



19 AUGUST 2008

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### **Council Meeting 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

<b>Term</b>	<b>Explanation</b>
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

<b>Term</b>	<b>Explanation</b>
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 MEETING MINUTES

Minutes of an Ordinary Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 19 August 2008.

### MINUTES

19 August 2008

NOTE: These minutes are subject to confirmation at the Council Meeting on 9 September 2008.

#### 1. DECLARATION OF OPENING BY THE PRESIDING MEMBER

His Worship the Mayor declared the meeting open at 6.03pm.

#### 2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

##### *PRESENT*

<b>Council Committee Members</b>	
Presiding Member:	His Worship the Mayor, David Smith
Members:	Deputy Mayor, Stephen Craddock
	Councillor Alfred Leigh
	Councillor Derek Spencer
	Councillor Michelle Steck
	Councillor Helen Punch
	Councillor Noel Whittle
	Councillor Ross Slater
	Councillor Wayne Major ( <i>arrived 6.08pm</i> )
	Councillor Juliet Harrop
	Councillor Judy Jones
	Councillor Brendan Kelly
<b>Executive Management Team (Non-Voting)</b>	
Chief Executive Officer:	Mr Greg Trevaskis
Executive Manager City Services:	Mr Michael Scott
Executive Manager Corporate Services:	Mr Ken Weary
Executive Manager City Development:	Mr Geoff Klem
Executive Manager City Life	Mr Dom Marzano
<b>Council Officers (Non-Voting):</b>	
Manager Waste Services	Mr Tony Battersby
Administration Officer Corporate Services:	Ms Fiona Wood
<b>Others (Non-Voting):</b>	
Members of the Public:	15 (approx.)
Members of the Press	0

##### *APOLOGIES:*

Cr Shane Rooney – Leave of Absence (15 July – 29 August 2008)

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

At the Council Meeting held 29 July, the following questions were asked during Public Question Time that could not be answered during the meeting. A copy of the question and the written response forwarded to the questioner following the meeting, is provided below for public information:

**John Sherwood, Stockley Road Resident**

**Question 1:** *On what grounds did Council initiate the process of rezoning of the Waterfront land when this is direct contravention of:*

- a) *City Vision – which was a four year consultation process with the community costing \$800,000 and*
- b) *The Greater Bunbury Region Scheme.*

**Question 2:** *Has any formal application been received by Council to date for rezoning any of the land between the plug and the rowing club which is currently zoned as “open space” in Council’s Town Planning Scheme?*

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The Executive Manager City Development forwarded the following response to Mr Sherwood:

**Response 1:**

“The City Vision Strategy provides for development opportunities around the inlet area to attract and stimulate greater community activity to the area. The strategy expressed a view that major and extensive built development would not be a desired outcome but restaurants, tearooms, tavern, live entertainment, child/youth areas were generally agreed to. City Vision did also recognise that the inlet (Eastside) was part of plans being developed by LandCorp which may include limited high rise and residential style development. However, specific details could not be included in the City Vision Strategy as designs by LandCorp had not been finalised when the Strategy was presented to Council. Hence the following statement was included in the Strategy to make provision for this possibility see CBD 34 “... other development opportunities may be considered following the public release and community feedback on the Bunbury Waterfront Project prepared by LandCorp”.

The Town Planning Scheme Amendment procedure was intended to run concurrently with the Structure Plan and the Greater Bunbury Region Scheme (GBRS) amendment that would be required to allow both the zoning change and the structure plan to proceed to final approval.



All three procedures associated with the Structure Plan, Zoning change and GBRS amendment involve public consultation and in the case of the zoning change and GBRS amendments, referral to the Environmental Protection Authority (which can also involve public consultation). This public exhibition of what is proposed is the principal reason for initiating the town planning scheme amendment.

Council has created the opportunity through the Structure Plan and Scheme Amendment procedures to gauge public opinion and further assess any structural issues that emerge through the consultation. A critical review of the submissions received will result in recommendations to Council that may involve support, qualified support or no support for the project as proposed.”

**Response 2:**

None other than the Eastside Precinct area.

**4. PUBLIC QUESTION TIME**

A summary of questions/responses follows:

**Dr Ern Manea, Haydock Street Resident**

*Questions: In relation to Item 12.2, Mr Manea asked the following questions:*

- 1. Is this a new notice of motion or the previous motion?*
- 2. Is there a differential in time for the re-submission of a notice of motion?*

Response 1: The Mayor advised that this was in fact in a new notice of motion that has been supported by 5 Councillors.

