



2 September 2008

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GLOSSARY OF ABBREVIATED TERMS

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

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

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

COUNCIL (STANDING) COMMITTEE MINUTES

Minutes of an Ordinary Meeting of the Council (Standing) Committee held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 2 September 2008.

MINUTES

2 September 2008

NOTE: The committee recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the Council Meeting on 9 September 2008.

1. DECLARATION OF OPENING BY THE PRESIDING MEMBER

The Presiding Member declared the meeting open at 6.00pm.

2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

PRESENT

Council Committee Members	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member:	Deputy Mayor, Councillor S Craddock
Members:	Councillor J Jones
	Councillor S Rooney
	Councillor B Kelly
	Councillor W Major
	Councillor H Punch
	Councillor N Whittle
	Councillor R Slater
	Councillor M Steck
	Councillor A Leigh
	Councillor J Harrop
Councillor D Spencer	
Executive Management Team (Non-Voting)	
Chief Executive Officer:	Mr G Trevaskis
Executive Manager Corporate Services:	Mr K Weary
Executive Manager City Services:	Mr M Scott
Executive Manager City Development:	Mr G Klem
Executive Manager City Life:	Mr D Marzano
Council Officers (Non-Voting):	
Manager - Development Services:	Mr G Fitzgerald
Contract Planner:	Mr N Dowling
Administration Officer Corporate Services:	Ms D Ryan
Others (Non-Voting):	
Members of the Public:	11 (approx.)
Members of the Press:	Nil

APOLOGIES:
Nil.

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

Not applicable.

4. **PUBLIC QUESTION TIME**

Nil.

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

Cr Juliet Harrop had submitted the following question (in writing) prior to the close of the meeting agenda:

Question: In view of planned improvements to the Washington Avenue/Somerville Drive intersection, is an extension of Somerville Drive adjacent to Manea Park, through untouched bushland to Robertson Drive, still intended to proceed?

The following response has been provided by the Executive Manager City Development:

Response: Structure planning for College Grove has always included connection between Bussell Highway and Robertson Drive via Somerville Drive. This road collects and distributes traffic from this suburb to ensure safe, efficient and convenient traffic movements to destinations north, south and west. Somerville Drive is an existing road reserve for its entire length.

The City is currently undertaking work to establish the intersection at Somerville Drive and Robertson Drive to facilitate alternative access to the College of TAFE and to establish (in part) the northern link for Somerville Drive.

In addition to the need to service the College Grove suburb in accordance with standard road planning principles, is the importance of providing dual access to the area in the event of an emergency; especially fire. Somerville Drive abuts natural bushland on its eastern boundary and under conditions of extreme heat and easterly winds, life and property will be at risk.

The full development of Somerville Drive will be a cost borne by the Joint Venture for the College Grove Project.

6. CONFIRMATION OF PREVIOUS MINUTES

The following motion was moved Cr Leigh, seconded Cr Craddock and adopted to become a decision of the Committee:

Committee Decision

The minutes of the Council Committee Meeting held on 12 August 2008, be confirmed as a true and accurate record:

CARRIED

13 Votes "For" / Nil Votes "Against"

7. DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995

Cr Leigh disclosed a financial interest in the item titled "*Bunbury Airport - New (and Assignment of) Leases for Hangar Sites Nos. 20, 26, 49 and 50 to Various Parties, and, Grant of Sub-Lease Over Site 28A*" as he has had business dealings with one of the applicants.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Mayor read aloud a letter he had received from the Conference Secretary of the recent Rotary Annual Conference for District 9460 (on behalf of the Conference Chairman and Organising Committee) which states in part, *"I wish to express their appreciation for the cooperation and vision we received from the City in staging our very successful District Conference. In particular, the manner in which John Kowal carried out his duties and responsibilities which were of the highest standard and one of the key factors that made the conference a success as his reliability and response was exceptional. Thank you also to the Mayor for the civic reception he hosted in honour of our visiting dignitaries, Rotarians and guests."*

The Mayor stated that it is important for letters congratulating particular staff members to be disclosed publicly.

9. CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS

Nil.

10. RECEPTION OF FORMAL PETITIONS AND MEMORIALS

Nil.

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

11.1 TOWN PLANNING SCHEME AMENDMENT - PORTION LOT 14 (NO. 7) GARVEY PLACE, BUNBURY - REZONE TO "MIXED BUSINESS"

File Ref:	P03561
Applicant/Proponent:	Griffiths Planning on behalf of Gard Realty
Author:	Lindsay Bergsma, Planning Officer
Executive:	Geoff Klem, Executive Manager City Development

Summary

Griffiths Planning acting on behalf of Gard Realty, has lodged an application with the City to amend the current Town Planning Scheme No. 7 ("TPS No. 7"). The proposal is to rezone a portion of Lot 14 (No. 7) Garvey Place from its current "Residential" (R15) zoning to "Mixed Business" zone.

The land proposed to be rezoned is a 246m² portion of the eastern side of the subject lot. The adjoining lot to the east is Lot 15 (No. 78) Spencer Street, the lot on which Gard Realty is currently situated (which is currently zoned "Mixed Business"). The proposed amendment seeks to adjust the boundary to create a larger mixed business development site.

The proposed rezoning is referred to Council for its consideration and determination.

Background

The lot the subject of the proposed rezoning is Lot 14 (No. 7) Garvey Place. A location plan of the subject lot is **attached** at Appendix 1 and an aerial photo is **attached** at Appendix 2.

Griffiths Planning was engaged by Gard Realty to progress a rezoning which reflects the landowner's intention to reposition the boundary between Lot 14 (No. 7) Garvey Place and Lot 15 (No. 78) Spencer Street. The landowner is requesting that the land be rezoned to provide the opportunity to increase the size of Lot 15 to provide a larger mixed business site.

In regards to the current land use, Lot 14 (No. 7) Garvey Place includes an existing dwelling and associated outbuildings. Lot 15 (No. 78) Spencer Street is currently developed as an office and is occupied by Gard Realty (see photo 1 **attached** at Appendix 3).

This proposal was initially listed on the agenda of the Council Committee meeting of 22 July 2008. However, the applicant requested that the item be withdrawn from that meeting. The applicant then submitted further information/justification to the City which has been duly considered.

A diagram of the proposed amendment to the Scheme map is **attached** at Appendix 4.

A subdivision concept plan was also submitted and is **attached** at Appendix 5. It reflects the future boundaries of the proposed lots. The main reason given by the applicant for the proposed boundary realignment and rezoning is that the expansion will facilitate an extension to the existing car park facilities on the Gard Realty site. The applicant argues that the initiative seeks to ensure that any parking requirements related to the land use are located onsite to reduce the level of on street parking in the vicinity and subsequently support the flow of traffic towards the busy intersection of Spencer Street and Beach Road.

The following section of the report will respond to the applicant's arguments. Relevant criteria will be used to consider the matter and will help Council in determining as to whether it will, or will not, support the proposed Scheme Amendment.

Residential Design Codes

The current land use of the subject site includes an existing dwelling and associated outbuildings. Since the site is zoned "Residential" with an R15 coding, the Residential Design Codes (R-Codes) apply. The R-Codes state that a minimum lot size of 580m² is applicable for R15 coded areas and minimum front and rear setbacks of 6m apply. The proposed boundary realignment and rezoning ensures that the resultant minimum lot size of Lot 14 (No. 7) Garvey Place would be 580m². The minimum setback requirements would also be maintained.

Land Use

As indicated earlier, the main justification given by the applicant for the proposed boundary realignment and rezoning is that the expansion will facilitate an extension to the existing car park facilities on the Gard Realty site. However, it is questioned why the extension to the car park is required. The City's Town Planning Scheme No. 7 (TPS No. 7) states that for an 'office' use, the parking requirements are 1 space for every 50m² gross floor area. The total floor area for the current office use on site is less than 400m². Therefore eight parking bays would be sufficient for the site and at present there are 9 parking bays already on site (part of the existing car park can be seen in photo 3 **attached** at Appendix 3). The proposed extension of the car park facilities for Gard Realty therefore seems unnecessary and the justification put forward by the applicant for the Scheme Amendment seems unfounded.

The applicant also argues that proposal seeks to ensure that any parking requirements related to the land use are located on site to reduce the level of on street parking in the vicinity and subsequently support the flow of traffic towards the busy intersection of Spencer Street and Beach Road. However, the justification again seems to be unfounded in that no street parking is presently allowed along Spencer Street near Gard Realty (see photo 4 showing part of Spencer Street near the front of Gard Realty - **attached** at Appendix 3).

Notwithstanding the above, there is also concern that the area proposed to be rezoned could, at a later stage, be subject to further development. Once the proposed area was rezoned (and even if it was initially used as car parking), there would be no reason why further development (e.g. showrooms or other permitted uses) could not take place on the site. If this was the case, the impact on the existing residences in Garvey Place could be dramatically increased due to the decrease in the distance between the potentially conflicting land uses.

