council's consideration to relinquish it's the Management Order over Reserve 45819 (Lot 893) Woodley Road, Bunbury to enable the amalgamation of the land with the adjoining Lot 801 for the purpose of a future residential subdivision. A copy of the correspondence and plan showing Reserve 45819 is **attached** at Appendix 6 & 7.

Subject to Council's consent, the Management Order will be revoked and the applicant will submit an application to request to Department for Planning and Infrastructure to transfer the ownership of the Reserve to DHW.

Background

Reserve 45819 is held by the City of Bunbury under Management Order being Crown Land Record Volume 3112 Folio 360 for the purpose of "Public Recreation". The land is identified as "Access Road" in accordance with the City's Town Planning Scheme No. 7 and is deemed surplus to the City's requirements.

Subdivision application 134904 for the adjoining eastern Lot has been conditionally approved by WA Planning Commission (WAPC) based upon the Reserve being in private ownership. A copy of the proposed subdivision plans are **attached** at Appendix 8.

The transfer of the Reserve will allow for the subdivision of the land to be consistent with the "Picton Waters at Glen Iris Structure Plan" (PWGISP) (**attached** at Appendix 9) and allow for the configuration of Lots that provide direct frontage to Picton Primary School and adjoining Public Open Space.

The gazettal of a new connection road approximately 20 metres to the west of the Reserve (Corkwood Street), which is shown in the PWGISP allows for vehicle, cyclist and pedestrian access between Woodley Road, Jacksonia Street and Jeffrey Road and therefore removes any reliance on the Reserve for this purpose.

Strategic and/or Regional Outcomes

There are no strategic or regional outcomes to consider.

Community Consultation

Under Section 50 of the *Land Administration Act 1997* community consultation is not required. However, the City has undertaken a mail drop informing property owners within a 500m radius of the Reserve, inviting submissions and queries and has also advised Service Providers. The City's Engineering department has answered several phone queries and no objections were received.

Attached at Appendix 10 is a copy of correspondence received from the Water Corporation indicating they have no objections to the revocation of the Management Order and advise the location of a 150ND sewer main that runs parallel to the western boundary and private sewer pressure main that runs parallel with the eastern boundary.

Roberts Day has advised that the existing sewer will need to be relocated and all costs associated with this, will be at the expense of the future land owner.

Councillor/Officer Consultation

The City's Property and Planning Departments have provided comment on this proposal and have advised that they support the request by Roberts Day & DHW to revoke the management order for Reserve 45819.

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

Analysis of Financial and Budget Implications

There will be no detrimental effect on the City's Annual Budget as a result of the proposed Revocation of Management as DHW will be responsible for and has indemnified the City against all fees, charges and costs associated with the proposal **attached** at Appendix 11.

Economic, Social, Environmental and Heritage Issues

The proposed revocation will have no economic, social, environmental or heritage implications for the City of Bunbury.

Council Policy Compliance

No Council policy applies.

Legislative Compliance

Under Section 50 of the Land Administration Act 1997 – when a management body agrees that its management order should be revoked the Minister may by order revoke that management order.

Delegation of Authority

The Chief Executive Officer does not have delegated authority on this matter as the DPI requires the official consent of Council to instigate the Revocation of the Management Order over the Reserve.

Relevant Precedents

At its meeting on 11 July 2006, Council resolved to excise a portion of Reserve 670 and request the Minister to dedicate it as “Road” (Robertson Drive).

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council elect to not support the Revocation of Management Order over Reserve 45819.

Conclusion

The transfer of the Reserve into private ownership will allow for the subdivision of the land to be consistent with the “Picton Waters at Glen Iris Structure Plan” (PWGISP) and allow for the configuration of Lots that provide direct frontage to Picton Primary School and adjoining Public Open Space.

To satisfy the DPI’s requirements the City is now requested by way of a Council Decision to request the DPI to revoke Council’s Management Order over Reserve 45819 and transfer ownership of the Reserve to DHW.

Recommendation

1. Council request the Department of Planning and Infrastructure to revoke the City’s Management Order of Reserve 45819 under Section 50 of the *Land Administration Act 1997*.
2. Council indemnify the Department of Planning and Infrastructure against all costs associated with the Revocation of the Management Order, having received a like indemnity from the Department of Housing and Works.

Outcome of the Council Committee Meeting – 12 August 2008

The recommendation was moved Cr Slater, seconded Cr Steck and adopted *12 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

- 1. Council request the Department of Planning and Infrastructure to revoke the City's Management Order of Reserve 45819 under Section 50 of the Land Administration Act 1997.*
- 2. Council indemnify the Department of Planning and Infrastructure against all costs associated with the Revocation of the Management Order, having received a like indemnity from the Department of Housing and Works.*

11.7 BUNBURY PORT AUTHORITY DUST MONITORING - RENEWAL OF LICENCE AGREEMENT OVER PORTION RESERVE 6962 (LOT 729) STIRLING STREET, BUNBURY (WAS LISTED AS ITEM 11.5 ON THE MEETING AGENDA)

File Ref:	A00247
Applicant/Proponent:	Bunbury Port Authority
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

The Bunbury Port Authority seeks Council's consent to renew its Licence Agreement over portion of Reserve 6962 (Lot 729) Stirling Street, Bunbury, for the purpose of monitoring ambient dust emissions in the vicinity of the Port. A location map is **attached** at Appendix 12.

Background

The licensed area currently comprises a TEOM dust monitoring machine to measure the total number of suspended dust particles (TSP) in the air (licence expires 1 May 2012) in addition to a PM10 dust measurement machine (licence expired 11 May 2008).

At the Council Meeting held 1 May 2007, the Council previously agreed to grant a renewal of the Licence Agreement and increase the licensed area on the following conditions:

- The term of the existing licence to be one (1) year then subject to review.
- The term of the new licence to be five (5) years then subject to review.

A condition of the licence agreement requires the Licensee to consult with other stakeholders including the City, Department of Environment and Conservation and the Bunbury Port Community Liaison Committee recording the continuance (or otherwise) of the dust monitoring program annually.

In its email to the City of 4 June 2008, the Bunbury Port Authority states: *"The Port Authority wishes to extend the licence arrangement for the first TEOM site (the site closest to the Department of Fisheries Building) to bring it in line with the remaining licence term of the second TEOM site (4 years).*

We will get a copy of the latest independent report regarding the TEOM operation and monthly monitoring results to you as soon as possible."

A copy of the TEOM Report mentioned above (dated June 2008) has been circulated **under separate cover** as a "Confidential Report". The report has been reviewed and shows no adverse findings.

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The Bunbury Port Authority is seeking to renew its initial licence agreement to coincide with the expiry dates of the additional machine on 1 May 2012. The City's Executive has no objection to the proposal subject to the Authority continuing to provide results of the dust monitoring program to the Council on an annual basis during the term of the licence. A copy of the reports prepared to date is provided to Council for information in a report circulated under separate cover.

Reserve 6962 (Lot 729) is held by the City of Bunbury on Crown Land Record 3089/681 for the purpose of 'Public Recreation' with the power to licence for a period of up to five (5) years.

Dust Monitoring Unit 1 - Current Licence Agreement Details

Commencement Date:	2 May 2007
Term:	One (1) year
Expiry Date Review:	1 May 2008
Rental:	\$520.00 plus GST per annum per site
Permitted Use:	Monitoring dust emissions
Licence Area:	3 square metres
Insurance Requirements:	The Bunbury Port Authority is required to hold public liability cover set at up to ten million dollars (\$10M), as well as general insurance and appropriate workers' compensation cover.
Special Conditions:	The Licensee shall consult with the City of Bunbury, the Department of Environment and Conservation and the Bunbury Port Community Liaison Committee; and provide an independent dust monitoring report to the City annually.
Outgoings:	Responsibility for the Licensee.

Dust Monitoring Unit 2 - Current Licence Agreement Details

Commencement Date:	2 May 2007
Term:	Five (5) years
Expiry Date Review:	1 May 2012
Rental:	\$520.00 plus GST per annum per site
Permitted Use:	Monitoring dust emissions
Licence Area:	3 square metres
Insurance Requirements:	The Bunbury Port Authority is required to hold public liability cover set at up to ten million dollars (\$10M), as well as general insurance and appropriate workers' compensation cover.
Special Conditions:	The Licensee shall consult with the City of Bunbury, the Department of Environment and Conservation and the Bunbury Port Community Liaison Committee; and provide an independent dust monitoring report to the City annually.
Outgoings:	Responsibility for the Licensee.

Proposed Variation of Licence Agreement - Combining Units 1 and 2

The Bunbury Port Authority will continue to be responsible for all costs associated with the installation and operation of the dust monitoring machines and; maintenance and remediation of the licence area if or when the machines are decommissioned.

Executives from the City and the Port have mutually agreed on the terms and conditions of the proposed extended Licence Agreement.