Response 2: The Chief Executive Officer clarified that the matter was considered at the Committee Meeting and due to committee having no authority to make formal decisions other than to consider matters and make recommendations, any Councillor is entitled to make a notice of motion to be considered by Council at an Ordinary Meeting.

If Council considers any motion and it is defeated at an Ordinary Meeting of Council, a similar motion is unable to be re-submitted for a three month period.

**Mrs Lorna Kaino, Hastie Street Resident**

*Questions: The following questions were asked in relation to the East Precinct Structure Plan:*

- 1. What is the formal status of the East Side Structure Plan?*
- 2. Despite the fact that it didn't meet the requirements as a structure plan as per the Minutes of the Council Meeting of 18 March 2008, why it was adopted as a structure plan.*
- 3. Following John Sherwood's question from the Council Meeting of 29 July 2008 and reading the response, the Structure Plan does not accord with the City Vision Strategy. How can the City Vision Strategy be amended to facilitate further development propositions.*
- 4. In relation to submissions, is there any age provision for submissions eg: are persons under the age of 18 able to have their submission counted.*

In response, the Mayor advised:

Response 1: The formal status is that it is a Structure Plan.

Response 2: It was adopted for public advertising to enable public comments to be sought.

Response 3: The City Vision Statements in relation to the Eastside Precinct allowed for variations to be considered. In the response to Mr Sherwood, there is reference to CBD 34 "... other development opportunities may be considered following the public release and community feedback on the Bunbury Waterfront Project prepared by LandCorp".

Response 4: Any member of the public is able to make a submission. They do not have to be residents or ratepayers.

**Mr Phil Smith, Dunstan Street Resident**

*Question: From the most recently available financial year figures, what annual rate subsidies have been spent on the Recreation Centre, Entertainment Centre, Art Gallery and both Libraries, and what were the maintenance costs for each of these buildings?*

Response 1: Mr Ken Weary, Executive Manager Corporate Services provided an approximate indication of the operational costs as he did not have the exact figures at hand:

Recreation Centre	\$540,000
Entertainment Centre	\$300,000
Art Gallery	\$200,000
Both Libraries	\$900,000

Mr Weary advised that the annual cost of maintenance for the above buildings is approximately \$350,000.

**Mrs Amanda Doust, Bunbury Resident**

*Questions: In relation to the East Precinct Structure Plan., Mrs Doust asked the following:.*

- 1. How many submissions have been received for the Eastside Precinct Structure Plan?*
- 2. When will the results of the submissions be available to the public?*
- 3. How will the information be presented?*
- 4. Has LandCorp produced the correct documentation to the Bunbury City Council and was there a timeframe on these documents?*

In response to questions 1 and 2, the Mayor advised:

Response 1: Approximately 700 submission have been received though Council is still currently inputting the submissions so we can not provide a final figure as yet.

Response 2: Council may be able to consider the matter on the 30 September 2008.

In response to questions 3 and 4, Mr Geoff Klem, Executive Manager City Development provided the following responses:

Response 3: It will be provided in the format of a schedule which contains the submitters name, the submission summarised, an officers comment and then a recommendation that Council is able to consider.

The City will summarise the number of submissions received into categories such as people who are for and against the proposal and other categories that fall between these.

Response 4: The Structure Plan provided to the City by LandCorp was advertised in the format as submitted.

In relation to the Scheme Amendment to TPS 7, the decision of Council to initiate the amendment included a schedule of modifications which were forwarded to the proponent (LandCorp) to enable their consultants to include these in their documentation. To date, the consultants have not finished amending the documentation to meet the requirements that were stipulated, and no timeframe was given to LandCorp.

**Mrs Karen Steele, Macqueen Crescent Resident**

*Questions: Mr Steel asked the following two questions:*

- 1. When was the \$3.5M offered to the Bunbury Timber Jetty by LandCorp?*
- 2. Why are there ties for \$3.5 million in Stage 1 of the Eastside Precinct Plan, when this was previously being obtained from the sale of the Sailing Club land?*

Response 1: It was advised that Cabinet approval was granted to prior to March 2007 but no exact date is available.