By means of further information submitted to the City, the applicant has countered the above argument in regards to further development of the site by stating that it is not the landowner's intent to redevelop. The applicant has stated that, notwithstanding this fact, the City could implement any number of mechanisms in order to ensure that the impact of the proposed amendment and any subsequent development is minimised (e.g. a notification could be placed on the title to advise future landowners that the rear setback will be restricted to the current building line). However, even if this was to occur, any use of the area the subject of this Scheme Amendment proposal, whether it be through development or otherwise (traffic movement etc), would be more likely to impact on the adjoining residential area than if it remains as it is currently. Potential impacts of the proposal on the adjoining residential area are discussed further in the following section.

Strategic Planning

Under the current Town Planning Scheme, Lot 14 (No. 7) Garvey Place and Lot 15 (No. 78) Spencer Street are zoned "Residential" and "Mixed Business" respectively. The lots follow a pattern of the area generally in which the lots facing Spencer Street are zoned "Mixed Business" and the lots back (west) from this point are zoned "Residential". The residential area (Garvey Place in particular in this case) is a well established area with good amenity and character (a photo of the existing house at Lot 14 Garvey Place can be seen in photo 2 **attached** at Appendix 3). Therefore, currently there is a clear and defined boundary between well established residential zoned land and mixed business zoned land.

Development Services is of the opinion that the proposal is only likely to impact negatively on the area in general. If the proposed rezoning was initiated and adopted the mixed business zoned land would encroach into the existing residential area. The proposal creates another interface with the residential area and as a result there would be a possible increase in detrimental affect the commercial land use has on residential land in the area.

Further to this, there is concern that if the proposal was initiated and adopted it could possibly set a precedent which could compound the issue and further impact on the well established residential area. These potential issues should be avoided and the land uses and zonings should be maintained as they are currently.

Local Planning Policies

The applicant noted in the Scheme Amendment report that Lot 14 (No. 7) Garvey Place is within the area identified in the City's Local Planning Policy - Non Residential Development in or adjacent to Residential Areas. The lot is within a "frame" area identified in the Policy which indicates that non-residential uses may be considered in this residential area.

The applicant argues that the objectives of the Policy provides flexibility in the frame areas, recognising the transition of uses and flexibility considered appropriate in these areas. However the applicant also acknowledges that the Policy relates to non-residential uses defined under the Scheme as 'D' and 'A' (discretionary) uses within the residential zone. The relevant use in this case however is 'office' which is an 'X' (not permitted) use in the residential zone. Therefore although the applicant's argument can be seen to have some merit, in reality the Policy is not relevant in this particular case.

The applicant in the Scheme Amendment report also referred to the Local Planning Policy - Office Use Within the Mixed Business Zone. The applicant simply highlighted that the proposal accords with the Policy's intent. However, the applicant also acknowledged that the subject lot was outside of the Policy area and that there were no implications for the proposal.

Strategic and/or Regional Outcomes

The City's 2007-2012 Strategic Plan states that *"The City will ensure that it maintains a comprehensive and fully integrated planning system to meet community expectations."* The recommendation in this report aims to achieve that strategy.

Community Consultation

No community consultation was necessary in this instance. The Scheme does not require the proposal to be advertised.

Councillor/Officer Consultation

This matter has been discussed amongst both the Strategic and Statutory Planning staff.

Analysis of Financial and Budget Implications

The recommendation in this report will not impact on the existing Annual Budget nor are there any expenses associated with the proposal from a Council perspective.

Economic, Social, Environmental and Heritage Issues

There are no known environmental or economic implications regarding the proposal. The property is not listed in the City's Municipal Inventory. With regard to social implications, there are some potential issues which have been discussed throughout this report.

Council Policy Compliance

It is considered that the recommendation does not contravene any known operable Council administrative policy.

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

Delegation of authority is not applicable in this case.

Relevant Precedents

There are no known relevant precedents.

Options

Option 1

Refuse the request per the recommendation listed in this report.

Option 2

Should Council resolve to grant its support for the initiation of the proposed Scheme Amendment, a suggested format for such action is as follows:

"Council, under and by virtue of the powers conferred upon it under the Planning and Development Act 2005, hereby resolves to initiate a Scheme Amendment in respect of Lot 14 (No. 7) Garvey Place, Bunbury, to allow an amendment to the current Town Planning Scheme from the current designation "Residential" zone to "Mixed Business" zone."

Conclusion

Griffiths Planning has lodged an application with the City to amend the current Town Planning Scheme. Development Services is of the opinion that the proposal is only likely to impact negatively on the surrounding residential area since the mixed business zoned land would encroach into the existing well established residential area and may also set a precedent which could compound the issue. The main reasons and justification given by the applicant for the proposed boundary realignment and rezoning are unfounded.

Recommendation

Council, under and by virtue of the powers conferred upon it under the Planning and Development Act 2005, hereby resolves not to initiate an amendment to Town Planning Scheme No. 7 in respect of Lot 14 (No. 7) Garvey Place, Bunbury, that changes the zoning from "Residential" to "Mixed Business".

Outcome of the Council Committee Meeting - 2 September 2008

The following members of the public were invited to speak in relation to this issue:

Ken Bindon, Executor of Property at 8 Garvey Place, Bunbury

During his address, Mr Bindon raised the following points:

- Mr Bindon's elderly mother currently lives at 8 Garvey Place.
- Extending the car park behind 7 Garvey Place so that it runs along part of the side of 8 Garvey Place, will cause his mother problems due to the noise and the fact that the land level at No. 7 is higher than that at No. 8 and will allow people in the car park to see into his mother's back yard.
- Having a car park next door may be detrimental to the value of his property and/or make it harder to sell the property in the future.
- Mr Bindon complained that he was notified that the application by Gard Realty was to be dealt with at the meeting by the applicant himself - not the City. (Note: Later during the meeting it was acknowledged that the application is following a statutory process whereby should the Council decide to proceed with the Amendment, the City's officers will advertise the proposed Amendment and following the statutory submission period any community feedback received is brought back to Council before the Amendment is finalised).

Anne Pattenden, 4 Garvey Place, Bunbury

During her address, Ms Pattenden raised the following points:

- Garvey Place is a quiet residential enclave in which the street encircles a small park. It is located behind a commercial district fronting onto Spencer and Beach Roads. The residents want to maintain the family-friendly environment of Garvey Place and see the application by Gard Realty as the beginning of "the rot" i.e., large residential blocks to be gradually subdivided/rezoned and replaced with commercial and/or high-density residential buildings.
- Any increase in traffic in the street will be of concern to residents as currently, it is safe for their children to play in the park in the middle of Garvey Place.
- Ms Pattenden concurred with Mr Bindon's comments regarding lack of notification of the meeting.

Prior to the address by Ms Griffiths, there was some discussion of notification procedures to residents for Council and Committee Meetings at which planning issues are to be considered.

Janine Griffiths, Griffiths Planning (and Applicants Ron and Jason Gard - Gard Realty)

The following points were raised:

- Due to heavy traffic on Spencer Street and lack of easily accessible public parking nearby, Gard Realty's existing car park is the only place where its clients can park their vehicles and is also (increasingly) being used by the vehicles of customers of other businesses in close vicinity - this is despite signs stating that the parking area is for Gard Realty's customers only.
- The applicants are keen to talk with the neighbours to resolve any issues that are causing concern and look forward to the public consultation period of the Scheme Amendment process if the application progresses. The visual amenity from Garvey Place will not be altered as the existing fence will just be moved forward. Gard Realty is prepared to build a brick masonry wall at the appropriate height to ensure there are no privacy or amenity concerns and any drainage issues will be addressed once the car park design details are forwarded for planning approval.
- The proposal does not contravene any State planning or strategic policies or residential design codes, City Vision policies, Greater Bunbury Region Scheme or Town Planning requirements nor any Local Laws. There are no grounds (from a planning perspective) for the Council not to support the application.
- The proposal will not erode the character of the residential area behind Gard Realty's property. The interface of commercial properties backing onto residential properties is evident all along Spencer Street.

Option 2 (as printed in the meeting agenda) was moved Cr Slater, seconded Cr Jones, as follows:

"Council, under and by virtue of the powers conferred upon it under the Planning and Development Act 2005, hereby resolves to initiate a Scheme Amendment in respect of Lot 14 (No. 7) Garvey Place, Bunbury, to allow an amendment to the current Town Planning Scheme from the current designation "Residential" zone to "Mixed Business" zone."

Extensive discussion took place on this motion, some of the main points raised were:

- It was pointed out that the report contains a sentence that states: *"No community consultation was necessary in this instance. The Scheme does not require the proposal to be advertised."*
- Some of the residential blocks around Garvey Place have already been subject to subdivision and many homes in the street back onto commercial properties.

- On-site parking provided by Gard Realty is insufficient to meet demand. It cannot provide safe on-street parking for its clients and it would be unethical to instruct its clients to use the shoppers car park at the Bunbury Forum. The nearest public car park is off Rose Street - too far to ask clients to walk.
- In response to concerns about Mrs Bindon's privacy, the Manager of Development Services stated that the requirement for fencing to be to a height of 1.8 metres is prescribed under Local Law. However, the City can approve heights higher than this if the case warrants i.e., to protect the privacy/safety of a resident.
- The Executive Manager of City Development confirmed that it is not a statutory requirement for the proposal to be advertised but this does not preclude the City from advertising the proposal for community input.
- Due to concern at the level of public consultation on this issue, the Mayor requested that the City's officers notify all residents/property owners in Garvey Place of the rezoning proposal and invite them to the Council Meeting on 9 September 2008. He added that the residents/property owners will be given the opportunity to address the members of the Council before it debates this matter except for Mr Bindon and Ms Pattenden as they have already spoken.