Commencement Date:	2 May 2007
Term:	Five (5) years
Expiry Date:	1 May 2012 (being a common expiry date for both dust monitoring units)
Rental:	\$1,500 per annum plus GST and indexed by CPI annually throughout the term.
Permitted Use:	Monitoring of dust emissions
Licence Area:	6 square metres
Insurance Requirements:	The Bunbury Port Authority is required to hold public liability cover set at up to ten million dollars (\$10M), as well as general insurance and appropriate workers' compensation cover.
Special Conditions:	The Licensee shall consult with the City of Bunbury, the Department of Environment and Conservation and the Bunbury Port Community Liaison Committee; and provide an independent dust monitoring report to the City annually.
Outgoings:	Responsibility of the Licensee.
Documentation Costs:	Licensee to pay full costs of documentation and valuations.

Strategic and/or Regional Outcomes

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

Use of the foreshore reserve for the purpose of dust monitoring (and the length of the licence tenure proposed) does not conflict with the City Vision Strategy.

Community Consultation

Notice of intention to grant the Bunbury Port Authority a renewal of its licence for the initial dust monitoring machine (licence expires 1 May 2012) will be published in the City Update column of the Bunbury Mail Newspaper.

Councillor/Officer Consultation

The City's Executive and Bunbury Port Authority have mutually agreed on the terms and conditions of the proposed extension of the licence.

Analysis of Financial and Budget Implications

The licence fee has been based on the permitted use with the Licensee responsible to meet the cost of monitoring the dust emissions, maintenance and outgoings.

Economic, Social, Environmental and Heritage Issues

Economic Issues

Port operations provide major export/import and employment opportunities and benefits to local industries in the Bunbury Region and the State of Western Australia.

Social Issues

The monitoring of dust emissions demonstrates the Port Authority's responsibility toward the local community.

Environmental Issues

The National Environmental Protection Measure Standard results for both machines are not to be exceeded as a result of Port operations during the sample period and it is noted that the Port Authority has fulfilled these requirements.

Heritage Issues

There are no known heritage issues in relation to this proposal.

Council Policy Compliance

There is no Council Policy relevant to this proposal.

Legislative Compliance

The notice of intention to grant the Bunbury Port Authority a renewal of its licence for the initial dust monitoring machine to 1 May 2012, will be published in the City Update Column of the Bunbury Mail Newspaper.

Pursuant to Section 18 of the Land Administration Act 1997, the Office of the Minister for Lands has been approached and an indication given that it has no objection to the licence proposal.

Delegation of Authority

The Chief Executive Officer has the delegated authority of the Council to negotiate the terms and conditions of an application to licence Council-owned or managed property, provided the settled terms and conditions are presented to the Council for approval before any documentation is finalised.

It is proposed that the Chief Executive Officer be authorised to proceed with preparation and signing of the Deed of Variation of Licence.

Relevant Precedents

The Council last considered the licensing arrangements for the Bunbury Port Authority dust monitoring machines at its meeting on 1 May 2007.

Council regularly considers requests from businesses, government entities, community groups and organisations for extension, renewal, variation or assignment of licence agreements.

Options

Option 1

Per the recommendation printed in this report.

Option 2

Per the recommendation printed in this report (with additions or amendments as suggested by members at the meeting).

Option 3

Council advises the Bunbury Port Authority that its application for extension of the licence for its initial dust monitoring machine on portion of Reserve 6962 (Lot 729) Stirling Street, Bunbury, to 1 May 2012; is refused.

Conclusion

The Bunbury Port Authority has held the licence over the site since October 2005 and has satisfactorily fulfilled its obligations and responsibilities under the licence during this time.

The intention to grant the Port Authority a renewal of the licence for its initial dust monitoring equipment so that the licence expiry date coincides with the expiry date for an adjacent dust monitoring machine on-site; is supported by the Executive subject to the Port Authority continuing its commitment to provide the members of the Council with the results of dust monitoring programs on an annual basis.

Recommendation

Council agrees to grant the Bunbury Port Authority a renewal (and variation) of its licence agreement for the initial dust monitoring equipment on Reserve 6962 (Lot 729) Stirling Street, Bunbury; the expiry date of the new agreement to coincide with an adjacent dust monitoring machine on-site (i.e., 1 May 2012) subject to:

1. The terms and conditions as specified in the report to Council.
2. The Licensee to pay full costs of advertising, document preparation, valuation assessments and registration.
3. The Bunbury Port Authority to continue its commitment of providing the members of the Council with the results of dust monitoring programs on an annual basis.

Outcome of the Council Committee Meeting – 12 August 2008

Mayor D. Smith disclosed a conflict of interest in the item as he is a member on the Bunbury Port Authority Board. He elected to remain at the meeting for the duration of the discussion and the vote on this matter.

The recommendation was moved Cr Slater, seconded Cr Whittle.

During discussion, it was clarified that the proposal was to merge both Licence Agreement expiry dates of the Dust Monitoring Units to coincide with one another.

The Mayor then put the recommendation to the vote and it was adopted *12 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Council agrees to grant the Bunbury Port Authority a renewal (and variation) of its licence agreement for the initial dust monitoring equipment on Reserve 6962 (Lot 729) Stirling Street, Bunbury; the expiry date of the new agreement to coincide with an adjacent dust monitoring machine on-site (i.e., 1 May 2012) subject to:

- 1. The terms and conditions as specified in the report to Council.*
- 2. The Licensee to pay full costs of advertising, document preparation, valuation assessments and registration.*
- 3. The Bunbury Port Authority to continue its commitment of providing the members of the Council with the results of dust monitoring programs on an annual basis.*

11.8 SOUTH WEST AREA HEALTH SERVICES – EXTENSION OF LEASE FOR PARENT HELP CENTRE LOCATED WITHIN THE LADY MITCHELL (CHILD HEALTH) CLINIC *(WAS LISTED AS ITEM 11.6 ON THE MEETING AGENDA)*

File Ref:	F00086
Applicant/Proponent:	South West Area Health Services
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

South West Area Health Services is seeking Council's consent to extend its Lease over the Parent Help Centre (comprised within the Lady Mitchell Clinic) for a further five years.

The Lady Mitchell (Child Health) Clinic is located on Lots 1, 31 and 32 (No. 2) Prosser Street, Bunbury. The City holds the Certificate of Title over the property (Volume 1118 Folio 585). A location map is **attached** at Appendix 13.

Background

South West Area Health Services has leased 98 square meters of the Lady Mitchell Clinic for use as a Parent Help Centre since 1996. The purpose of the Parent Help Centre is to display child-safe equipment for the home and hold meetings of post-natal depression and voluntary support groups. The balance of the premises is used for child health services and forms part of a separate agreement with the City. Both activities are complimentary to the use of the premises.

The Lady Mitchell Clinic was built in 1950. The site is strategically located and is identified as a potential location for future mixed business development. Although there are no immediate plans to redevelop the site it is appropriate to bring the Lessee's notice that there is a possibility of the site being redeveloped in the future. If the possibility does arise within the extended term, the Lessor or Lessee may terminate the Lease by giving twenty four (24) months notice in writing.

Current Lease Details

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

Lease Commenced	11 November 2003
Term	Five (5) years
Expiry Date	10 November 2008
Rental	\$17,600.00 per annum inclusive of GST indexed by CPI (Landgate Valuation Services)
Rent Review	On the third (3 rd) Anniversary date during the term
Permitted Use	Parent Help Centre
Lease Area	98 sq.m portion of the Lady Mitchell Clinic. The balance of the

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	premises is used for child health services.
Outgoings	Responsibility of the Lessee
Insurances	Lessee to maintain public risk insurance cover and general insurance over contents. The level of public risk cover to be set at \$10 (M)

Extension of Lease Details:

Lease to Commence	11 November 2008
Term	Five (5) years
Expiry Date	10 November 2013
Rental	\$18,590.00 per annum inclusive of GST and indexed by CPI (Landgate Valuation Services)
Rent Review	On the third (3 rd) Anniversary date during the term
Permitted Use	Parent Help Centre
Lease Area	98 sq.m
Outgoings	Responsibility of the Lessee
Insurance	Lessee to maintain public risk insurance cover and general insurance over contents. The level of public risk cover to be set at \$10(M)
Preparation of Lease	Lessee to be responsible for document registration, advertising and valuation assessment.
Special Conditions	<u>Ground Rationalisation/Redevelopment</u> In the event that the Lessor requires the whole or part of the Leased Property for rationalisation/redevelopment the Lessor may terminate the Lease hereinbefore granted by twenty four (24) Months notice in writing to the other of the termination of Agreement.

The City's Executive and South West Area Health Services have mutually agreed on the terms and conditions of the extension of lease.

Strategic and/or Regional Outcomes

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

Community Consultation

Notice of the Intention to grant South West Health Service an extension of Lease for a further five (5) years will be published in the City Update Column of the Bunbury Mail Newspaper.

Councillor/Officer Consultation

Council officers have held discussions with representatives from South West Area Health Services and have mutually agreed on the term and conditions and variation of the extension of the lease.

Analysis of Financial and Budget Implications

Landgate – Valuation Services has assessed the lease rental at \$18,590.00 per annum plus GST. The Lessee is responsible for all normal outgoings and payment of costs for preparation and registration of documentation associated with the lease extension.

