

Council (Standing) Committee

Notice of Meeting & Agenda 17 November 2009

Terms of Reference

1. To review reports and recommendations submitted for consideration by the Council and (where appropriate) make alternative recommendations to those recommendations listed in the reports.
2. To request additional information necessary to assist members of the Council in making decisions.
3. To ensure recommendations made to the Council do not contravene appropriate legislation or the City's policies, local laws and strategic plans.



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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
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

Glossary of Abbreviated Terms

Term	Explanation
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
PSP	Principal Shared Path
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
RSP	Recreational Shared Path
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
SWSC	South West Sports Centre
TME	Thompson McRobert Edgeloe
TPS	Town Planning Scheme
TPS7	Town Planning Scheme No.7
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 Notice of Meeting

TO: Council Committee Members

The next Ordinary Meeting of the Council (Standing) Committee will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on **Tuesday, 17 November 2009** at 6.00pm.

Greg Trevaskis
Chief Executive Officer
(Date of Issue: 12/10/2009)

Agenda 17 November 2009

Members of the public to note that recommendations made by this committee are not final and will be subject to adoption (or otherwise) at a future meeting of the Bunbury City Council.

Council Committee Members:

His Worship the Mayor, Mr D Smith - **Presiding Member**
Deputy Mayor - Councillor Brendan Kelly
Councillor Judy Jones
Councillor Wayne Major
Councillor Stephen Craddock
Councillor Alfred Leigh
Councillor Helen Punch
Councillor Noel Whittle
Councillor Ross Slater
Councillor Michelle Steck
Councillor Juliet Harrop
Councillor Derek Spencer
Councillor Karen Steele

- 1. Declaration of Opening by the Presiding Member**

- 2. Record of Attendance, Apologies and Leave of Absence**

3. Responses to Public Questions Taken 'On Notice' at the Previous Council Committee Meeting

Nil

4. Public Questions Concerning Matters Listed for Discussion at this Meeting

Members of the public please note, that:

- (1) Questions are to be brief, to the point and MUST relate to an item listed in this agenda.
- (2) If your question requires research or cannot be answered at the meeting, it will be taken 'on notice' and you will receive a written response.
- (3) Only a 'summary' of your question (and any responses provided) will be printed in the meeting minutes.

5. Questions on Notice from Committee Members (No Discussion Permitted)

5.1 Questions on Notice - Ministerial Visit and Bunbury Waterfront Development

File Ref:	A03183
Applicant/Proponent:	Councillor Michelle Steck
Author:	Not Applicable
Executive:	<i>(In response)</i> Greg Trevaskis, Chief Executive Officer

Cr Steck has submitted the following questions on notice:

Question 1: Why were councillors not invited to the meeting between the Mayor, Chief Executive Officer and Minister Grylls recently?

Question 2: Why did the Chief Executive Officer and the Mayor not notify councillors of the upcoming meeting between themselves and the Minister Grylls?

Question 3: Will LandCorp re-submit the revised Waterfront Development Plan to Council?

Question 4: When will the Council see a revised Waterfront Development Plan?

The Chief Executive Officer and Executive Manager City Development have provided the following responses:

- Response 1: The question of whether the meeting with Cabinet and subsequent lunch meeting with the Premier and Minister Grylls would be open to other interested councillors (apart from Mayor and Chief Executive Officer), was politely declined by the Premier's Office due to time constraints and limited opportunity to address key issues. Hence, the invitation for councillors to be included was not able to be proceeded with.
- Response 2: Councillors were advised by memorandum on 10 September 2009 about the opportunity to meet with relevant Ministers as part of the visit of Cabinet and Parliament to Bunbury on 19 and 21 October 2009. The Weekly Update to all councillors on 16 October also advised councillors of meetings associated with the Bunbury Parliament program.
- Response 3: Following consideration of three amendments to the Greater Bunbury Region Scheme (as recommended by the Ministerial Taskforce) by the WA Planning Commission, in the event of changes being approved, a local scheme amendment and structure plan can be prepared. It is at this point that LandCorp may brief Council on a revised project.
- Response 4: The timeframe for processing the Greater Bunbury Region Scheme amendments and preparing a local scheme amendment (and structure plan) is not known precisely as the procedures and project definition are outside the City's control. However, it may be possible to have a new draft structure plan prepared by mid-next year if the necessary approvals are obtained.

6. Confirmation of Previous Minutes

The minutes of the Council (Standing) Committee Meeting held 27 October 2009, have been circulated.

Recommendation

The minutes of the Council (Standing) Committee Meeting held 27 October 2009, be confirmed as a true and accurate record.

7. Disclosures of Interest Under the Local Government Act 1995

Members should fill in *Disclosure of Interest* forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

8. Announcements by the Presiding Member (No Discussion Permitted)

9. Chief Executive Officer Reports/Discussion Topics

10. Reception of Formal Petitions and Memorials

11. Reception of Reports and Recommendations from Officers & Advisory Committees

11.1 Rezoning Lot 50 South Western Highway, Picton/Davenport from "Rural" to "Industrial"

File Ref:	P13611
Applicant/Proponent:	Turner Master Planners Australia
Author:	Kelvin Storey, Senior Strategic Planner
Executive:	Geoff Klem, Executive Manager City Development

Summary

The City has been approached by the applicants to assist the progression of a Scheme Amendment to the Greater Bunbury Region Scheme (GBRS) that involves a rezoning of Lot 50 South Western Highway Picton/Davenport from "Rural" to "Industrial" zone.

This report seeks a decision of the Council to inform the Western Australian Planning Commission (WAPC) of the City's *'no objection'* to their consideration of initiation of the Scheme Amendment.

Background

The GBRS came into effect on 29 November 2007 and endeavours to ensure the orderly and proper planning of land uses and infrastructure across the Greater Bunbury Region, in part by requiring that the Local Planning Scheme of each district adequately reflects the State's interest consistently across boundaries.

Amendments to Town Planning Scheme No.7 (TPS7) cannot effectively progress (with any hope of success) where they would result in a zoning that would be inconsistent or incompatible with zoning designated under the GBRS. It follows therefore that where inconsistency would arise from such a proposal, in the first instance amendment of the Region Scheme must be sought.

When an amendment to the GBRS occurs, the City must ensure that TPS7 remains compatible. If the GBRS amendment involves the designation or extension of a regional reserve, then the necessary change to TPS7 is automatically effected when the change to the Region Scheme occurs. When the GBRS amendment results in a change in the region zoning, if the local zone shown within TPS7 becomes incompatible, then a consequential amendment to TPS7 must occur to address that inconsistency. In order to avoid long delays and duplication of processes that essentially involve consideration of the same issues, arrangements for amending the local scheme would most efficiently be carried out in tandem to procedures for amendment of the Region Scheme.

Once a decision is taken to initiate the amendment of a zone within the GBRS, a complementary amendment of the Local Scheme should also be initiated. Whilst ensuring compatibility remains between the Region Scheme and Local Scheme, consideration of an amendment to the Local Scheme will be focussed towards local level issues (rather than regional matters that are the concern of the State under GBRS) and this may result in the Local Scheme zoning including the subject land within a Development Zone where structure planning would be required prior to approval of development, or a Development Investigation Policy Area (DIPA) where certain development conditions may be imposed over the land.

Whilst the responsibility of initiating Region Scheme amendments lies with WAPC, the Department of Planning (DP), acting as the servicing authority for WAPC, has advised that prior to the State progressing to the stage of considering an initiation of a Region Scheme amendment, an indication of support from the relevant local government authority is first required. Accordingly, the purpose of this report is to seek a resolution of Council that will inform the Western Australian Planning Commission (WAPC) of the City's *'no objection'* to their considering an initiation of a GBRS amendment with regard to a change from Rural Zone to Industry Zone at Lot 50 South Western Highway, Picton / Davenport. Should WAPC determine to initiate the amendment, the City will be informed and then procedures shall commence that will allow the matter to be formally presented to Council to consider initiating an amendment to TPS7.

Lot 50 South Western Highway Picton / Davenport is:

- located south of Bunbury Airport and lies on the eastern side of the highway (see **attached** at Appendix 1);
- currently designated as "Rural" zone within the GBRS (see **attached** at Appendix 1);
- currently designated "Rural" zone within TPS7 (see **attached** at Appendix 1);
- abutting Regional Open Space to the east, an Industrial zone to the north (shown as Development Zone - Industry within TPS7) and also lies adjacent to a portion of Primary Regional Road reserve associated with the alignment of the future Bunbury bypass;
- included within the Preston Industrial Park Structure Plan Southern Precinct Area

The Applicants have provided the City with preliminary documentation in support of their rezoning request and this will be required to be reviewed in detail (together with any supplementary information requested) should WAPC determine to initiate this amendment to the GBRS. In the meantime, notwithstanding the need to carry out a detailed assessment at a later date, the principle of rezoning the land from "Rural" zone to "Industrial" zone as proposed appears to be both reasonable and logical, and is clearly in keeping with efforts underway by the State to establish opportunities for further industrial development within the Preston Industrial Park area.

The future of Lot 50 South Western Highway is closely linked to the progression by the State of their Preston Industrial Park Structure Plan Southern Precinct Area. Once adopted by WAPC, this structure plan will be expected to provide further guidance in the shape of development criteria / environmental conditions that will control and influence the resulting form and character of new works associated with this site (refer to WAPC letter **attached** at Appendix 2).

Should the matter progress to consideration of an amendment to TPS7, the most appropriate zone in this instance appears to be a change to 'Development Zone – Industry', which facilitates development in accordance with an adopted structure plan. Such a designation would make the land compatible with industrial land that lies immediately to the north of the subject site.

Strategic and/or Regional Outcomes

"Rural" zone and "Industrial" zone are regional designations and as such a primary concern of the GBRS.

Community Consultation

Not applicable at this stage. Community consultation would occur following initiation of an amendment to the GBRS (administered by the State) and a separate process of community consultation would take place following initiation of an amendment to TPS7, and this would be administered by the City.

Councillor/Officer Consultation

Not at this stage

Analysis of Financial and Budget Implications

There is no fee associated with the current status of the proposal. A fee will be applicable should the matter progress through WAPC and become a matter to be assessed in detail as part of the formal procedure to amend TPS7.

Economic, Social, Environmental and Heritage Issues

Strategically, as part of the Preston Industrial Park Southern Precinct, facilitating the use of the land for industrial activity holds the potential to assist in, and benefit, the development of the local economy.

Amendment procedures, once formally initiated, will require assessment of existent land use issues (particularly environmental matters) and a review of any supporting documentation submitted by the applicants.

Council Policy Compliance

At this stage there is no Council policy applicable to status of the proposal.

Legislative Compliance

The City is required to comply with provisions contained within the Development and Planning Act 2005. The recommendation is considered to be in keeping with the requirements of this legislation.

Delegation of Authority

The matter has not been identified as one in which the Chief Executive Officer has been granted delegated authority.

Relevant Precedents

There are no previous precedents relevant to the recommendation in this report to Council.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council declines to give comment to the Department of Planning/Western Australian Planning Commission in regard a Scheme Amendment to the Greater Bunbury Region Scheme that involves rezoning Lot 50 South Western Highway Picton/Davenport from "Rural" to "Industrial".

Recommendation

1. Council to inform the Department of Planning/Western Australian Planning Commission that it has no objection to the State considering the possibility of initiating a Scheme Amendment to the Greater Bunbury Region Scheme involving a change from "Rural" zone to "Industrial" zone at Lot 50 South Western Highway Picton/Davenport.
2. Council resolves to inform the applicants that, subject to:
 - 2.1 initiation of the proposed amendment to the Greater Bunbury Region Scheme by the Western Australian Planning Commission;
 - 2.2 the subsequent receipt of appropriate amendment documentation to the satisfaction of the City, and;
 - 2.3 the relevant accompanying fee;it has no objection (in principle) to considering the initiation of a Scheme Amendment to Town Planning Scheme No. 7 involving a change from "Rural" zone to "Development Zone – Industry" at Lot 50 South Western Highway Picton / Davenport.

11.2 Proposed Amendment to Town Planning Scheme No. 7 to Change the Use Class “Tavern” from “X” to “A” in the Mixed Business Zone

File Ref:	A03869
Applicant/Proponent:	MGA Town Planners (on behalf of Highway Hotel)
Author:	Paul Davies, Planning Consultant
Executive:	Geoff Klem, Executive Manager City Development

Summary

An application has been received from MGA Town Planners on behalf of the owners of the Highway Hotel to change the use class “Tavern” from “X” (not permitted), to “A” (a use not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4) in the Mixed Business Zone.