Response 2: The Mayor clarified that projects outlined in Stage 1 are not final. There were no agreements or decision entered into by Council to sell any particular pieces of land to fund Stage 1 of the development or at the time the plan was produced, no decision made to what land would be sold to fund the City's contribution of \$3.5 million for the Timber Jetty.

**Mr Bob Morgan, Resident**

*Question: Mr Morgan asked the following question in relation to the Bunbury Region Scheme:*

- 1. When was the last time Council as a whole considered and approved the Bunbury Region Scheme? Can you please provide an approximate month and year?*

Response 1: The Mayor advised that Council is not involved in the approval process for the Region Scheme. It only comments on the plan. The scheme went before both houses of Parliament where it was endorsed. There are parts of the Greater Bunbury Region Scheme that will need to be amended after it was proclaimed. Further, Mr Geoff Klem, Executive Manager City Development clarified that the Bunbury Region Scheme is based on the 1994 plan for Bunbury. The Region Scheme is a statutory instrument/mechanism that is used for implementing and enforcing the plan. There will be a review of the Region Plan soon, which will enable Council to provide input.

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

Nil.

**6. CONFIRMATION OF PREVIOUS MINUTES**

The minutes of the Council Meeting held 29 July 2008 and the minutes of the Special Council Meeting held 5 August 2008, have been circulated.

**Recommendation**

The minutes of the following Council Meetings be confirmed as a true and accurate record:

- (a) Ordinary Meeting – 29 July 2008
- (b) Special Meeting to Adopt the 2008/09 Budget – 5 August 2008

**AT THE COUNCIL MEETING – 19 AUGUST 2008**

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

**Council Decision 135/08**

*The minutes of the following Council Meetings be confirmed as a true and accurate record:*

- (a) Ordinary Meeting – 29 July 2008*
- (b) Special Meeting to Adopt the 2008/09 Budget – 5 August 2008*

**CARRIED**

**12 Votes "For" / Nil Votes "Against"**

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

- Cr Punch disclosed an impartiality interest for Item 11.12 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 11.11 titled "*Extended Christmas Trading Hours 2008*" and a Proximity Interest in Item 11.12 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 11.1 titled "*Aqwest/Bunbury Water Board – Proposed Management Order over Irwin Street Water Treatment Plant Site*" and Item 11.6 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 welcomed the Dalyellup Venturous Scouts to the Chambers. The Scouts were present as they are conducting their own Meetings and wished to observe the manner in which Council Meetings of the City of Bunbury were conducted.

**9. CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS**

**9.1 STRATEGIC WASTE MANAGEMENT PLAN 2009-2013**

<b>File Ref:</b>	A00258
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Tony Batterbsy, Manager Waste Services
<b>Executive:</b>	Michael Scott, Executive Manager City Services

**Summary**

The City of Bunbury Strategic Waste Management Plan (**attached** at Appendix 31) is a five year plan that has been developed in alignment with the ministerial guidelines for Western Australia's Zero Waste Plan Development Scheme gazetted on 9 September 2007.

The purpose of this plan is to provide strategies and actions to guide the Local Government(s) and community(ies) of Bunbury to improve waste management practices consistent with the State's vision of Towards Zero Waste in order to protect human health and the environment.

**Background**

Council at its meeting on 12 December 2006 resolved to enter into discussions with the Shire of Harvey, Shire of Dardanup and Shire of Capel with regards to the formation of a regional council. A part of this proposal was to conduct the formation and implementation of the State Governments Zero Waste Plans for Local Governments as a region.

The purpose of the Strategic Waste Management Plan is to ensure a "whole-of-organisation" commitment to the vision of Zero Waste to landfill by the year 2020. The vision reflects the importance of striving for a result that will benefit all Western Australians.

In order to ensure the timely implementation of the Zero Waste Planning process, the Board is proposing a one-off, 12-month funding scheme that will aid Local Governments in the preparation of their Plans. Where Local Governments are in the form of collaborative partnerships in order to develop a Zero Waste Plan, they will receive a greater proportion of the funds compared to Local Governments that choose to develop individual Zero Waste Plans.

The proposed funding arrangements are non-metropolitan Local Governments that undertake the Zero Waste Planning process without forming a regional group will receive a total of \$12,000 each. Non-metropolitan Local Governments that regionalise will receive \$20,000 per Member Council paid to a nominated member Council.

