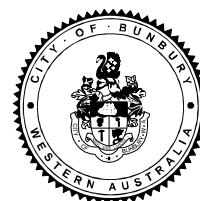




Bunbury City Council

Minutes

29 June 2010



CITY OF BUNBURY
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Bunbury WA 6230
Western Australia
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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

GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
LEMC	Bunbury Local Emergency Management Committee
LIA	Light Industrial Area
LN (2000)	Liveable Neighbourhoods Policy (2000)
LSNA	Local Significant Natural Area
MHDG	Marlston Hill Design Guidelines
MRWA	Main Roads Western Australia
NDMP	National Disaster Mitigation Program
NEEDAC	Noongar Employment & Enterprise Development Aboriginal Corp.
NRM	Natural Resource Management
NRMO	Natural Resource Management Officer
ODP	Outline Development Plan
PAW	Public Access Way
PHCC	Peel-Harvey Catchment Council
PR	Plot Ratio
R-IC	Residential Inner City (Housing) - special density provisions
RDC	Residential Design Codes
RDG	Residential Design Guidelines
Residential R15	Town Planning Zone – up to 15 residential dwellings per hectare
Residential R20	Town Planning Zone – up to 20 residential dwellings per hectare
Residential R40	Town Planning Zone – up to 40 residential dwellings per hectare
Residential R60	Town Planning Zone – up to 60 residential dwellings per hectare
RFDS	Royal Flying Doctor Service
RMFFL	Recommended Minimum Finished Floor Levels
ROS	Regional Open Space
ROW	Right-of-Way
RSL	Returned Services League
SBCC	South Bunbury Cricket Club Inc.
SCADA	Supervisory Control and Data Acquisition
SGDC	Sportsgrounds Development Committee
SW	South West
SWACC	South Western Area Consultative Committee
SWAMS	South West Aboriginal Medical Service
SWBP	South West Biodiversity Project
SWCC	South West Catchments Council
SWDC	South West Development Commission
SWDRP	South West Dolphin Research Program
SWEL	South West Electronic Library
SWSC	South West Sports Centre
TME	Thompson McRobert Edgeloe
TPS	Town Planning Scheme
USBA	Union Bank of Switzerland Australia
VGO	Valuer General's Office
VOIP	Voice-Over Internet Protocol
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission
WAPRES	Western Australian Plantation Resources
WAWA	Water Authority of Western Australia
WC	Water Corporation
WML	WML Consultants
WRC	Waters and Rivers Commission

Bunbury City Council Minutes

Minutes of an Ordinary Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 29 June 2010.

Minutes 29 June 2010

NOTE: These minutes are subject to confirmation at the next Ordinary meeting of the Council.

1. Declaration of Opening by the Presiding Member

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

2. Record of Attendance, Apologies and Leave of Absence

PRESENT

Council Committee Members	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member:	Deputy Mayor, Councillor B Kelly
Members:	Councillor J Jones
	Councillor S Craddock
	Councillor W Major
	Councillor H Punch
	Councillor N Whittle
	Councillor M Steck
	Councillor A Leigh
	Councillor J Harrop
	Councillor K Steele
Executive Management Team (Non-Voting)	
Chief Executive Officer:	Mr G Trevaskis
Executive Manager Corporate Services:	Mr K Weary
Executive Manager City Services:	Mr J Gick (acting for Mr M Scott)
Executive Manager City Development:	Mr G Fitzgerald (acting for Mr G Klem)
Executive Manager City Life:	Ms J Massey (acting for Mr D Marzano)

Council Officers (Non-Voting):	
City Accountant	Mr D Ransom
Admin. Officer Corporate Services:	Ms N Hribar
Others (Non-Voting):	
Members of the Public:	11 (approx.)
Members of the Press:	2

APOLOGIES:

Cr Ross Slater on Leave of Absence from 29 June 2010.

Cr Derek Spencer on Leave of Absence from 24 June 2010 to 4 July 2010.

3. Responses to Public Questions Taken ‘On Notice’ at the Previous Council Meeting

Nil.

4. Public Question Time

Mr Frank Martinac, 49 Wilkerson Way, Withers

Question: (Hudson Road Community Garden) In 2003 the Council informed us that the Hudson Road Community Centre wanted to extend their facilities for a play school/nursery playground but in truth, was it the garden’s real agenda? and Who is there to protect the area?

Response: Mayor: The community garden at Hudson Road/Wilkerson Way was not under consideration at the time the question of the application for Hudson Road Community Centre came before Council.

Question: Why was the fence put up and then nothing done for a few years?

Response: Mayor: You will need to address that question to Hudson Road but I can assure you that there was no consideration being given to a community garden in that area at the time they made their application.

Question: Why have some Councillors been pushing us to come onto their agenda without consultation?

Response: Mayor: I simply don’t accept that’s true. The Wilkerson Group have lodged a petition and that petition is being dealt with this evening. There will be an opportunity for the Wilkerson residents to present their view and there will be an opportunity for those that represent the garden to present their view. Council will then make a decision but quite frankly, I don’t believe that you are helping by framing questions of that kind before the item is called upon.

Question: *Why is it then that if this garden goes ahead, the residents of Wilkerson Way, being community minded, are going to have to police that garden?*

Response: Mayor: I just don't know why you are prejudging what the Council's decision might be. I really want to convey the message to you that I don't think you are helping your cause at the moment and you would be better off to leave it until we actually get their presentations prior to the item being discussed.

Mrs Lorene Kemps, 44 Wilkerson Way, Withers

Question: *(Hudson Road Community Garden) Can the Council assure us that the proposed gardens will not lower the value of our properties as it does not compliment the area nor add value to our property?*

Response: Mayor: The community garden would only be allowed to proceed if it does not jeopardise value of properties or the amenity of the area. Short answer is if it's approved that it will be on conditions that would prevent that from happening but I think you should also wait for the outcome of the item.

Question: *Can the Council assure us that we will be able to sleep at night if the garden goes ahead, without the fear of fires, as this area has become a fire hazard as there has been a fire there just recently?*

Response: Mayor: If there is any risk of fire in terms of rubbish or the things catching on fire then that would be a concern of all Councillors and we will try and ensure that the area is kept clean and in a manner that it doesn't create any risk of fire. The question of the garden I repeat should really be left until the agenda item is discussed

Ms Michelle Perkins, 37 Tuart Street, Bunbury

Question: *(Hudson Road Community Garden) Does Council support the development of community gardens in general?*

Response: Mayor: Yes.

Question: *If the community garden does not proceed on the land adjacent to the Hudson Road Family Centre would Council consider assisting the community to develop a garden at a different site?*

Response: Mayor: Yes.

Question: *Given the huge amount of support for a community garden in Bunbury, would Council consider developing a policy that incorporates community gardens under the Sustainable City Plan?*

Response: Mayor: The Deputy Mayor chairs our policy committee and I am sure he has heard what you have said.

Mr James Needham, 12 Lowe Street, Carey Park

Question: *(Hudson Road Community Garden) Does this mean if we can't use the land for the garden can anyone else put barbeques and other things there?*

Response: Mayor: The issues are quite separate. One question is whether or not to establish a community garden there and the other is whether or not to provide any other recreational or other equipment in that area for the use of local residents. It has been suggested for instance, that the provision of some playground equipment might be suitable and I certainly would be prepared to look at that but it would be a decision for Council through the Budget processes.

Ms Joan Jenkins, U5/8 Minninup Road, Withers

Question: *(Hudson Road Community Garden) The question that I would like to put to the Councillors is that they ensure that a community garden of some kind be considered for the Bunbury area community.*

Response: Mayor: We support community gardens. We will certainly entertain the possibility of a community garden whether it's in a bush tucker form or some other form. The question for tonight's meeting is whether a particular community garden on a particular site is to continue or whether we look for an alternative site.

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

Nil

6. Confirmation of Previous Minutes

The minutes of the Council Meeting held 8 June 2010, have been circulated.

Recommendation

The minutes of the Council Meeting held 8 June 2010, be confirmed as a true and accurate record.