The amendment proposes to make the use class “Tavern” an “A” use consistent with the use class “Hotel” which is currently an “A” use in the Mixed Business zone. The proposed amendment is a simple text amendment to amend Table 1, Zoning Table in Town Planning Scheme No 7 to make the use class Tavern “A” rather than “X”.

It is recommended that Council resolve to initiate an amendment to Town Planning Scheme No 7, Table 1 Zoning Table to change the use class “Tavern” from “X” to “A” in the Mixed Business Zone.

Background

An application has been received from MGA Town Planners on behalf of the owners of the Highway Hotel to change the use class “Tavern” from “X” to “A” in the Mixed Business Zone.

The Highway Hotel currently has development approval for a new large liquor store to replace the existing drive through bottle shop on the site. The proponents advise that the second stage of the overall upgrading/redevelopment of the site is upgrading the existing hotel to provide improvements to the beverage and meals functions of the premises.

The Proponents indicate that the use class “Hotel” is currently an “A” use in the Mixed Business zone and the amendment will make the use class “Tavern” also an “A” use to be consistent with Hotel use.

The proponents advise that there will be virtually no difference in terms of amenity impacts between the operation of a hotel or a tavern. Both uses attract similar numbers of vehicles and trade over similar hours during day or night. The uses are also so similar in their trading characteristics that there is little difference in distinguishing between them.

Further, the proponents advise that the amendment is proposed to retain flexibility for future upgrading/ redevelopment of the existing Highway Hotel premises. At this stage, no decisions have been made whether or not to retain the existing Hotel licence or whether an application is to be made to change to a Tavern licence.

The proponents advise that the overall upgrading/revision of the hotel premises will need to be tested against business models and the proposed amendment will enable flexibility for a possible change of the Hotel Licence to a Tavern Licence.

Also, the proposal will have no general impact on the amenity of the locality and will not impact on the conservation value of the existing building.

It is considered that the proposed amendment is satisfactory. As outlined previously the amendment essentially makes the use class "Tavern" an "A" use consistent with the use class "Hotel" which is currently an "A" use.

Strategic and/or Regional Outcomes

The recommendation has had regard to Council's 2007-2012 Strategic Plan.

Community Consultation

The proposed scheme amendment will be required to be advertised for public comment and referred to Government agencies for comment during the formal advertising period in accordance with the Western Australian Planning Commission requirements.

Councillor/Officer Consultation

Development services officers have considered the proposal and consider that the proposed amendment is suitable.

Analysis of Financial and Budget Implications

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

Economic, Social, Environmental and Heritage Issues

Upgrading and redevelopment of the existing hotel is likely to provide an improved facility for public benefit. The proposed works will create employment during the construction phase and possibly additional employment with an improved facility.

The existing Hotel is included on the City of Bunbury Municipal Inventory and the Heritage List. The proposed amendment will not impact the conservation value of the property and upgrading has potential to assist in the preservation of the building.

Council Policy Compliance

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

Legislative Compliance

The Scheme amendment is required to be undertaken in accordance with the requirements of the Planning and Development Act 2005.

Delegation of Authority

Delegation of decision-making is not an option in this instance.

Relevant Precedents

Council has previously undertaken amendments to Town Planning Scheme No 7. There are no known relevant precedents in respect of the specific matter being considered by Council.

Options

Option 1

Per the recommendation printed in this report to Council.

Option 2

In response to an application from the Highway Hotel, the Council, under the powers conferred upon it by the Planning and Development Act 2005 (as amended), elects NOT to initiate an amendment to City of Bunbury Town Planning Scheme No. 7 to change the use-class "Tavern" from "X" to "A" in the Mixed Business Zone.

Conclusion

The amendment proposes to make the use class "Tavern" an "A" use consistent with the use class "Hotel". The proposed amendment is a simple text amendment to amend Table 1, Zoning Table in Town Planning Scheme No 7 to make the use class Tavern "A" rather than "X".

As outlined by the proponents it is considered that there is virtually no difference in terms of amenity impacts between the operation of a hotel or a tavern. Both uses attract similar numbers of vehicles and trade over similar hours during day or night. The uses are also so similar in their trading characteristics that there is little difference in distinguishing between them.

It is considered that the proposed amendment is satisfactory. As outlined previously the amendment essentially makes the use class "Tavern" an "A" use consistent with the use class "Hotel" which is currently an "A" use.

It is recommended that Council resolve to initiate an amendment to Town Planning Scheme No 7 to change the use class "Tavern" from "x" (not permitted to "A" (a use not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4) in the Mixed Business Zone.

Recommendation

Council, under the powers conferred on it by the Planning and Development Act 2005, initiates an amendment to the City of Bunbury Town Planning Scheme No. 7 to amend Table 1 (Zoning Table) by deletion of the symbol "X" in the column headed "Mixed Business" and against the use-class "Tavern", and; replacing it with the symbol "A".

11.3 Report on Strategic Activities for the Period Ended 30 September 2009

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

Summary

Council adopted the Corporate Strategic Plan 2007–2012 on 6 March 2007. A report on strategic activities identified in the Strategic Plan for the period 1 July 2009 to 30 September 2009 is circulated **under separate cover**.

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

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

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

4. Implement City Vision
 - 4.1 Finalise City Vision Strategy
 - 4.2 Implement City Vision Strategy
5. Promote ecological sustainable development of the City's built and natural environment.
 - 5.1 Protect Bunbury's Natural, Cultural and Built Heritage.
 - 5.2 Promote Sustainability and Improve Council's Environmental Performance.
 - 5.3 Provide a cohesive system of integrated land use planning; and
6. Develop Social Capital
 - 6.1 Celebrate and reinforce a positive sense of community
 - 6.2 Community participation, partnership and support
 - 6.3 Community planning and infrastructure
 - 6.4 Community safety
 - 6.5 Social inclusion and needs
 - 6.6 Information and Lifelong Learning.

Recommendation

The report on Strategic Activities in the City of Bunbury for the period ended 30 September 2009, be received.

11.4 Year 2010 Council Meeting Schedule

File Ref:	A00221
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

This report is submitted in order for Council to identify and adopt a Council Meeting Schedule for 2010.

Two schedules are **attached** at Appendix 3 and 4 for the Council's consideration.

Background

Regulation 12 of the Local Government (Administration) Regulations 1996 requires local governments at least once a year to give local public notice of the dates on which they intend to hold Council Meetings over the ensuing 12 month period. Likewise, Council Committee Meetings that will be open to the public also need to be advertised.

Strategic and/or Regional Outcomes

This matter is encompassed within the City of Bunbury Strategic Plan 2007-2012 under the confines of Strategic objective 2, Strategy 2.1: *"To provide an open forum for decision making"*.

Councillors enjoyed a six (6) week recess over the 2008/2009 Christmas/New Year period with no disruption to the City's services and the first committee meeting agenda of 27 January 2009 contained twelve (12) items.

Community Consultation

No community consultation is required for this item as general services provided to City of Bunbury customers will not be affected by the proposal. Should a situation arise which requires a Council decision, a Special Meeting of Council may be convened at any time.

Councillor/Officer Consultation

Council Officers have been canvassed regarding this proposal and this report serves as notice to elected members.

The recess periods identified will not impose any restriction on Councillor activities other than the absence of Ordinary Council and Council Committee Meetings.

The **attached** (see Appendix 3 and 4) schedules are very similar to the meeting schedule adopted on 25 November 2008 for the 2009 year.

The adopted 2008/2009 schedule provided for fourteen (14) Briefing Sessions, Committee Meetings and Council Meetings.

The **attached** option 1 (see Appendix 3) schedule provides for 13 Briefing Sessions, 14 Committee Meetings and 14 Council Meetings, with the first Briefing to be conducted on Wednesday, 27 January 2010 to avoid conflicting with the Australia Day Public Holiday on Tuesday, 26 January.

This option DOES NOT provide for a Briefing between the Council Meeting of 30 November 2010 and the Committee Meeting of 7 December 2010, in order to permit Council to wind up its business in reasonable time prior to Christmas.

The **attached** option 2 (see Appendix 4) schedule provides for only thirteen (13) Briefing, Committee and Council Meetings.

Analysis of Financial and Budget Implications

There is no budgetary or financial impact arising from this report.

Economic, Social, Environmental and Heritage Issues

There are no Economic, Social, Environmental or Heritage issues associated with this proposal.

Council Policy Compliance

This proposal does not contravene any existing Council Policies or Work Procedures.

Legislative Compliance

This proposal complies with Regulation 12 of the Local Government (Administration) Regulations 1996 and does not contravene Council's Standing Orders Local Law.

The Department of Local Government and Regional Development confirms that there are no legislative restrictions applicable in establishing a meeting schedule or identifying recess periods, other than Section 5.3(2) of the Local Government Act 1995 which states in part that: "*Ordinary Meetings are to be held not more than 3 months apart*". The proposed attached schedule clearly identifies that this objective has been achieved.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to establish the annual schedule of Council Meetings.

Relevant Precedents

Council has adopted similar Council Committee and Council Meeting schedules including recess periods throughout the year, since 1999.

The last schedule of meetings was adopted at the Ordinary Council Meeting held on 25 November 2008.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council not adopt either of the proposed meeting schedules as attached.

Option 3

Council adopt an alternative meeting schedule.

Conclusion

Council is required to adopt its meeting schedule in order to comply with the legislative requirement of giving notice of the times and dates of its proposed meetings.

The recommendation as contained below provides Council with a similar meeting schedule for 2010, to that which was adopted for the 2009 year.

Recommendation

Council adopt and give local public notice that the Ordinary Meetings of the Bunbury City Council and Council (Standing) Committee will take place in the Council Chambers, 4 Stephen Street, Bunbury, commencing at 6.00pm on the dates identified in the document titled Option 1 "*Schedule of Meetings for 2010*".

11.5 Proposed Scheme Amendment No. 39, Reserve 14588, Picton Agricultural Hall Site – Rezoning from “Industry” to “Public Purposes”

File Ref:	P07666
Applicant/Proponent:	Internal Report
Author:	Neville Dowling, Consulting Strategic Planner Thor Farnworth, Coordinator Strategic & Environmental Planning
Executive:	Geoff Klem, Executive Manager City Development

Summary

Reserve 14588 (No. 246) South Western Highway, Picton is the site of the Picton Agricultural Hall. Recently an assessment by a qualified independent heritage consultant and the past advice of the Regional Heritage Advisor has indicated that the Hall has a high level of local cultural heritage significance.

The City of Bunbury is currently applying for a Lotterywest grant for the preparation of a conservation plan for the Hall. In order to obtain the funding there must be a demonstrated intent to use the site for community purposes - for which the current industry zoning of the site may not be considered appropriate by the grant funding body.

It is therefore a recommendation of the Heritage Committee that the subject site should be rezoned from “Industry Zone” to “Public Purposes Reserve” under the City of Bunbury Town Planning Scheme No. 7 (TPS7). A copy of the Scheme Amendment Report is provided to meeting members **under separate cover**.

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 (Reserve 14588) for the purpose of an “Agricultural Hall”, with the power to lease for any term not exceeding 21 years.

Between the years 1970 and 2006 the City leased the Hall on-site to the Bunbury Pigeon Racing Club. However, the lease was not renewed owing to a decline in the Club’s membership. Since 2006, the City has applied to the then Department for Planning and Infrastructure to amend the vested purpose of the land to “Community Purposes” in order to allow the Hall to be used for a broader range of use/activities. This request was granted in a letter to the City dated 26 June 2008.

Cultural Heritage Value

Heritage advice from the South West Regional Heritage Advisor (Annette Green) obtained on 20 November 2006, concluded that the Picton Agricultural Hall warranted consideration for entry in the Local Government Inventory of Heritage Places (also known as the Municipal Inventory) as part of its review.

It was indicated in the heritage advice report that a Heritage Assessment was needed in order to:

- determine the degree of significance attributable to the place; and
- provide more detailed information on which to base decisions about appropriate future use and development.

In addition it was recommended that the City of Bunbury should consider applying for a Lotterywest heritage grant for the preparation of a conservation plan for the hall. A copy of the heritage advice report has been issued **under separate cover** (refer to Annex 1 of the report).