At this point in proceedings, Cr Craddock moved the following as an amendment to the Motion. After some discussion, the Mayor requested that it be considered as a "foreshadowed motion":

- "1. *Replace the word 'initiate' with the word 'advertise'.*
2. *The following conditions for the proposed rezoning be advertised:*
 - a) *Walls high enough to ensure privacy are to be erected.*
 - b) *Access to the parking area must be via Spencer Street only.*
 - c) *A landscaping plan is required to soften the effect of the brick walls surrounding the parking area.*
3. *The advertising period to be for a period of 21 days and returned to Council."*

At this point, the Presiding Member put the motion moved Cr Slater, seconded Cr Jones (Option 2) to the vote and it was defeated 4 votes "for" to 9 votes "against".
--

Cr Craddock moved his foreshadowed motion, seconded Cr Steck.

During discussion, a procedural motion to have the matter "referred back to Committee" was moved Cr Slater, seconded Cr Jones. The motion was put to the vote and defeated 4 votes "for" to 9 votes "against".

Discussion concerning the motion moved by Cr Craddock, seconded Cr Steck continued and following some minor amendment, it was put to the vote and adopted to become the Committee's recommendation on this issue.

Committee Recommendation

In relation to a proposed amendment to Town Planning Scheme No. 7 to change zoning of Lot 14 (No. 7) Garvey Place, Bunbury, from "Residential" to "Mixed Business" - before considering whether to initiate the Scheme Amendment, the Council to advertise the fact that it has received the proposal and if it is to be favourably considered by the Council, it will be subject to:

- 1. Walls high enough to ensure privacy are to be erected.*
- 2. Access to the parking area must be via Spencer Street only.*
- 3. A landscaping plan is required to soften the effect of the brick walls surrounding the parking area.*
- 4. The advertising period to be for a period of 21 days.*

CARRIED

8 Votes "For" / 5 Votes "Against"

A request was made to record the vote:

For: Crs Craddock, Kelly, Punch, Whittle, Slater, Steck, Harrop and Spencer

Against: Mayor D Smith, and, Crs Jones, Major, Rooney and Leigh

11.2 GLEN IRIS-MOORLANDS LOCAL AREA PLAN: FIRST STAGE OF IMPLEMENTATION (SCHEME AMENDMENTS NOS. 26 AND 29) TO RATIONALISE ZONINGS AND ESTABLISH GATEWAY COMMERCIAL PRECINCT (WAS LISTED AS ITEM 11.5 IN THE MEETING AGENDA)

File Ref:	A03522
Applicant/Proponent:	Internal Report
Author:	Neville Dowling, Contract Planner and Thor Farnworth, Senior Town Planner (Strategic & Environment)
Executive:	Geoff Klem, Executive Manager City Development

NOTE: Due to time constraints, the full content of this item (and the recommendation) had to be circulated as a 'separate report' following release of the agenda on 28 August 2008. The separate report was made available to committee members and published on the City's website for public information on 29 August 2008.

Summary

The third phase of stakeholder and community engagement on the Local Area Plan (or "LAP") for the neighbourhood areas of Glen Iris, Moorlands and Nenke Way was completed in March 2008.

The *Glen Iris - Moorlands Local Area Plan: Study* document represents Part 1 of the local area planning project. Subsequent parts will take the form of a Local Planning Policy, Local Structure Plans and Schedule of Scheme Amendments, which are being compiled in accordance with the local area planning process.

The *Glen Iris - Moorlands Local Area Plan: Study* is being significantly revised following the outcomes of public advertising and subsequent investigations into the flooding issue, the location of new regional roads, the gazettal of the Greater Bunbury Region Scheme (or "GBRS") and a comprehensive review of shortfalls found in the previous *Glen Iris - Moorlands Local Area Plan: Study* document.

Although the LAP has not been finalised it has been recognised that there is an expectation to commence with the implementation of the LAP as soon as practicable. To facilitate the development of the local area based upon the work done to date, certain amendments to the City of Bunbury Town Planning Scheme No. 7 (or "TPS 7") may proceed without interfering with or prejudicing the LAP process. Consequently, it is proposed that two separate scheme amendments identified by the City's Project Control Group as desirably being achieved in the short-term, can proceed to initiation.

Scheme Amendment No. 26

This is an administrative change to reflect the fact that a significant portion of Glen Iris is currently included in “Development Zone – Residential” under the Scheme but has since been substantially developed for housing.

Scheme Amendment No. 29

This Scheme Amendment will permit establishment of a Commercial Gateway Precinct, enabling the land to be developed for general commercial uses that do not normally locate within commercial centres. The proposal is for the creation of a Special Use Zone due to the absence of a ‘commercial zone’, that prescribes land use and development controls for built form, urban design, car parking and landscaping.

Background

At its meeting on 6 September 2005, the Bunbury City Council resolved to prepare a revised plan for the Glen Iris and Moorlands Local Area (Council Decision No. 206/05). The principal reasons for the project were as follows:

- To amalgamate and integrate the three previous Council-endorsed Structure Plans (Picton Waters, Glen Iris and Moorlands) and update the Glen Iris infrastructure cost share arrangements into one plan
- To comply with outstanding requests from the WA Planning Commission (or "WAPC") and Main Roads WA (or "MRWA") for a revised version to incorporate the intended re-alignment of the South Western Highway
- To coordinate and integrate land use development patterns, urban design elements, infrastructure improvements and transportation networks within the designated neighbourhood area.

A planning exercise was undertaken by the consultancy Hassell between October 2005 and October 2007. After review by Council’s Strategic & Environmental Planning Team, the final version of Hassell’s draft planning study was presented to Council in December 2007.

At its meeting on 18 December 2007 (Council Decision No. 268/07) the Council resolved as follows:

“Council notes the 'Glen Iris – Moorlands Local Area Plan: Study’ and authorises its disclosure to the public for viewing and information purposes for the period concluding mid-February 2008.”

The Local Area Planning Project was progressed through three phases of consultation with stakeholders and residents, seeking to identify core matters and define their vision for the Glen Iris-Moorlands local area. Extensive community engagement was carried out at the end of each milestone, with the first phases occurring in November 2005 and then again in April 2007. The final phase occurred in March 2008. Full details of the community consultation, including consultant reports and the complete schedule of submissions received during the informal comment period, will be presented to Council along with the final draft of the *Glen Iris - Moorlands Local Area Plan: Study* proposed draft *Glen Iris - Moorlands Local Area Plan: Local Planning Policy* and revised draft *Glen Iris Structure Plan*, for its consideration to formally advertise.

During the intervening period, final editing of the *Glen Iris - Moorlands Local Area Plan: Study* is being undertaken as a consequence of its extensive revision due to the implications of the following:

- The outcomes of all three phases of community engagement but with particular emphasis on the written submissions made during the third phase of engagement in March 2008.
- Further investigation into the flood management issues affecting the local area, in particular the apparent need to provide for a 1 in 500 year flood event protection for the rest of Bunbury within the Preston River Floodway.
- Direction by the WAPC, on behalf of MRWA, to provide for the reservation of land for the South Western Highway Duplication Route and the Port Access Road.
- Implications of the GBRS gazetted in November 2007.
- Implementation of Liveable Neighbourhoods (October 2007) adopted by the WAPC as a policy as part of the State Planning Framework. This will be followed in the design and assessment of structure plans and subdivision for new urban areas, on greenfield and for the redevelopment of large brownfield and urban infill sites. In general, Liveable Neighbourhoods replaces the current WAPC Development Control policies.
- A review of earlier environmental reports regarding the quality and significance of remanent vegetation and wetlands in the eastern portion of Glen Iris.
- Clarification of the Aboriginal and post colonial settlement cultural heritage values, particularly with respect to the extent of the area of influence on Aboriginal heritage sites within the vicinity of the Preston River and Glen Iris wetlands.
- Clarification of the buffer distance requirements around the DBC Abattoir and a revaluation of the appropriate land uses within the buffer area.

- Redefining of the various Local Structure Plan areas that are to be defined within the LAP study area.
- The correction of a number of shortfalls, errors and anomalies discovered in the 2007 draft of the *Glen Iris - Moorlands Local Area Plan: Study*. These shortfalls led to an extensive revision of the final draft of the document.
- Inclusion of a section relating to the presence of acid sulphate soils within the LAP study area.
- Updating of figures, mapping and plans in accordance with the above points.

Proposal

General Outline

With the finalisation of the *Glen Iris - Moorlands Local Area Plan: Study* nearing completion, it is considered that the draft Study document nevertheless provides sufficient guidance to inform the preparation of subsequent statutory planning instruments and the consideration of scheme amendment proposals that have been generated by either the City or private landowners where there are no land use conflicts, constraints or outstanding issues for resolution. As such, it has been recognised that certain scheme amendments to TPS 7 can proceed as leading implementation initiatives without interfering with or prejudicing the LAP process or desired outcomes. Consequently, it is proposed that two separate scheme amendments identified by the City's Project Control Group as desirably being achieved in the short-term, should proceed to initiation.