Outcome – Council Meeting 29 June 2010

A motion to confirm the minutes was moved Cr Major, seconded Cr Harrop.

The minutes were confirmed and adopted to become the Council's decision.

Council Decision 110/10

The minutes of the Council Meeting held 8 June 2010, be confirmed as a true and accurate record.

CARRIED
11 Votes "For" / Nil Votes "Against"

7. Disclosures of Interest Under the Local Government Act 1995

Cr Harrop disclosed a proximity interest in the item titled '*Hudson Road Community Garden Reserve 40244 (Lot 300)*' as she has been involved in the development of the community garden. She believes her interest to be trivial in nature and would like to stay, participate in discussion and vote on the matter. The Mayor put to the vote whether Cr Harrop was free to stay, participate and vote – CARRIED 10 votes "for" / 1 vote "against".

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

Mr John Thompson has a small presentation that he would like to make to Council. Mr Thompson is the President of Thommo's Community Garden. The garden was named in the memory of his brother Colin Thompson who was a long time employee of the City who had passed away in March 2009. He thanked the Councillors for their help and support of the garden in getting the garden underway. They have 42 members aged 55 and above. The Mayor stated on behalf of the Council that he was impressed with the way the group has run the community garden and the success that has been achieved. It is a fitting memory of Colin.

The Mayor told the Council that he attended, that afternoon, a welcome to the runner, Deborah Williams, who was running through Bunbury to help raise awareness and funds for the National Breast Cancer Foundations Research. She passed onto the Mayor a letter from the Lord Mayor of Hobart which he read out. Deborah is 40 years old and an inspirational Australian. She has an honours degree from Monash University and operates a small successful taxi company in Launceston, Tasmania. On the 15 March 2006 Deborah's life was changed forever. She ran with the Queen's baton at the 2006 Commonwealth Games on that day and it was the day that she discovered that a small lump in her right breast was a DCIS breast cancer. Deborah is a breast cancer survivor and by telling her story throughout the run, she hopes to inspire, empower, educate and inform each community about breast cancer whilst raising funds for much needed breast cancer research and support. Deborah has always been a keen runner and walker. She participated in her first marathon in 2001 and has never looked back. The Mayor told the Members that Council made a small donation to her today and encouraged the Councillors and anyone that they know to also make a contribution. He stated that Deborah had impressed him as an outstanding Australian.

9. Chief Executive Officer Reports/Discussion Topics

9.1 Request for Leave of Absence – Councillor Derek Spencer *(was listed as item 9.1 on the meeting agenda)*

File Ref:	A00215
Applicant/Proponent:	Councillor Derek Spencer
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer
Attachments:	Nil

Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Derek Spencer is granted leave of absence from all Council-related business from 24 June 2010 to 8 July 2010.

Summary/Background

Councillor Derek Spencer requests leave of absence from all Council-related business from 24 June 2010 to 8 July 2010.

Section 2.25 of the Local Government Act 1995, allows a council to grant leave of absence to one of its members provided that the period of leave does not exceed six consecutive ordinary meetings of the Council.

Outcome – Council Meeting 29 June 2010

The recommendation was moved Cr Major, seconded Cr Leigh.

The motion was put to the vote and was adopted to become Council's decision on the matter.

Council Decision 111/10

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Derek Spencer is granted leave of absence from all Council-related business from 24 June 2010 to 8 July 2010.

CARRIED
11 Votes "For" / Nil Votes "Against"

9.2 Request for Leave of Absence – Councillor Helen Punch *(was listed as item 9.2 on the meeting agenda)*

File Ref:	A00215
Applicant/Proponent:	Councillor Helen Punch
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer
Attachments:	Nil

Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Helen Punch is granted leave of absence from all Council-related business from 2 July 2010 to 16 July 2010.

Summary/Background

Councillor Helen Punch requests leave of absence from all Council-related business from 2 July 2010 to 16 July 2010.

Section 2.25 of the Local Government Act 1995, allows a council to grant leave of absence to one of its members provided that the period of leave does not exceed six consecutive ordinary meetings of the Council.

Outcome – Council Meeting 29 June 2010

The recommendation was moved Cr Jones, seconded Cr Leigh.

The motion was put to the vote and was adopted to become the Council's decision on the matter.

Council Decision 112/10

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Helen Punch is granted leave of absence from all Council-related business from 2 July 2010 to 16 July 2010.

CARRIED
11 Votes "For" / Nil Votes "Against"

9.3 Hudson Road Community Garden – Reserve 40244 (Lot 300) (was listed as item 9.3 on the meeting agenda)

File Ref:	F00086
Applicant/Proponent:	Internal Report
Author:	Ron Boardley, Senior Property Officer
Executive:	Ken Weary, Executive Manager Corporate Services
Attachments:	Nil

Recommendation

The approval issued to the Hudson Road Family Centre for the establishment of a Community Garden on Reserve 40244 (Lot 300) Hudson Road, Withers be withdrawn and the Hudson Road Family Centre be advised to immediately clean up and vacate the land, for the following reasons:-

1. The strong opposition to the project evidenced by the 132 signature petition received from the Wilkerson Way Action Group.
2. Use of the Reserve for a Community Garden, while still allowing use of the Reserve by the wider community, is not practical.
3. The City does not have power under the terms of the vesting of the Reserve to allow use of the land either by way of a lease or licence.

Summary

This report relates to the petition received from the Wilkerson Way Action Group strongly opposing 'the implementation of a community garden being developed at Reserve 40244, Hudson Road'.

Background

At the Ordinary Council Meeting held on 18 May 2010, Councillor Major presented a petition, containing 132 signatures, from the Wilkerson Way Action Group strongly opposing 'the implementation of a community garden being developed at Reserve 40244, Hudson Road'.

Council resolved "*Pursuant to Section 9.4(c) of the City of Bunbury Standing Orders that the petition from the Wilkerson Way Action Group be accepted and referred to a committee for consideration and report*".

Approval was granted on 21 October 2009 to the Hudson Road Family Centre for the establishment of a Community Garden on Reserve 40244 (Lot 300) Hudson Road, Withers.

At the time of the approval, the City's GIS system did show the Hudson Road Family Centre as the owner of the Reserve and therefore approval was given on the basis of that information. Unfortunately the ownership details were incorrect as the Reserve is vested in the City for the purpose of "Public Recreation". Under the terms of the vesting, there is no power to lease the land.

This matter has been discussed with an officer from State Lands South West, who advised that Council has two options to consider. Council can either advise Hudson Road Family Centre to vacate the land as the approval should not have been given as there is no power to allow the group to use the land, or alternatively Council can apply for an amendment to the Vesting Order to permit use of the land either by way of a lease or licence. The reserve is a Section 20A Reserve and therefore exclusive use cannot be granted as the reserve is required to be available for use by the wider community. The approval to amend the vesting would take up to two months.

The City's Development Services Section and the Office of State Lands have advised that a 'Community Garden' is a permitted use under the vesting purpose of "Public Recreation".

The Hudson Road Family Centre has been advised to refrain from any further development of the Community Garden, pending consideration of the matter by Council. The Wilkerson Way Action Group has been advised of this action.

Officer Comments

Under the terms of the vesting of the Reserve, the City does not have the power to allow use of the land either by way of a lease or licence and therefore the approval issued to the Hudson Road Family Centre for the establishment of a Community Garden on the Reserve should be withdrawn and the Hudson Road Family Centre be advised to immediately clean up and vacate the land.

It is also considered that the Community Garden should not be supported for the following reasons:-

1. The strong opposition to the project evidenced by the 132 signature petition received from the Wilkerson Way Action Group.
2. Use of the Reserve for a Community Garden, while still allowing use of the Reserve by the wider community, is not practical.

Analysis of Financial and Budget Implications

Not applicable to this item.

Community Consultation

In 2003 and again in 2004, community consultation was undertaken in relation to applications received from the Hudson Road Community Centre for the City to relinquish two small portions of Reserve 40244 for amalgamation with the adjoining Reserve 42071 for the purpose of upgrading and extending the playground areas on Reserve 42071. No objecting submissions were received on either occasion; however this did not include the Community Garden proposal that has now been approved on the adjoining reserve (No. 40244).