Representatives from each of the four participating Councils have met on a regular basis as a working group and drafted up a Strategic Waste Management Plan for the region and for their individual Councils. The Strategic Waste Management Plan incorporated each of the Councils future Waste Management strategies and statistics. The Council representatives reported back to a management group incorporating the Mayor, Presidents, Chairperson and CEO's of each Council on a as needs basis for updating and conformation of the draft Strategic Waste Management Plan.

### **Strategic and/or Regional Outcomes**

The Strategic Waste Management Plan reflects Council's Strategic Plan to Regional Cooperation. For the City of Bunbury, this means: *"To meet demands arising from changes in the economic and demographic climate of the surrounding region, the City will cooperate and network with other authorities or stakeholder organisations to share resources and establish visionary or innovative solutions to regional infrastructure needs or disputes."*

Acceptance of the recommendation is consistent with Council's Strategic Plan and will "facilitate the provision of waste services to the Ratepayers of the City Of Bunbury.

### **Community Consultation**

The community has not been consulted on the City's Waste Plan but a Waste Services survey was conducted in 2006 amongst the City's rate payers which incorporated the waste minimisation strategies contained within the Strategic Waste Management Plan. On adoption of the Plan arrangements will be made with adjoining Councils to advertise and seek community comment on individual Waste Strategies for each Council and an overall Regional 'Strategic Waste Management Plan' in accordance with the requirements of the Department of Environment & Conservation.

### **Councillor/Officer Consultation**

Consultation on this issue has been conducted between the Mayor, Cr Jones (Chair of Bunbury Harvey Regional Council), Chief Executive Officer, and Manager Waste Services.

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

The adoption of the Strategic Waste Management Plan has no increased negative budget implications, but will create the opportunity for grants from the State Government of Western Australia.



### **Economic, Social, Environmental and Heritage Issues**

The adoption of the Strategic Waste Management Plan has the potential to have a positive impact on the local natural environment by reducing waste to landfill and resource sharing between the Regional Local Governments. Resource sharing will help protect the environment with the development of a regional landfill located in an environmentally stable location and operated under the best practice environmental management. The combined increased volumes of waste will also make it more viable to achieve waste reduction, re-use and recycling outcomes which are environmentally, socially and economically sustainable.

### **Council Policy Compliance**

The recommendation complies with Council's policies and is consistent with policy requirements.

### **Legislative Compliance**

The recommendation does not contravene any legislative requirements and it complies with the Local Government Act 1995.

### **Delegation of Authority**

The Chief Executive Officer has no Delegated Authority in relation to this item.

### **Relevant Precedents**

Previously considered and recommended formation of a Regional Council.

### **Options**

#### Option 1:

Per the recommendation listed in this report.

#### Option 2:

Council elect not to endorse the City of Bunbury 'Strategic Waste Management Plan 2009 – 2013'.

### **Conclusion**

Adoption of the Strategic Waste Management Plan will minimise waste to landfill and incorporate a regional approach to waste management which has the potential to reduce overall costs to the regional community. The overall benefits to the regional community through combining waste management activities is essentially a volume driven business and the overall unit cost of providing waste disposal and waste services will fall if the number of services are increased. Financial benefits should therefore be available from increasing the volumes of waste and number of services.

### **Recommendation**

That the City of Bunbury 'Strategic Waste Management Plan 2009 – 2013' be endorsed, as submitted.

### **AT THE COUNCIL MEETING – 19 AUGUST 2008**

Mr Tony Battersby, Manager of Waste Services responded to questions from members and provided the following information:

- Greenwaste collected by the City during the kerbside program is used around the City as mulch. Currently this has been used in the medium strips on Blair Street and Sandridge Road.
- Some portion of the Mulch that results from the Greenwaste is also on-sold to companies such as landscapers, not to commercial waste operators.
- Contamination levels of recycled products is around 2% to 3% which in result, becomes landfill. This contamination consists of products such as broken glass and general household waste that finds it way into recycling bins rather than waste bins.
- The strategy enables to the City to look at further ways to reduce the amount of landfill and look at other forms of recycling such as organic waste.