The identified short term amendments simply reflect the subdivision and development that exists, and which has been approved and/or is under construction. The short term amendments would apply to areas where the land will not be affected by future structure planning decisions and can be safely processed before the finalisation of the LAP and other local structure plans. Short term amendments should expect to be finalised within a one to five year timeframe, as it is unlikely that the identified issues to date are of such critical nature that would undermine the proposed land use planning solutions. These areas mainly relate to the established areas of Vittoria Heights, the area around the Shell Gateway Roadhouse, established parts of Glen Iris and established and developing parts of Picton Waters.

Leading Implementation Initiatives

Scheme Amendment No. 26 - Rationalisation of Zonings in Glen Iris

The first set of short term amendments includes Scheme Amendment No. 26 (refer to the report provided to members under separate cover) which is presented to Council for its consideration to initiate as a priority in order to facilitate the completion of residential development committed to under previous iterations of the Glen Iris Structure Plan and Picton Waters Structure Plan.

Scheme Amendment No. 26 is an administrative change to reflect the fact that a significant portion of Glen Iris is currently included in “Development Zone – Residential” under the Scheme, but which has since either been substantially developed for housing or has subdivisional approval.

Therefore, the objective of this amendment is to rationalise zonings in Glen Iris whereby land uses are rezoned or reserved to reflect their existing and/or intended purpose. An example of this are the large areas of residential land in Vittoria Heights which is zoned “Development Zone – Residential”, yet has been developed in accordance with the Residential Zone to a residential density equivalent to the R20 R-Code. Alternatively, land obtained as development contributions for public open space (roads and parkland) have also been developed as such, and require their status to be accurately reflected in the Scheme. An example of intended purpose is where the land is either being developed or soon will be developed and all the relevant approvals are in place, such as in the later stages of Picton Waters.

Scheme Amendment No. 29 – Creation of Commercial Gateway Special Use Zone

Scheme Amendment No. 29 (refer to the report circulated to members under separate cover) is to permit the establishment of a “Commercial Gateway Precinct”, which will enable the land to be developed for general commercial uses that do not normally locate within commercial centres. The proposal is for the creation of a Special Use Zone due to the absence of a ‘commercial zone’ under the Scheme, that prescribes land use and development controls for built form, urban design, car parking and landscaping.

Whilst the creation of ad hoc Special Use Zones is not generally desirable, until such time as the Scheme incorporates a standardised non-centre based commercial and mixed use type of zoning, it is proposed to create Special Use Zone No. 51 rather than including the land within the “Mixed Business Zone”. This approach has the principal benefits of:

- a) enabling more specific development controls to be applied, and;
- b) eliminating those uses that are permitted within the “Mixed Business Zone” that are undesirable in this high profile location (i.e., Light & Service Industry; Motor Vehicle, Boat or Caravan Sales, and; Trade Display).

The proposed land uses within this Precinct should therefore be complementary to but not compete with, the proposed Neighbourhood Centre at the intersection of Vittoria and Jeffrey Roads. Also, land uses that fall within the categories of industry, trade display, warehousing and sale yards will be discouraged within the Commercial Gateway Precinct.

The inclusion of a use class not listed under the Scheme has been made for "Produce Market", which has been defined within the proposed Scheme Amendment text as: *'The land use definition of a "Produce Market" means premises used for the storage, processing and sale (by wholesale and/or retail) of domestic fresh produce including the predominant lines of fruit, fresh and processed vegetables, and which may include the incidental sale of other items such as flowers, bread, meat, smallgoods, dairy products, bulk food goods, continental foods and fish. The use does not include a "shop" or "supermarket", and has a maximum total floor area which does not exceed 3,000 square metres net lettable area.'*

The inclusion of a Produce Market land use within Lot 1 Vittoria Road has been made to facilitate the operation of the Bunbury Farmers Market business in response to submissions received on the draft *Glen Iris - Moorlands Local Area Plan: Study* during its informal public comment period. This site is currently occupied by Waldecks Garden Centre. The Produce Market use is primarily intended to cater for the sale of local fresh produce. Development controls in regard to allowable floor space, parking, vehicular access, built form, landscaping and visual amenity will be provided by the requirement for an approved Detailed Area Plan (or "DAP") prior to any development taking place on the site.

Future Implementation Initiatives

The ultimate adoption by Council and endorsement by the WAPC of the *Glen Iris - Moorlands Local Area Plan: Study* and related *Local Planning Policy* will still be required in order to permit finalisation of the structure plans and remaining scheme amendments. The preparation of the outstanding structure plans will be predominantly the responsibility of landowners, and will be contingent upon State agency support with respect to the timing of their final adoption by Council and endorsement by the WAPC.

Strategic and/or Regional Outcomes

The Local Area Planning Project is considered consistent with the aims and goals of Council's 2007–2012 Strategic Plan and the objectives and recommendations of the City Vision Strategy (2007).

Community Consultation

The proposed amendment will be advertised as required by the Planning and Development Act 2005. Nevertheless extensive community consultation (in three phases) has already occurred in relation to the forthcoming Local Area Plan. The two amendment proposals being the subject of this report are components of the previously advertised draft *Glen Iris – Moorlands Local Area Plan: Study* (November 2007).

In addition to the initial community engagement process, the LAP project has involved two agency workshops, agency staff interviews and over 10 meetings of the City's Project Control Group. Also, advertisements were placed in two of the local newspapers with submissions sought up until 14 February 2008 (but extended to the end of March).

A schedule of submissions (total of three) that relate to the subject land for the proposed Scheme Amendment No. 29, which was collated from the third phase of public advertising of the draft *Glen Iris – Moorlands Local Area Plan: Study* is included in the report that has been circulated to members under separate cover. Of the submissions received there were no objections relating to either proposal, with two submissions in support of the Commercial Gateway Precinct

Councillor/Officer Consultation

Along with State agency representatives, the Mayor and Councillors (two representatives) and the Executive Manager City Development were integral to the Project Control Group. Council briefing sessions on this subject took place in February and March 2006 and then again in December 2007.

The Local Area Planning Project has also extensively involved both the strategic and statutory planning staff of City Development. A site visit involving all planning staff was carried out on 19 June 2008. The site visit involved touring the areas which presented the main issues for the compilation of the LAP. These included:

- the location of the South Western Highway and Port Access Road;
- the DBC abattoir and its environs;
- the future Neighbourhood Centre and Commercial Gateway Precinct sites;
- the residential development fronts in Glen Iris
- established residential areas of Vittoria Heights;
- new residential areas under construction in Picton Waters;
- remnant bushland south of Vittoria Heights; and
- wetland areas on the fringe of the Picton Waters residential area north west of the DBC abattoir.

Analysis of Financial and Budget Implications

The present Cost-Share Arrangement for infrastructure, whilst investigated as part of the overall LAP Project, is not expected to be affected by either of the proposed Scheme Amendments 26 and 29 beyond what is presently incumbent upon the Local Government to provide.

Subject to the specification and satisfaction of the City, subdividers/developers are required to construct or contribute towards the following items at their expense as a normal condition of land subdivision and development:

- all lots with frontage to a constructed and drained subdivisional road that is connected to the local road system;
- land being filled, drained and connected to the City's storm water drainage system;
- all lots with connection to the reticulated water and waste water system;
- contribution towards shared local drainage infrastructure where required;
- contribution towards traffic calming measures (e.g. round-a-bouts);
- contribution towards dual-use paths and footpaths.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The creation of additional residential and commercial land use activities, where in accordance with the draft LAP, can reasonably be expected to promote a positive net economic outcome for the local area and the City. This expectation is based upon the increased investment and provision of local employment opportunities concomitant to the resulting population growth.

Social Issues

The further development of Glen Iris, where in accordance with the LAP, can reasonably be expected to have a neutral or positive social outcome for the local community as it relates to the amenity and liveability of the local area. It must be noted that the provision of certain community oriented services and infrastructure (i.e. in relation to recreation, transport, education and health) are largely beyond the scope of the LAP and the responsibility/resources of the Local Government; and as such, are dependant upon both public and private sector investment locally and regionally to support the resulting population growth.

Environmental Issues

There are no environmental issues relating to the proposed scheme amendments.

Heritage Issues

There are no heritage issues relating to the proposed scheme amendments.

Legislative and Council Policy Compliance

Proposals to amend a Local Planning Scheme are required to be undertaken in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967. The proposed Scheme Amendments 26 and 29, should they be initiated by Council, will be referred to the Environmental Protection Authority (or "EPA") for environmental review and consideration during any formal public advertising period.

Delegation of Authority

There is no relevant delegation of authority in respect of these proposals.

Relevant Precedents

The integrated local area planning approach is a nationally accepted practice for neighbourhood and suburb scale planning exercises like the Glen Iris - Moorlands project, and as such, the methodology behind the project is detailed in the Australian Local Government Association's *A Guide to Integrated Local Area Planning, Australian Local Government Association (1993)*.

The statutory components of the project include the proposed local structure plans and scheme amendments, which are regulated under the heads of power conferred by the City of Bunbury Town Planning Scheme No. 7 and the Planning and Development Act 2005.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council to withhold initiation of Scheme Amendments Nos. 26 and 29 to the City of Bunbury Town Planning Scheme No. 7 until such time as it has adopted the forthcoming *Glen Iris - Moorlands Local Area Plan: Local Planning Policy* and the *Glen Iris Structure Plan*.