Economic, Social, Environmental and Heritage Issues

Economic and Social

The Parent Help Centre provides assistance on parenting issues to Bunbury and the Wider Community.

Environmental and Heritage Issues

There are no known environmental or heritage issues relative to this proposal.

Council Policy Compliance

There is no Council policy relevant to this proposal.

Legislative Compliance

Notice of the intention to grant South West Health Services an extension of lease for a further five (5) years will be published in the City Update Column of the Bunbury Mail Newspaper.

Delegation of Authority

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

It is proposed that the Chief Executive Officer be authorised to proceed with preparation and signing of the Deed of Extension of Lease.

Relevant Precedents

The Council last extended this lease at its meeting held on 30 August 2004. Council regularly considers requests from Community Groups and organisations for extension, renewal, variation or assignment of lease.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Per the recommendation listed in this report (with additions or amendments as suggested by members at the meeting).

Option 3

Council may opt not to support the proposal by South West Area Health Services to renew its lease of the Parent Help Centre at the Lady Mitchell Clinic.

Conclusion

South West Health Services has held the Lease over the Parenting Help Centre since 1996 and has fulfilled its obligation and responsibilities during this period.

Recommendation

Council agrees to extend the lease held by South West Health Services over portion of Lady Mitchell Centre located on Lots 1, 31 and 32 Prosser Street, Bunbury for a further five (5) years based on the terms and conditions specified in this report to Council with the Lessee to pay full costs of document preparation and registration.

Outcome of the Council Committee Meeting – 12 August 2008

The recommendation was moved Cr Major, seconded Cr Slater.

It was brought to the attention that Appendix 13 referred to Lot 96 when throughout the Item it is referred to as Lot 1. It was decided that the Recommendation be amended to read “Lot 96” rather than “Lot 1”.

The Mayor put the recommendation to the vote and it was adopted *12 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

*Following the Committee Meeting, clarification was sought and Appendix 13 was incorrect. The correct Lot number is “Lot 1”. The Committee Recommendation has been amended to reflect this and an amended site plan is **attached** at Appendix 13.*

For ease of reference, the Committee Recommendation is listed overleaf.

Committee Recommendation

Council agrees to extend the lease held by South West Health Services over portion of Lady Mitchell Centre located on Lots 1, 31 and 32 Prosser Street, Bunbury for a further five (5) years based on the terms and conditions specified in this report to Council with the Lessee to pay full costs of document preparation and registration.

11.9 REVIEW OF CAR PARKING REQUIREMENT FOR PROPOSED 14 STOREY MIXED USE RESIDENTIAL, RETAIL AND COMMERCIAL DEVELOPMENT LOTS 34, 37 & 50, NO. 12 VICTORIA STREET, BUNBURY (WAS LISTED AS ITEM 11.8 ON THE MEETING AGENDA)

File Ref:	P010178
Applicant/Proponent:	Internal Report
Author:	Paul Davies, Planning Consultant
Executive:	Geoff Klem, Executive Manager City Development

Summary

Council at its meeting on 16 October 2007 resolved to approve the Planning Application from Hartree and Associates Architects on behalf of the Gull Group of Companies for a new 14 Storey Mixed Use Residential, Retail and Commercial development on the current Reef Hotel site subject to appropriate conditions.

Condition 4 of the approval requires provision of 128 car parking bays on-site. The approved development plan includes 94 on site car parking bays, hence, the applicant needs to amend the development plans to provide additional parking bays onsite or provide cash in lieu of the shortfall in the parking requirement.

Following the recent consideration of the new Local Planning Policy, Central Business District Parking it is proposed at the request of the applicant to review car parking requirements for the proposed development.

Clause 5.7.1.8 of Town Planning Scheme No 7 currently states that “Where greater than 50% of the total floor space of a building is used for residential purposes, and where the balance of the floor space is used substantially between the hours of 9:00am and 5:00pm, the total number of spaces required under Table 2 may be reduced by up to 25%.

The proposed development includes Residential use of greater than 50% of the total floor space of the building. On this basis, the proponent has requested that Council consider approval of a 25% reduction in the car parking requirement based on the predominant Residential use. A 25% reduction in car parking equates to 32 bays and reduces the overall parking requirement to 96 bays.

This then reduces the shortfall in car parking to 2 car parking bays. It is recommended that Council approve a 25% reduction in the car parking requirement in accordance with Clause 5.7.1.8 of Town Planning Scheme No 7 and require provision of 96 car parking bays for the development with cash in lieu for any shortfall in bays not provided on site.

Background

Council at its meeting on 16 October 2007 resolved:

“Under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 2005 hereby resolves to grant approval to Hartree and Associates Architects on behalf of the Gull Group of Companies for a new 14 Storey Mixed Use, Residential, Retail and Commercial development on Lots 34, 37 and 50 (No 12) Victoria Street, Bunbury “subject to appropriate conditions including Condition 4 as follows:

4. *Plans submitted with the Building Licence to include total of 128 car parking bays designed to the satisfaction of the City Engineer.”*

The approved development plan includes 94 on site car parking bays, hence, the applicant would need to provide additional 34 car parking bays onsite or provide cash in lieu for the shortfall in the parking requirement.

The proposed development comprises 14 storeys with ground floor retail including a small supermarket and a café, second and third floor comprises commercial (office) and 11 storeys of residential apartments comprising a total of 27 x 3 bedroom apartments. The development includes three levels of car parking on ground and first and second floors.

A location plan of the site is and elevation plans of the proposed development (Plans 3.01, 3.02 & 3.03), are **attached** at Appendix 16 & 17.

Hartree and Associates Architects on behalf of the Gull Group of Companies have requested Council approve a 25% reduction in the car parking requirement for the proposed new 14 Storey Mixed Use Residential, Retail and Commercial development on the current Reef Hotel site in accordance with Clause 5.7.1.8 of Town Planning Scheme No 7.

Clause 5.7.1.8 of Town Planning Scheme No 7 states:

“Where greater than 50% of the total floor space of a building is used for residential purposes, and where the balance of the floor space is used substantially between the hours of 9:00am and 5:00pm, the total number of spaces required under Table 2 may be reduced by up to 25%”.

In this development the Residential use of the building is greater than 50% of the total floor space of the building. On this basis, the proponent has requested that Council consider a 25% reduction in the car parking requirement based on the predominant Residential use.

A 25% reduction in car parking equates to 32 bays and reduces the overall parking requirement to 96 bays. This then reduces the shortfall in car parking to only 2 car parking bays. The proponent could modify the proposed development plan to provide the additional two bays onsite or provide cash in lieu.

It is recommended that Council approve a 25% reduction in the car parking requirement in accordance with Clause 5.7.1.8 of Town Planning Scheme No 7 and require provision of 96 car parking bays for the development with cash in lieu for any shortfall in bays provided on site

Strategic Outcomes

The City's 2007–2012 Strategic Plan states that *“The City will ensure that it maintains a comprehensive and fully integrated planning system to meet community expectations.”*

In this case, the proposal has been considered in the context of its compliance with current Scheme and has been assessed against the relevant planning policies.

Community Consultation

The proposed development was advertised for public comment for a 21-day period including advertising notices on site, letters to adjoining owners and in the local newspaper and eleven submissions were received.

Councillor/Officer Consultation

The matter has been reviewed by Council staff within the Development Coordination Unit meetings consisting of officers from Engineering, Planning, Building and Health. Further discussions have taken place with Manager Development Services, Senior Planner (Statutory) and Executive Manager City Development.

Analysis of Financial and Budget Implications

The Executive Recommendation will not impact on the existing Annual Budget nor are there any expenses associated with the requests from a Council perspective.

Economic, Social, Environmental and Heritage Issues

In economic terms, the proposal will provide economic benefit during the construction phase of the development and also future employment opportunities in the proposed commercial tenancies. The proposal will provide for social opportunities for residents and the general public. There are no significant environmental impacts of the development. The proposal includes retaining the existing heritage significance of the site.

Council Policy Compliance

The proposal requires consideration in accordance with the City of Bunbury, Local Planning Policy, Central Business District Parking.

Legislative Compliance

The proposal requires consideration of 25% reduction in car parking in accordance with Clause 5.7.1.8 of Town Planning Scheme No 7.

Delegation of Authority

Interpretation of City's Local Planning Policy is delegated to the Chief Executive Officer, the Executive Manager City Development and the Manager Development Services.

Relevant Precedents

There is no precedent for a reduction in car parking in accordance with Clause 5.7.1.8 of Town Planning Scheme No 7.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

That Council under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 2005 hereby resolves not to grant approval to Hartree and Associates Architects on behalf of the Gull Group of Companies for a 25% reduction in the car parking requirement for the proposed development on Lots 34, 37 and 50, No 12 Victoria Street, Bunbury in accordance with Clause 5.7.1.8 of Town Planning Scheme No 7.

Conclusion

Clause 5.7.1.8 of Town Planning Scheme No 7 provides that “ where greater than 50% of the total floor space of a building is used for residential purposes, and where the balance of the floor space is used substantially between the hours of 9:00am and 5:00pm, the total number of spaces required under Table 2 may be reduced by up to 25%”.