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

#### **Council Decision 136/08**

*That the City of Bunbury 'Strategic Waste Management Plan 2009 – 2013' be endorsed, as submitted.*

#### **CARRIED**

**12 Votes "For" / Nil Votes "Against"**

## 9.2 WALGA SYSTEMIC SUSTAINABILITY STUDY, PERTH FORUM

<b>File Ref:</b>	A00106
<b>Applicant/Proponent:</b>	Western Australian Local Government Association
<b>Author:</b>	Greg Trevaskis, Chief Executive Officer
<b>Executive:</b>	Greg Trevaskis, Chief Executive Officer

### Summary

As directed at the Western Australian Local Government Association's (WALGA's) Annual General Meeting arrangements have been made for a Special Forum to be convened on 15 September 2008 at the City of Stirling to consider the draft final report for the Systemic Sustainability Study (SSS).

Council at its meeting on 13 May 2008 adopted the following motion:

### COUNCIL DECISION 75/08

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

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

WALGA proposes to promote broad discussion of the 39 Recommendations (as amended) of the SSS Report at the Special Forum, however, in the event to formally vote on any issue only those Councillors who are appointed as delegates would be able to participate in any associated debate/voting.

The outcomes of the Special Forum will be considered at a Special State Council meeting following the Special Forum, to determine the final report.

### **Recommendation**

That His Worship the Mayor and Deputy Mayor be appointed as Council delegates to attend and represent the City at the proposed Special Forum to be held to consider the draft final report of the 'Systemic Sustainability Study 10 Year Plan for the Future'.

### **AT THE COUNCIL MEETING – 19 AUGUST 2008**

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

The Deputy Mayor announced that he would be unavailable to attend the Forum being held on 15 September 2008.

Cr Steck then moved, Cr Leigh seconded, that the recommendation be amended by removing the words "Deputy Mayor" and substituting with "and a Councillor to be appointed at the discretion of the Mayor and Chief Executive Officer". The Mayor put the proposed amendment to the vote and it was adopted *12 votes "for" to Nil vote "against"*.

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

#### **Council Decision 137/08**

*That His Worship the Mayor and a Councillor to be appointed at the discretion of the Mayor and Chief Executive Officer, be appointed as Council delegates to attend and represent the City at the proposed Special Forum to be held to consider the draft final report of the 'Systemic Sustainability Study 10 Year Plan for the Future'.*

#### **CARRIED**

**12 Votes "For" / Nil Votes "Against"**

**10. RECEPTION OF FORMAL PETITIONS AND MEMORIALS**

Nil.

**11. RECEPTION OF REPORTS AND RECOMMENDATIONS FROM THE COUNCIL (STANDING) COMMITTEE MEETING HELD 12 AUGUST 2008**

At this point in proceedings, the Council adopted *en bloc* committee recommendations listed under items 11.3, 11.5, 11.7, 11.9, 11.10, 11.13 and 11.14 of the meeting agenda (as permitted under the City's Standing Orders).

Items 11.1, 11.2, 11.4, 11.6, 11.8, 11.11 and 11.12 of the meeting agenda was then dealt with (and voted on) individually.

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

**11.1 COUNCIL SUPPORT FOR THE PROPOSED DEDICATION OF BUNBURY PORT ACCESS ROAD LAND REQUIREMENTS** (*WAS LISTED AS ITEM 11.3 ON THE MEETING AGENDA*)

<b>File Ref:</b>	A01109
<b>Applicant/Proponent:</b>	Main Roads South West Region
<b>Author:</b>	Beatrice Plant, City Engineer
<b>Executive:</b>	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 schools have no objections of the proposal

The Mayor then put the recommendation to the vote and it was 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 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.

**AT THE COUNCIL MEETING – 19 AUGUST 2008**

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

**Council Decision 138/08**

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.*

**CARRIED**

**12 Votes "For" / Nil Votes "Against"**



**11.2 COUNCIL SUPPORT FOR THE PROPOSED REVOCATION OF MANAGEMENT ORDER FOR RESERVE 45819 (LOT 893) WOODLEY ROAD, GLEN IRIS** *(WAS LISTED AS ITEM 11.5 ON THE MEETING AGENDA)*

<b>File Ref:</b>	R00227
<b>Applicant/Proponent:</b>	Roberts Day on behalf of Department of Housing & Works
<b>Author:</b>	Beatrice Plant, City Engineer
<b>Executive:</b>	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.