Conclusion

Major regional issues outside the control of the City of Bunbury's administration and hence, the scope of the LAP project, have been a persistent barrier to finalisation of structure planning for the Glen Iris - Moorlands local area. These issues include but are not limited to:

- the filling of land within the Preston River Floodplain and the future of the Glen Iris Relief Floodway (Department for Planning and Infrastructure and Department of Water);
- the proposed South Western Highway duplication in Picton (Department for Planning and Infrastructure and Main Roads Western Australia);
- the proposed grade separation of the Eelup Rotary (Department for Planning and Infrastructure and Main Roads Western Australia) and implications for Robertson Drive, Australind Bypass (in particular the Preston River Bridge);
- the implications of the Bunbury Port's expansion in line with the draft Inner Harbour Structure Plan (Department for Planning and Infrastructure, Main Roads Western Australia and Department of Environment and Conservation).

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Scheme Amendments 26 and 29 are not deleteriously affected by the abovementioned issues, and are therefore not considered to present any significant risks. Consequently, it is considered prudent to initiate the amendments to the Scheme in order to enable the remaining residential areas and the Commercial Gateway Precinct to proceed to completion in the short term.

Recommendation

1. Pursuant to section 75 of the Planning and Development Act 2005, the Bunbury City Council resolves to initiate Scheme Amendment No. 26 to the City of Bunbury Town Planning Scheme No. 7.
2. Pursuant to section 75 of the Planning and Development Act 2005, the Bunbury City Council resolves to initiate Scheme Amendment No. 29 to the City of Bunbury Town Planning Scheme No. 7.

Outcome of the Council Committee Meeting - 2 September 2008

Members of the public were invited to speak in relation to this issue.

Mr Stuart Thompson, TME (representing the Farmers' Market) indicated that his client strongly supports the proposal for the Gateway Commercial Precinct in Glen Iris as it has encountered many problems finding premises in Bunbury that meet the requirements of the City's Town Planning Scheme. The Farmers' Market intends to establish a fruit and vegetable market in the new precinct.

Glen Iris land owner, Mr Ralph Sherwood, declined the opportunity to speak.

Committee members questioned the Executive Manager of City Development on various matters contained within the documentation provided following which the recommendation (as printed) was moved Cr Slater, seconded Cr Major and adopted to become the Committee's recommendation on this issue.

Committee Recommendation

1. *Pursuant to section 75 of the Planning and Development Act 2005, the Bunbury City Council resolves to initiate Scheme Amendment No. 26 to the City of Bunbury Town Planning Scheme No. 7.*
2. *Pursuant to section 75 of the Planning and Development Act 2005, the Bunbury City Council resolves to initiate Scheme Amendment No. 29 to the City of Bunbury Town Planning Scheme No. 7.*

CARRIED

13 Votes "For" / Nil Votes "Against"

11.3 PROPOSED APPOINTMENT TO CITY PROMOTIONS COMMITTEE *(WAS LISTED AS ITEM 11.2 IN THE MEETING AGENDA)*

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

Summary

It is proposed to appoint Sonya Dye as a 'Community Representative' on the City Promotions Committee. An extract from the City's Committee Book showing the committee's Terms of Reference is **attached** at Appendix 6.

Background

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

Committee Members (voting):

- Deputy Mayor – Councillor Stephen Craddock
- Councillor Michelle Steck
- Councillor Noel Whittle
- Greg Trevaskis, City of Bunbury CEO
- Dom Marzano, Executive Manager City Life
- Jo O’dea - Community Representative

Ex-officio Members (non-voting):

- City of Bunbury Marketing Officer
- Bunbury Visitor Centre Coordinator
- Bunbury Chamber of Commerce & Industries CEO
- Bunbury Regional Entertainment Centre

The committee members are supported by the following City Life staff members: Jackie Massey, Manager Economic & Social Development; Michael Fraser, Events Officer, and; Del Ambrosius, Communications Officer.

Ms Dye has been considered to join the committee as she will bring an extensive range of experience to the committee.

Strategic and/or Regional Outcomes

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

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

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

Community Consultation

No community consultation has been undertaken concerning this proposal

Councillor/Officer Consultation

The members of the City Promotions Committee unanimously support the nomination

Analysis of Financial and Budget Implications

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

Economic, Social, Environmental and Heritage Issues

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

Council Policy Compliance

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

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

Legislative Compliance

Section 5.9(2) of the Local Government Act 1995 indicates that an advisory committee of the Council may comprise council members only, officers only, community members only or a combination of any of these.

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

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

Delegation of Authority

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

Relevant Precedents

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

Options

Option 1

Per the recommendation as listed in this report.

Option 2

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

Option 3

Sonya Dye not be appointed to the City Promotions Committee.

Recommendation

Ms Sonya Dye be appointed as a 'Community Representative' on the City Promotions Committee - tenure of membership to expire on Council Election Day in October 2009 in accordance with Section 5.11 of the Local Government Act 1995.

Outcome of the Council Committee Meeting - 2 September 2008

The Executive Manager of City Life advised as follows:

- The report and recommendation incorrectly refers to Ms Dye's appointment as a community representative when in fact, she will be appointed to the committee as an 'ex-officio' member (no voting rights) similar to the marketing and promotional heads of other facilities i.e., Bunbury Visitor Centre, BCCI and Bunbury Regional Entertainment Centre.
- It was confirmed that the Bunbury Regional Art Galleries complex is being invited to join as it often holds events in tandem with the City or as part of other events or festivals in the region in which the City's marketing officers are involved.

The recommendation (as printed and amended to remove reference to 'Community Representative') was moved Cr Slater, seconded Cr Craddock and adopted to become the Committee's recommendation on this issue.

[Note: Cr Major had left the meeting at 8.50pm during debate of this item and was absent for the vote.]

Committee Recommendation

Ms Sonya Dye be appointed as an 'Ex-officio Member' representing the Bunbury Regional Art Galleries Complex on the City Promotions Committee (no voting rights) - tenure of membership to expire on Council Election Day in October 2009 in accordance with Section 5.11 of the Local Government Act 1995.

CARRIED

12 Votes "For" / Nil Votes "Against"

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

11.4 BUNBURY AIRPORT - NEW (AND ASSIGNMENT OF) LEASES FOR HANGAR SITES NOS. 20, 26, 49 AND 50 TO VARIOUS PARTIES, AND, GRANT OF SUB-LEASE OVER SITE 28A (WAS LISTED AS ITEM 11.3 IN THE MEETING AGENDA)

File Ref:	F00080
Applicant/Proponent:	Site 20: Blair Howe (Southern Aviation Pty Ltd t/as Bunbury Flying School) Site 26: Michael Donald Fletcher, Terence Andrew Doe, Leslie John Doe and Blair Howe Site 28A: Blair Howe (Southern Aviation Pty Ltd t/as Bunbury Flying School) Site 49: Blair Howe (Southern Aviation Pty Ltd t/as Bunbury Flying School) Site 50: Nicole Grigo (on behalf of ERG Electrics Pty Ltd)
Author:	Nigel Archibald, Airport Reporting Officer and John Beaton, Manager Administration & Property Services
Executive:	Michael Scott, Executive Manager City Services

Summary

The following are details of applications for new (and assignment of) leases and a sub-lease at the Bunbury Airport. All leases at the airport expire on 30 June 2011 pursuant to the Bunbury Airport Strategic Directions Plan 2000-2010:

1. Hangar Site No. 20 (Assignment of Lease) - The Lessee, Blair Howe (Southern Aviation Pty Ltd t/as Bunbury Flying School) wishes to assign the lease over Bunbury Airport Site No. 20 to Michael Allan Doyle and Cherie Anne Doyle t/as Doyson Pty Ltd. The site is currently sub-leased to Peter John Snook and Sandra Lynn Snook (t/as Aeronautique Australia) and they have no objection to the proposed assignment subject to their being granted a sub-lease over Site No. 28A which is also leased by Blair Howe.
2. Hangar Site No. 26 (Assignment of Lease) - The Lessees - Michael Donald Fletcher, Terence Andrew Doe, Leslie John Doe and Blair Howe - wish to assign the lease in the name of Michael Donald Fletcher, Robert Esplen Main, Gregory John Kuipers and Colin Dinis.
3. Hangar Site No. 28A (Sub-Lease) - As a condition of the proposed assignment of Site No. 20 the Lessee (Blair Howe of Southern Aviation Pty Ltd t/as Bunbury Flying School) wishes to sub-lease a portion of the combined lease area of Site 28A, 28B and 28C to Peter John Snook and Sandra Lynn Snook (t/as Aeronautique Australia).

4. Hangar Site No. 49 (New Lease)

Blair Howe (Southern Aviation Pty Ltd t/as Bunbury Flying School) seeks Council's consideration to lease Bunbury Airport Site No. 49 for the storage of aircraft for a term commencing 1 September 2008 with an option to renew for a further five (5) years following the common expiry date of 30 June 2011. As the site is located in the recently completed extended hangar area at the airport, the Lessee will be required to contribute to headworks at a rate of \$12.00 per square metre.