The proposed development includes Residential use for greater than 50% of the total floor space of the building. On this basis, the proponent has requested that Council consider a 25% reduction in the car parking requirement based on the predominant Residential use.

A 25% reduction in car parking equates to 32 bays and reduces the overall parking requirement to 96 bays. This then reduces the shortfall in car parking to 2 car parking bays.

It is recommended that Council approve a 25% reduction in the car parking requirement in accordance with Clause 5.7.1.8 of Town Planning Scheme No 7 and require provision of 96 car parking bays for the development with cash in lieu for any shortfall in bays provided on site.

Recommendation

That Council, under and by virtue of the powers conferred upon it in that behalf pursuant to the Town Planning and Development Act 2005, hereby resolves:

- 1) To grant approval to Hartree and Associates Architects on behalf of the Gull Group of Companies for a 25% reduction in the car parking requirement for the proposed Mixed Use development on Lots 34, 37 and 50, (No.12) Victoria Street, Bunbury in accordance with Clause 5.7.1.8 of Town Planning Scheme No 7 to reduce the car parking requirement to a total of 96 parking bays to be provided on site with provision of cash in lieu for any shortfall.
- 2) Amend condition number four of the planning approval for the proposed Mixed Use development on Lots 34, 37 and 50, (No 12) Victoria Street dated 22 October 2007 to read as follows:
 - “4) *Plans submitted with the building licence to include a total of 96 on-site car parking bays designed to the satisfaction of the City Engineer.*”

Outcome of the Council Committee Meeting – 12 August 2008

The recommendation was moved Cr Slater, seconded Cr Major and adopted *10 votes "for" to 2 votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

That Council, under and by virtue of the powers conferred upon it in that behalf pursuant to the Town Planning and Development Act 2005, hereby resolves:

- 1) *To grant approval to Hartree and Associates Architects on behalf of the Gull Group of Companies for a 25% reduction in the car parking requirement for the proposed Mixed Use development on Lots 34, 37 and 50, (No.12) Victoria Street, Bunbury in accordance with Clause 5.7.1.8 of Town Planning Scheme No 7 to reduce the car parking requirement to a total of 96 parking bays to be provided on site with provision of cash in lieu for any shortfall.*
- 2) *Amend condition number four of the planning approval for the proposed Mixed Use development on Lots 34, 37 and 50, (No 12) Victoria Street dated 22 October 2007 to read as follows:*
 - “4) *Plans submitted with the building licence to include a total of 96 on-site car parking bays designed to the satisfaction of the City Engineer.*”

11.10 PROPOSED TOWN PLANNING AMENDMENT NO. 21 –REZONING VARIOUS PORTIONS OF LAND FROM PARKS AND RECREATION RESERVE TO RESIDENTIAL (WAS LISTED AS ITEM 11.9 ON THE MEETING AGENDA)

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

Summary

Council at its meeting on 13 May 2008 resolved:

COUNCIL DECISION 87/08

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

COUNCIL DECISION 88/08

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

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

The amendment was advertised for public comment for a period of 42 days and a total of 13 submissions were received. Details of the submissions are discussed in the report and the Schedule of Submissions is **attached** at Appendix 18.

It is recommended that Council resolve to grant final approval to Amendment No 21 subject to modifications as outlined in the recommendation and forward the signed and sealed Scheme Amendment documents to the Minister for Planning and Infrastructure via the Western Australian Planning Commission, with a request for final approval.

Also, it is recommended that Council resolve to request the Western Australian Planning Commission to initiate an amendment to the Greater Bunbury Region Scheme to rezone Lot 8 Tuart Street from Reserve for Regional Open Space to Urban

Background

Council at its meeting on 13 May 2008 resolved:

COUNCIL DECISION 87/08

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

COUNCIL DECISION 88/08

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

Amendment 21 was advertised for public comment for a period of 42 days and a total of 13 submissions were received. 5 submissions were received from Government and Service agencies and 8 submissions were received from the general public and nearby landowners.

Submissions from the Water Corporation (WC) outlined that the WC requires an approximate 1000m² portion of Lot 8 and a portion of adjoining Lot 256 to accommodate future provision of an underground storage tank and upgrading of waste water pump station. The Water Corporation advises that the required land will be formally purchased from the City.

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

Further, the Water Corporation advises that there is a nominal odour buffer requirement for the existing waste water pump station. The required buffer is, however, achieved within the approximate 1000m² portion of Lot 8 to be acquired by the Corporation.

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

1) Portion of Part lot 200 Charterhouse Close

Council at its meeting on 13 May 2008 resolved:

Under the Planning and Development Act 2005 (as amended), hereby resolves to modify the zoning boundary for portion Part Lot 200 Charterhouse Close to rezone

only a 3-metre wide strip to facilitate rear access to the existing adjoining residential lot.

The subject land has a total area of 3.76 hectares. It is proposed to excise a 3 metre wide access to an existing adjoining residential property. The land is owned in freehold by the City of Bunbury and is reserved for “Parks and Recreation” under Town Planning Scheme No 7. A location plan and aerial photograph is **attached** at Appendix 19 .

2) Lot 8 Tuart Street

Council at its meeting on 13 May 2008 resolved;

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

The subject land has an area of 4486m². The land is owned in freehold by the City of Bunbury and is reserved for “Parks and Recreation” under Town Planning Scheme No 7. The subject land is also zoned Regional Open Space under the Greater Bunbury Region Scheme (GBRS). A location plan and aerial photograph is **attached** at Appendix 20 .

As the subject land is reserved for Regional Open Space under the Greater Bunbury Region Scheme an amendment to the GBRS is also required to rezone the land to Urban. Since the proposed scheme amendment was initiated prior to gazettal of the Greater Bunbury Region Scheme it is anticipated that the rezoning could be undertaken as a minor amendment Region Scheme.

The rezoning under that Greater Bunbury Region Scheme will need to be undertaken prior to the Minister for Planning granting final approval to the current scheme amendment. It is recommended that Council request the Western Australian Planning Commission to initiate an amendment to the Greater Bunbury Region Scheme to rezone Lot 8 Tuart Street from Reserve for Regional Open Space to Urban.

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

Submissions from the Water Corporation (WC) outline that the WC requires an approximate 1000m² portion of Lot 8 and a portion of adjoining Lot 256 to accommodate future provision of an underground storage tank and upgrading of waste water pump station. The Water Corporation advises that the required land will be purchased from the City.

The Water Corporation also advises that there is an existing sewer main located on approximately 2 metre alignment from Tuart Street at a depth up to 5.5 metres. The Water

Corporation requests that an easement up to 5 metres wide be provided to protect the existing sewer main.

Further, the Water Corporation advises that there is a nominal odour buffer requirement for the existing waste water pump station. The required buffer is, however, achieved within the approximate 1000m² portion of Lot 8 to be acquired by the Corporation.

Lot 568 (Reserve 31988) Francis Street adjoining Lot 8 and Lot 256 to the east is Crown land under control of the Department of Housing and Works. The land is part zoned Special Use Zone 15 and part Parks and Recreation under the City of Bunbury, Town Planning Scheme No 7.

Council officers undertook discussions with Water Corporation and Department for Planning and Infrastructure, State Land South West in regard to a possible land exchange with adjoining lot 568 for the infrastructure land requirements.

The Department for Planning and Infrastructure, State Land South West has now advised that it does not support a land exchange proposal. As outlined previously the Water Corporation has advised that it will purchase the required land from the City.

On this basis, it is recommended that Council resolve to modify the zoning boundary for Lot 8 Tuart Drive to rezone a 1000m² portion of Lot 8 Tuart Drive from Reserve for Parks and Recreation to Reserve for Public Purpose - Water Supply. The City will then be able to commence negotiations with the Water Corporation for sale of the required land.

Strategic Outcomes

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

Community Consultation

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

Councillor/Officer Consultation

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

Analysis of Financial and Budget Implications

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

Economic, Social, Environmental and Heritage Issues

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

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

Council Policy Compliance

There are no related Council policies to consider.

Legislative Compliance

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

Delegation of Authority

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

Relevant Precedents

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

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

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council may elect to recommend that the Hon Minister for Planning not grant final approval for the amendment.

Conclusion

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

Proceeds from the disposal of Crown land vested for Parks and Recreation will be utilised for capital works on public open space in close proximity to the subject area which are yet to be determined. The proceeds from disposal of Council owned freehold land will assist funding projects of regional significance as identified in Council's Corporate Plan.

It is recommended that Council resolves to recommend that the Minister for Planning grant final approval Amendment No 21 subject to modifications outlined in the recommendation below and forward the signed and sealed Scheme Amendment documents to the Minister for Planning and Infrastructure via the Western Australian Planning Commission, with a request for final approval.