A heritage assessment was carried out by the architect and heritage consultant Annabel Wills in September 2009. The "statement of significance" in the report indicated as follows:

"Picton Agricultural Hall, a single-storey painted and rendered brick building in the Inter War Free Classical style with a symmetrical façade and gabled parapet, has cultural heritage significance for the following reasons:

- *the place is a good example of a regional Agricultural Hall in the Inter War Free Classical architectural style;*
- *the place demonstrates the once central importance of town halls to rural communities and how these have become less important with the declining populations of some towns and with the increased ease of travel for recreational activities;*
- *the place is a landmark in Picton, as a prominent building with a distinctive presence and one of the few remaining buildings of the town; and*
- *the place was highly valued by the community of Picton and surrounding area, for the sense of place and memories of civic and social events that have taken place in there."*

The recommendation of the heritage assessment report was, that:

"The place, Picton Agricultural Hall, be included in the City of Bunbury Local Government Heritage Inventory and afforded protection under the City of Bunbury Town Planning Scheme by inclusion in the Heritage List."

A full copy of the heritage assessment report has been issued to members **under separate cover** (refer to Annex 2 in the report).

Strategic and/or Regional Outcomes

State Planning Strategy

The State Planning Strategy provides generalised guidance for the State's economic, social and cultural elements of sustainability. It is recognised that protection of the State's cultural heritage is an important part of enhancing the quality of life for all Western Australians (refer to Executive Summary, page xi in the report **under separate cover**). It is also stated under the heading of "Driving Forces which Influence land Use Planning" that ... *not all things will change. Indeed, our social identity and cultural heritage are dependent upon retaining important links with the past* (refer to page 5 in the report **under separate cover**).

The Greater Bunbury Region Scheme

The Greater Bunbury Region Scheme (GBRS) indicates the subject land as "Urban Zone". The Urban zoning is stated as being for the following purposes: *"To provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities."*

The proposed reservation of the land for public purposes is not in conflict with the regional zone's purpose, and can be considered to come under the category of a community facility in terms of its cultural heritage and meeting place function.

City of Bunbury Strategic Plan

The *City of Bunbury Strategic Plan (2008-2012)* recognises the importance of Bunbury's built heritage under the strategy heading of 5.1: Protect Bunbury's Natural, Cultural and Built Heritage, which follows on to state "... *that the City of Bunbury will strive to protect Bunbury's unique natural environment and cultural and built heritage for the benefit of current and future generations.*"

City Vision Strategy

The City Vision Strategy and its accompanying City Vision Action Plan were adopted by Council on 12 December 2006 (Council Decision number 241/06). Under the social objectives and strategies section on page 15 of the City Vision Strategy document, Objective 3 seeks to: *"Identify, protect and manage significant heritage and cultural areas and sites."*

The implementation strategy supporting this objective is to: *"Ensure that the City of Bunbury Municipal Inventory of Heritage Places is up to date and where appropriate, provisions are included in the City's Local Planning Scheme to manage heritage values."*

In addition, in the Priority Issues & Proposals section on page 31 of the City Vision Strategy document, it is also stated that: *"Heritage buildings are valuable landmarks in the City's landscape, distinguishing features, in some cases they beautify an area and they are tourist attractions and valuable historic reminders."*

Community Consultation

Council's Heritage Advisory Committee has recommended that the proposed Scheme Amendment be initiated in order to demonstrate a long-term commitment to the preservation of the Picton Agricultural Hall for use as a community facility in keeping with its recognised cultural heritage value and significance.

The proposed scheme amendment will require public advertising for a period of at least 42 days pursuant to the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*, as part of the scheme amendment procedure.

Councillor/Officer Consultation

Council's Heritage Planning Officer has liaised with various City Councillors, Strategic Planning staff and Council's Manager Administration and Property Services in relation to the Picton Agricultural Hall site.

Analysis of Financial and Budget Implications

The anticipated use of the Picton Agricultural Hall by community groups will assist the City of Bunbury in terms of upgrading and maintenance of the Hall and its associated grounds through the money received from leasing fees.

Life-cycle Maintenance Costs (Capital Works Projects Only)

There is no budget allocated specifically for the Picton Agricultural Hall site. The City's Building Construction and Maintenance Division currently have a small budget towards ongoing maintenance of halls generally in the City but this only relates to minor repairs and is insufficient to be utilised for any major upgrades to infrastructure or renovation work.

It was recommended by the City's Regional Heritage Advisor that the City of Bunbury consider applying for a Lotterywest heritage grant for the preparation of a conservation plan for the hall. Lotterywest Grants are available for urgent conservation work on places or objects of significant heritage value, as well as for the preparation of Conservation or Treatment Plans. The application for the grant has been lodged however notification of whether the application has been approved will not be given until April 2010. Grants for Cultural Heritage projects do not usually exceed \$15,000.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The economic issues relating to the Picton Agricultural Hall site relate to generating income to ensure the Hall's repair, upkeep and any opportunities for renovation.

Social Issues

Through its function as a meeting place the Picton Agricultural Hall provides an opportunity for local community groups to undertake community oriented/social capital building activities.

Environmental Issues

The subject land and building is located in a general industrial area and there are no known environmental issues relate to the proposal.

Heritage Issues

As stated earlier in this report the hall has been assessed by a qualified Heritage Architect and deemed to have high cultural heritage significance. Details are provided in the attached amendment document.

Council Policy Compliance

Glen Iris - Moorlands Local Area Plan

The Glen Iris-Moorlands Local Area Plan: Study was adopted by Council on 16 December 2008 (Council Decision 246/08) as a guiding statement to inform subsequent statutory planning instruments such as the revised Glen Iris Structure Plan and pursue the finalisation of the remaining parts of the local area planning project, including a Local Planning Policy: Glen Iris – Moorland Local Area Plan.

The Local Area Plan (or LAP) indicates the conceptual basis for land uses within the suburban area of Glen Iris and Moorlands. The area containing the subject land is shown as “Industrial”; nevertheless the rezoning of the site to “Public Purposes Reserve” will not have any significant effect on adjoining industrial land uses.

Local Planning Policy: Assessment of Cultural Heritage Significance

Local Planning Policy: Assessment of Cultural Heritage Significance seeks to ensure that all heritage assessments conducted in the City of Bunbury are undertaken in a manner that is accountable, comparable and consistent.

The historic cultural heritage value of a place is assessed under the Local Planning Policy according to criteria relating to aesthetic, historic, scientific, cultural and social values. A place is considered to have cultural heritage significance to the City of Bunbury if it meets one or more of these criteria. The level of significance of a place is then determined according to criteria relating to rarity, representativeness, condition, integrity and authenticity.

This Local Planning Policy sets out the process for assessing the abovementioned criteria. A “Statement of Significance” is then prepared providing a concise description of the place’s significance with reference to the assessment criteria. A level of significance, with its associated management category, is then applied to each place identified as having cultural heritage significance. In relation to the subject land, the Heritage Assessment Report has identified the site as having a high level of local significance.

Local Planning Policy: Heritage Conservation and Development Policy

The purpose and intent of Local Planning Policy: Heritage Conservation and Development Policy is to:

- apply the development control principles contained in State Planning Policy 3.5 - Historic Heritage Conservation;
- provide development and design guidance for development of places in the Heritage List established pursuant to the Scheme; and
- detail procedures for making applications for approval of heritage-related development.

This Local Planning Policy does not have any bearing on this rezoning proposal, as no development is proposed. However, it will become applicable if and when any works are proposed within the subject site.

Legislative Compliance

Local Planning Scheme

Part 7 of the TPS7 deals with heritage protection. The purpose and intent of the heritage provisions are:

- to facilitate the conservation of places of heritage value; and
- to ensure, as far as possible, that development occurs with due regard to heritage values.

The process of inclusion of the subject land on the Scheme's Heritage List will need to conform to the procedures as set out by Section 7.1 - Heritage List.

The subject site is currently included in the "Industry Zone". Land adjoining the site to the east and north is also zoned Industry. Lots 11-14 to the west of the site are zoned "Special Use Zone No.8 – Hotel" (Picton Tavern which was demolished recently). South of the site is the South West Highway which is a regional reserve and shown as "Primary Regional Roads" on both TPS No.7 and the GBRS.

Delegation of Authority

The Chief Executive Officer (CEO) does not have the delegated authority of Council to enact a scheme amendment to the City of Bunbury Town Planning Scheme No. 7.

Relevant Precedents

The procedure for amending the Scheme is prescribed under the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*. From time to time the Local Government may amend the Scheme as required in order to ensure that it administers the Scheme Area in an orderly and proper manner in accordance with the State Planning Framework. However, it should be noted that gazettal of a scheme amendment proposal rests with the Minister for Planning.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council does NOT initiate rezoning of Reserve 14588 (No. 246 South Western Highway) to “Public Purposes Reserve” and the site remain in the “Industry Zone”.

Comment: This may jeopardise the ability for the site to be retained for its cultural heritage value as well as its value as a community facility.

Conclusion

Scheme Amendment No. 39 is proposed in order to provide the subject land and building with appropriate reservation status in keeping with its recognised value in terms of both locally significant cultural heritage and social infrastructure/facility opportunities for community groups.

The independent heritage advice and assessment by the Regional Heritage Advisor and a qualified heritage consultant (copy of reports attached at annex 1 and 2) indicates that the Picton Agricultural Hall should also be included in the Local Government Inventory of heritage places and in the Heritage List.

Hence, the proposed rezoning of the subject site to “Public Purposes Reserve” under the Scheme is justified in order ensure a consistent statutory planning framework for the preservation and ongoing utilisation of the land and building for public purposes.

Recommendation

1. Council to initiate Scheme Amendment No. 39 to the City of Bunbury Town Planning Scheme No. 7 by rezoning Reserve No. 14588 (No. 246 South Western Highway) in Picton from “Industry Zone” to “Public Purposes Reserve” in accordance with the provisions of section 75 of the *Planning and Development Act 2005*.
2. Council to refer Scheme Amendment No. 39 documentation to the Environmental Protection Authority for its assessment in accordance with the provisions of section 81 of the *Planning and Development Act 2005*.
3. Following the consent of the Environmental Protection Authority, the City to publicly advertise Scheme Amendment No. 39 for a period of 42 days in accordance with the procedures as prescribed by regulation 25 of the *Town Planning Scheme Regulations 1969*.

11.6 Bunbury Ex-Students Hockey Club Inc. – Proposed Deed of Renewal of Lease Over Portion of Hay Park (Reserve 30601), Lot 3001 on Deposited Plan 43554 Parade Road, Bunbury

File Ref:	F00125
Applicant/Proponent:	Bunbury Ex-Students Hockey Club Inc.
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

An application has been received from the Bunbury Ex-Students Hockey Club Inc. (“applicant”) seeking Council’s consent to renew the Lease over portion of Hay Park Reserve 30601 (Lot 3001 on Deposited Plan 43554) Parade Road, Bunbury for a further five (5) years. The current lease is due to expire on 30 June 2010 and the Club is seeking security of tenure to benefit from the proposal to upgrade the premises. A location plan is **attached** at Appendix 5.

Background

The applicant has held the Lease over the current site since 1990 and own the clubrooms on the site. The land is comprised within Reserve 30601 (Lot 3001 on Deposited Plan 43554) and is held by the City of Bunbury under Management Order 1902/1967 Crown Land Record Volume 3129 Folio 866 for the purpose of “Recreation” with the power to lease for a term of up to twenty-one (21) years.

Pursuant to Section 18 of the Land Administration Act 1997, the Office of the Minister for Lands has provided “in principle” approval for the proposal subject to formal approval being granted on receipt of the Deed.

As previously stated the applicant is seeking renewal term to undertake the following at no cost to Council:

- re-painting the clubrooms (including the attached public conveniences) internally and externally and;
- concreting the front verandah along the northern wall of the building.

The Club has committed its own finances and resources on improving the premises over the years and has satisfied the terms and conditions of the current Lease.

The applicant co-exists with other sporting groups including the Hay Park United Soccer Club Inc, Bunbury Cricket Club Inc, and other community groups and organisations.

The Club's has 120 senior members comprising of four men's and five women's teams. In addition, there are 100 junior members representing teams from the under-9's to under-17's.

Although the Hay Park Feasibility Study does not refer to the Club premises, the proposal to renew the term to 30 June 2015 does not conflict with the short to medium term development options for the location.

Current Lease Details

Commencement:	1 November 2001
Term:	Nine-and-a-half (9.5) years
Expiry:	30 June 2010
Rental:	\$433.32 per annum plus GST and indexed annually by CPI
Rent Review:	Third anniversary date
Outgoings:	Responsibility of the applicant
Insurance:	The applicant to maintain Public Risk Insurance and General Insurance cover over the premises with Public Liability to be set at \$5(M).