**AT THE COUNCIL MEETING – 19 AUGUST 2008**

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

**Council Decision 139/08**

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*

**CARRIED**

**12 Votes "For" / Nil Votes "Against"**

**11.3 SOUTH WEST AREA HEALTH SERVICES – EXTENSION OF LEASE FOR PARENT HELP CENTRE LOCATED WITHIN THE LADY MITCHELL (CHILD HEALTH) CLINIC** *(WAS LISTED AS ITEM 11.7 ON THE MEETING AGENDA)*

<b>File Ref:</b>	F00086
<b>Applicant/Proponent:</b>	South West Area Health Services
<b>Author:</b>	John Beaton, Manager Administration & Property Services
<b>Executive:</b>	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 <sup>rd</sup> ) 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 <sup>rd</sup> ) 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.

**AT THE COUNCIL MEETING – 19 AUGUST 2008**

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

**Council Decision 140/08**

*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.*

**CARRIED**

12 Votes "For" / Nil Votes "Against"

**11.4 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)**

<b>File Ref:</b>	A02843
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Paul Davies, Planning Consultant
<b>Executive:</b>	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 1000m<sup>2</sup> 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 1000m<sup>2</sup> 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 4486m<sup>2</sup>. 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 1000m<sup>2</sup> 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 1000m<sup>2</sup> 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 1000m<sup>2</sup> 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 1000m<sup>2</sup> 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 as printed in the meeting agenda, and it was lost 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 (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.



**AT THE COUNCIL MEETING – 19 AUGUST 2008**

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

**Council Decision 141/08**

***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.*

**CARRIED**

**12 Votes "For" / Nil Votes "Against"**

**11.5 REPORT ON STRATEGIC ACTIVITIES FOR YEAR ENDED 30 JUNE 2008** (WAS LISTED AS ITEM 11.10 ON THE MEETING AGENDA)

<b>File Ref:</b>	A00836
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jack Dyson, Senior Administration Officer
<b>Executive:</b>	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

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.

### **AT THE COUNCIL MEETING – 19 AUGUST 2008**

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

<p><b>Council Decision 142/08</b></p>
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<p><i>The report on Strategic Activities for the year ended 30 June 2008 be received.</i></p>
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<p><b>CARRIED</b></p>
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<p><b>12 Votes "For" / Nil Votes "Against"</b></p>
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**11.6 PRELIMINARY FINANCIAL STATEMENTS – JUNE 2008** (WAS LISTED AS ITEM 11.13  
ON THE MEETING AGENDA)

<b>File Ref:</b>	A02838
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, City Accountant
<b>Executive:</b>	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

**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.

**AT THE COUNCIL MEETING – 19 AUGUST 2008**

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

**Council Decision 143/08**

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

**CARRIED**

**12 Votes "For" / Nil Votes "Against"**

**11.7 ADVISORY COMMITTEE/PROJECT CONTROL GROUP MINUTES TO BE NOTED AT THE COUNCIL MEETING** (WAS LISTED AS ITEM 11.14 ON THE MEETING AGENDA)

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	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

**AT THE COUNCIL MEETING – 19 AUGUST 2008**

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

**Council Decision 144/08**

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*

**CARRIED**

**12 Votes "For" / Nil Votes "Against"**

**11.8 BUNBURY AIRPORT STRUCTURE PLAN** (WAS LISTED AS ITEM 11.2 ON THE MEETING AGENDA)

<b>File Ref:</b>	F00080
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Nigel Archibald, Airport Reporting Officer
<b>Executive:</b>	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).

## **AT THE COUNCIL MEETING – 19 AUGUST 2008**

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

### **Council Decision 145/08**

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

### **CARRIED**

**12 Votes "For" / Nil Votes "Against"**

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

<b>File Ref:</b>	F00136
<b>Applicant/Proponent:</b>	Aqwest/Bunbury Water Board
<b>Author:</b>	John Beaton, Manager Administration & Property Services
<b>Executive:</b>	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.

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

### **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.



**AT THE COUNCIL MEETING – 19 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.

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

**Council Decision 146/08**

- 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.*

**CARRIED**

**12 Votes "For" / Nil Votes "Against"**

**11.10 PROPOSED APPOINTMENT TO BUNBURY REGIONAL ARTS MANAGEMENT BOARD INC. (WAS LISTED AS ITEM 11.4 ON THE MEETING AGENDA)**

<b>File Ref:</b>	A00168
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Domenic Marzano, Executive Manager City Life
<b>Executive:</b>	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).