5. Hangar Site No. 50 (New Lease)

Ms Nicole Grigo has made application on behalf of Gelorup-based business ERG Electrics Pty Ltd (ABN 52 102 846 935), to lease Bunbury Airport Site No. 50 for the storage of aircraft for a term commencing 1 October 2008 with an option to renew for a further five (5) years following the common expiry date of 30 June 2011. As the site is located in the recently completed extended hangar area at the airport, ERG will be required to contribute to headworks at a rate of \$12.00 per square metre.

A plan of the airport showing the location of the various lease sites, is **attached** at Appendix 7 and a Confidential Report providing the names of company directors has been circulated to Council Members under separate cover.

Background

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

The terms and conditions of all existing leases at the Bunbury Airport have been determined in accordance with the *Bunbury Airport Strategic Plan Directions 2000–2010* which requires the leases to have corresponding expiry dates, terms and conditions.

Lease Details

Details of current and proposed leases and sub-lease details are contained in the schedule **attached** at Appendix 8.

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

Strategic and/or Regional Outcomes

Strategic Outcomes

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

The proposal also complies with the *Bunbury Airport Structure Plan 2008* that was adopted at the Council Meeting on 19 August 2008.

Regional Outcomes

The proposal provides opportunities to interested persons from the Greater Bunbury Region to lease and/or use the Bunbury Airport.

Bunbury Airport - Operational and Strategic Directions

Development and future direction at the airport is specified within the *Bunbury Airport Structure Plan* and leasing at the airport is guided by the *Bunbury Airport Strategic Directions Plan 2000-2010*.

Community Consultation

Public notice of the intention to assign leases and grant new leases and a sub-lease at the airport will be advertised pursuant to Section 3.58 of the Local Government Act 1995 with a public submission period of fourteen (14) days.

Councillor/Officer Consultation

Council officers have held discussions with the applicants who are fully aware of (and have mutually agreed to) the terms and conditions of leasing at the Bunbury Airport.

Analysis of Financial and Budget Implications

Lease fees for the Bunbury Airport were adopted at the Council Meeting held 5 August 2008 and are increased annually in line with Council's *Commercial and Industrial Rate* throughout the term.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The use of aircraft provides economic benefits to suppliers and businesses in Bunbury.

Social Issues

The airport provides joint facilities for aviation enthusiasts to meet with like-minded individuals.

Environmental Issues

The numerous applications in this report do not conflict with the “Bunbury Airport Location Analysis Study City of Bunbury” compiled by Connell Wagner Pty Ltd in April 2004; and lease of hangars at the airport is in keeping with the amenity of the area.

Heritage Issues

There are no known heritage issues relative to the various proposals.

Council Policy Compliance

There is no Council Planning or Administrative Policy concerning leasing arrangements at the airport. However, at its meeting on 19 August 2008 the Council adopted the *Bunbury Airport Structure Plan 2008* which governs the process and future direction of development at the airport. All leases at the airport contain a common expiry date and conditions in line with the *Bunbury Airport Strategic Directions Plan 2000–2010*.

Legislative Compliance

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

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

Delegation of Authority

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

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

Relevant Precedents

Council leases many hangar sites at the Bunbury Airport and regularly considers requests for new and assigned leases due to the growing and shifting demand for aircraft hangars within the local community.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council may elect not to support the recommendation (either whole or in part) as listed in this report - to be specified at the meeting.

Conclusion

It is proposed that Council enter into a number of new leases, a sub-lease and assignment of leases at the Bunbury Airport. Leasing arrangements at the airport are constantly changing in line with community demand and the new leasing arrangements specified in this report meet with the following objectives.

- The City will meet its responsibilities for the management, care and control of Reserve 27686, Lot 455 South Western Highway, Bunbury for the benefit of the local community as an airport and aerodrome.
- All leases at the airport are required to have common terms, conditions and expiry dates as required under the *Bunbury Airport Strategic Directions Plan 2000-2010*. These terms and conditions were mutually agreed to by the City's Executive, airport stakeholders and the Council when the plan was adopted in December 2000.
- The leasing proposals meet the criteria in the *Airport Structure Plan* adopted by Council at its meeting on 19 August 2008.

Recommendation

PART 1

Council agrees to grant the following assignments of lease, new leases and a sub-lease at the Bunbury Airport on Reserve 27686, Lot 455 South Western Highway, Bunbury, subject to the terms and conditions as specified in the report to Council (and the Schedule thereto) and part 2. below:

1. Hangar Site No. 20 (Assignment of Lease) - The Lessee, Blair Howe (Southern Aviation Pty Ltd t/as Bunbury Flying School) to assign the lease over the site to Michael Allan Doyle and Cherie Anne Doyle t/as Doyson Pty Ltd.
2. Hangar Site No. 26 (Assignment of Lease) - The Lessees - Michael Donald Fletcher, Terence Andrew Doe, Leslie John Doe and Blair Howe - to assign the lease in the name of Michael Donald Fletcher, Robert Esplen Main, Gregory John Kuipers and Colin Dinis.
3. Hangar Site No. 28A (Sub-Lease) - The Lessee, Blair Howe (Southern Aviation Pty Ltd t/as Bunbury Flying School) to sub-lease a portion of the combined lease area of Sites 28A, 28B and 28C to Peter John Snook and Sandra Lynn Snook (t/as Aeronautique Australia).
4. Hangar Site No. 49 (New Lease) - Blair Howe of Southern Aviation Pty Ltd (t/as Bunbury Flying School) to lease Bunbury Airport Site No. 49 for the storage of aircraft for a term commencing 1 September 2008 with an option to renew for a further five (5) years following the common expiry date of 30 June 2011.
5. Hangar Site No. 50 (New Lease) - ERG Electrics Pty Ltd (ABN 52 102 846 935) to lease Bunbury Airport Site No. 50 for the storage of aircraft for a term commencing 1 October 2008 with an option to renew for a further five (5) years following the common expiry date of 30 June 2011.

PART 2

1. The terms and conditions of all leases at the Bunbury Airport are to comply with the *Bunbury Airport Strategic Plan Directions 2000–2010* adopted by Council in December 2000. All leases are to have a common expiry date of 30 June 2011.
2. Public notice of the intention to assign, lease and sub-lease at the Bunbury Airport will be provided pursuant to Section 3.58 of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration Centre and Libraries; and a notice published in the "City Update" column of the Bunbury Mail Newspaper.

3. Subject to no objecting submissions being received, the Chief Executive Officer is authorised to proceed with preparation (and subsequent signing) of lease documentation.
4. The Minister for Lands to endorse all lease documentation for the Bunbury Airport.
5. All costs associated with the leasing proposals at the Bunbury Airport are the responsibility of the applicants.

Outcome of the Council Committee Meeting - 2 September 2008

Cr Major had left the meeting during discussion of a previous item and returned to the meeting at 8.55pm (he was present for the vote on this matter).

Cr Leigh disclosed a financial interest as he has had business dealings with one of the applicants. He left the meeting at 8.51pm for the duration of discussion and the vote on this issue.

The recommendation was moved Cr Slater, seconded Cr Spencer.

Following an explanation of the term "Headworks" by the Executive Manager of City Services, the Presiding Member put the motion to the vote and it was adopted to become the Committee's recommendation on this issue.

Committee Recommendation

PART 1

Council agrees to grant the following assignments of lease, new leases and a sub-lease at the Bunbury Airport on Reserve 27686, Lot 455 South Western Highway, Bunbury, subject to the terms and conditions as specified in the report to Council (and the Schedule thereto) and part 2. below:

1. **Hangar Site No. 20 (Assignment of Lease)** - *The Lessee, Blair Howe (Southern Aviation Pty Ltd t/as Bunbury Flying School) to assign the lease over the site to Michael Allan Doyle and Cherie Anne Doyle t/as Doyson Pty Ltd.*
2. **Hangar Site No. 26 (Assignment of Lease)** - *The Lessees - Michael Donald Fletcher, Terence Andrew Doe, Leslie John Doe and Blair Howe - to assign the lease in the name of Michael Donald Fletcher, Robert Esplen Main, Gregory John Kuipers and Colin Dinis.*
3. **Hangar Site No. 28A (Sub-Lease)** - *The Lessee, Blair Howe (Southern Aviation Pty Ltd t/as Bunbury Flying School) to sub-lease a portion of the combined lease area of Sites 28A, 28B and 28C to Peter John Snook and Sandra Lynn Snook (t/as Aeronautique Australia).*

4. ***Hangar Site No. 49 (New Lease) - Blair Howe of Southern Aviation Pty Ltd (t/as Bunbury Flying School) to lease Bunbury Airport Site No. 49 for the storage of aircraft for a term commencing 1 September 2008 with an option to renew for a further five (5) years following the common expiry date of 30 June 2011.***
5. ***Hangar Site No. 50 (New Lease) - ERG Electrics Pty Ltd (ABN 52 102 846 935) to lease Bunbury Airport Site No. 50 for the storage of aircraft for a term commencing 1 October 2008 with an option to renew for a further five (5) years following the common expiry date of 30 June 2011.***

PART 2

1. ***The terms and conditions of all leases at the Bunbury Airport are to comply with the Bunbury Airport Strategic Plan Directions 2000–2010 adopted by Council in December 2000. All leases are to have a common expiry date of 30 June 2011.***
2. ***Public notice of the intention to assign, lease and sub-lease at the Bunbury Airport will be provided pursuant to Section 3.58 of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration Centre and Libraries; and a notice published in the "City Update" column of the Bunbury Mail Newspaper.***
3. ***Subject to no objecting submissions being received, the Chief Executive Officer is authorised to proceed with preparation (and subsequent signing) of lease documentation.***
4. ***The Minister for Lands to endorse all lease documentation for the Bunbury Airport.***
5. ***All costs associated with the leasing proposals at the Bunbury Airport are the responsibility of the applicants.***

CARRIED

12 Votes "For" / Nil Votes "Against"

Cr Leigh returned to the meeting at 8.56pm.