Proposed Renewal of Lease

Commencement:	1 July 2010
Renewed Term:	Five (5) years
Expiry:	30 June 2015
Rental:	\$520.00 per annum plus GST and indexed annually by CPI
Rent Review:	Third anniversary date
Outgoings:	Responsibility of the applicant
Insurance:	The applicant to maintain Public Risk Insurance and General Insurance cover over the premises with Public Liability to be set at \$10(M).
Document Preparation:	The applicant to pay full cost of document preparation and registration.

The City's Executive and the applicant have mutually agreed on the proposed term and conditions 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."*

Regional Outcomes

The applicant promotes opportunities for players from the Greater Bunbury Region to participate in the sport.

Community Consultation

In accordance with Regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 and subject to council granting the Lease, the intention to enter into the Renewal of Lease for five (5) years will be published in the City Focus column of the Bunbury Mail Newspaper, displayed at both the City's libraries, the Administration centre and on the City's website.

Councillor/Officer Consultation

Council officers have held discussion with the applicant and have mutually agreed on the term and conditions of the proposed renewal of the lease.

Analysis of Financial and Budget Implications

The lease rental has been calculated on the land component and based on an independent valuer's assessment with the applicant responsible for all outgoings.

Life-cycle Maintenance Costs (Capital Works Projects Only)

The applicant owns the premises and is responsible for the maintenance and upkeep.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The applicant has 220 registered members ranging from nine (9) years to over forty (40) years who use the premises for various events which also attract locals and visitors.

Social Issues

The applicant provides other community groups and organisations the opportunity to use the premises for social events

Environmental Issues

The activity (permitted use) does not conflict with the amenity of the area for passive recreation.

Heritage Issues

There are no known heritage issues relevant to the proposal.

Council Policy Compliance

There is no Council Policy relevant to the proposal.

Legislative Compliance

The City will give notice of the intention to enter into the Renewal of Lease for five (5) years will be published in the City Focus column of the Bunbury Mail Newspaper, displayed at both the City's libraries, the Administration centre and on the City's website.

Pursuant to Section 18 of the Land Administration Act 1997, the Office of the Minister for Lands has provided "in principle" approval for the proposal subject to formal approval being granted on receipt of the Lease document.

Delegation of Authority

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

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

Relevant Precedents

In 1990 the applicant purchased the premises and has held the lease to the present. The applicant has not requested council's assistance during the term and has used its own resources to maintain the premises to the City's satisfaction.

Council has considered application from various community groups and organisations seeking to renew and/or extend the lease over the City's land holdings.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Per the recommendation as listed in this report (with amendments as suggested by council members).

Option 3

Council refuses the proposal by the applicant to renew its lease over portion Hay Park Reserve 30601 (Lot 3001 on Deposited Plan 43554) Parade Road, Bunbury.

Conclusion

The applicant is seeking a renewal of its lease for a further five (5) years to provide security of tenure to benefit from the proposal to continue to upgrade the premises.

Recommendation

Council agrees to renew the Lease with the Bunbury Ex-Students Hockey Club Inc. over portion Hay Park Reserve 30601 (Lot 3001 on Deposited Plan 43554) Parade Road, Bunbury for a term of five (5) years from 1 July 2010 subject to the terms and conditions as specified in the report:

1. Proceed with preparation of the Deed of Renewal of Lease subject to the approval of the Minister for Lands.

2. In accordance with Regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996, granting the renewal will be published in the City Focus column of the Bunbury Mail Newspaper, displayed at both the City's libraries, the Administration centre and on the City's website.
3. The Bunbury Ex-Students Hockey Club Inc. to pay all costs associated with the lease application including document preparation, registration and rental assessment.

11.7 Bunbury Seniors Computer Club Incorporated – Proposed Variation to Deed of Lease over Reserve 28953 (Lot 5022 on Plan 8330) No. 23 Island Queen Street, Bunbury

File Ref:	F00101
Applicant/Proponent:	Bunbury Seniors Computer Club Inc.
Author:	John Beaton, Manager Administration and Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

The Bunbury Seniors Computer Club Inc. is seeking Council's consideration to grant a variation to its lease area over portion of the former Infant Health Clinic, located in the former DC Foster Clinic at 23 Island Queen Street, Bunbury to include the recently vacated residential unit. A location plan is **attached** at Appendix 6.

Background

The premises are held by the City under Management Order Crown Land Record LR3080-284 (Crown Land Title Vol 1312 Fol 66) Reserve 28953 (Loc 5022) Island Queen Street, Bunbury for the purpose of 'Community Centre' with the City having the power to lease for a term of up to twenty-one (21) years.

The Bunbury Seniors Computer Club have occupied portion of the premises since 2005 and at its meeting held 19 May 2009 granted the Club a further term of five (5) years to expire on 31 July 2014.

The attached residential unit was formally used as the caretaker's residence during the operation of the Clinic. Since the Clinic closed in the early nineties, the premises have been occupied by various tenants. The unit is small, comprising a single bedroom, dining/lounge area, kitchen and conveniences.

There are no pending applications seeking residential tenure of the unit.

The Bunbury Seniors Computer Club currently has 198 members and a total of 401 have been listed since 2005. Numbers of seniors attending classes are 5,589 during the period 2005-2009 comprising 11,178 training hours. These numbers are anticipated to increase following the release of Windows 7 this month. The Club has nine (9) trainers and six (6) volunteers to oversee the classes.

The current lease area is set as a training room (comprising 10 computers), an administration office, kitchen, small meeting area and storage/conveniences. The additional area would provide a larger meeting room/computer training area and also provide members an area for their partners and carers to wait in comfort. The extra kitchen, conveniences and living area would raise the standard of facilities for the members. The outdoor area would also provide an ideal social outlet. Currently the Club has to hire other venues for general meetings and social events as the existing area is inadequate.

The Club is prepared to carry out any necessary improvements at no cost to council.

The residential unit currently provides the City with an income of \$4,940 per annum. Subject to Council supporting this proposal, the waiver of the rent would not provide a financial burden on Council. Instead, it would recognise the benefits provided by the club, its ability to attract funding without being reliant on Council and its prepared to undertake improvements to the building at no cost to Council.

Current Lease Details

Commencement:	1 August 2009
Term:	Five (5) years
Date of Expiry:	31 July 2014
Rent:	Annual lease rental for the current premises (\$6,240 per annum) waived in recognition of the Club's efforts to improve the skills and knowledge of seniors in the use of computer and information technology (waving of the rental recorded in the Municipal Budget as a Community Contribution and Donation).
Outgoings:	Responsibility of the Lessee
Insurance:	Lessee to maintain Public Risk Insurance and General Insurance on the premises. Public Liability Insurance to be set at \$10(M).
Permitted Use:	Computers and associated activities.
Leased Area:	85m ² (former Clinic)

Proposed Variation of Lease Details

Leased Area:	Whole of premises (150m ²)
Rent:	Annual lease rental for the whole of premises (\$7,800 per annum) waived in recognition of the Club's efforts to improve the skills and knowledge of seniors in the use of computer and information technology (waving of the rental recorded in the Municipal Budget as a Community Contribution and Donation).
Cost of Improvements and Fitout:	Responsibility of lessee
Document preparation costs:	Lessee responsible for the full cost of documentation preparation.

The City's Executive and representatives of the Bunbury Seniors Computer Club have mutually agreed on the proposed terms and conditions of the Variation of Lease.

Strategic and/or Regional Outcomes

Strategic Outcomes

Leasing proposals are considered with reference to the Council's 2007-2012 Strategic Plan through Strategic Direction 2.4 which states that the City will "develop a property strategy that benefits the City's residents, businesses, community and sporting organisations".

Regional Outcomes

The Club encourages like-minded seniors to avail themselves of the opportunity to use the Club's facilities.

Community Consultation

In accordance with Regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 and subject to Council granting the Variation, the intention to enter into a Deed of Variation of Lease for the increase in Lease area will be published in the City Focus column of the Bunbury Mail Newspaper, displayed at both the City's libraries, the Administration centre and on the City's website.

Councillor/Officer Consultation

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

Analysis of Financial and Budget Implications

The Independent Market Lease Rental has been assessed at \$7,800 per annum.

The proposal to offer a rent-free period for the term of five (5) years and would not impose a financial burden on Council and recognises the valuable contribution the Club offers the community. Subject to Council's approval to waive the rental it will be recorded in the Municipal Budget as a Community Contribution and Donation.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The Club provides the essential computer equipment and is continually investigating other sources of government funding to upgrade and expand its assets.

Social Issues

The Club provides a venue for seniors to improve their information technology skills and knowledge.

Environmental Issues

The permitted use of the lease premises is in keeping with the amenity of the area.

Heritage Issues

There are no known heritage issues relative to the proposal.

Council Policy Compliance

There is no Council policy concerning leasing of Council buildings.

Legislative Compliance

The City will give notice of the intention to enter into a Deed of Variation of Lease for the increase in Lease area will be published in the City Focus column of the Bunbury Mail Newspaper, displayed at both the City's libraries, the Administration centre and on the City's website.

Pursuant to Section 18 of the Land Administration Act 1997, the Office of the Minister for Lands has provided "in principle" approval for the proposal subject to formal approval being granted on receipt of the Variation of Lease document.

Delegation of Authority

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

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

Relevant Precedents

The proposed variation of the lease will provide the Club with security of tenure and enable seniors within the community the opportunity to be actively involved in the educational and social courses offered.

Council has considered applications from various community groups and organisations seeking to renew and/or extend the lease over the City's land holdings.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

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

Option 3

Council does NOT support the proposal for the Bunbury Seniors Computer Club Inc. for a variation of the lease portion of Reserve 28953 at Loc 5022 Island Queen Street, Bunbury.

Conclusion

The Club has established its base and has operated from the facility to a high standard for the past four years. During the tenure period it has fulfilled all obligations and responsibilities required under the terms and conditions of the lease.

Based on the statistical information, the club provides a significant benefit to the community and has found itself in need of larger premises to meet the growing demand for its services.

Recommendation

Council agrees to grant the Bunbury Seniors Computer Club (Inc.) a variation of its lease over portion of the former DC Foster Clinic (being portion of Reserve 28953, Loc 5022) in Island Queen Street, Bunbury, subject to the terms and conditions as specified in the report to Council and the following:

1. Proceed with the Deed of Variation of Lease subject to the approval of the Minister for Lands
2. The intention to enter into a Deed of Variation of Lease for the increase in Lease area will be published in the City Focus column of the Bunbury Mail Newspaper, displayed at both the City's libraries, the Administration centre and on the City's website.
3. Council to waive the annual lease rental for the premises (\$7,800 per annum) in recognition of the Club's efforts to improve the skills and knowledge of seniors in the use of computer and information technology and have the consideration recorded in the Municipal Budget as a "Community Contribution and Donation".
4. The Bunbury Senior Computer Club Inc to pay all costs associated with the Variation of Lease document.

11.8 Cosenza's Seafood Restaurant – Proposed Deed of Extension of Non-Exclusive Licence and Deed of Assignment of Non-Exclusive Licence Over Portion Reserve 7891 'Guppy Park' Lot 808 on Deposited Plan 219169 Victoria Street, Bunbury

File Ref:	F00101
Applicant/Proponent:	Dominic Cosenza - Licensee/Assignor Lorraine Helen Brant - Assignee
Author:	John Beaton, Manager Administration and Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

An application has been received from Dominic Cosenza on behalf of Cosenza's Seafood Restaurant ("Licensee/Assignor") seeking Council consideration to extend and assign the Non-Exclusive Licence over portion of Reserve 7891 "Guppy Park", Lot 808 on Deposited Plan 219169 Victoria Street, Bunbury (45m²) to Lorraine Helen Brant (ABN 64 157 112 826) ("Assignee") for a further four (4) years.

The Licensee/Assignor has agreed to sell the business referred to as "Cosenza's Seafood Restaurant" to the Assignee. A Condition of Sale is to obtain the consent of Council and approval of the Minister for Lands to extend and assign the Non-Exclusive Licence. Subject to the necessary approvals the Extended Trading Permit will be transferred, to enable the sale of liquor to patrons seated in the alfresco dining (Licence) area. The Non-Exclusive Licence area is located adjacent to the restaurant. A location plan is **attached** at Appendix 7.

Background

The Licensee/Assignor has held the Non-Exclusive Licence over the subject land since 2002. The land is held by the City of Bunbury under Management Order I82270 Crown Land Record Volume 3127 Folio 34 with the power to Licence for a term not exceeding four (4) years.

Pursuant to Section 18 of the Land Administration Act 1997, the Office of the Minister for Lands has provided "in principle" approval for the proposal, subject to formal approval being granted on receipt of the Non-Exclusive Licence document.