The petition that was accepted by Council at the meeting held on 18 May 2010 contained 132 signatures objecting to the Community Garden being established on Reserve 40244.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Per the recommendation listed in this report, with amendments suggested by council members.

Option 3

1. Council grant “in principle” support to the Hudson Road Family Centre for the establishment of a Community Garden on Reserve 40244 Hudson Road, Withers and application be made to the office of State Lands South West for an amendment to the Management Order for the Reserve to permit the City to allow such use of the Reserve by way of a non exclusive licence, as use of the Reserve must still be available to the wider community.
2. The Hudson Road Family Centre be advised to refrain from any further development of the Community Garden pending amendment to the Management Order, as outlined in 1 above.

Outcome – Council Meeting 29 June 2010

Cr Harrop disclosed a proximity interest in this item as she was involved in the development of the community garden. The Members voted (see section 7) to allow her to stay, participate in discussion and vote on the matter.

The Mayor asked if there was any members of the public that wished to speak to the item.

Three members of the Wilkerson Way Action Group addressed the Council. Mr Glen Willetts, 40 Wilkerson Way; Ms Janine Hedley, 32 Wilkerson Way; Ms Sue Grace, 36 Wilkerson Way, Withers spoke in favour of the Council’s recommendation. The summary of their reasons are as follows. There was no consultation from the Bunbury Community Garden Group with the residents of Wilkerson Way and if there had been then the project would never had gotten as far as it did. They felt that the project would not enhance the amenity of the area and would lower the value of the properties. They would like to see the Reserve kept as public open space with the possibility of an increase in the facilities of the area.

Michelle Perkins, 37 Tuart Street and Joan Jenkins, U5/8 Minninup Road, Bunbury spoke against the recommendation and in favour of the community garden and responded to the statements made by the Wilkerson Way Action Group. A summary of the response is as follows. They did consult the community by way of letter drop, a notice in the paper and also a door knock of the area. They admit that in hindsight more could have been done. They were led to believe that they had the okay to go ahead with the garden from the Hudson Road Family Centre. They have met with the residents from Wilkerson Way to try and address their concerns both face-to-face

and via letter outlining the things of concern. The project was the result of the best of intentions by a group of like minded people.

The recommendation (as printed) was moved Cr Major, seconded Cr Steck. Cr Major then moved an amendment with an additional Part B. Cr Steck agreed to this amendment. The original recommendation to remain as printed but now becomes Part A. The addition is as follows:

Part B: That this Council at the December Budget Review, consider \$75,000 to enhance Reserve No. 40244 with play ground equipment, dual use path, barbeque, half-court basketball ring and all other facilities as of other parks.

It was then requested that the mover and seconder accept a further amendment for an additional Part C. This was agreed to. The addition is as follows:

Part C: That Council Executive staff be requested to assist in identifying a suitable replacement location(s) in consultation with the Bunbury Community Garden Group and return a recommendation to Council for consideration.

It was then requested that the mover and seconder accept an amendment to Part B by adding the words "... after consultation with the local residents..." after "That this Council,...". This amendment was agreed to.

It was requested that the votes for the motion be taken in separate parts. The votes are as follows and the outcome was adopted to become the Council's decision on this matter.

Part A: 10 votes "for" / 1 vote "against" CARRIED. It was requested that the votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Jones, Cr Craddock,
Cr Steck, Cr Whittle, Cr Leigh, Cr Steele, Cr Major, Cr Punch.
Against: Cr Harrop

Part B: 9 votes "for" / 2 votes "against" CARRIED.

Part C: 11 votes "for" / Nil votes "against" CARRIED.

Council Decision 113/10

Part A:

The approval issued to the Hudson Road Family Centre for the establishment of a Community Garden on Reserve 40244 (Lot 300) Hudson Road, Withers be withdrawn and the Hudson Road Family Centre be advised to immediately clean up and vacate the land, for the following reasons:-

- 1. The strong opposition to the project evidenced by the 132 signature petition received from the Wilkerson Way Action Group.**
- 2. Use of the Reserve for a Community Garden, while still allowing use of the Reserve by the wider community, is not practical.**

- 3. The City does not have power under the terms of the vesting of the Reserve to allow use of the land either by way of a lease or licence.**

Part B:

That this Council, after consultation with the local residents, at the December Budget Review, consider \$75,000 to enhance Reserve No. 40244 with play ground equipment, dual use path, barbeque, half-court basketball ring and all other facilities as of other parks.

Part C:

That Council Executive staff be requested to assist in identifying a suitable replacement location(s) in consultation with the Bunbury Community Garden Group and return a recommendation to Council for consideration.

9.4 Proposed Increase in Property Rates for the 2010/2011 Budget (was listed as item 9.4 on the meeting agenda) (was included as a late item and was not originally on the meetings agenda)

File Ref:	A00281-07
Applicant/Proponent:	Internal Report
Author:	David Ransom, City Accountant
Executive:	Ken Weary, Executive Manager Corporate Services
Attachments:	Nil

Recommendation

1. Council advertise a property rate increase of 6.65% on Differential Rates, Minimum Rates and Specified Area Rates for the 2010/2011 Budget.
2. Council invite public comment in respect to the proposed rate increase for a period of 21 days.
3. Council have available for public inspection the “Statement of Proposed Rating Objectives and Reasons for the Raising of Differential General Rates and Specified Area Rates for 2010/2011” document.

Summary

The Local Government Act, Section 6.36 requires that before imposing any differential general rates or minimum payment, Council is required to give public notice inviting submissions in respect to the proposed payments. Council will advertise the proposed rates in the South Western Times advising that public comments will be received for a period of 21 days. The advertisement will also advise that a document describing the objects and reasons for each proposed rate and minimum payment is available for public inspection.

Council will consider any submissions received prior to adopting the 2010/2011 Budget in early August 2010.

Background

Councillors have held three (3) budget workshops on the 21, 23 & 24 June 2010 to consider the revenues and expenditures in the 2010/2011 draft budget. From these workshops, a rate increase of 6.65% was considered necessary to meet operating and capital expenditure in the 2010/2011 draft budget.

Officer Comments

Public submissions received on the proposed rates for the 2010/2011 financial year will be considered by Council prior to adopting the budget in early August 2010.

Analysis of Financial and Budget Implications

The proposed rates are considered necessary to meet operating and capital expenditure in the 2010/2011 draft budget:

Options

Option 1

As per the recommendation.

Option 2

As per the recommendation, but with an alternative rate increase.

Outcome – Council Meeting 29 June 2010

The recommendation (as printed) was moved Cr Whittle, seconded Deputy Mayor Cr Kelly.

Cr Jones foreshadowed an amendment to the motion. The amendment is in the form of an additional point to the recommendation which reads as follows:

4. *That the total of rates ceded as the result of rates-exempt properties under Section 6.26 of the Local Government Act 1995 be calculated and included in the Special Council meeting held to adopt the 2010/2011 Budget.*

Cr Steck moved procedural motion 15.9 of the City of Bunbury Standing Orders that the matter 'lie on the table' in order for the Council to go back to another Budget workshop. The Mayor put the procedural motion to the vote and was LOST 3 votes "for" / 8 votes "against". Debate on the motion continued.

The Mayor put the motion (as printed) to the vote in separate parts and the outcome became the Council's decision on this matter.

Point 1: 6 votes "for" / 5 votes "against" CARRIED. It was requested that the votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Whittle, Cr Craddock, Cr Harrop, Cr Punch

Against: Cr Major, Cr Steele, Cr Leigh, Cr Steck, Cr Jones

Point 2 & 3: 8 votes "for" / 3 votes "against" CARRIED.

The Mayor asked if there was a seconder for Cr Jones' foreshadowed motion. Cr Jones moved and Deputy Mayor Cr Kelly seconded the foreshadowed motion.