**AT THE COUNCIL MEETING – 19 AUGUST 2008**

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

**Council Decision 147/08**

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

**CARRIED**

**12 Votes "For" / Nil Votes "Against" (ABSOLUTE MAJORITY VOTE OBTAINED)**

**11.11 BUNBURY PORT AUTHORITY DUST MONITORING - RENEWAL OF LICENCE AGREEMENT OVER PORTION RESERVE 6962 (LOT 729) STIRLING STREET, BUNBURY** (WAS LISTED AS ITEM 11.6 ON THE MEETING AGENDA)

<b>File Ref:</b>	A00247
<b>Applicant/Proponent:</b>	Bunbury Port Authority
<b>Author:</b>	John Beaton, Manager Administration & Property Services
<b>Executive:</b>	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.

**19 August 2008**  
**Minutes - Council Meeting**

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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.

**AT THE COUNCIL MEETING – 19 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 Committee's recommendation was moved Cr Slater, seconded Cr Spencer.

During discussion the question was raised to whether public had access to the independent TEOM operation and monthly monitoring results report provided by the Bunbury Port Authority, as it is issued as a confidential report to members. It was clarified that the City would contact the Port Authority and seek clarification if this is available to the public and if so, make a copy available for the public to view at any time.

Cr Steck moved, Cr Kelly seconded the procedural motion "*that the item be deferred back to Committee*" to enable clarification on the status of the report. The Mayor put the procedural motion to the vote and it was lost *2 votes "for" to 10 votes "against"*.

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

**Council Decision 148/08**

***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.***

**CARRIED**

**10 Votes "For" / 2 Votes "Against"**

**11.12 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)**

<b>File Ref:</b>	P010178
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Paul Davies, Planning Consultant
<b>Executive:</b>	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.”

**AT THE COUNCIL MEETING – 19 AUGUST 2008**

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

**Council Decision 149/08**

*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.”*

**CARRIED**

**10 Votes "For" / 2 Votes "Against"**

**11.13 EXTENDED CHRISTMAS TRADING HOURS 2008** (WAS LISTED AS ITEM 11.11 ON THE MEETING AGENDA)

<b>File Ref:</b>	A00357
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	John Beaton, Manager Administration & Property Services
<b>Executive:</b>	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.

## **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>
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>

**AT THE COUNCIL MEETING – 19 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 Committee's recommendation was moved Cr Leigh, seconded Cr Major. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

**Council Decision 150/08**

*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>

**CARRIED**

11 Votes "For" / 1 Vote "Against"

Cr Slater requested that his vote "against" be recorded.



**11.14 FREE WIRELESS NETWORK – CBD PRECINCT** (WAS LISTED AS ITEM 11.12 ON THE MEETING AGENDA)

<b>File Ref:</b>	A00374
<b>Applicant/Proponent:</b>	South West Development Commission
<b>Author:</b>	Greg Trevaskis, Chief Executive Officer
<b>Executive:</b>	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 its 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.

**AT THE COUNCIL MEETING – 19 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 Committee's recommendation was moved Cr Leigh, seconded Cr Craddock. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

**Council Decision 151/08**

*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.*

**CARRIED**

**8 Votes "For" / 4 Votes "Against"**

It was requested that votes "against" be recorded: Cr Kelly, Cr Major, Cr Steck and Cr Slater.

**12. MOTIONS ON NOTICE**

**12.1 MOTION ON NOTICE – BUNBURY TIMBER JETTY – TIMEFRAME OF WORKS**

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

At the Standing Committee of Council on 12 August 2008, Cr Whittle requested that should Cr Kelly's Notice of Motion (at Committee) be defeated, he wished to foreshadow the following motion:

**Cr Whittle's 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 203/07 of 16 October 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."*

**AT THE COUNCIL MEETING – 19 AUGUST 2008**

The motion was moved Cr Whittle, seconded Cr Spencer. Cr Whittle indicated that he wished to move an amended point 3 which reads:

- 3. Council advises Landcorp and the Minister that it is Council's view that this project should proceed concurrently with the Eastside negotiations and not be dependant on it. Funding to be provided in a separate arrangement as per council resolution 203/07 of 16 October 2007, ie: both parties to contribute \$3.5 million of the fixed \$7 million."*

Cr Kelly then moved the procedural motion *"That the motion lie on the table"*. The Mayor put the procedural motion to the vote and it was lost *5 votes "for" to 7 votes "against"*

The question was raised of which Councillor submitted their motion first. It was clarified that at the Committee Meeting held 12 August 2008, Cr Whittle indicated his intention to foreshadow his motion during debate of Cr Kelly's motion.