Also it is recommended that Council resolve to request the Western Australian Planning Commission to initiate an amendment to the Greater Bunbury Region Scheme to rezone Lot 8 Tuart Street from Reserve for Regional Open Space to Urban

Recommendation

That Council:

- 1) Under and by virtue of the powers conferred upon it in that behalf of the Planning and Development Act 2005 (as amended), hereby resolves to grant final approval in respect of Amendment No 21 to the City of Bunbury, Town Planning Scheme No 7 subject to the following modifications ;
 - (i) Modify the zoning boundary for Lot 8 Tuart Drive to rezone an 1000m² portion of Lot 8 Tuart Drive from Reserve for Parks and Recreation to Reserve for Public Purpose Water Supply with the balance of the lot to be rezoned to Residential R40.
 - (ii) Modify the zoning boundary for portion Part Lot 200 Charterhouse Close to rezone only a 3 metre wide strip to facilitate rear access to the existing adjoining residential lot.
- 2) Forward the signed and sealed Scheme Amendment documents to the Minister for Planning and Infrastructure via the Western Australian Planning Commission, with a request for final approval.

- 3) Request the Western Australian Planning Commission to initiate an amendment to the Greater Bunbury Region Scheme to rezone Lot 8 Tuart Street from Reserve for Regional Open Space to Urban.

Outcome of the Council Committee Meeting – 12 August 2008

Cr Slater moved, Cr Leigh seconded (pro-forma) Option 2: “*Council may elect to recommend that the Hon Minister for Planning not grant final approval for the amendment*”. The Mayor put Option 2 to vote and it was lost *1 vote "for" to 11 votes "against"*.

The recommendation was then moved Cr Cradock, seconded Cr Major. The Mayor advised he would put the recommendation to vote in three parts with the following results:

Point 1 (i) was adopted *11 votes "for" to 1 votes "against"*.

Point a (ii) was adopted *9 votes "for" to 2 votes "against"*.

Points 2 & 3 was adopted *11 votes "for" to 1 vote "against"*.

Committee Recommendation

That Council:

- 1) ***Under and by virtue of the powers conferred upon it in that behalf of the Planning and Development Act 2005 (as amended), hereby resolves to grant final approval in respect of Amendment No 21 to the City of Bunbury, Town Planning Scheme No 7 subject to the following modifications ;***
 - (i) ***Modify the zoning boundary for Lot 8 Tuart Drive to rezone an 1000m2 portion of Lot 8 Tuart Drive from Reserve for Parks and Recreation to Reserve for Public Purpose Water Supply with the balance of the lot to be rezoned to Residential R40.***
 - (ii) ***Modify the zoning boundary for portion Part Lot 200 Charterhouse Close to rezone only a 3 metre wide strip to facilitate rear access to the existing adjoining residential lot.***
- 2) ***Forward the signed and sealed Scheme Amendment documents to the Minister for Planning and Infrastructure via the Western Australian Planning Commission, with a request for final approval.***
- 3) ***Request the Western Australian Planning Commission to initiate an amendment to the Greater Bunbury Region Scheme to rezone Lot 8 Tuart Street from Reserve for Regional Open Space to Urban***

11.11 PROPOSED AMENDMENT – RETAINING WALL LOT 57 (DP: P17746) #5 OCEAN VIEW COURT, SOUTH BUNBURY *(WAS LISTED AS ITEM 11.10 ON THE MEETING AGENDA)*

File Ref:	P07131
Applicant/Proponent:	Mrs R Ghasseb
Author:	Paul Davies, Planning Consultant
Executive:	Geoff Klem, Executive Manager City Development

Summary

A planning application has been received from Mrs R Ghasseb for an amendment to the currently approved retaining walls on Lot 57 Ocean View Court. The currently approved plan includes a 1.5 metre setback to the side boundary with adjoining Lot 56 on the north side. The proposed amendment subject of this report is to locate the wall on the boundary of the two lots.

In accordance with the Residential Design Codes, acceptable Development Criteria retaining walls in excess of 0.5 metres are required to be setback from the boundary. The required boundary setback distance varies depending on the height and length of the wall. In this case with the height of the retaining wall up to approximately 3.7 metres in height required a setback of 1.5 metres from the boundary.

The neighbouring property owners were consulted and have submitted an objection to the proposed location of the retaining wall on the boundary. The grounds for objection generally relate to reduced residential amenity and privacy with the wall and associated fencing being located adjacent to the boundary.

The neighbouring property owner also outlines concern in regard to potential for debris to accumulate and damage to the existing fence if the retaining wall is located closer to the boundary.

It is recommended that Council refuse to grant planning approval for the proposed amendment to the retaining wall at Lot 57 Ocean View Court for the following reasons. The proposed reduced side setback is not consistent with setback requirements of the Residential Design Codes for the height and length of the proposed retaining wall.

Also, it is considered that the reduced setback for the wall with associated boundary fence has potential to detract from the amenity of the adjoining property. Further, the adjoining property owner objects to a reduction in the required setback for the retaining wall.

Background

In November 2007 Planning approval was granted for proposed retaining walls around the sides and rear of the subject land with a 1.5 metre setback to the adjoining property boundaries. The 1.5 metre setback is required in view of the height of the retaining wall up to approximately 3.7metres. A copy of the currently approved site plan is **attached** at Appendix 21.

In accordance with the Residential Design Codes retaining walls in excess of 0.5 metres in height are required to be setback from the boundary. The required boundary setback distance varies depending on the height and length of the wall.

The proponent has submitted an amended plan for the proposed retaining wall requesting no setback along the boundary with the adjoining property Lot 56 to the north. The proponent suggests that a 1.5 metre setback will create a strip which is difficult to maintain and potentially creates a security risk.

The subject land was previously partially filled by up to approximately 1 metre without approval. In accordance with Clause 3.1 of the Mindalong Design Guidelines “The ground levels over any lot shall not be changed from those existing on the day of settlement without Council Approval”. **Attached** at Appendix 22 are photographs of the site indicating the fill.

Initially, the proponent could have been required to remove the fill from the property. The applicant however submitted a planning application for retaining walls around the boundary of the site. The proponent was also requested to obtain comments from the adjoining owners for the proposed retaining wall on the boundary and the proposal was not supported by the adjoining land owners.

The original proposal was modified following discussions with Council officers to achieve a 1.5 metre setback from the side boundary in accordance with R Codes Requirements. Subsequently a planning approval was issued for the retaining walls including a 1.5 metre setback to the boundary.

A site location plan is **attached** at Appendix 23.

The proponent suggests that existing retaining walls in the locality located on the boundary of lots create a precedent for the current proposal. It is acknowledged that there are a number of high retaining walls in the locality although it appears these were constructed prior to revision of the Residential Design Codes in 2002 to include requirements for setback of retaining walls.

On this basis, it is considered by Development Services existing retaining walls in the locality do not create a precedent in considering the current application.

Proposal

A planning application has been received from Mrs R Ghasseb for an amendment to the currently approved retaining walls on Lot 57 Ocean View Court. The current approved plan includes a 1.5 metre setback to the side boundary with adjoining Lot 56 on the north side.

The proposal is to relocate the retaining wall from the current approved 1.5 metre setback to the property boundary. The proposed wall would commence from a height of 1 metre, this being approximately 1 metre higher than the established level of the adjoining lot 56 level, reaching a maximum height of approximately 3.7 metres to the rear of the site.

It should be noted that a fence will need to be constructed at the top of the retained site which would provide a total height of approximately 5.5 metres at the highest point. Attached Plans at Appendix 24 indicate the location and elevations of the proposed retaining wall.

There is an existing brick and timber fence with pillars that appears to be located on the boundary of the two properties which would need to be relocated to build the retaining wall on the boundary. Alternatively, the retaining wall could be setback adjacent/near to the existing fence which would then leave a small gap between the existing fence and the retaining wall.

The proponent has submitted documentation supporting the proposed development which refers mainly to the WAPC document 'Designing out crime', planning guidelines. The guidelines are a publication that suggests ways in which to design out such things as blind alleyways and high screening to vulnerable premises which diminishes surveillance etc.

It is considered that whilst having a level of relevance the Designing out Crime - planning guidelines are not generally relevant for the current application. The Guidelines may be generally aimed at design of public areas and access ways. In this case the 1.5 metre setback is on private property which can be fenced to control access.

The proponent is of the opinion that a 1.5 metre set back space will become a security risk and is not very serviceable. The adjoining property owner has submitted a letter of objection to the reduction in the setback and states that bringing such a structure up to the shared boundary would be a violation of privacy and a narrower gap would be filled with debris and become unserviceable.

The proponent refers to Section 6.3.2 Buildings on Boundary of the Residential Design Codes (R Codes) as justification for the reduced setback for the retaining walls. Section 6.3.2 of the R Codes, however, relates to building wall setbacks from the boundary, and not retaining walls, and is not considered relevant for consideration of the current application.

The proponent advised that the retaining wall on the boundary could be constructed to a high standard to provide a high level of amenity to the satisfaction of the adjoining property owner. This proposal was discussed with the adjoining property owner by Council officers, however, the adjoining owner maintained objection to the proposal.

While the proposal is to reduce the setback to adjoining lot 56, the other boundary setbacks are retained at 1.5 metres in accordance with the current approved plan. The proponent has not indicated concern with the required 1.5 metre boundary setback to the other adjoining properties to the west and south.