The motion (Jones/Kelly) was put to the vote and adopted to form the Council's decision on the matter – CARRIED 11 votes "for" / Nil votes "against"

Council Decision 126/10

1. **Council advertise a property rate increase of 6.65% on Differential Rates, Minimum Rates and Specified Area Rates for the 2010/2011 Budget.**

- 2. Council invite public comment in respect to the proposed rate increase for a period of 21 days.**
- 3. Council have available for public inspection the “Statement of Proposed Rating Objectives and Reasons for the Raising of Differential General Rates and Specified Area Rates for 2010/2011” document.**
- 4. That the total of rates ceded as the result of rates-exempt properties under Section 6.26 of the Local Government Act 1995 be calculated and included in the Special Council meeting held to adopt the 2010/2011 Budget.**

10. Reception of Formal Petitions and Memorials

Nil

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

Pursuant to Standing Order 16.1.1, the Council adopted 'en bloc' (i.e. without discussion) those recommendations listed for items 11.1, 11.2, 11.3, 11.5, 11.6, 11.7, 11.8, 11.9, 11.10 & 11.11 of the meeting agenda.

Item 11.4 of the meeting agenda was then discussed and voted on separately.

Please note that the items listed in this section of the meeting minutes have been rearranged (and re-numbered) so that they appear in the order that they were discussed at the meeting. The items voted on 'en bloc' are listed first.

Cr Steck requested that her vote against items 11.8 & 11.9 be recorded. His Worship the Mayor requested that his vote against item 11.8 be recorded.

11.1 Request for Leave of Absence – Councillor Ross Slater *(was listed as item 11.1 on the meeting agenda)*

File Ref:	A00215
Applicant/Proponent:	Councillor Ross Slater
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer
Attachments:	Nil

Committee Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Ross Slater is granted leave of absence from all Council-related business on 29 June 2010.

Summary/Background

Councillor Ross Slater requests leave of absence from all Council-related business on 29 June 2010.

Section 2.25 of the Local Government Act 1995, allows a council to grant leave of absence to one of its members provided that the period of leave does not exceed six consecutive ordinary meetings of the Council.

Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Ross Slater is granted leave of absence from all Council-related business on 29 June 2010.

Outcome – Council Committee Meeting 22 June 2010

The recommendation was moved Cr Leigh, seconded Cr Jones.

The motion was put to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 29 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Steck, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 114/10

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Ross Slater is granted leave of absence from all Council-related business on 29 June 2010.

CARRIED
11 Votes "For" / Nil Votes "Against"

11.2 Council Endorse Naming of the Roads in Riverlea Subdivision Glen Iris (was listed as item 11.2 on the meeting agenda)

File Ref:	R00561
Applicant/Proponent:	Bunbury Project Pty Ltd
Author:	Amanda Mitchell, Engineering Technical Officer
Executive:	Michael Scott, Executive manager city services
Attachments:	Appendix 1

Committee Recommendation

Council approves the names:

- Barker Boulevard
- Moonlight Drive
- Riverlea Entrance
- Meadow Lane
- Rivergum Way
- Equine Avenue
- Sanders Parade
- Swan Street

for road names within the Riverlea subdivision in Glen Iris.

Summary

On 3 June 2010 a request was received by Bunbury Projects Pty Ltd for the use of the abovementioned names within the Riverlea subdivision in Glen Iris.

Background

The Geographic Names Committee determines the criteria for appropriate street names and has the ultimate authority in this regard. However, before any street name is approved, Council approval is required from the Council.

A copy of the site plan is **attached** at Appendix 1.

The name "Barker"

The late Mr Lex Barker and his family owned the Riverlea property for many years and carried out dairy farming. The family owned the property until it was purchased by Moorlands Pty Ltd for subdivision. This is proposed for the main road within the subdivision.

The name "Moonlight"

The historical local name for the bridge over the Preston River near Moorland Avenue was "Moonlight Bridge".

The name “Riverlea”

This is proposed for the entrance road into the Estate and is the name the developers have chosen for the Estate, as the area is in the lea of the Preston River.

The name “Meadow”

The Moorlands area in Glen Iris is still currently farmed and was heavily cut with meadow hay for many years.

The name “Rivergum”

There have been major stands of river gums within the Riverlea subdivision property.

The name “Equine”

Once dairy farming was no longer carried out within the Riverlea subdivision property, the Barker Family ran horses on the property for many years. The equine link with the property is very strong, with horse adjustment and riding schools being run from the property until recently.

The name “Sanders”

The Sanders family were the second owners of the Riverlea subdivision property early in the 20th Century. The late Theodora Sanders wrote the book “Bunbury – Some Early History”, published in 1975, documenting the history of the many old properties of Bunbury at the time and also grew up on this property. Her maiden name was Kimber.

The name “Swan”

The theme is Rivers, Creeks and Brooks from the south west of W.A. Reserve Register approval 15/05/1995 file 323/1944 v6 p.928.

This name has already been approved by Council and the Geographic Names Committee for use.

Should for any reason one of the requested names be deemed unacceptable by the Geographical Names Committee, the developers have requested the name of “St Catherines” is to be used in its place.

The name “St Catherines” comes from a University College at Oxford. This name has already been approved by Council and the Geographic Names Committee for use.

Officer Comments

The requested road names have been evaluated against the Geographic Names Committee Principles, Guidelines and Procedures and are deemed acceptable.

Analysis of Financial and Budget Implications

This proposal will not have any financial or budgetary implications on Council.

Options

Option 1

As per the recommendation.

Option 2

Council does not support the recommendation.

Outcome – Council Committee Meeting 22 June 2010

The recommendation was moved Cr Slater, seconded Cr Leigh.

The motion was put to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 29 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Steck, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 115/10

Council approves the names:

- ***Barker Boulevard***
- ***Moonlight Drive***
- ***Riverlea Entrance***
- ***Meadow Lane***
- ***Rivergum Way***
- ***Equine Avenue***
- ***Sanders Parade***
- ***Swan Street***

for road names within the Riverlea subdivision in Glen Iris.

CARRIED
11 votes "for" / Nil votes "against"

11.3 Bunbury Bicycle Plan *(was listed as item 11.3 on the meeting agenda)*

File Ref:	A03830
Applicant/Proponent:	Myles Bovell, Landscape Architect
Author:	Cardno Eppell Olsen
Executive:	Michael Scott, Executive Manager City Services
Attachments:	Nil

Committee Recommendation

To accept the City of Bunbury Bicycle Plan April 2010 as presented at the 15/6/10 Councillor briefing as a guiding document;

- for future path and cycleway grant submissions,
- to be considered with future path preservation and expansion schedules, and
- to support future development policies that encourage cycling participation.

NOTE: A copy of the report will be available for public perusal at the Committee meeting and a copy will also be available at our Customer Service centre during office hours.

Summary

The City of Bunbury Bicycle Plan is a document intended to maximise the efficiency and effectiveness of the existing bicycle network and enhance bicycle facilities for all users.

Background

The previous Bicycle Plan for the City of Bunbury was developed in 1986. A document of this level of detail is necessary to continue the level of grant opportunity offered to the City over the past decade or so. This Bicycle Plan was 50% funded by BikeWest (Department of Transport).

Officer Comments

The document prepared by Cardno Eppell Olsen meets all of the criteria set out at the projects inception. City officers from Development Services, City Life and City Services have provided input into the report and endorse the outcome. Main Roads, South West Development Commission, bicycle groups and members of the public were consulted during its preparation.

Analysis of Financial and Budget Implications

There are no immediate financial implications on accepting this report but there will be if particular suggested projects are implemented.

Options

Option 1

As per the recommendation

Option 2

Council does not support the recommendation

Outcome – Council Committee Meeting 22 June 2010

The recommendation was moved Cr Whittle, seconded Cr Spencer.

The motion was put to the vote and was adopted to become the Committee's recommendation on the matter

Outcome – Council Meeting 29 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Steck, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 116/10

To accept the City of Bunbury Bicycle Plan April 2010 as presented at the 15/6/10 Councillor briefing as a guiding document;

- **for future path and cycleway grant submissions,**
- **to be considered with future path preservation and expansion schedules, and**
- **to support future development policies that encourage cycling participation.**

CARRIED

11 votes "for" / Nil votes "against"

11.4 Financial Statements - May 2010 *(was listed as item 11.5 on the meeting agenda)*

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

Committee Recommendation

The Financial Statements for the periods ending 31 May 2010 be received.