The current Non-Exclusive Licence expired on 30 June 2009 with the "Holding Over" clause being invoked to allow sufficient time to complete the proposal.

Current Licence Details

Commencement:	1 July 2005
Term:	Four (4) years.
Expiry:	30 June 2009
Rental:	\$3931.20 per annum inclusive of GST (1 July 2009)
Rent Review:	CPI annually
Outgoings:	Responsibility of the applicant

Insurance:	The applicant to maintain Public Risk Insurance and General Insurance cover over the premises with Public Liability to be set at \$10(M)
Permitted Use	Alfresco dining

Proposed Renewal of Non-Exclusive Licence Details

Commencement:	1 July 2009
Term:	Four (4) years
Expiry Date:	30 June 2013
Rental:	Landgate Valuation Services has reviewed the Market Rental at the comparative sum of \$3,931.20 per annum inclusive of GST.
Rent Review:	Third anniversary date.
Outgoings:	Responsibility of the Assignee
Insurance:	The Assignee to maintain Public Risk Insurance and General Insurance cover over the premises with Public Liability to be set at \$10(M)
Permitted Use:	Alfresco dining.
Preparation and Registration of Non-Exclusive Licence Documents:	The Licensee/Assignor to pay full cost of document preparation and registration.

The City's Executive the Licensee/Assignor and the Assignee have mutually agreed on the proposed term and conditions of the Non-Exclusive Licence.

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.*"

Regional Outcomes

The proposal will comply with regional outcomes stated in the City's Strategic Direction, i.e. "*Working cooperatively with landowners to develop the City as a strong regional centre*".

Community Consultation

Subject to council's consent to extend the Non-Exclusive Licence and the assignment, the proposal will be advertised in accordance with Section 3.58(3) of the Local Government Act 1995, inviting public submissions during the fourteen (14) day submission period.

Councillor/Officer Consultation

Council officers have held discussion with the Licensee/Assignor and the Assignee and have mutually agreed on the term and conditions of the proposed extension and assignment of the Non-Exclusive Licence.

Analysis of Financial and Budget Implications

Landgate Valuation Services' assessment of \$3,931.20 inclusive of GST is based on the permitted use 'alfresco dining'.

The Licensee/Assignor is responsible for full costs of preparation of the Deed, advertising, market valuation assessment and all outgoings.

Life-cycle Maintenance Costs (Capital Works Projects Only)

The Assignee is responsible for the routine maintenance and upkeep of the demised premises.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The proposal is in keeping with the Management Order and provides a service to promote the City as a tourist destination.

Social Issues

The proposal provides the opportunity for local residents and visitors to enjoy the ambience of alfresco dining.

Environmental Issues

The Assignee will be responsible for the maintenance and upkeep of the area.

Heritage Issues

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

Council Policy Compliance

There is no Council Policy relevant to this proposal.

Legislative Compliance

The intention to grant an extension and assignment of the Non-Exclusive Licence will be advertised for a period of fourteen (14) days in accordance with Section 3.58(3) of the Local Government Act 1995.

Pursuant to Section 18 of the Land Administration Act 1997, the Office of the Minister for Lands has provided "in principle" approval for the proposal subject to formal approval being granted on receipt of the Non-Exclusive Licence document.

Delegation of Authority

Clause 6.5 under “Delegation of Authority Operations” in the Council Delegations Register, allows the Chief Executive Officer to negotiate the terms and conditions of property Licences provided settled terms and conditions are presented to council for endorsement prior to the document being finalised.

Relevant Precedents

The Licensee/Assignor has held the Non-Exclusive Licence since 2002 and at its meeting held on 26 July 2005, council resolved to renew the Non-Exclusive Licence for a four (4) year term.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Per the recommendation as listed in this report (with amendments as suggested by council members).

Option 3

Council refuses the proposal by the Licensee/Assignor and the Assignee to extend its Non-Exclusive Licence over portion of Reserve 7891 ‘Guppy Park’, Lot 808 on Deposited Plan 219169 Victoria Street, Bunbury.

Conclusion

The Licensee/Assignor has held the Non-Exclusive Licence over portion of Reserve 7891, Lot 808 “Guppy Park”, Victoria Street, Bunbury since July 2002. The proposal to renew the Non-Exclusive Licence includes:

1. The City meets its responsibilities for the management, care and control over the subject site and provides the Assignee security of tenure for a further four (4) years.
2. The alfresco dining area and adjoining restaurant promotes the precinct as a local and tourist destination and does not conflict with the permitted use alfresco dining.

Recommendation

Council agrees to grant a Deed of Extension of Non-Exclusive Licence to Dominic Cosenza (Licensee/Assignee) and a Deed of Assignment of Non-Exclusive Licence to Lorraine Helen Brant (Assignee) over portion of Reserve 7891 "Guppy Park", Lot 808 on Deposited Plan 219169 Victoria Street, Bunbury on the following conditions:

1. The terms of the Non-Exclusive Licence to be four (4) years in accordance with the terms and conditions of this report.
2. The intention to extend the Non-Exclusive Licence to be advertised pursuant to Section 3.58(3) of the Local Government Act 1995, locally in the City Focus column in the Bunbury Mail, give notice on the public notice boards at the City's public libraries and administration centre and on the City of Bunbury website.
3. Subject to no objecting submissions being received as a result of part 2 above, the Deed of Extension of Non-Exclusive Licence and Deed of Assignment of Non-Exclusive Licence be finalised.
4. Final approval for the Deed of Extension of Non-Exclusive Licence and Deed of Assignment of Non-Exclusive Licence be obtained from the Minister for Lands.
5. The Licensee/Assignor and the Assignee to pay all costs associated with document preparation, advertising and valuation assessment.

11.9 Proposal to Accept Management Order Over Reserves 45582, 46848, 46849 and 46850 “Woodcrest Rise” College Grove, Bunbury

File Ref:	F000101
Applicant/Proponent:	Department of Regional Development and Lands (Land Division – South West)
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

The Department of Regional Development and Lands (Lands Division – South West) is seeking Council’s consideration to accept the management of the following public open space reserves in the “Woodcrest Rise” subdivision in College Grove, Bunbury:

<u>Reserve</u>	<u>Address</u>	<u>Land Record</u>	<u>Area</u>	<u>Vesting</u>	<u>Zoning</u>
R45582	Lot 601 Somerville Drive.	Vol 3113, fol 266	2056m ²	Drainage	Public Purpose
R46849	Lot 1118 Lakeside Drive.	Vol 3127, fol 743	1975m ²	Drainage / Recreation	Residential R20
R46848	Lot 1176 Somerville Drive.	Vol 3127, fol 801	2362m ²	Recreation	Residential R20
R46850	Lot 1144 Possum Way.	Vol 3127, fol 769	3947m ²	Recreation	Residential R20

The site plans are **attached** at Appendix 8 and 9.

Background

The reserves were created, developed and landscaped as part of LandCorp’s “Woodcrest Rise” subdivision (Deposited Plan 30067) in 2002. Council has been maintaining the reserves as part of its responsibilities for the management care and control of other public open space in College Grove.

The proposal to accept the management order formalises the City’s commitment to maintain the Reserves.

Strategic and/or Regional Outcomes

Strategic Outcomes

Council’s land and facilities portfolio are considered with reference to the Council’s 2007 – 2012 Strategic Plan through Strategic Direction 2.4 which states that the City will “develop a property strategy that benefits the City’s residents, businesses, community and sporting organisations”.

Regional Outcomes

The high standard of public open space development and maintenance provides local residents with an idyllic lifestyle and encourages investors to Bunbury.

Community Consultation

The Reserves were created as part of the "Woodcrest Rise" subdivision and each property owner being aware of their purpose.

Councillor/Officer Consultation

This item is required to be referred to Council for consideration pursuant to Section 6.17 of Delegations Register (Vesting of Public Reserves).

Analysis of Financial and Budget Implications

Council has maintained the reserves since their development by LandCorp in 2002. The expenditure to undertake regular maintenance is incorporated within the 2009/10 Municipal Budget.

Council expenditure for maintaining all its Reserves in College Grove for the 2008/09 financial year was \$143,000.

Life-cycle Maintenance Costs (Capital Works Projects Only)

Any future capital improvements to the Reserves will be tabled as part of the Council's budget process.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The high level of public open space development and maintenance further increases property values in College Grove.

Social Issues

The presentation and amenity of the public open space enhances local resident's lifestyle.

Environmental Issues

The use of the public open space for passive recreation is in keeping with the vesting.

Heritage Issues

There are no known heritage issues relative to this item.

Council Policy Compliance

The objective of Council Policy CS-3 "Parks and Recreation" is "to enhance the quality of life for residents and visitors through the provision of a diverse range of high quality and cost effective recreation activities and facilities".

The policy also states "the availability and diversity of recreation reserves, parks, gardens, dual use paths and constructed recreation facilities, contribute to the lifestyle attractiveness of the City".

Legislative Compliance

Pursuant to Section 3.54 of the Local Government Act 1995, Council may consider accepting the management, care and Control of a reserve.

Pursuant to Section 46 of the Land Administration Act 1997, the Minister for Lands may place management, care and Control of a reserve for the same purpose as vesting and ancillary or beneficial to the location.

Delegation of Authority

Pursuant to Section 5.42 of the Local Government Act 1995, the Chief Executive Officer is delegated authority to negotiate on behalf of Council the vesting of any reserves created within the City for referral to Council.

Relevant Precedents

Council currently has one hundred and seven (107) Crown Reserves vested under its management, care and Control.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Per the recommendation listed in this report, with addition or amendments suggested by members of Council at the meeting.

Option 3

Council does not accept the management order over Reserves 45582, 46848, 46849 and 46850 "Woodcrest Rise" College Grove.

Conclusion

The proposal formalises the City's acceptance for maintaining the reserves.

Council has maintained the reserves since the completion of the "Woodcrest Rise" subdivision.

Council has allocated the necessary funding to maintain the reserves in its 2009/10 Municipal Budget.

Recommendation

Pursuant to Section 3.54 of the Local Government Act 1995 and Section 46 of the Land Administration Act 1997, Council accepts the Management Order over Reserves 45582, 46848, 46849 and 46850.

11.10 Bunbury Airport Site No. 27B – Deed of Assignment of Lease from McCall to Bairstow

File Ref:	F00139
Applicant/Proponent:	Marion McCall
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

An application has been received from Ms Marion McCall (“Assignor”) seeking Council’s consideration to assign the Lease held over Bunbury Airport Site No. 27B (222.1m²) South Western Highway, Bunbury to Mr Peter Kevin Bairstow (“Assignee”). The Lease is due to expire on 30 June 2011.

It is the Assignee’s intention to continue to use the site for the storage of aircraft. A copy of the site plan is **attached** at Appendix 10.

Background

The Bunbury Airport is located on Reserve 27686, Lot 501 (Deposited Plan 62343) 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.

Pursuant to Section 18 of the Land Administration Act 1997, the Department for Regional Development and Lands (State Lands) has provided the City with its “in principle” approval to the Assignment of Lease to 30 June 2011.

The term of the lease has been determined pursuant to the *Bunbury Airport Strategic Plan Directions 2000-2010* which requires all leases at the airport to have corresponding expiry dates, terms and conditions.

Fees for airport hangar sites have previously been endorsed by Council at the 2009/2010 Budget Meeting held on 29 July 2009. The proposal has been referred to Bunbury Airport Advisory Committee which has advised they have no objection to the proposed assignment.

Lease Details

Current Lease Commenced:	1 November 2001 (exercised further five year option in 1 July 2006)
Current Term:	Five (5) years
Expiry Date:	30 June 2011
Annual Rental:	\$621.71 per annum + GST
Administration Fee:	\$36.13 per annum + GST
Rent Review	The Annual Lease Rental and Administration Fee are adjusted annually in accordance with Council’s Commercial and Industrial Municipal Rate.

Permitted Use:	Storage of Aircraft
Lease Area:	222.1m ²
Outgoings:	Responsibility of Lessee
Insurance:	Lessee to maintain Public Risk Insurance and General Insurance on the building. Public Liability to be set at \$10(M)
Preparation of Lease:	The applicant shall be responsible for the full cost of documentation, registration and statutory advertising.

The City's Executive, the Assignor and Assignee have mutually agreed on the Terms and Conditions of the Assignment of Lease for the unexpired term.

Strategic and/or Regional Outcomes

Strategic Outcomes

Leasing proposals are considered with reference to the Council's 2007-2012 Strategic Plan through Strategic Direction 2.4 which states that the City will "*develop a property strategy that benefits the City's residents, businesses, community and sporting organisations*".