At the same meeting Cr Kelly's motion was defeated and the Chief Executive Officer summarised the procedure for re-submitting his motion to the Council Meeting advising that 5 Councillor signatures would be required. These signature were obtained following the Committee Meeting therefore, Cr Whittle's motion was submitted first.

Cr Punch requested the mover and seconder to accept a further amendment to point 3 to include the words "State Government" prior to the words funding. Cr Whittle and Cr Spencer agreed.

Cr Leigh then requested the mover and seconder accept an amendment to point 1 of the motion included the timeframes for tenders to be received by the 30 November 2008 and for works commence on the Jetty by the 30 January 2009. Cr Whittle did not accept the amendment as he felt you are unable to put time restraints on tenderers as this would reduce the number of tenders received and also works may not be able to be undertaken due to weather delays etc. The Mayor then sought a seconder for Cr Leigh's amendment which was not forthcoming. The proposed amendment lapsed.

During debate the following points were raised:

In support of 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.
- 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 decides not to continue holding the licence over the Jetty and contribute the funds, it may result in protracted legal disputation with various parties.

Against the motion:

- No Business Plan has been created for the Jetty.
- 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.

- There has been no set timeframe on the restoration to be undertaken.

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

**Council Decision 152/08**

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 203/07 of 16 October 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 negotiations and not be dependant on it. State Government funding to be provided in a separate arrangement as per council resolution 203/07 of 16 October 2007, ie: both parties to contribute \$3.5 million of the fixed \$7 million."*

**CARRIED**

7 Votes "For" / 5 Votes "Against"

It was requested that all votes be recorded:

Votes "for" the motion:

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

Votes "against" the motion:

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



**12.2 MOTION ON NOTICE – BUNBURY TIMBER JETTY – RESCIND COUNCIL DECISION 203/07 (MEETING DATE 16 OCTOBER 2007)**

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

Following the meeting of Council’s Standing Committee on 12 August 2008, the following Notice of Motion was submitted to the Chief Executive Officer.

In accordance with the *Local Government (Administration) Regulations 1996*, a motion to revoke or change a decision made at a Council or Committee Meeting, must be supported by at least  $\frac{1}{3}$  of the number of Elected Members.

Following these regulations, Cr Kelly has submitted the motion supported by 5 Elected Members being:

- Cr Kelly;
- Cr Slater;
- Cr Steck;
- Cr Major; and
- Cr Jones.

**Cr Kelly’s Motion**

*“1. That Council decision 203/07 of the meeting dated 16 October 2007 be rescinded.”*

**(NOTE: ABSOLUTE MAJORITY VOTE IS REQUIRED TO RESCIND ANY PREVIOUS DECISION OF COUNCIL: IE: 7 VOTES IN FAVOUR)**

Should the above rescission motion be carried, Notice has also been given to move:

*“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:**

1. *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).*
2. *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.*
3. *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.*
4. *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 16<sup>th</sup> 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.”*

**(NOTE: AN ABSOLUTE MAJORITY VOTE IS REQUIRED TO RESCIND ANY PREVIOUS DECISION OF COUNCIL: IE: 7 VOTES IN FAVOUR)**

Should the above rescission motion be carried, Notice has also been given to move:

- “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.”*

**AT THE COUNCIL MEETING – 19 AUGUST 2008**

The motion was moved Cr Kelly, seconded Cr Jones. Following discussion on the motion, the Mayor put point 1 of the motion to the vote and it was lost *5 votes "for" to 7 votes "against"*.

As the motion was lost, no further voting was required for points 2, 3 and 4.

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

Nil.

**14. ITEMS TO BE NOTED OR ENDORSED**

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

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	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 *12 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

**Committee Recommendation**

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

1. Title: 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

**AT THE COUNCIL MEETING – 19 AUGUST 2008**

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

**Council Decision 153/08**

*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**

**CARRIED**

**12 Votes "For" / Nil Votes "Against"**

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

Nil

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

Nil.

**16. CLOSE OF MEETING**

The Mayor declared the meeting closed at 9.28pm.

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CONFIRMED this day 9 September 2008 to be a true and correct record of proceedings of the Bunbury City Council Meeting held 19 August 2008.

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**MR DAVID SMITH**  
**MAYOR**