Summary/Background

Financial Statements for the period ending 31 May 2010, 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

Outcome – Council Committee Meeting 22 June 2010

The recommendation was moved Cr Harrop, seconded Cr Major.

The motion was put to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 29 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Steck, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 117/10

The Financial Statements for the periods ending 31 May 2010 be received.

CARRIED

11 votes "for"/ Nil votes "against"

11.5 Cosenza’s Seafood Restaurant – Proposed Deed of Assignment of Non-Exclusive Licence Over Portion Reserve 7891 ‘Guppy Park’ Lot 808 on Deposited Plan 219169 Victoria Street, Bunbury (was listed as item 11.6 on the meeting agenda)

File Ref:	F00101
Applicant/Proponent:	Dominic Cosenza, Licensee/Assignor Lorraine Helen Brant, Assignee Erinfair Pty Ltd, Assignee
Author:	David Whitfield, Property Officer
Executive:	Ken Weary, Executive Manager Corporate Services
Attachments:	Appendix 2

Committee Recommendation

Council agrees to grant a Deed of Assignment of Non-Exclusive Licence to Erin Fair Pty Ltd (Assignee) over portion of Reserve 7891 “Guppy Park”, Victoria Street, Bunbury on the following conditions:

1. Council agrees to grant the Deed of Assignment in accordance with the terms and conditions of this report.
2. The intention to assign the Non-Exclusive Licence to be advertised pursuant to Section 3.58(3) of the Local Government Act 1995, in a local newspaper, 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 Assignment of Non-Exclusive Licence be finalised.
4. Final approval for the Deed of Assignment of Non-Exclusive Licence be obtained from the Minister for Lands.

Summary

An application has been received from Lorraine Helen Brant on behalf of Cosenza’s Seafood Restaurant (“Licensee/Assignor”) seeking Council consideration to assign the Non-Exclusive Licence over portion of Reserve 7891 “Guppy Park”, Victoria Street, Bunbury (45m2) (“Assignee”) and Erin Fair Pty Ltd (“Assignee”) for the balance of the term of the Licence (Expires 30 June 2013).

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 assign the Non-Exclusive Licence. The Non-Exclusive Licence area is located adjacent to the restaurant. A location plan is **attached** at Appendix 2.

Background

The original 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 182270 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.

Current Licence Details

Commencement:	1 July 2009
Term:	Four (4) years
Expiry:	30 June 2013
Rental:	\$3931.20 per annum inclusive of GST (1 July 2009)
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)
Permitted Use:	Alfresco dining

Officer Comments

A Deed of Assignment from Dominic Cosenza to Lorraine Helen Brant was approved by Council at its meeting of 24 November 2009 (Decision 224/09). As part of the same decision the Deed of Non-Exclusive Licence was renewed effective 1 July 2009 for a period of 4 years expiring in 2013.

The transfer of the Deed of Assignment will support on ongoing business activity within the City Centre Precinct.

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 Applicants will be responsible for all costs associated with advertising and the processing of this application.

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 to transfer the Assignment to its Non-Exclusive Licence over portion of Reserve 7891 'Guppy Park', Victoria Street, Bunbury.

Outcome – Council Committee Meeting 22 June 2010

The recommendation was moved Cr Major, seconded Cr Craddock.

The motion was put to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 29 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Steck, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 118/10

Council agrees to grant a Deed of Assignment of Non-Exclusive Licence to Erin Fair Pty Ltd (Assignee) over portion of Reserve 7891 "Guppy Park", Victoria Street, Bunbury on the following conditions:

- 1. Council agrees to grant the Deed of Assignment in accordance with the terms and conditions of this report.**
- 2. The intention to assign the Non-Exclusive Licence to be advertised pursuant to Section 3.58(3) of the Local Government Act 1995, in a local newspaper, 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 Assignment of Non-Exclusive Licence be finalised.**
- 4. Final approval for the Deed of Assignment of Non-Exclusive Licence be obtained from the Minister for Lands.**

CARRIED
11 votes "for" / Nil votes "against"

11.6 Bunbury Netball Association Inc. – Proposed Deed of Renewal of Lease over Portion of Hay Park (Reserve 30601, Lot 3001 on Deposited Plan 43554 Parade Road, Bunbury) (was listed as item 11.7 on the meeting agenda)

File Ref:	F00020
Applicant/Proponent:	Bunbury Netball Association Inc.
Author:	Ron Boardley, Senior Property Officer
Executive:	Ken Weary, Executive Manager Corporate Services
Attachments:	Appendix 3

Committee Recommendation

Council agrees to renew the Lease with the Bunbury Netball Association Inc. over portion Hay Park Reserve 30601 Parade Road, Bunbury for a term of five (5) years subject to the terms and conditions as specified in the report, and the following:

1. Final approval of the Minister for Lands.
2. The applicant to pay all costs associated with the lease application including document preparation, registration and rental assessment.

Summary

An application has been received from the Bunbury Netball Association Inc. (“applicant”) seeking council’s consent to renew its Lease over portion of Hay Park Reserve 30601, (Lot 3001 on Deposited Plan 43554) Parade Road, Bunbury for a further five (5) year term. A location plan is **attached** at Appendix 3.

Background

The applicant has occupied its current lease site since 1994. 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 not exceeding 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 Lease document.

The current lease has been extended to 30 June 2010 through the “Holding Over” clause of the current lease. The proposal to renew the term does not conflict with the Hay Park Feasibility Study short term development options for the location. The Association and the City’s Executive have been in discussions on the proposed co-tenure of the New Sports Pavilion to be located on the south west corner of the new athletics track.

The applicant has complied with the provisions of the current lease.

Current Lease Details

Commencement:	1 July 1994
Term:	Fifteen (15) years
Expiry Date:	30 June 2009 (Held over to 30 June 2010)
Rental:	\$1,487 + GST
Rent Review:	CPI annually
Outgoings:	Responsibility of the applicant
Insurance:	Lessee to maintain Public Risk and General Insurance cover over the premises with Public Liability to be set at \$5(M)

Proposed Renewal of Lease Details

Commencement:	1 July 2010
Term:	Five (5) years
Expiry Date:	30 June 2015
Rental:	\$1,600 per annum exclusive of GST and indexed annually by CPI
Rent Review:	Third anniversary date
Outgoings:	Responsibility of the Lessee
Insurance:	The Lessee to maintain Public Risk and General Insurance Policies over the premises with Public liability to be set at \$10(M)
Special Conditions:	Lessee responsible for maintaining and upkeep of the demised premises. Upon completion of the proposed new sports pavilion on the adjoining athletics track, should Council so require, the Lessee will be required to vacate the existing netball pavilion, at which time the pavilion will be removed from the lease.
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.

Officer Comments

The applicant has leased the site 1994 and has satisfactorily fulfilled its obligations and responsibilities under the Lease during this time. The applicant provides like-minded participation from local community members and visitors.

Analysis of Financial and Budget Implications

The applicant will be responsible for all costs associated with the preparation and registration of documentation associated with the extension of the lease.

The lease rental has been calculated on the clubrooms and based on an independent valuer's assessment with the applicant responsible for all outgoings and maintenance to the courts.

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 of Hay Park Reserve 30601 Parade Road, Bunbury.

Outcome – Council Committee Meeting 22 June 2010

The recommendation was moved Cr Major, seconded Cr Leigh.