It is considered that the height of the retaining wall up to approximately 3.7 metres with a standard fence of 1.6 metres to 1.8 metres could result in an overall height of up to 5.5 metres on the boundary.

The height of the retaining wall combined with boundary fencing may be considered to detract from the amenity of the adjoining property. It is considered that the 1.5 metre strip could be adequately fenced to prevent unauthorised access. Also the 1.5 metre strip would facilitate access to the area for maintenance.

Strategic and/or Regional 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

A letter was sent to the adjoining neighbour (Lot 56) seeking comments on the amended plan as this is the only neighbour likely to be affected by the proposed development. A letter of objection has been submitted which is **attached** at Appendix 25.

The grounds for objection generally relate to reduced residential amenity and privacy with the wall and associated fencing being located adjacent to the boundary. Concern is also raised by the adjoining neighbour in regard to potential for debris to accumulate and damage to the existing fence if the retaining wall is located closer to the boundary.

In order to progress the issue further with a view to resolve any issue, a meeting was held with the objectors. However, none of the main issues were able to be resolved.

The proponent advised that the retaining wall on the boundary could be constructed to a high standard to provide a high level of amenity to the satisfaction of the adjoining property owner. This proposal was discussed with the adjoining property owner by Council officers, however the adjoining owner maintained objection to the proposal.

Applicant Consultation

Discussions have been undertaken with the applicant on a number of occasions to address issues and concerns raised.

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

The proposal would have no adverse impact on the Municipal Budget.

Economic, Social, Environmental and Heritage Issues

Economic

The economic cost of building the retaining wall will be similar if located on the boundary or on a 1.5 metre setback.

Social

It is considered that to allow the construction of the proposed retaining wall, given the height in places and proximity, would result in adverse social interaction between landowners. It is therefore recommended that the set back requirements be retained in accordance with the Residential Design Codes.

Environmental & Heritage Issues

There are no known Environmental or Heritage issues relating to the proposed development.

Council Policy Compliance

It is considered that the proposal does not conflict with Council Policy; however, it would not be in accordance with the provision of the Residential Design Codes, Clause 6.3.3 and Table 2a.

Legislative Compliance

Legislative requirements relating to section 26 of the planning and development Act 2005 would not be complied with as the Residential Design Codes of Western Australia are based on this Act.

Delegation of Authority

On the basis of applicant requesting this application go before Council and submitting the appropriate fee, the matter is referred to Council for it's formal determination.

Relevant Precedents

There are no known precedents similar to that of the proposed development.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Should Council determine to resolve to issue grant of planning approval for the proposed development, a suggested format for such action is as follows:

Council, under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby resolves to grant conditional planning approval to Mr Gabi Ghasseb for the proposed amendment to the retaining wall at Lot 57 Ocean View Court, Bunbury subject to relevant conditions to the satisfaction of the Manager of Development Services.

Conclusion

After consideration, Development Services is of the view that a refusal in is order in this instance. The construction of the retaining wall on the shared boundary would be contrary to the provisions of the Residential Design Codes and contrary to the objections raised by the adjoining landowners.

The set back requirement as per the Residential Design Codes would give a minimum of 1.5 metres space between neighbouring lots and the space would be easily fenced securely at the junction with the street/Lot boundary.

The height of the retaining wall combined with boundary fencing is likely to detract from the amenity of the adjoining property. Also, the 1.5 metre strip would facilitate access to the area for maintenance.

It is recommended that Council refuse to grant planning approval for the proposed amendment to the retaining wall at Lot 57 Ocean View Court for the following reasons. The proposed reduced side setback is not consistent with setback requirements of the Residential Design Codes for the height and length of the proposed retaining wall.

Also, it is considered that the reduced setback for the wall with associated boundary fence has potential to detract from the amenity of the adjoining property. Further, the adjoining property owner objects to a reduction in the required setback for the retaining wall.

Recommendation

Council under and by virtue of the powers conferred upon it in that behalf pursuant to the provisions of the Planning and Development Act 2005, hereby resolves to refuse to grant planning approval for the proposed amendment to the retaining wall at Lot 57 Ocean View Court for the following reasons;

- 1) The proposed reduced side setback is not consistent with setback requirements of the Residential Design Codes, Clause 6.3.3 and Table 2a. for the height and length of the proposed retaining wall.
- 2) The proposal conflicts with Clause 10.2.1 (c) of Town Planning Scheme No 7 regarding any approved statement of planning policy of the Western Australian Planning Commission being the Residential Design Codes.
- 3) The proposal conflicts with Clause 10.2.1 (n) of Town Planning Scheme No 7 in regard to preservation of the amenity of the locality.
- 4) The proposal conflicts with Clause 10.2.1 (y) of Town Planning Scheme No 7 in regard to relevant submissions received on the application being objection from the adjoining property owner.
- 5) Approval of the current proposal would create an undesirable precedent for other similar retaining wall proposals.

Outcome of the Council Committee Meeting – 12 August 2008

It was advised at the Meeting that the applicant requested that the Item be deferred until the next Council Committee Meeting.

With no objections from members, the item was not discussed.

11.12 REPORT ON STRATEGIC ACTIVITIES FOR YEAR ENDED 30 JUNE 2008 (WAS LISTED AS ITEM 11.11 ON THE MEETING AGENDA)

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

Summary

Council adopted the Corporate Strategic Plan 2007 – 2012 on 6 March 2007. A report on strategic activities identified in the Strategic Plan for the period March 2007 to 30 June 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 headings contained in the Strategic Plan, as follows:

1. Improve relationships with state, federal and other local governments.
 - 1.1 Place Bunbury and the South West on the Agenda for the Federal Regional Development Council
 - 1.2 Develop a program of meetings with key State and Federal Government representatives.
 - 1.3 Develop a regional taskforce with key players.
 - 1.4 Establish a City Vision Implementation Taskforce.
2. Strengthen the City of Bunbury's governance and leadership.
 - 2.1 Improve Accountability
 - 2.2 Develop a councillor professional development program
 - 2.3 Implement 5 Year Financial Planning
 - 2.4 Operate Council's land and facilities portfolio as a capital efficient investment
 - 2.5 Improve the level and quality of Customer Service.
3. Deliver major capital projects on time and on budget.
 - 3.1 Develop project management framework
 - 3.2 Have well planned, developed and maintained City Infrastructure.
4. Implement City Vision
 - 4.1 Finalise City Vision Strategy
 - 4.2 Implement City Vision Strategy

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5. Promote ecological sustainable development of the City's built and natural environment.
 - 5.1 Protect Bunbury's Natural, Cultural and Built Heritage
 - 5.2 Promote Sustainability and Improve Council's Environmental Performance
 - 5.3 Provide a cohesive system of integrated land use planning; and

6. Develop Social Capital
 - 6.1 Celebrate and reinforce a positive sense of community
 - 6.2 Community participation, partnership and support
 - 6.3 Community planning and infrastructure
 - 6.4 Community safety
 - 6.5 Social inclusion and needs
 - 6.6 Information and Lifelong Learning.

Recommendation

The report on Strategic Activities for the year ended 30 June 2008 be received.

Outcome of the Council Committee Meeting – 12 August 2008

The recommendation was moved Cr Major, seconded Cr Punch and adopted *12 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

The report on Strategic Activities for the year ended 30 June 2008 be received.

11.13 EXTENDED CHRISTMAS TRADING HOURS 2008 (WAS LISTED AS ITEM 11.12 ON THE MEETING AGENDA)

File Ref:	A00357
Applicant/Proponent:	Internal Report
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

The Department of Consumer and Employment Protection has invited non-metropolitan Local Government Authorities to consider extended retail trading arrangements in their municipalities to accommodate the 2008 Christmas extended shopping period.

Background

It is proposed, Council adopts the following 2008 extended Christmas trading hours in line with the Perth metropolitan area.

<u>DAY / DATE</u>				<u>TIME</u>
Sunday	7	December	2008	10.00am to 5.00pm
Monday	8	December	2008	Normal Trade
Tuesday	9	December	2008	Normal Trade
Thursday	10	December	2008	Normal Trade
Wednesday	11	December	2008	Normal Trade
Friday	12	December	2008	Normal Trade
Saturday	13	December	2008	Normal Trade
Sunday	14	December	2008	10.00am to 5.00pm
Monday	15	December	2008	Normal Trade
Tuesday	16	December	2008	Normal Trade
Wednesday	17	December	2008	Normal Trade
Thursday	18	December	2008	Normal Trade
Friday	19	December	2008	8.00am to 9.00pm
Saturday	20	December	2008	Normal Trade
Sunday	21	December	2008	10.00am to 5.00pm
Monday	22	December	2008	8.00am to 9.00pm
Tuesday	23	December	2008	8.00am to 9.00pm
Wednesday	24	December	2008	8.00am to 6.00pm
Thursday	25	December	2008	CLOSED
Friday	26	December	2008	CLOSED
Saturday	27	December	2008	Normal Trade
Sunday	28	December	2008	10.00am to 5.00pm
Monday	29	December	2008	8.00am to 9.00pm
Tuesday	30	December	2008	8.00am to 9.00pm
Wednesday	31	December	2008	8.00am to 6.00pm
Thursday	1	January	2009	CLOSED

These hours are similar to the extended Christmas trading hours endorsed by Council at its Meeting held on 18 September 2007.