11.5 APEX CLUB OF BUNBURY KOOMBANA INC. - APPLICATION TO LEASE THE PICTON AGRICULTURAL HALL ON CROWN RESERVE 14588, NO. 246 SOUTH WESTERN HIGHWAY, PICTON *(WAS LISTED AS ITEM 11.4 IN THE MEETING AGENDA)*

File Ref:	P07666
Applicant/Proponent:	Bunbury/Koombana Apex Club (a Division of Apex Australia Inc.)
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

The Apex Club of Bunbury Koombana Inc. has applied to lease the Picton Agricultural Hall situated on Crown Reserve 14588 at 246 South Western Highway, Bunbury for a five (5) year term with an option to renew for a further (5) years - a location/site map and images are **attached** at Appendix 9.

Representatives from the Club have accompanied Council Officers to inspect the premises on a number of occasions and are fully aware of the extensive renovations required before the premises will be of a standard suitable to lease. The Club has indicated that as some of its members are qualified tradesmen, it is in a position to provide assistance "in kind" with the renovations required. As the building is designated for use as a community hall, the applicant has agreed to joint-use and is prepared to forward any future applications for sub-lease or licence of the premises to Council for consideration.

Background

History

Circa 1913, the Picton Agricultural Hall and surrounding land was subdivided from Lot 10 Picton Road (now the South Western Highway) and transferred into the ownership of the Crown by its then joint owners George Forrest, Herbert William Coplestone and William Wallrodt. The land transfer was undertaken on the basis that the hall would be used for the benefit of the community as a "Public Agricultural Hall".

The State subsequently vested the management, care and control of the land/hall with the City of Bunbury in 1969 for the purpose of an "Agricultural Hall" with the power to lease for any term not exceeding 21 years - the land is identified as Crown Reserve 14588 (Crown File Ref. 10881/12).

Between 1970 and 2006 the City leased the Picton Agricultural Hall to the Bunbury Pigeon Racing Club. The Club did not renew its lease owing to a rapid decline in membership that had forced its remaining members to re-assess the Club's financial commitments and make alternative tenancy arrangements.

Since 2006, the City has applied to the Department for Planning and Infrastructure (State Lands) to amend the vested purpose of the building to "Community Purposes" to allow for broader use of the hall. This request was granted in a letter to the City dated 26 June 2008.

The Applicant

The applicant (Apex Club of Bunbury Koombana Inc.) currently has no fixed meeting place. The prospect of having a secure tenure over a meeting venue will assist the Club in enticing new members, hold fundraising events and fulfil its ideal of helping to building better communities.

The Club has been active in Bunbury since 1935 and currently has 9 active members, 4 prospective members and 67 life members - the highest level of membership the Club has seen for 15 years. In its application, the Club states that: *"In our membership we are lucky to have 2 professional handymen with extensive building experience, 1 electrician and 1 of our members owns a bobcat and truck. We have all vowed to give whatever time and energy is required to re-fit/re-vamp the Picton Hall. Apart from our current membership, our list of life members includes a licensed electrical contractor and a couple of the highest regarded builders in Bunbury. While they have not committed to help "hands-on" they have offered to assist where they can."* The application goes on to state that those Life Members that have been approached are enthusiastic about the project. (Note: The Club understands that any building or renovation work to be undertaken at the Picton Hall will be under the guidance and supervision of the City's Manager of Building Construction and Maintenance).

The Apex Club of Bunbury Koombana Inc. is currently coordinating the following State projects:

1. Fundraising to send a terminally ill child on a dream holiday.
2. Lobbying the State/Federal Government with an *"Educate Not Legislate"* campaign.

In addition to its State responsibilities, the Club undertakes a large amount of local community service work i.e., handyman and gardening jobs for pensioners and seniors.

If successful with its lease application, the Club intends to utilise the Picton Hall for meetings and fundraising events.

Scope of Works

The hall has been empty for almost 2 years and is in need of repairs and upgrade of facilities to meet with current Australian Standards before it is fit for community use - refer to the *Scope of Works* listed below. Officers from the City's Health, Building and Construction/Maintenance Divisions have inspected the premises and prepared a *Scope of Works*. It is estimated the cost of the works will total \$20,000 with the City's Building Construction & Maintenance Division to provide \$15,000 to upgrade the electrics, plumbing

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and public conveniences. As indicated previously, a number of members of the Apex Club of Bunbury Koombana are qualified tradesmen and have confirmed that they would be prepared to complete the kitchen renovations and generally tidy-up the building inside and out (including the grounds). The Club is also prepared to assist the City with other structural works under the direction of the City's Manager of Building Construction and Maintenance.

Scope of Works - Stage 1

Details	Responsibility	
	COB	Apex
Front Entrance/Exit		
Affix <i>Maximum Accommodation Certificate</i> to wall. Maximum people in hall at any one time restricted to 50.	✓	
Install approved locking devices to the door	✓	
Install illuminated "exit" sign above the door	✓	
Rear Exit		
Remove old "exit" sign	✓	
Toilets/Sanitary Facilities		
Clean thoroughly. Repair lights and install soap/paper towel dispensers.	✓	✓ (clean only)
Empty septic tank - if required.	✓	
Entire Building (Internal)		
Licensed electrician to inspect and report whether electrical connections safe and in good working order. Any problems identified are to be rectified and a <i>Certificate of Electrical Compliance</i> forwarded to the City's Manager of Building Construction & Maintenance. [NOTE: <i>Certificate also required for any new electrical work or upgrades undertaken at the site.</i>]	✓ (existing)	✓ (new)
Building to be thoroughly cleaned.		✓
Fire extinguisher to be installed.	✓	
Entire Building (External)		
Gutters to be cleared of grass and walls cleared of cobwebs/graffiti.		✓
Repair any broken guttering	✓	
Surrounds/Grounds		
Cut grass, remove litter and tidy.		✓

(See over for Scope of Works - Stage 2)

Scope of Works - Stage 2

Details	Responsibility	
	COB	Apex
Kitchen		
Install new double bowl sink (and preferably a hand basin)		✓
Install a new hot water system		✓
Repair/replace flooring (to be smooth and impervious)		✓
Repair/paint walls in 2-pak paint (to be smooth and impervious)		✓
Install rapid-boil fixed urn and wall cupboards		✓
Repair windows and install flyscreens to all windows		✓
Kitchen (Further Upgrade - If Required)		
Upgrade to Class 3 per <i>Health (Food Hygiene) Regulations 1993</i> to allow sale of hot food i.e., pies, toasted sandwiches, etc.)		✓
Toilets/Sanitary Facilities		
Repaint the toilets	✓	
Install a disabled toilet (in accordance with Building Codes)	✓	
Disabled Access		
Build approved disabled access ramp/door with approved locking devices/illuminated exit sign. <i>[NOTE: Once done, maximum occupancy can be increased to 85 people]</i>		✓

Proposal for Funding Assistance - Heritage Conservation Plan

The Picton Agricultural Hall is evidence that Picton was once a distinct rural community in its own right and the building is worthy of conservation as a Local Heritage Place. The building is not identified in the City of Bunbury Municipal Inventory or the database for the Heritage Council of WA. However, it is proposed to list the property on the City's Municipal Inventory and to apply for a Lotterywest Heritage Grant for preparation of a Conservation Plan, with a view to attracting funds to assist with future conservation works at the site.

The intention to renovate the premises and to continue to maintain the premises for community use is supported by the City's Strategic Planning Officer.

Proposed Lease Details

The City's Executive and representatives of the applicant Club have mutually agreed on the following terms and conditions of the proposed lease:

Commencement Date:	To commence on date that Stage 1 of the <i>Scope of Works</i> is completed to the satisfaction of the City's Manager of Health and Manager of Building Construction & Maintenance
Term:	Five (5) years with an option to renew for a further five (5) years
Expiry Date:	Five (5) years from the date of commencement
Rental:	\$1.00 per annum (peppercorn) rental during the initial five (5) year term in lieu of the Lessee providing "in kind" services to fulfil the <i>Scope of Works</i> .
Rent Review:	Rental to be reviewed upon the Commencement Date of the further term (if enacted)
Outgoings:	Payment will be the responsibility of the Lessee
Insurance:	Lessee to maintain Public Risk and Industrial Special Risk Insurance policies for the premises. The public liability component to be no lower than \$10(M) . Certificates of currency to be provided to the City on an annual basis.
Special Conditions:	1) Any Club member nominated to undertake works at the leased premises required under the <i>Scope of Works</i> , is to be supervised by a suitably qualified tradesman/contractor. 2) No work is to be undertaken by the Lessee at the leased premises without the prior written authorisation of the City's Manager of Building Construction & Maintenance.
Document Preparation:	The Lessee to pay the full cost of document preparation and registration.