The motion was put to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 29 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Steck, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 119/10

Council agrees to renew the Lease with the Bunbury Netball Association Inc. over portion Hay Park Reserve 30601 Parade Road, Bunbury for a term of five (5) years subject to the terms and conditions as specified in the report, and the following:

- 1. Final approval of the Minister for Lands.**
- 2. The applicant to pay all costs associated with the lease application including document preparation, registration and rental assessment.**

CARRIED
11 votes "for" / Nil votes "against"

11.7 Proposed Sale of Part Lot 53 on Deposited Plan 66476 Brittain Road, Davenport *(was listed as item 11.8 on the meeting agenda)*

File Ref:	A00420
Applicant/Proponent:	Loctor Pty Ltd and B R & G E Linaker
Author:	Ron Boardley, Senior Property Officer
Executive:	Ken Weary, Executive Manager Corporate Services
Attachments:	Appendix 4

Recommendation

1. Council offer the portions of Part Lot 53 Brittain Road, adjoining Lots 9 and 88 Barnard Street, for sale to the adjoining land owners on the condition that the land is amalgamated with the adjoining lots and the purchasers meet all costs associated with surveying, subdivision and Certificate of Title preparation.
2. The City to apply for a caveat over the new Certificates of Title preventing ingress/egress from the amalgamated properties onto Brittain and Richter Roads.
3. The Department of Water be requested to relinquish its interest in Reserve 30569 (Lot 520) for vesting in the City of Bunbury for drainage purposes
4. That the proceeds of the sale of the land be contributed to the shared path and pedestrian amenity at the Robertson Drive intersection to the Richter Road intersection.

Summary

Applications have been received from Loctor Pty Ltd, the owner of Lot 9 (No. 1) Barnard Street, Davenport and B R & G E Linaker, the owners of Lot 88 (No. 3) Barnard Street, Davenport to purchase a portion of Lot 53 on Deposited Plan 66476 Brittain Road, Davenport for amalgamation with their respective adjoining lots.

A copy of Deposited Plan 66476 is **attached** at Appendix 4.

Background

The City of Bunbury is the Registered Proprietor of Lot 53 Richter Road. This lot is the remaining portion of the former Lot 454 Richter Road, Davenport.

On 8 October 2009, the Western Australian Planning Commission granted subdivision approval to excise a portion of the former lot 454 to allow for construction of the section of Brittain Road, between South Western Highway and Richter Road. The remaining portions of the former lot 454, is now referred to as lot 53, as indicated above.

Both of the adjoining owners have expressed their interest in purchasing the land for amalgamation with their adjoining lots.

Valuations will be obtained from Landgate and an independent valuer.

As indicated on the deposited plan, there is an existing small Reserve (No. 30569, Lot 520) between the two Barnard Street lots, which is vested in the Department of Water. Preliminary enquiries with the Department have ascertained that the Reserve is no longer required by the Department. The City of Bunbury has a drainage pipe across the Reserve and this has been extended across the northern portion of lot 53 to link with the new section of Brittain Road. It is proposed that the Reserve be extended to include the new section of pipe and that the Department of Water be requested to relinquish its interest in the Reserve so that this can be vested in the City of Bunbury.

The City's Engineering Services Section has advised that it is not possible to permit access to the northern portion of Lot 53, from either Richter Road or Brittain Road and therefore the land is only suitable for sale to the adjoining landowners for amalgamation with their lots.

This matter was considered by the Land Rationalisation & Acquisitions Committee on 11 February 2010, when the following recommendation to Council was passed:

- “1. *Council offer the portions of Lot 454 Richter Road adjoining Lot 9 and 88 Barnard Street for sale to the land owners on the condition that the purchasers meet all costs associated with surveying, subdivision and Certificate of Title preparation.*
2. *The City to apply for a caveat over the new Certificates of Title preventing ingress/egress from the amalgamated properties onto Brittan Road.*”

(Note: The title description of the land has changed with the issue of the new Certificate of Title)

Officer Comments

As access is not permitted to the northern portion of Lot 53, from either Richter Road or Brittain Road, the land is only suitable for sale to the adjoining landowners for amalgamation with their lots.

As Reserve 30569 (Lot 520) is no longer required by the Department of Water, the department be requested to relinquish its interest in the Reserve so that this can be vested in the City for drainage purposes.

Analysis of Financial and Budget Implications

The applicants will be responsible for all costs associated with the proposed subdivision/amalgamation.

Councillor/Officer Consultation

This matter has previously been considered by the City's Land Rationalisation & Acquisitions Committee, which recommended the course of action proposed by this report.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Per the recommendation listed in this report, with amendments suggested by council members.

Option 3

Council do not support the recommendation.

Outcome – Council Committee Meeting 22 June 2010

The recommendation was moved Cr Slater, seconded Cr Major.

Cr Steck moved procedural motion 15.9 of the City of Bunbury Standing Orders that the motion “lie on the table” until as such time that Councillors receive information of the total of City of Bunbury land holdings. The procedural motion was put to the vote and LOST 2 votes “for” / 11 votes “against”.

The mover and seconder were asked if they would accept an additional point to the recommendation. The mover and seconder agreed. The amendment is as follows:

4. *That the proceeds of the sale of the land be contributed to the shared path and pedestrian amenity at the Robertson Drive intersection to the Richter Road intersection.*

Cr Steck moved procedural motion 15.9 of the City of Bunbury Standing Orders that the motion “lie on the table” until the Council meeting in order to receive a colour map that shows clearly the section of land in question. The procedural motion was put to the vote and CARRIED 11 votes “for” / 2 votes “against”.

Outcome – Council Meeting 29 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Steck, seconded Cr Major and adopted (‘en bloc’) to become the Council’s decision on this matter:

Council Decision 120/10

1. **Council offer the portions of Part Lot 53 Brittain Road, adjoining Lots 9 and 88 Barnard Street, for sale to the adjoining land owners on the condition that the land is amalgamated with the adjoining lots and the purchasers meet all costs associated with surveying, subdivision and Certificate of Title preparation.**
2. **The City to apply for a caveat over the new Certificates of Title preventing ingress/egress from the amalgamated properties onto Brittain and Richter Roads.**

- 3. The Department of Water be requested to relinquish its interest in Reserve 30569 (Lot 520) for vesting in the City of Bunbury for drainage purposes**
- 4. That the proceeds of the sale of the land be contributed to the shared path and pedestrian amenity at the Robertson Drive intersection to the Richter Road intersection.**

CARRIED
9 votes "for" / 2 votes "against"

His Worship the Mayor and Cr Steck requested that their votes "against" this item be recorded.

11.8 Council Administrative Policies Review *(was listed as item 11.9 on the meeting agenda)*

File Ref:	A00410
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Greg Trevaskis, Chief Executive Officer
Attachments:	Appendix 5 & Under Separate Cover

Committee Recommendation

That the Administrative Policies Manual incorporating amendments as previously circulated to Councillors be adopted as the Administrative Policy Manual of the City of Bunbury effective from 29 June 2010.

Summary

This report is to adopt a policy manual (issued under separate cover) that accurately reflects current practices and procedures in order to ensure compliance with relevant legislative and administrative requirements.

Background

A review of Council's existing Administrative Policies was last officially undertaken on 7 August 2007.

In December 2009, Council resolved to establish a Policy Review and Development (Standing) Committee with Terms of Reference including:

1. To work with the Mayor, Councillors and Executive staff on the review of existing Council policies and the development of new Council policies.
2. To provide Bunbury City Councillors with assistance and support to develop new Council policies.
3. To make recommendations to Council on matters of policy, policy review and policy development; and
4. To explore opportunities that promotes policy development in all matters under Council jurisdiction.

This committee held its first meeting on Wednesday 24 March 2010 with subsequent monthly meetings being conducted in April and May 2010 respectively.

At the committee meeting held on 21 April 2010, Committee Members were advised of some of the difficulties staff were encountering with regard to "what is current policy" given that an internal review of all policies had recently been completed.

It was agreed at that meeting that a full copy of the "internally reviewed" document be presented to the committee and that the document identify or track changes.

This was facilitated for the May 26 2010 meeting of the committee, at which time it was agreed to circulate the document to all councillors with a request to peruse the

document and advise of any comments, suggested further amendments and/or improvements by Monday 14 June 2010.

This was actioned under memorandum dated 27 May 2010 (a copy **attached** at Appendix 5)

At the time of preparing this agenda item no comments or further suggestions have been received from any elected members.

It is the intention of the committee, that once this manual is adopted; a regular rolling system of review will be implemented to ensure that policies are at all times current and that ample opportunity is allocated to facilitate the introduction of new policy.