The State Government is committed to empowering non-metropolitan Local Government Authorities (subject to Ministerial endorsement) to extend general retail trading hours beyond those stipulated in the Fair Trading Act. Ministerial approval will be subject to a clear indication that appropriate consultation has taken place and the majority of general retailers support the proposal.

On 9 July 2008 the following were contacted seeking comment on the proposed Perth metropolitan extended Christmas trading hours with the view of having the same hours applied in Bunbury:

- Bunbury Chamber of Commerce and Industries.
- Local Members of Parliament.
- Centre Managers of the Minninup Forum, Bunbury Forum, Centrepoint Shopping Centre, Stirling Centre, Bunbury Plaza and the Parks Shopping Centre as well as the Managers of Harvey Norman, Coles, Woolworths, Retravision, The Good Guys, Rick Hart and Kmart.

The comment period closed on 23 July 2008. The following comments were received:

- The Chamber of Commerce and Industries, which represents the majority of general retailers, has responded that it supports the proposed hours and requests that Council consider the following proposals:
 - i) Free shopper parking is provided in Bunbury's CBD on the week prior to Christmas Day and extra parking near the CBD be made available during the same period.
 - ii) Extensive advertising of the Sunday trading hours during this period.
- The Member for Leschenault, Mr Dan Sullivan (MLA) has no objections to the proposed trading hours.
- The Member for Bunbury, Mr John Castrilli (MLA) supports the proposed hours.
- Management of Bunbury Centrepoint Shopping Centre has no objection to the proposed trading hours.
- Management of The Parks Shopping Centre has no objection to the proposed trading hours.
- The Hon. Barry House (MLC) has no objection to the proposed trading hours.
- Management of The Bunbury Forum Shopping Centre supports the proposed metropolitan hours.

Strategic and/or Regional Outcomes

This matter can be directly linked to Council's Strategic Plan 2007 – 2012 Objective 6, Strategy 6.1 "*Initiate Cultural and Community events in Partnership*".

Community Consultation

Consultation has been undertaken with the Chamber of Commerce and Industries and local Shopping Centre Managers in accordance with the Department of Consumer and Employment Protection and Council Extended Trading Policy guidelines.

Councillor/Officer Consultation

Relevant Council officers have been consulted.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications arising from this proposal.

Economic, Social, Environmental and Heritage Issues

Other than the possibility of some extra employment opportunities becoming available during this period, there are no social, environmental or heritage issues associated with the proposed extended Christmas trading hours.

Council Policy Compliance

This report has been assessed and prepared in accordance with Council's Policy No. CPS16: Applications for Extended Trading Hours – General Retailers.

Legislative Compliance

This application complies with the current Fair Trading Act requirements and the Minister's request that appropriate community consultation be undertaken.

Delegation of Authority

The Chief Executive Officer has the delegated authority to approve individual applications for extended trading subject to settled terms and conditions only. The Chief Executive Officer does not have the delegated authority to approve the extended Christmas trading hours.

Relevant Precedents

Council considers extended Christmas trading hours and other similar applications as required.

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Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council not approve the extended trading hours granted for the Perth metropolitan area as the hours applicable for the City of Bunbury general retail trading over the Christmas period 2008.

Conclusion

A decision on trading hours is required as a matter of urgency to allow general retailers within the City time to adequately prepare and advertise trading hours for the Christmas period.

Recommendation

Council approve the extended Christmas trading hours 2008 to coincide with the Perth metropolitan area as follows:

<u>DAY / DATE</u>				<u>TIME</u>
Sunday	7	December	2008	<u>10.00am to 5.00pm</u>
Monday	8	December	2008	Normal Trade
Tuesday	9	December	2008	Normal Trade
Wednesday	11	December	2008	Normal Trade
Thursday	10	December	2008	Normal Trade
Friday	12	December	2008	Normal Trade
Saturday	13	December	2008	Normal Trade
Sunday	14	December	2008	<u>10.00am to 5.00pm</u>
Monday	15	December	2008	Normal Trade
Tuesday	16	December	2008	Normal Trade
Wednesday	17	December	2008	Normal Trade
Thursday	18	December	2008	Normal Trade
Friday	19	December	2008	<u>8.00am to 9.00pm</u>
Saturday	20	December	2008	Normal Trade
Sunday	21	December	2008	<u>10.00am to 5.00pm</u>
Monday	22	December	2008	<u>8.00am to 9.00pm</u>
Tuesday	23	December	2008	<u>8.00am to 9.00pm</u>
Wednesday	24	December	2008	<u>8.00am to 6.00pm</u>
Thursday	25	December	2008	<u>CLOSED</u>
Friday	26	December	2008	<u>CLOSED</u>
Saturday	27	December	2008	Normal Trade
Sunday	28	December	2008	<u>10.00am to 5.00pm</u>
Monday	29	December	2008	<u>8.00am to 9.00pm</u>
Tuesday	30	December	2008	<u>8.00am to 9.00pm</u>
Wednesday	31	December	2008	<u>8.00am to 6.00pm</u>
Thursday	1	January	2009	<u>CLOSED</u>

Outcome of the Council Committee Meeting – 12 August 2008

Cr Craddock disclosed an impartiality interest in the item as he owns a business in the CBD. He elected to remain at the meeting for the duration of the discussion and the vote on this matter.

The recommendation was moved Cr Major, seconded Cr Leigh and adopted *11 votes "for" to 1 vote "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Council approve the extended Christmas trading hours 2008 to coincide with the Perth metropolitan area as follows:

<u>DAY / DATE</u>	<u>TIME</u>
<i>Sunday 7 December 2008</i>	<i><u>10.00am to 5.00pm</u></i>
<i>Monday 8 December 2008</i>	<i>Normal Trade</i>
<i>Tuesday 9 December 2008</i>	<i>Normal Trade</i>
<i>Wednesday 11 December 2008</i>	<i>Normal Trade</i>
<i>Thursday 10 December 2008</i>	<i>Normal Trade</i>
<i>Friday 12 December 2008</i>	<i>Normal Trade</i>
<i>Saturday 13 December 2008</i>	<i>Normal Trade</i>
<i>Sunday 14 December 2008</i>	<i><u>10.00am to 5.00pm</u></i>
<i>Monday 15 December 2008</i>	<i>Normal Trade</i>
<i>Tuesday 16 December 2008</i>	<i>Normal Trade</i>
<i>Wednesday 17 December 2008</i>	<i>Normal Trade</i>
<i>Thursday 18 December 2008</i>	<i>Normal Trade</i>
<i>Friday 19 December 2008</i>	<i><u>8.00am to 9.00pm</u></i>
<i>Saturday 20 December 2008</i>	<i>Normal Trade</i>
<i>Sunday 21 December 2008</i>	<i><u>10.00am to 5.00pm</u></i>
<i>Monday 22 December 2008</i>	<i><u>8.00am to 9.00pm</u></i>
<i>Tuesday 23 December 2008</i>	<i><u>8.00am to 9.00pm</u></i>
<i>Wednesday 24 December 2008</i>	<i><u>8.00am to 6.00pm</u></i>
<i>Thursday 25 December 2008</i>	<i><u>CLOSED</u></i>
<i>Friday 26 December 2008</i>	<i><u>CLOSED</u></i>
<i>Saturday 27 December 2008</i>	<i>Normal Trade</i>
<i>Sunday 28 December 2008</i>	<i><u>10.00am to 5.00pm</u></i>
<i>Monday 29 December 2008</i>	<i><u>8.00am to 9.00pm</u></i>
<i>Tuesday 30 December 2008</i>	<i><u>8.00am to 9.00pm</u></i>
<i>Wednesday 31 December 2008</i>	<i><u>8.00am to 6.00pm</u></i>
<i>Thursday 1 January 2009</i>	<i><u>CLOSED</u></i>

11.14 FREE WIRELESS NETWORK – CBD PRECINCT (WAS LISTED AS ITEM 11.13 ON THE MEETING AGENDA)

File Ref:	A00374
Applicant/Proponent:	South West Development Commission
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary

Proposal for Council, South West Development Commission (SWDC) and Bunbury Chamber of Commerce and Industries (BCCI) to establish a free wireless internet (WiFi) network to deliver free internet access to visitors and tourists in the Bunbury CBD precinct.

Background

The SWDC and BCCI have been working together to investigate the feasibility of establishing a free wireless internet for Bunbury and have advised as follows:-

“The proposed wireless hotspot will deliver free internet access to visitors and tourists within a designated Bunbury CBD area. The service will offer web and email access via wireless capable devices such as laptop computers and PDAs.

Existing Bunbury businesses and residential broadband customers are not the target market for proposed service; rather, the project focuses on the connection needs of people doing business in the City and tourists. By establishing the WiFi network, tourists and business travellers are encouraged to stay longer in the CBD, spending more money.