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

Regional Outcomes

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

Community Consultation

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

Pursuant to Section 18 of the Land Administration Act 1997, the Office of the Minister for Lands has provided "in principle" approval for the proposal subject to formal approval being granted upon receipt of the Variation to Lease document.

Councillor/Officer Consultation

Council officers have held discussions with the Assignor and Assignee and have mutually agreed on the Terms and Conditions of the Assignment for the unexpired term.

Analysis of Financial and Budget Implications

Fees for airport hangar sites have previously been endorsed by Council at the 2009/10 Budget Meeting. The annual lease rental, administration fee and municipal rates are to be increased annually in line with Council's *Commercial and Industrial Rate* increases throughout the balance of the lease term.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The use of aircraft provides economic benefits to suppliers.

Social Issues

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

Environmental Issues

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

The activity is in keeping with the amenity of the area.

Heritage Issues

There are no known heritage issues associated with the proposal.

Council Policy Compliance

The lease expiry date of 30 June 2011 complies with the Bunbury Airport Strategic Plan Direction 2000-2010.

Legislative Compliance

The intention for a Partial Assignment of the Lease will be advertised for a 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 provided "in principle" approval for the proposal subject to formal approval being granted upon receipt of the Variation to Lease document.

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 the documentation is finalised.

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

Relevant Precedents

Council currently leases fifty-one (51) hangar sites at the Bunbury Airport and regularly considers requests for new and assigned leases due to the growing demand for hangar space at the facility.

Options

Option 1

Per the recommendation listed in this report.

Option 2

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

Option 3

Council refuses to support the proposal for the assignment of the Lease over Bunbury Airport Site No. 27B on Reserve 27686, Lot 501 South Western Highway, Bunbury.

Conclusion

Ms Marion McCall has held the lease over Site 27B since 2001 and is seeking Council approval to assign the lease to Mr Peter Kevin Bairstow for the purpose of storage of aircraft.

The proposal to enter into the Assignment meets the following objectives.

1. The City will meet its responsibilities for the management, care and control of Reserve 27686, Lot 501 South Western Highway, Bunbury for the permitted purpose of "Airport".
2. The assignment will provide Mr Peter Kevin Bairstow with security of tenure over the use of the site for the purpose of storage of aircraft.
3. The Terms and Conditions of the Assignment have been mutually agreed to by the City's Executive, the Assignor and the Assignee.

Recommendation

1. Council agrees to grant the Assignment of Lease over Bunbury Airport Site No. 27B, Reserve 27686, Lot 501 South Western Highway, Bunbury from Ms Marion McCall to Mr Peter Kevin Bairstow for the unexpired term of the lease (to 30 June 2011) in accordance with the terms and conditions specified in the report.
2. Public notice of the intention to Assign the Lease will be provided in accordance with Section 3.58(3) and (4) of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration centre, at both the City's libraries, published in the City Focus column of the Bunbury Mail Newspaper and on the City's website.
3. Subject to no objecting submissions being received the Deed of Assignment of Lease be finalised.

4. Obtain Minister for Lands approval.
5. The Assignee to be responsible for the full costs of documentation, registration and statutory advertising associated with the assignment of the lease.

11.11 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 to refer to the report circulated under separate cover.

Recommendation

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

1. Title: Minutes – City Promotions Committee (22/06/2009 & 20/07/2009)
Author: Nardine Walford-Jones, Events Officer
File: A03402

11.12 Appointment of Councillors to Council-Appointed Committees, External Committees, Management Boards and Regional Councils

File Ref:	A02406
Applicant/Proponent:	Internal Report
Author:	Jack Dyson – Senior Administration Officer
Executive:	Ken Weary – Executive Manager Corporate Services

Summary

Local Government Elections were held on Saturday, 17 October 2009 to fill seven (7) vacant positions on the Council including the role of the Mayor. All elected members were appointed as members of the Council (Standing) Committee at a Special Council Meeting held on 20 October 2009.

Previous memberships to Council appointed Advisory Committees technically expired on Election Day, 17 October 2009. It is necessary to appoint Council and Community Representatives to Council's Advisory Committees.

Background

A copy of the Committee Membership Book dated 30 September 2009, was circulated to Council members at the Briefing Session on 10 November 2009. The current book contains the terms of reference and details of membership of all Council-appointed committees; as well as councillor appointments to external groups and Council representation on Boards of Management, statutory groups or professional organisations.

From the existing Committee Book it is suggested that the following committees be retained or identified. The list includes an amalgamation of the former CBD Parking Strategy Project Control Group with the City Vision Implementation Committee, as well as some minor changes in title of some of the committees.

PART A: Council Appointed Committees

Committee Name	Page
Art Collection Management Committee	25
Awards & Commendations Panel	27
Big Swamp Wildlife Park Committee	28
Bunbury Airport Committee	30
Bunbury Environment & Sustainability Advisory Committee	32
Bunbury-Jiaxing Sister Cities Committee	34
Bunbury-Setagaya Sister Cities Committee	35
Bunbury Regional Visitor Centre Project Committee	37
City Promotions Committee	41
City Vision Implementation and CBD Parking Strategy Committee	43
Depot Project Advisory Group	48
Greater Glen Iris/Moorlands Project Committee	50
Heritage Advisory Committee	51
Land Rationalisation & Acquisitions Committee	53

Recreation Project Committee	59
Strategic Plan Review Committee	63
Youth Advisory Council	67

The following former committees have been deleted as it is suggested their objectives or projects have been met or completed:

1. Coastal Enhancement Project Control Group
2. Library Project Control Group
3. Meeting Review Working Group
4. Retail Trading Implementation Committee
5. Three Waters Centre Project Control Group; and
6. Tidy Towns Committee.

The following are also Council appointed Committees required by statute or other legislative stipulation:

Committee Name	Page
Advertisements Appeals Committee	70
Asset Management Project Committee	72
Audit Committee	74
Bunbury Region Roadwise Committee	76
CEO Performance Review Panel	80
College Grove Joint Venture Committee	81
Community Access Committee	83
Community Funding Assessment Panel	86

PART B: External Bodies to Which Councillors Have Been Invited to be Members

The following organisations have invited a Council representative to participate at their meetings (Section 5 of the Committee Book dated 30 September 2009). The Council cannot dictate the level of membership on these committees but can decide whether (or not) it wants to participate:

Committee Name	Page
Bunbury Meals-on-Wheels and Senior Citizens Management Committee	88
Bunbury Timber Jetty Environment and Conservation Society Inc.	89
Carols by Candlelight Committee	90
CoastSwap Committee	91
'Ocean to Preston River' Regional Park Interim Consultative Committee	93
South West Women's Health Information Centre Management Committee	94

The following are also external bodies that have invited Council representation. It is recommended that representation on these bodies be continued for legal and professional reasons:

Committee Name	Page
Bunbury Port Community Liaison Committee	96
Bunbury-Wellington Economic Alliance Inc.	98
Joint Councils Forum	100
National Sea Change Task Force	101
South West Regional Road Group	103
WALGA South West Country Zone Committee	104

PART C: Councillor Appointments to Boards of Management & Regional Councils

The following is a list of Boards of Management for incorporated bodies or Regional Councils formed under the Local Government Act 1995 to which the Council needs to appoint representatives. These bodies are referred to in Section 6 of the Committee Book dated 30 September 2009.

It should be noted that the number of councillors appointed to a Board/Regional Council is fixed as this has already been stipulated either under an incorporated body's constitution or by legislation if formed under an Act.

Committee Name	Page
Bunbury Aged Persons Housing Collective Inc. Management Board	107
Bunbury-Harvey Regional Council	109
Bunbury Regional Arts Management Board Inc.	111
Bunbury Regional Theatre Inc. Board	113

Strategic and/or Regional Outcomes

Section 5.8 of the Local Government Act 1995 allows a Council to establish committees of three (3) or more persons to assist it in discharging the duties of the local government.

To maintain open and accountable government all Council Meetings and the Council Standing Committee Meetings are open to the public. Meetings of the Council's other committees are only open to the public in cases where the Council has delegated its authority to the committee to make decisions on the Council's behalf.

Council-appointed committees make recommendations to the Council Standing Committee and the Council Standing Committee makes recommendations to the Council.

Community Consultation

No public consultation is required to appoint Council members to Council-appointed committees.

It is proposed that Council advertise inviting nominations from Community Representatives to fill community positions where they exist on Council's Advisory Committees.

Councillor/Officer Consultation

Councillors and officers were briefed on 10 November 2009 and the councillors recommended for appointment were identified.

Note:

In response to queries raised at the Council Briefing Session held Tuesday, 10 November 2009, explanations are provided in points 5.5, 5.7 and 6.3 of the recommendation printed in this report. Council is required to determine appointments to these 3 committees.

Council Policy Compliance

The terms of reference for all Council-appointed committees must not contravene Council policies.

Legislative Compliance

Sections 5.8 to 5.18 of the Local Government Act 1995, govern the formation and operation of Council-appointed committees.

Committees are to be established (and members appointed to committees) with an "Absolute Majority Vote" of the Council.

Delegation of Authority

It is not recommended that any Council-appointed committee be delegated the authority to make decisions on the Council's behalf.

As the formation of committees and appointment of members thereto requires "*an absolute majority vote of the council*", the Council cannot delegate the task of appointing committees to the Chief Executive Officer.

Relevant Precedents

Council reviews its list of Council-appointed committees following an ordinary local government election.

Options

No alternative options are provided.

Executive Recommendation

1. The Bunbury City Council appoints councillors to committees listed below, in parts A (absolute majority vote required at Council Meeting), B and C of the Committee Book.
2. Council to advertise inviting nominations from Community Representatives to fill community positions where they exist on Council's Advisory Committees.
3. Council agree to discontinue the following committees from the 2007/2009 Committee Book:
 - 3.1 Coastal Enhancement Project Control Group
 - 3.2 Library Project Control Group
 - 3.3 Meeting Review Working Group
 - 3.4 Retail Trading Implementation Committee
 - 3.5 Three Waters Centre Project Control Group; and
 - 3.6 Tidy Towns Committee.

4. Appointment of Council Advisory Committees

Council appoints the following Advisory Committees and appoints members for the 2009-2011 term as specified:

4.1 Art Collection Management Committee

2007/09 Membership: Cr Helen Punch Cr Juliet Harrop	New 2009/11 Membership: Cr Helen Punch Cr Juliet Harrop
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4.2 Awards & Commendations Panel

2007/09 Membership: Mayor David Smith Dep. Mayor Stephen Craddock Councillor Judy Jones Councillor Alfred Leigh	New 2009/11 Membership: Mayor David Smith (to attend meetings) Dep. Mayor Brendan Kelly Cr Stephen Craddock Cr Judy Jones Cr Alfred Leigh
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4.3 Big Swamp Wildlife Park Committee

2007/09 Membership: Cr Ross Slater Cr Judy Jones Cr Wayne Major	New 2009/11 Membership: Cr Ross Slater Cr Karen Steele Cr Wayne Major
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4.4 Bunbury Airport Committee

2007/09 Membership: Cr Wayne Major Cr Juliet Harrop Cr Helen Punch	New 2009/11 Membership: Cr Wayne Major Cr Juliet Harrop Cr Helen Punch
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4.5 Bunbury Environment & Sustainability Advisory Committee

2007/09 Membership: Mayor David Smith Cr Shane Rooney Cr Juliet Harrop	New 2009/11 Membership: Mayor David Smith Cr Juliet Harrop
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4.6 Bunbury-Setagaya Sister Cities Committee

2007/09 Membership: Cr Alfred Leigh Cr Ross Slater	New 2009/11 Membership: Cr Alfred Leigh Cr Karen Steele
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4.7 Bunbury Regional Visitor Centre Project Committee

2007/09 Membership: Mayor David Smith Dep. Mayor Stephen Craddock Cr Michelle Steck	New 2009/11 Membership: Mayor David Smith Cr Stephen Craddock Cr Michelle Steck
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4.8 City Promotions Committee

2007/09 Membership: Dep. Mayor Stephen Craddock Cr Michelle Steck Cr Noel Whittle	New 2009/11 Membership: Cr Stephen Craddock Cr Michelle Steck Cr Noel Whittle
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4.9 City Vision Implementation and CBD Parking Strategy Committee

2007/09 Membership: Mayor David Smith Dep. Mayor Stephen Craddock Cr Ross Slater Cr Helen Punch Cr Judy Jones	New 2009/11 Membership: Mayor David Smith CR Stephen Craddock Cr Ross Slater Cr Helen Punch Cr Judy Jones
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4.10 Depot Advisory Group