Officer Comments

A copy of the existing Council Administrative Policies identifying proposed amendments and tracking changes which followed an internal review, was issued to members under separate memorandum dated 27 May 2010.

The internal review of Councils Administrative Policies actually commenced in November 2009 and was finalised in mid February 2010.

In December 2009, Council resolved to establish the aforementioned committee for the purposes of reviewing and developing Council Policy, therefore the internally reviewed document was not presented to Council for consideration. It was referred to the committee instead.

A number of the changes made through the internal review were necessitated as a result of either changes in legislation, identified or suggested reforms and requests as a result of other external factors such as the global financial crisis.

In the last three years, none of these existing policies have proved problematic and very few, if any complaints have been received which arose from the implementation of any policy.

Council approval for adoption of the manual is sought in order to give a clear indication to staff of current policy and as previously mentioned, the intention is to commence a rolling system of ongoing review of all policies and the introduction of new policy.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications arising as a result of this proposal.

Options

Option 1

As per the recommendation.

Option 2

As per the recommendation with amendments.

Option 3

Council not support the proposed recommendation

Outcome – Council Committee Meeting 22 June 2010

The recommendation was moved Deputy Mayor Cr Kelly, seconded Cr Harrop.

The motion was put to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 29 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Steck, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 121/10

That the Administrative Policies Manual incorporating amendments as previously circulated to Councillors be adopted as the Administrative Policy Manual of the City of Bunbury effective from 29 June 2010.

CARRIED
10 votes "for" / 1 vote "against"

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

11.9 Advisory Committee and/or Project Control Group Minutes to be Noted at the Council Committee Meeting *(was listed as item 11.10 on the meeting agenda)*

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Under Separate Cover

Committee 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 (13/05/10 & 19/04/10)
Author: Nardine Walford-Jones, Events Officer
File: A03402

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

Outcome – Council Committee Meeting 22 June 2010

The recommendation was moved Cr Jones, seconded Cr Leigh.

The motion was put to the vote and adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 29 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Steck, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 122/10

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 (13/05/10 & 19/04/10)
Author: Nardine Walford-Jones, Events Officer
File: A03402

CARRIED
11 votes "for" / Nil votes "against"

11.10 Items to be Noted (No Discussion) at the Council Committee Meeting
(was listed as item 11.11 on the meeting agenda)

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Under Separate Cover

Committee Recommendation

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

1. Title: Write Off of Account Receivables Balances
Author: David Ransom, City Accountant
File: A00088-02
2. Title: Outstanding Community Law and Safety Infringements
Author: David Ransom, City Accountant
File: A00566
3. Title: Building Application / Development Approvals May 2010
Author: Gary Fitzgerald, Manager Development Services
File: A00088-02
4. Title: Schedule of Accounts Paid for the Period 1 to 31 May 2010
Author: David Ransom, City Accountant
File: A00083

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

Outcome – Council Committee Meeting 22 June 2010

The recommendation was moved Cr Jones, seconded Cr Leigh.

The motion was put to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 29 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Steck, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 123/10

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

- 1. Title: Write Off of Account Receivables Balances
Author: David Ransom, City Accountant
File: A00088-02**

- 2. Title: Outstanding Community Law and Safety Infringements
Author: David Ransom, City Accountant
File: A00566**

- 3. Title: Building Application / Development Approvals May 2010
Author: Gary Fitzgerald, Manager Development Services
File: A00088-02**

- 4. Title: Schedule of Accounts Paid for the Period 1 to 31 May 2010
Author: David Ransom, City Accountant
File: A00083**

CARRIED
11 votes "for" / Nil votes "against"

11.11 5 Year Financial Plan 2010 – 2015 (was listed as item 11.4 on the meeting agenda)

File Ref:	A00362-06
Applicant/Proponent:	Internal Report
Author:	David Ransom, City Accountant
Executive:	Ken Weary, Executive Manager Corporate Services
Attachments:	Under Separate Cover

Committee Recommendation

1. Council note that one submission was received.
2. Council adopt the 5 Year Financial Plan 2010 - 2015.

Summary

The draft 5 Year Financial Plan for the five financial years 2010 - 2015 is now referred to Council for adoption.

Background

A copy of the 5 Year Financial Plan 2009/2010 to 2013/2014 has been circulated under separate cover. Councillors developed the draft plan at two (2) Councillor Workshops and one (1) Councillor Briefing Session and have endorsed the plan for advertising.

Council advertised it's proposed 5 Year Financial Plan 2010 - 2015 with a public submission period of twenty one (21) days. Submissions closed 2 June 2010. One submission was received and has been previously distributed to Councillors.

Key projects included in the draft 5 Year Financial Plan are:

Infrastructure Development (Transport, Drainage, Environmental, and Lighting)	\$38.76M
Concept Plans / Project Analysis (Various)	\$ 0.42M
Public Building Improvements (Various)	\$ 0.58M
Bunbury Regional Entertainment Centre	\$ 7.50M
New Visitor Centre	\$ 7.12M
Stirling Street Arts Centre / Queens Garden	\$ 6.83M
Waste Services Plant Replacement	\$ 4.83M
Bunbury Regional Athletics Track & Multi Purpose Club Rooms	\$ 4.28M
New Soccer Pavilion, Hay Park	\$ 4.27M
New Depot	\$ 4.20M
Hands Oval Development	\$ 4.15M
Parking Strategy Implementation	\$ 2.78M
Bunbury Regional Arts Gallery Building Upgrade	\$ 1.30M
South West Sports Centre Solar Energy & Plant Improvements	\$ 1.28M
Hockey Stadium Turf Replacement	\$ 0.42M
Airport Improvements	\$ 0.21M
Fencing Ocean to Preston	<u>\$ 0.10M</u>

TOTAL \$89.03M

Officer Comments

The City of Bunbury 5 Year Financial Plan has been developed in conjunction with Councillors and Council Staff.

The 5 Year Financial Plan is the financial strategic plan for Council for the next 5 years. The plan is a summary of proposed major works to be undertaken and services to be provided during this time. The plan is dynamic and its components and underlying assumptions are subject to annual review.

Analysis of Financial and Budget Implications

The purpose of the 5 Year Financial Plan is to ensure that Council's annual budget achieves the objectives outlined in City of Bunbury Strategic Plan.

The 5 Year Financial Plan maintains a balanced financial position each year.

The key financial performance indicators including financial ratios, financial assumptions, debt management and projected rate revenues are as detailed in the plan.

Options

Option 1

Council adopt the 5 Year Financial Plan 2010 - 2015.

Option 2

Council endorse the 5 Year Financial Plan 2010 - 2015 with any amendments.

Option 3

Council not endorse the 5 Year Financial Plan and the plan be referred back to Committee for further review and consideration.

Outcome – Council Committee Meeting 22 June 2010

The recommendation was moved Cr Spencer, seconded Cr Major.