In accordance with Section 18 of the Land Administration Act 1997, the Minister for Lands has provided "in principle" approval for the proposed draft lease document and has amended the vesting of the land to "Community Activities".

Strategic and/or Regional Outcomes

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

Community Consultation

The intention to grant the Apex Club of Bunbury Koombana a lease will be published in the City Update column of the Bunbury Mail Newspaper.

Councillor/Officer Consultation

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

The following officers have been consulted in the preparation of this report: Manager Health; Manager - Building Construction & Maintenance, and; Strategic Planning Officer.

Analysis of Financial and Budget Implications

The Apex Club of Bunbury Koombana Inc. is financially solvent and has provided the City with a copy of its 2006/07 Annual Statements. Based on the financial details provided, the club has the ability to generate income to the anticipated outgoing and ongoing maintenance costs for the property. The Club holds a Charitable Collections Permit and as part of its reporting requirements under the *Charitable Collections Act 1946*, has its financial statements audited annually.

It is estimated the cost of the works will total \$20,000 with the City's Building Construction & Maintenance Division to provide \$15,000 to upgrade the electrics, plumbing and public conveniences. As indicated previously, a number of members of the Apex Club of Bunbury Koombana are qualified tradesmen and have confirmed that they would be prepared to complete the kitchen renovations and generally tidy-up the building inside and out (including the grounds) at the Club's cost. The Club is also prepared to assist the City with other structural works under the direction of the City's Manager of Building Construction and Maintenance.

The Club has provided the City's officers with Certificates of Currency for insurance and has sufficient public risk insurance in place to undertake works at the site.

The Lessee will be responsible for payment of document preparation and registration costs associated with the lease.

Economic, Social, Environmental and Heritage Issues

Economic and Social

The applicant Club's ideal of helping to building better communities and its associated fund raising events have provided a solid economic and social benefit to the residents and businesses of Bunbury (and the wider community) for the past 72 years.

Environmental

The applicant's intended use of the building is in keeping with its permitted use under the Management Order. The building has been in place since the early years of the 20th Century so there are no environmental issues to consider.

Heritage

As stated previously, the Picton Agricultural Hall is not identified in the City of Bunbury Municipal Inventory or the database for the Heritage Council of WA. However, it is proposed to list the property on the City's Municipal Inventory and to apply for a Lotterywest Heritage Grant for preparation of a Conservation Plan, with a view to attracting funds to assist with future conservation works at the site.

Council Policy Compliance

There is no Council policy concerning lease of buildings.

Legislative Compliance

The intention to grant the Apex Club of Bunbury Koombana a lease for a five (5) year term with an option to renew for a further five (5) years, 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 no objection to the leasing proposal.

Delegation of Authority

The Chief Executive Officer has the delegated authority of the Council to negotiate the terms of an application to lease Council owned or managed property, 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 Lease.

Relevant Precedents

The Council has granted its consent to the lease of property to various community groups and sporting organisations in past years.

The Picton Agricultural Hall was leased to the Bunbury Pigeon Racing Club as a meeting venue between 1970 and 2006.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Per the recommendation (together with any amendments suggested by Council members)

Option 3

Council refuses the application from the Apex Club of Bunbury Koombana Inc. to lease the Picton Agricultural Hall located on Reserve 14588 South Western Highway, Bunbury.

Conclusion

Following surrender of the lease by the Bunbury Pigeon Racing Club in 2006, a number of community groups made enquiries concerning lease of the hall but were reluctant to commit to a formal application due to the condition of the premises. A number of repairs (and re-fit) are required at the premises to comply with current Australian Building Standards before it will be suitable for community use.

Due to budgetary restraints, the City's Building Construction and Maintenance Division was unable to undertake repair/re-fit works required in compliance with the City's Asset Management Program hence, the building has remained unused since 2006.

The application from the Apex Club of Bunbury Koombana Inc. differs to offers previously received, in that some of the Club's life members are qualified tradesmen and are prepared to assist (voluntarily) with the necessary renovation of the property under the guidance of the City's Manager of Building Construction & Maintenance. The Club is prepared to undertake these works on the basis that it receives a five year term (with a five year renewal option) with the initial term to be subject to a peppercorn rental.

The Club has also indicated that it is prepared to co-exist at the premises with "like" community groups and will submit any applications to sub-lease or licence the premises to Council for consideration and approval.

Recommendation

PART A

Council agrees to grant a lease over the Picton Agricultural Hall on Crown Reserve 14588, No. 246 South Western Highway, Bunbury, to the Apex Club of Bunbury Koombana Inc. for a term of five (5) years with an option to renew for a further five (5) years; based on the terms and conditions as listed in this report to Council, and the following:

1. The City's Building Construction and Maintenance Division to commit at least \$15,000 in its budget to upgrade the electrics, plumbing and public conveniences at the property together with any structural renovations necessary to make the building safe for public use.

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2. All items listed in Stage 1 of the *Scope of Works* prepared by the City's Manager of Health and Manager of Building Construction & Maintenance, to be completed prior to commencement of the lease term. Any work undertaken by the Apex Club of Bunbury Inc. to be at its own expense.
3. All work undertaken at the lease site by the Apex Club of Bunbury Koombana Inc. is to be undertaken and/or overseen by suitably qualified tradesmen and is not to be undertaken until authorised by the City's Manager of Building Construction & Maintenance.
4. The intention to grant a lease is to be published in the City Update column of the Bunbury Mail Newspaper for public information prior to commencement of the lease term.
5. The Chief Executive Officer is authorised to prepare the lease document and arrange for signing by all parties.
6. The Minister for Lands to endorse the lease document.
7. The Lessee to pay all costs associated with document preparation and registration of the lease.

PART B

1. Council to make application to Lotterywest for a Heritage Grant for preparation of a Conservation Plan for the Picton Agricultural Hall located on Reserve 14588 South Western Highway, Bunbury.
2. The Picton Agricultural Hall to be listed on the City of Bunbury Municipal Inventory of Heritage Places.

Outcome of the Council Committee Meeting - 2 September 2008

The members of the committee were advised that this item had been withdrawn to enable further consideration by other interested parties. The Apex Club of Bunbury Koombana had been advised of the situation and had withdrawn its application without objection.

11.6 TOWN PLANNING SCHEME AMENDMENT NO. 26 - GLEN IRIS RESIDENTIAL

File Ref:	A03443
Applicant/Proponent:	Internal Report
Author:	Neville Dowling, Contract Planner and Thor Farnworth, Senior Town Planner (Strategic & Environment)
Executive:	Geoff Klem, Executive Manager City Development

NOTE: This agenda heading is no longer applicable. The information concerning proposed Town Planning Scheme Amendments for Glen Iris was included as one report under item 11.5 of the agenda.

11.7 ADVISORY COMMITTEE AND/OR PROJECT CONTROL GROUP MINUTES TO BE NOTED AT THE COUNCIL COMMITTEE MEETING

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

Committee Members referred to the report circulated under separate cover containing sets of minutes from a number of the Council's advisory committees.

The recommendation to note each set of minutes (as printed) was moved Cr Craddock, seconded Cr Jones and adopted to become the Committee's recommendation on this issue.

Committee Recommendation

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

1. **Title:** *Minutes - Airport Advisory Committee (14/08/08)*
Author: *Nigel Archibald, Airport Reporting Officer*
File: *F00080*

2. **Title:** *Minutes - City Promotions Committee (21/07/08)*
Author: *Michael Fraser, Events Officer*
File: *A03402*

3. **Title:** *Minutes - Bunbury Library Project Control Group (6/06/08)*
Author: *Stewart Parkinson, Project Manager*
File: *A02351*

4. **Title:** *Minutes - Bunbury Coastal Enhancement Project Control Group (30/05/08)*
Author: *Stewart Parkinson, Project Manager*
File: *A02019*

5. **Title:** *Minutes - Big Swamp Wildlife Park Steering Committee (A00143)*
Author: *Grant Bilton, Senior Technical Officer - Parks & Urban Design*
File: *A00143*

CARRIED

13 Votes "For" / Nil Votes "Against"

12. MOTIONS ON NOTICE

Nil.

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

File Ref:	A01981
Applicant/Proponent:	Internal Report
Author:	Ben Deeley, Environmental Officer
Executive:	Geoff Klem, Executive Manager City Development

Committee Members referred to the report circulated under separate cover. The recommendation (as printed) was moved Cr Jones, seconded Cr Leigh and adopted to become the Committee's recommendation on this issue.

Committee Recommendation

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

- Title:** Grand Canals Estate Omnibus Section 18 Notice - Update
Author: Ben Deeley, Environmental Officer
File: A01981*

CARRIED

13 Votes "For" / Nil Votes "Against"

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

There were no items recommended for endorsement.

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

Nil.

16. CLOSE OF MEETING

The Presiding Member declared the meeting closed at 8.57pm.

CONFIRMED this day 23 September 2008, to be a true and correct record of proceedings of the Council (Standing) Committee Meeting held 2 September 2008.

MAYOR D SMITH
PRESIDING MEMBER