2007/09 Membership: Cr Judy Jones Cr Brendan Kelly Cr Ross Slater (Proxy: Mayor David Smith)	New 2009/11 Membership: Cr Judy Jones Cr Brendan Kelly Cr Ross Slater (Proxy Mayor David Smith)
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4.11 Greater Glen Iris/Moorlands Project Committee

2007/09 Membership: Mayor David Smith Cr Alfred Leigh Cr Derek Spencer	New 2009/11 Membership: Mayor David Smith Cr Alfred Leigh Cr Derek Spencer
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4.12 Heritage Advisory Committee

2007/09 Membership: Cr Brendan Kelly Cr Noel Whittle	New 2009/11 Membership: Cr Brendan Kelly Cr Noel Whittle Cr Juliet Harrop
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4.13 Land Rationalisation & Acquisitions Committee

2007/09 Membership: Dep. Mayor Stephen Craddock Cr Judy Jones Cr Brendan Kelly Cr Noel Whittle	New 2009/11 Membership: Cr Stephen Craddock Cr Judy Jones Cr Brendan Kelly Cr Noel Whittle
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4.14 Recreation Project Committee

2007/09 Membership: Cr Michelle Steck Cr Derek Spencer	New 2009/11 Membership: Cr Michelle Steck Cr Derek Spencer
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4.15 Strategic Plan Review Committee

2007/09 Membership: Mayor David Smith Cr Juliet Harrop Cr Ross Slater Cr Derek Spencer	New 2009/11 Membership: Mayor David Smith Cr Juliet Harrop Cr Karen Steele Cr Derek Spencer
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4.16 Youth Advisory Council

2007/09 Membership: Cr Shane Rooney Cr Alfred Leigh Cr Derek Spencer	New 2009/11 Membership: Cr Karen Steele Cr Alfred Leigh Cr Derek Spencer Deputy Mayor Brendan Kelly (to attend meetings)
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4.17 Advertisements Appeals Committee

2007/09 Membership: Mayor David Smith Dep. Mayor Stephen Craddock	New 2009/11 Membership: Mayor David Smith Dep. Mayor Brendan Kelly
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4.18 Asset Management Project Committee

2007/09 Membership: Mayor David Smith Cr Alfred Leigh	New 2009/11 Membership: Mayor David Smith Cr Alfred Leigh Cr Stephen Craddock
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4.19 Audit Committee

2007/09 Membership: Mayor David Smith Cr Alfred Leigh Cr Wayne Major	New 2009/11 Membership: Mayor David Smith Cr Alfred Leigh Cr Wayne Major Cr Judy Jones
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4.20 Bunbury Region Road Wise Committee

2007/09 Membership: Mayor David Smith Cr Ross Slater	New 2009/11 Membership: Mayor David Smith Cr Ross Slater Cr Juliet Harrop
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4.21 CEO Performance Review Panel

2007/09 Membership: Mayor David Smith Dep. Mayor Stephen Craddock Cr Brendan Kelly Plus: A councillor nominated by the CEO per Council Decision 109/09 made 9/6/2009.	New 2009/11 Membership: Mayor David Smith Dep. Mayor Brendan Kelly Cr Helen Punch Plus: A councillor nominated by the CEO per Council Decision 109/09 of 9/6/2009.
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4.22 College Grove Joint Venture Committee

2007/09 Membership: No councillor membership,	New 2009/11 Membership: Mayor David Smith
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4.23 Community Access Committee

2007/09 Membership: Cr Brendan Kelly Cr Juliet Harrop	New 2009/11 Membership: Cr Brendan Kelly Cr Juliet Harrop Cr Michelle Steck
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4.24 Community Funding Assessment Panel

2007/09 Membership: Cr Derek Spencer Plus: Presiding Member of the City Promotions Committee (when appointed)	New 2009/11 Membership: Cr Derek Spencer Plus: Presiding Member of the City Promotions Committee (when appointed)
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NOTE: AN ABSOLUTE MAJORITY VOTE WILL BE REQUIRED AT THE COUNCIL MEETING.FOR APPOINTMENT OF ADVISORY COMMITTEES IN POINT 4. ABOVE.

5. Appointment of Councillors to External Bodies to Which Councillors Have Been Invited to be Members

Council appoints members to represent it on the following external committees or groups for the 2009-2011 term:

5.1 Bunbury Meals-on-Wheels and Senior Citizens Management Committee

2007/09 Appointees: Cr Shane Rooney	New 2009/11 Appointees: Cr Derek Spencer Deputy Mayor Brendan Kelly (proxy only)
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5.2 Bunbury Timber Jetty Environment and Conservation Society Inc.

2007/09 Appointees: Dep. Mayor Stephen Craddock Cr Noel Whittle	New 2009/11 Appointees: Cr Stephen Craddock Cr Noel Whittle Cr Karen Steele
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5.3 Carols by Candlelight Committee

2007/09 Appointees: Cr Alfred Leigh	New 2009/11 Appointees: Cr Alfred Leigh
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5.4 Coast Swap Committee

2007/09 Appointees: Mayor David Smith	New 2009/11 Appointees: Cr Noel Whittle
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5.5 'Ocean to Preston River' Regional Park Interim Consultative Committee

2007/09 Appointees: Cr Brendan Kelly Cr Ross Slater	New 2009/11 Appointees: Cr _____* Cr _____*
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* Note: The Department of Planning has confirmed that Dep. Mayor Kelly and Councillor Slater are Council's currently appointed representatives on the 'Ocean to Preston River' Regional Park Interim Consultative Committee and Council is only invited to nominate two (2) representatives.

At the Briefing Session on Tuesday, 10 November 2009, both His Worship the Mayor and Councillor Major expressed desires to be appointed to this committee.

5.6 South West Women's Health Information Centre Management Committee

2007/09 Appointees: Cr Helen Punch Cr Michelle Steck (proxy only)	New 2009/11 Appointees: Cr Helen Punch Cr Michelle Steck (proxy only)
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5.7 Bunbury Port Community Liaison Committee

2007/09 Appointees: Cr Helen Punch	New 2009/11 Appointees: Cr _____*
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* Note: Council's existing Committee Book identifies that Council is required to partake in this committee for professional reasons. As this is an external body, the Bunbury City Council is not at liberty to increase/decrease the number of councillors or officers representing the City on the group or amend the Terms of Reference.

The Bunbury Port Authority has confirmed that Councillor Punch was Council's previously appointed representative and that at the time of confirming the appointment, it was submitted to the Port that Councillor Whittle had also expressed a desire to attend meetings as a community representative/observer (non voting) through his interest in the Port and its activities being strong.

The Bunbury Port Authority has verbally indicated that it has no objection to Councillor Whittle continuing in this situation.

5.8 Bunbury-Jiaxing Sister Cities Committee

2007/09 Membership: Mayor David Smith Cr Ross Slater	New 2009/11 Membership: Mayor David Smith Cr Ross Slater
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5.9 Bunbury-Wellington Economic Alliance Inc.

2007/09 Appointees: Mayor David Smith	New 2009/11 Appointees: Mayor David Smith Dep. Mayor Brendan Kelly (proxy)
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5.10 Joint Councils Forum

2007/09 Appointees: Mayor & All Councillors	New 2009/11 Appointees: Mayor & All Councillors
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5.11 National Sea Change Task Force

2007/09 Appointees: Mayor David Smith (PLUS: CEO - Greg Trevaskis)	New 2009/11 Appointees: Mayor David Smith (PLUS: CEO - Greg Trevaskis)
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5.12 South West Regional Road Group

2007/09 Appointees: Cr Ross Slater Cr Judy Jones (proxy only)	New 2009/11 Appointees: Cr Ross Slater Cr Judy Jones (proxy only)
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5.13 WALGA South West Country Zone Committee

2007/09 Appointees: Mayor David Smith 1st Proxy: Dep. Mayor Stephen Craddock 2nd Proxy: Cr Derek Spencer	New 2009/11 Appointees: Mayor David Smith 1st Proxy: Dep. Mayor Brendan Kelly 2nd Proxy: Cr Derek Spencer
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6. Councillor Appointments to Boards of Management & Regional Councils

Council appoints members to represent it on the following Boards of Management and Regional Councils for the 2009-2011 term:

6.1 Bunbury Aged Persons Housing Collective Inc. Management Board

2007/09 Appointees: Councillor Judy Jones Councillor Helen Punch	New 2009/11 Appointees: Cr Judy Jones Cr Helen Punch
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6.2 Bunbury-Harvey Regional Council

2007/09 Appointees: Councillor Judy Jones Councillor Wayne Major Councillor Helen Punch	New 2009/11 Appointees: Cr Judy Jones Cr Helen Punch Cr Derek Spencer (Appointed at Special Council Meeting 27 October 2009)
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6.3 Bunbury Regional Arts Management Board Inc.

2007/09 Appointees: Cr Helen Punch	New 2009/11 Appointees: Cr _____*
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* Note: The permitted membership of a Management Board of an Incorporated Group is decreed by legal agreement and the Bunbury City Council is not at liberty to increase/decrease the number of councillors or officers representing the City on the Board without first having had the said legal agreement formally amended, signed and registered by all parties to the agreement.

At the Briefing Session on Tuesday, 10 November 2009, Cr Punch expressed a desire to be re-appointed to this Board. Cr Harrop also requested appointment to the Board.

6.4 Bunbury Regional Theatre Inc. Board

2007/09 Appointees: Dep. Mayor Stephen Craddock Cr Helen Punch (proxy only)	New 2009/11 Appointees: Cr Stephen Craddock Cr Helen Punch (proxy only)
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11.13 Financial Statements - October 2009

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

Summary/Background

Financial Statements for October 2009 have been circulated to members **under separate cover**. The statements include the following:

- Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Statement of Financial Activity
- Statement of General Purpose Income
- Statement of Rating Information

The Financial Statements also contain a number of explanatory notes covering the following topics:

- Significant Accounting Policies
- Description of Programmes
- Net Current Assets
- Trade and Other Receivables
- Other Current Assets
- Trade and Other Payables
- Provisions
- Trust Funds
- Capital Expenditure
- Key Operating Expenditure & Income
- Loan Funds
- Reserve Funds
- Bunbury Timber Jetty
- Investment Funds

Recommendation

The Financial Statements for October 2009 be received.

12. Motions on Notice

12.1 Motion on Notice - Install Pedestrian Crossing at Bussell Highway/Brittain Road Roundabout

File Ref:	R00056
Applicant/Proponent:	Councillor Wayne Major
Author:	Councillor Wayne Major
Executive:	<i>If adopted by Council refer to: Michael Scott, Executive Services Manager</i>

Cr Major submitted the following motion for the Council Committee Meeting on 17 November 2009:

"Council seek an urgent safe solution for a pedestrian crossing to be situated on or near the Bussell Highway/Brittain Road that links Crosslands and Hay Park - the exact site to be determined in an engineering manner."

Comments - Cr Major

In support of his motion, Cr Major states that, *"A safe crossing is needed to allow children from Newton Moore and Adam Road schools who live in the Carey Park area and other areas that force a crossing of the highway. This is dangerous to both children and adults.*

Recent parking on the verges to get to the circus and the combination of school children getting across the road led to many near misses. This situation needs to be rectified as soon as possible."

City Engineer Comments

Since the realignment of Parade Road in 2001, and the development of Crosslands Shopping Centre the traffic at this Parade / Bussell / Brittain roundabout has steadily increased. This section of Bussell Highway is a four lane dual carriageway which carries over 19,000 vehicles per day (vpd) including 4% heavy vehicles.

There are strong pedestrian desire lines between Newton Moore School, Crosslands Shopping Centre, Hay Park sports grounds and the Bunbury Turf Club during special events.

There is ongoing and continuous pedestrian / traffic conflict at this location because the efficiencies that the roundabout offers traffic flow, reduces the gaps for pedestrians to cross Bussell Highway.

The concept of formalising a safe and efficient pedestrian crossing of Bussell Highway is supported. However, it is recommended that the form of that crossing be subject to broad consultation and technical analysis. This will ensure the crossing that is eventually adopted has been subject to rigorous thought and the consequences of its implementation carefully considered.

For example, a mid section signalised controlled pedestrian crossing in a high traffic volume environment may result in unacceptable traffic delays for thousands of motorists.

An expensive pedestrian bridge will not impact on traffic, but if it is underutilised may not reduce the risk of pedestrian / traffic crashes.