Significantly, the project will also position Bunbury as a forward-thinking connected community inline with the City’s Smart City Strategy.

An EOI process was undertaken by the BCCI with the successful applicant being Perth based aCure Technologies, who were responsible for the Chamber of Minerals and Energy’s ResourcesNet project in Perth’s CBD.

aCure has also established similar projects in other communities around Australia, including Hamilton in Victoria. Contact with the local Chamber of Commerce indicated that is WiFi network is well utilised and has resulted in an increase in turnover for cafes in the coverage area.

*The project will be undertaken as a 2-year trial following which an assessment will be undertaken by the Chamber of the net value to the community.” (Proposal from aCure is **attached** at Appendix 26)*

Strategic and/or Regional Outcomes

This project is consistent with the City of Bunbury Smart Community Strategy 2004.

Goal 2 - Access to Technology

-Ensure equitable access to ICT services across all community sectors.

Strategies to Achieve the Goal –

- *Ensure appropriate ICT infrastructure is in place to meet community needs.*
- *Provide subsidised access to ICT hardware and internet services.*

Community Consultation

The proposal has not been subject to any community consultation.

Councillor/Officer Consultation

The CEO has discussed the proposal with the representatives of the SWDC and BCCI approximately 6 months ago and again recently. The CEO has also canvassed the proposal with the Mayor and Executive Management Team. The proposal has received general endorsement.

Analysis of Financial and Budget Implications

The costings for the project as provided in a quote by aCure are listed below:

- Equipment Installation \$27,335
- Monthly Service cost \$ 715

It is proposed that the wireless hotspot will be funded jointly by the BCCI, SWDC and City of Bunbury. The City and SWDC would provide seed funding to cover the equipment on a 50/50 basis (ie \$13,667 each) with the BCCI responsible for monthly charges and any additional costs over the 2-year life of the project.

- SWDC \$13,667
- City of Bunbury \$13,667
- BCCI \$17,160 (\$715 x 24 months)

Total project \$44, 494

The equipment would be owned by the BCCI who would also be responsible for ongoing maintenance plus marketing of the WiFi network.

The Commission's Board has approved funding for this project based on a matching contribution from the City. The Chamber has also confirmed their contribution.

Council has not made provision in the 2008/09 Budget for this project. Should approval be granted the commitment of \$13,667 will be referred to the December Budget Review.

Economic, Social, Environmental and Heritage Issues

The provision of a free internet wire service for visitors and tourists to the Bunbury CBD will have some social and business benefits to the users. Proponents also believe visitors may stay longer as a result of the service and spend money in the CBD. Discussions with local internet café operators have indicated no objection to the proposal as users will be using their own laptops / notebooks and could not be considered as potential customers.

No adverse economic, social, environmental or heritage impacts are anticipated through the initiation of the WiFi network.

Council Policy Compliance

There are no Council policies relevant to this proposal.

Legislative Compliance

aCure Technology is a licensed Telecommunication Carrier (Licence No # 151).

Delegation of Authority

The CEO has no delegated authority on this issue. The cost of this project is beyond the resources of the CEO's discretionary minor projects budget allocation.

Relevant Precedents

Council has partnered the SWDC and BCCI in other similar community based projects on a shared funding basis eg Lena Project (creation of an underwater dive site) 2003 and the Bunbury Tram / Bus (tourist bus facility) 2004/05.

Options

Option 1

As per the recommendation listed in this report.

Option 2

That Council advise the SWDC and BCCI it is unable to support the proposed establishment of a WiFi network for the Bunbury CBD, at this time.

Conclusion

The establishment of a free internet service for visitors and tourists in the Bunbury CBD would provide excellent promotional opportunities for Bunbury as an IT smart destination. One-off costs associated with the initiative have been shared with the SWDC and ongoing operational costs will not be the responsibility of the City.

This is another excellent opportunity for the City of Bunbury to partner with the SWDC and BCCI in providing a new and exciting service to Bunbury to further add to the City's many benefits and attractions.

Recommendation

That the City agrees to participate in the establishment of a free internet service (WiFi network) for the Bunbury CBD area, on a matching contribution basis with the SWDC (BCCI to cover maintenance costs) as proposed and detailed in this report at a total cost to the City of \$13,667.

Outcome of the Council Committee Meeting – 12 August 2008

Cr's Punch and Craddock disclosed impartiality interests in the item as Cr Punch's husband is the Chief Executive Officer of the SW Development Commission and Cr Craddock is a business owner within the CBD Precinct. Cr Punch and Cr Craddock elected to remain at the meeting for the duration of the discussion and the vote on this matter.

The recommendation was moved Cr Craddock, seconded Cr Leigh.

During discussion, concerns were raised over the area of coverage, how the service would be utilised and why the City would contribute towards a project when it is the service providers responsibility.

In support of the recommendation, members raised the benefits of the wireless internet for visitors to Bunbury and the positive impact it would have generally for Bunbury.

The Mayor put the recommendation to vote and it was adopted *7 votes "for" to 4 votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

That the City agrees to participate in the establishment of a free internet service (WiFi network) for the Bunbury CBD area, on a matching contribution basis with the SWDC (BCCI to cover maintenance costs) as proposed and detailed in this report at a total cost to the City of \$13,667.

11.15 PRELIMINARY FINANCIAL STATEMENTS – JUNE 2008 *(WAS LISTED AS ITEM 11.14 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

Preliminary Financial Statements for the period ending 30 June 2008 have been issued 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

12 August 2008
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Recommendation

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

Outcome of the Council Committee Meeting – 12 August 2008

The recommendation was moved Cr Leigh, seconded Cr Punch and adopted *12 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

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

11.16 ADVISORY COMMITTEE/PROJECT CONTROL GROUP MINUTES TO BE NOTED AT THE COUNCIL COMMITTEE MEETING (WAS LISTED AS ITEM 11.15 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 Advisory Committee Meeting Minutes are listed in the report circulated under separate cover, are noted for information only:

1. Title: Minutes -Three Waters Centre Project Control Group (5/06/2008 & 3/07/2008)
Author: Felicity Anderson, Visitor Centre Coordinator
File: A02773
2. Title: Minutes – Bunbury-Jiaxing Sister Cities Committee (26/06/2008)
Author: Greg Trevaskis, Chief Executive Officer
File: A01830
3. Title: Minutes – Bunbury Environment and Sustainability Advisory Committee
Author: Ben Deeley, Environmental Officer
File: A02445

Outcome of the Council Committee Meeting – 12 August 2008

The recommendation was moved Cr Leigh, seconded Cr Harrop and adopted *12 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

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

1. Title: Minutes -Three Waters Centre Project Control Group (5/06/2008 & 3/07/2008)
Author: Felicity Anderson, Visitor Centre Coordinator
File: A02773
2. Title: Minutes – Bunbury-Jiaxing Sister Cities Committee (26/06/2008)
Author: Greg Trevaskis, Chief Executive Officer
File: A01830
3. Title: Minutes – Bunbury Environment and Sustainability Advisory Committee
Author: Ben Deeley, Environmental Officer
File: A02445

12. MOTIONS ON NOTICE

13. "URGENT" BUSINESS WITH THE APPROVAL OF THE MAJORITY OF MEMBERS PRESENT AS PERMITTED UNDER STANDING ORDER 5.1.13

14. ITEMS TO BE NOTED OR ENDORSED

14.1 ITEMS TO BE NOTED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING

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

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

Recommendation

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

1. Title: Building Approvals Issued 1 to 31 July 2008
Author: Gary Fitzgerald, Manager Development Services
File: A00566
2. Title: Accounts for Payment for the Period 1 to 31 July 2008
Author: David Ransom, City Accountant
File: A00083
3. Title: Planning Approvals Issued 1 to 31 July 2008
Author: Gary Fitzgerald, Manager Development Services
File: A00566

Outcome of the Council Committee Meeting – 12 August 2008

The recommendation was moved Cr Major, seconded Cr Leigh and adopted *12votes "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:** *Building Approvals Issued 1 to 31 July 2008*
Author: *Gary Fitzgerald, Manager Development Services*
File: *A00566*

2. **Title:** *Accounts for Payment for the Period 1 to 31 July 2008*
Author: *David Ransom, City Accountant*
File: *A00083*

3. **Title:** *Planning Approvals Issued 1 to 31 July 2008*
Author: *Gary Fitzgerald, Manager Development Services*
File: *A00566*

14.2 ITEMS TO BE ENDORSED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING

There were no items for endorsement.

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

NOTE: Pursuant to Standing Order 15.10, the following Procedural Motion needs to be moved if there are items to be discussed under this heading: *"The meeting exclude members of the public to permit Confidential Business (as defined by the Local Government Act 1995) to be discussed."*

Nil.

16. CLOSE OF MEETING

The Presiding Member declared the meeting closed at 10.32pm.

CONFIRMED this day 2 September 2008, to be a true and correct record of proceedings of the Council (Standing) Committee Meeting held 12 August 2008.

MAYOR DAVID SMITH
PRESIDING MEMBER