Underpasses can be designed to channel all pedestrians away from the road crossings, but have a reputation for anti social activities.

Given the variety of pedestrian crossing devices available, the consultation and analysis process should be undertaken as a funded and programmed project within the 2010/11 budget. This will allow the Council to adopt a preferred solution and initiate specific requests for construction funding in a following year.

Cr Major's Motion

Council seek an urgent safe solution for a pedestrian crossing to be situated on or near the Bussell Highway/Brittain Road that links Crosslands and Hay Park - the exact site to be determined in an engineering manner.

12.2 Motion on Notice - Investigate Feasibility of Holding a 'Gay and Lesbian' Parade in the Bunbury CBD

File Ref:	A00161
Applicant/Proponent:	Councillor Wayne Major
Author:	Councillor Wayne Major
Executive:	<i>If adopted by Council refer to: Domenic Marzano, Executive Manager City Life</i>

Cr Major requested the following motion be listed on the agenda for the Council Committee Meeting on 17 November 2009:

"Council investigate the possibility of holding a Gay and Lesbian Parade at a suitable Bunbury CBD venue and research the expertise that is available (to assist in the organisation of such an event) in the state of Western Australia"

Comments - Cr Major

In support of his motion, Cr Major states that, *"I feel that a great opportunity is being lost to Bunbury as a tourist attraction. I also believe the Bunbury community would welcome the event for what it is and see it for what it is - simply a human celebration of life and not an advertisement for a lifestyle. As a heterosexual, I recognise the diversity of human nature and again, see this as an opportunity for Bunbury businesses and tourism."*

Executive Comments

Arrangements for any groups wishing to conduct a parade or organise an event, such applications would be subject to standard conditions i.e. Parade would involve street closure, advertising, liaising with Police, traffic management and any associated fees. Council would not normally be involved in the planning and organisation of such events rather, it will simply approve/assist in accordance with established policy.

Cr Major's Motion

Council investigate the possibility of holding a Gay and Lesbian Parade at a suitable Bunbury CBD venue and research the expertise that is available (to assist in the organisation of such an event) in the state of Western Australia

12.3 Motion on Notice – Creation of New Policy Titled “Optimum Public Amenity Policy 2009”

File Ref:	A00410-08
Applicant/Proponent:	Councillor Noel Whittle
Author:	Councillor Noel Whittle
Executive:	<i>If adopted by Council refer to: Michael Scott, Executive Manager City Services</i>

Cr Whittle has given notice that he intends to move the following motion at the Council Committee Meeting on 17 November 2009:

"Council to create a new policy titled “Optimum Public Amenity Policy 2009” which will contain the following contents:

1. *Policy Subject*

Public preference in the use of design guidelines and standards.

2. *Objective*

Provision of optimized public amenity through the capture of learning outcomes and by balancing community aspirations in the use of design standards and guidelines.

3. *Policy*

The City of Bunbury recognises that the use of design guidelines and standards may at times result in inadequate levels of amenity for the public, and that specific areas may require the adoption of local preferences.

4. *Guidelines*

The City of Bunbury prescribes the following to develop a new policy titled Optimum Public Amenity.

- a) *Elevator Sizes – Minimum Internal Dimensions to be (to be determined in consultation with the Community Access committee)*
- b) *CBD footpaths – Minimum Width. 2400 mm from the building frontage to the kerb.*
- c) *On-Road Bicycle Lanes – Minimum Width = Austroads Part 14 – Bicycles minimum standard width, plus 15%.*
- d) *Shared Paths – All paths which are nominated to be Recreational Shared Paths (RSP) or Principal Shared Paths (PSP) are to be specified to conform to Austroads Part 14 – Bicycles, with particular attention to horizontal & vertical setbacks."*

Comments - Cr Whittle

In support of his motion, Cr Whittle states that “*On-Road Pedestrian Paths are not an option in the City of Bunbury*”. He further states that...

“Standards & Guidelines vs. Prescriptive Policy

When it comes to the design and provision of new public infrastructure, or upgrade of existing public infrastructure, there are too few controls to ensure the preservation of an intangible factor known broadly as human comfort or amenity. Certainly there are many standards and guidelines for engineering and design but they are generally not prescriptive with regards to comfort, practicality, ergonomics, local preferences, or perceptions of safety.

The risk of losing touch with the comfort and amenity factor can result in situations such as was recently experienced with the new City of Bunbury Library building, where despite the significant scale and budget of the project the public elevator was built to the minimum standard dimensions for internal width and depth. The result is an elevator that does not provide sufficient room inside to allow some wheelchairs to turn around. It was built to the minimum standard. And, shortly thereafter, a concept plan was presented to Council for another project and that also included a minimum-standard internal dimension elevator.

Car dominated design vs. People dominated design.

An example would be the re-design of a street. Given the requirement to include a marked cycle lane, a landscaped median strip and vehicle lanes it could be argued that the marked cycle lane should take priority, and the median strip has least priority, (unless it is a necessary safety feature). The opposite of ‘car dominated’ design is to either minimise the median strip, or revert to a painted central strip, or lose the median strip entirely. There is also an argument that providing an increased width bicycle lane and a minimal width vehicle lane forces the driver to take more care and creates the perception that they do not have priority on that carriageway. Around the world this approach is known as a ‘road diet’.

Elevation of Priority

These factors are generally left up to the discretion of Consultants Designers or City Officers, people who are not necessarily privy to the discussions or aspirations expressed in Council. Whereas if we are able to recognize that the public has aspirations for best practice in specific areas then we as community representatives are obliged to develop policy that captures and reflects those aspirations as minimum benchmarks to be achieved as often as practicable. We need to raise the bar, so to speak.

We need to elevate the relative priority of the general public throughout these processes. And we need to build enduring comfort and amenity into all future projects. It seems clear that we need to develop a policy that exists as a living document, to capture important learning outcomes, and to be continuously adapted to respond to increasing community expectations.

Conclusion

The City of Bunbury does not have a working policy to capture key learning outcomes from projects in the public domain. The following examples are presented to demonstrate the principles.

Elevator Sizes – Minimum Dimensions: *If this policy had been in place for the City Library project, the optimum minimum internal dimensions would have been provided, or a design vs. policy conflict would have been referred back to Council for consideration.*

CBD footpaths – Minimum Width: *The recent Stephen Street re-development has resulted in reduced footpath width in some places. If this policy had been in place the original width of approx 2400 mm would have been preserved throughout, or a design vs policy conflict would have been referred back to Council for consideration.*

On-Road Bicycle Lanes – Minimum Width: *the Ocean Drive re-development, as part of the \$16 million Bunbury Coastal Enhancement Project resulted in a decision to create 4km's of sub-standard on-road cycle lane. In fact, the stencilled bicycle symbols had to be erased from the bicycle lane when it was found to be only 1100 mm wide, which is 100 mm narrower than the recommended minimum standard of 1200 mm. If this policy had been in place the optimum minimum width of approx 1400 mm would have been applied throughout, or a design vs. policy conflict would have been referred back to Council for consideration. Potentially it would have triggered a decision to make use of some of the approx 9 metres of road verge that now remains vacant for a significant distance on the eastern side of Ocean Drive.*

On-Road Pedestrian Paths: *a recent project completed on Casuarina Drive by the Bunbury Port Authority has delivered approximately 400 metres of pedestrian pathway on a sealed shoulder of the main roadway. The existence of this path should not be considered a precedent for providing a similar path again in Bunbury."*

Executive Comments

All Council projects are completed to applicable and appropriate engineering standards and guidelines. Design, expertise, technical information and drafting services are sought from professional, qualified practitioners, externally where this expertise is not available in-house.

Project reviews are undertaken on the completion of projects. Engineering Services project review processes are a condition of the ISO 9000 accreditation the department holds. This independently audited process confirms that the process of continual improvement is integrated into reviews and project analysis.

While it may not be ideal, cost is a factor in Local Government project delivery. All projects are undertaken with a view to maximising the benefit to our community. A flexible approach to project design, albeit within applicable standards, that allows Council to apply this approach is recommended.

Council may wish to consider an independent review of the design matters and recommendations raised by Councillor Whittle.

A comprehensive approach to the engineering guidelines Council wishes to adopt is recommended.

Ideally, Council would be provided with and briefed on the standards, guidelines and processes currently used so that any proposed local guidelines may be considered in the appropriate engineering context.

Cr Whittle's Motion

Council to create a new policy titled "Optimum Public Amenity Policy 2009" which will contain the following contents:

1 Policy Subject

Public preference in the use of design guidelines and standards.

2. Objective

Provision of optimised public amenity through the capture of learning outcomes and by balancing community aspirations in the use of design standards and guidelines.

3. Policy

The City of Bunbury recognises that the use of design guidelines and standards may at times result in inadequate levels of amenity for the public, and that specific areas may require the adoption of local preferences.

4. Guidelines

The City of Bunbury prescribes the following to develop a new policy titled Optimum Public Amenity.

- a) Elevator Sizes – Minimum Internal Dimensions to be (to be determined in consultation with the Community Access committee)
- b) CBD footpaths – Minimum Width. 2400 mm from the building frontage to the kerb.

- c) On-Road Bicycle Lanes – Minimum Width = *Austroads Part 14 – Bicycles* minimum standard width, plus 15%.
- d) Shared Paths – All paths which are nominated to be Recreational Shared Paths (RSP) or Principal Shared Paths (PSP) are to be specified to conform to *Austroads Part 14 – Bicycles*, with particular attention to horizontal & vertical setbacks.

12.4 Motion on Notice - Demolition of Bunbury Timber Jetty Area Currently Causing Public Safety Concerns

File Ref:	A00502
Applicant/Proponent:	Councillor Michelle Steck
Author:	Councillor Michelle Steck
Executive:	<i>If adopted by Council refer to: Michael Scott, Executive Services Manager</i>

Cr Steck submitted the following motion for the Council Committee Meeting on 17 November 2009:

"Council undertake immediate demolition of the Bunbury Timber Jetty area that has caused the closure of Koombana Bay, Water Ski Area and Powerhouse Ski Area - such demolition shall include any other area of the jetty that is deemed immediately hazardous to the community."

Comments - Cr Steck

In support of her motion, Cr Steck states that:

"Mr David Harrod, General Manager of Marine Safety at the Department of Transport, this week published in the Bunbury Herald an advertisement advising of the closure of the Koombana Bay Ski Area and the Powerhouse Ski Area for all navigation until further notice."

For the City of Bunbury to have several of its primary water sports areas closed going into the summer and peak tourist season, is completely unacceptable. The restoration of the Bunbury Timber Jetty area that has caused the closure of the primary water sports areas should now be deemed impractical for the greater community and the region. The immediate risk to public safety, loss of recreational amenity, loss of tourism income and potential financial burden for the ratepayers of Bunbury, should be of the highest priority for the Council when considering the appropriate action to undertake. Any attempt to restore a section of the jetty which is now unsalvageable in my view is acting in a financially irresponsible manner."

Executive Comments

Council, at its meeting on 8 September 2009, approved arrangements for TABEC Pty Ltd (Civil Engineering Consultants) to coordinate the necessary research and report on options, costings and future maintenance for demolition/refurbishment of the Bunbury Timber Jetty.

A meeting with TABEC on 12 November 2009, confirmed that its report will be finalised by the end of November. It is proposed that a workshop will be held for councillors and staff to discuss the contents of the report on Thursday, 10 December 2009 at 4.00pm. Once this report is finalised, the Council will be better placed to decide on options for demolition and/or making the jetty safe, to enable possible re-opening of skiing areas in Koombana Bay.

Cr Steck's Motion

Council undertake immediate demolition of the Bunbury Timber Jetty area that has caused the closure of Koombana Bay, Water Ski Area and Powerhouse Ski Area - such demolition shall include any other area of the jetty that is deemed immediately hazardous to the community.

13. Urgent Business (With Approval of Majority of Members Present as Permitted Under Standing Order 5.1.13)

14. Items to be Noted or Endorsed

14.1 Items to be Noted (No Discussion) at the Council Committee Meeting

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

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

Recommendation

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

1. Title: Small Business Centre Bunbury-Wellington
Author: Trevor Ayers, Economic Development Officer
File: A00185
2. Title: Schedule of Accounts Paid for the Period 1 to 31 October 2009
Author: David Ransom, City Accountant
File: A00083-10

14.2 Items to be Endorsed (No Discussion) at the Council Committee Meeting

There are no items recommended for endorsement.

15. Confidential Business as Stipulated Under Section 5.23(2) of the Local Government Act 1995

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

16. Close of Meeting