During the discussion the Mayor advised he would put each of the projects to the vote individually. The votes are as follows:

- Infrastructure Development (\$38.76M)
Transport, Drainage, Environmental and Lighting – 13 votes “for” / Nil votes “against” CARRIED
- Concept Plans / Project Analysis (\$0.42M)
Preliminary concept plans or project analysis to assist councillors evaluate the cost/benefit of the following: Underground Power, Improvements to 5 Mile

Brook, Turkey Point access to Norfolk Park, Crosslands crossing at Blair Street – 13 votes “for” / Nil votes “against” CARRIED

- Public Building Improvements (\$0.58M)
Preliminary concept plans and/or project works to improve public buildings for the following: Withers Library, Senior Citizens building, King Cottage, Gallery space at BRAG – 13 votes “for” / Nil votes “against” CARRIED
- Bunbury Regional Entertainment Centre (\$7.50M)
Expansion of the centre to provide increased and improved facilities including a fully integrated theatre/conference facility. – 8 votes “for” / 5 votes “against” CARRIED.
It was requested that the votes be recorded as follows:
For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Spencer, Cr Harrop, Cr Steele, Cr Leigh, Cr Whittle, Cr Craddock
Against: Cr Punch, Cr Major, Cr Slater, Cr Steck, Cr Jones
- New Visitor Centre (\$7.12M)
A new Bunbury Regional Visitor Centre building to facilitate the expected tourism/visitor growth – 7 votes “for” / 6 votes “against” CARRIED.
It was requested that the votes be recorded as follows:
For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Spencer, Cr Harrop, Cr Leigh, Cr Whittle, Cr Craddock
Against: Cr Punch, Cr Major, Cr Slater, Cr Steele, Cr Steck, Cr Jones
- Stirling Street Arts Centre / Queens Garden (\$6.83M)
Upgrade the Stirling Street Arts Centres’ facilities to provide for the future requirements of the Stirling Street Arts Centre group, Bunbury City Band, South West Wind & Jazz Orchestra and other related user groups – 12 votes “for” / 1 votes “against” CARRIED.
- Waste Services Plant Replacement (4.83M)
Plant replacement and \$1.9M allocated to build a Transfer Station within the City of Bunbury – 11 votes “for” / 2 votes “against” CARRIED.
- Bunbury Regional Athletics Track & Multi Purpose Club Rooms (\$4.28M)
Multi purpose club rooms to be shared with little athletics, netball and archery clubs – 13 votes “for” / Nil votes “against” CARRIED.
- New Soccer Pavilion, Hay Park (\$4.27M)
New soccer and multi-use pavilion at Hay Park – 12 votes “for” / 1 vote “against” CARRIED.
- New Depot (\$4.20M)
Development of a modern depot facility for the City of Bunbury operations – 11 votes “for” / 2 votes “against” CARRIED.
It was requested that the votes be recorded as follows:
For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Jones, Cr Craddock, Cr Whittle, Cr Leigh, Cr Slater, Cr Harrop, Cr Spencer, Cr Major, Cr Punch
Against: Cr Steck, Cr Steele

- Hands Oval Redevelopment (\$4.15M)
Hands Oval improvements – 13 votes “for” / Nil votes “against” CARRIED.

- Parking Strategy Implementation (\$2.78M)
Increase of street car parking machines, improve and install signage and the development of additional car parking within the city centre – 9 votes “for” / 4 votes “against” CARRIED.
It was requested that the votes be recorded as follows:
For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Craddock, Cr Whittle, Cr Leigh, Cr Harrop, Cr Spencer, Cr Major, Cr Punch
Against: Cr Slater, Cr Steele, Cr Steck, Cr Jones

The following were voted together:

- Bunbury Regional Arts Gallery (BRAG) Building Upgrade (\$1.30M)
BRAG building upgrade, air conditioning upgrade and internet project.

- South West Sports Centre (\$1.28M)
Solar Energy & plant improvements.

- Hockey Stadium Turf Replacement (\$0.42M)
Turf upgrade of existing hockey pitch.

- Airport Improvements (\$0.21M)
Seal landing strip, taxi way and hanger expansion.

- Fencing Ocean to Preston (\$0.10M)
Construction of fencing to protect parklands

– 13 votes “for” / Nil votes “against” CARRIED.

The motion (as a whole) was put to the vote and was adopted to become the Committee’s recommendation on the matter.

Outcome – Council Meeting 29 June 2010

The recommendation from the Council Standing Committee was moved Deputy Mayor Cr Kelly, seconded Cr Major.

The motion was put to the vote and was adopted to become the Council’s decision on the matter.

<p><u>Council Decision 124/10</u></p> <p>1. Council note that one submission was received.</p> <p>2. Council adopt the 5 Year Financial Plan 2010 - 2015.</p> <p>CARRIED 9 votes “for” / 2 votes “against”</p>

It was requested that the votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Jones, Cr Whittle,
Cr Leigh, Cr Harrop, Cr Craddock, Cr Major, Cr Punch
Against: Cr Steele, Cr Steck

12. Motions on Notice

Nil

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

Nil

14. Items to be Noted or Endorsed

There are no items recommended for noting.

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: <i>"The meeting exclude members of the public to permit Confidential Business (as defined by the Local Government Act 1995) to be discussed."</i>
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15.1 Appointment of New Chief Executive Officer

File Ref:	A01918-03
Applicant/Proponent:	Internal Report
Author:	Aileen Clemens, Manager Human Resources
Executive:	Greg Trevaskis, Chief Executive Officer
Attachments:	Confidential Report Under Separate Cover

A confidential report and recommendation has been circulated to members **under separate cover.**

Committee Recommendation

1. Council accepts the resignations of Mr Greg Trevaskis as Chief Executive Officer.
2. Council endorses the establishment of a CEO selection panel to oversee the short listing and interviewing for a new Chief Executive Officer and to recommend to Council on the preferred candidate for approval. The panel to comprise of His Worship the Mayor and three (3) Councillors:
 - 2.1 His Worship the Mayor – Mr David Smith
 - 2.2 Deputy Mayor Councillor Brendan Kelly
 - 2.3 Councillor Stephen Craddock
 - 2.4 Councillor Noel Whittle
3. Council notes the four (4) recruitment submissions received.
4. Council delegate authority to the CEO selection panel to appoint a preferred recruitment firm to assist in the Council in the recruitment of a new Chief Executive Officer.
5. Council authorises the CEO selection panel, in conjunction with the recruitment firm to review the Chief Executive Officer Contract of Employment and total remuneration package for presentation to Council for approval.
6. Council authorises the CEO selection panel (in conjunction with the successful recruitment firm) to advertise for the position of Chief Executive Officer as soon as practical.

Outcome – Council Committee Meeting 22 June 2010

The Committee moved into confidential business and upon resumption in open session adopted the following as the Committee's recommendation.

Cr Slater moved, Cr Steck seconded that the meeting be reopened to the public and press.

Outcome - Council Meeting 29 June 2010

The recommendation from the Council Standing Committee was moved Deputy Mayor Cr Kelly, seconded Cr Major.

Cr Steele moved, Cr Leigh seconded an amendment to the recommendation. The amendment is to alter point 2 – change “...and three (3) Councillors...” to “...and five (5) Councillors...” and add the following after Councillors “... accept the three (3) nominated Councillors with an additional two (2) women Councillors:...”

The Mayor put the amendment to the vote and was adopted to form the Council’s decision – CARRIED 10 votes “for” / 1 vote “against”.

The Mayor called for nominations to fill the two (2) new Councillor positions. The nominations were as follows:

- Cr Juliet Harrop
- Cr Karen Steele
- Cr Michelle Steck

The Members were asked to vote using the preferential voting system. The CEO acted as returning officer and following the count announced Cr Steele and Cr Steck as the successful appointees

The Mayor put the amended motion to the vote and was adopted to become the Council’s decision on the matter.

Council Decision 125/10

- 1. Council accepts the resignations of Mr Greg Trevaskis as Chief Executive Officer.**
- 2. Council endorses the establishment of a CEO selection panel to oversee the short listing and interviewing for a new Chief Executive Officer and to recommend to Council on the preferred candidate for approval. The panel to comprise of His Worship the Mayor and five (5) Councillors, accept the three (3) nominated Councillors with an additional two (2) women Councillors:**
 - 2.1 His Worship the Mayor – Mr David Smith**
 - 2.2 Deputy Mayor Councillor Brendan Kelly**
 - 2.3 Councillor Stephen Craddock**
 - 2.4 Councillor Noel Whittle**
 - 2.5 Councillor Karen Steele**
 - 2.6 Councillor Michelle Steck**
- 3. Council notes the four (4) recruitment submissions received.**

- 4. Council delegate authority to the CEO selection panel to appoint a preferred recruitment firm to assist in the Council in the recruitment of a new Chief Executive Officer.**
- 5. Council authorises the CEO selection panel, in conjunction with the recruitment firm to review the Chief Executive Officer Contract of Employment and total remuneration package for presentation to Council for approval.**
- 6. Council authorises the CEO selection panel (in conjunction with the successful recruitment firm) to advertise for the position of Chief Executive Officer as soon as practical.**

CARRIED

11 votes "for" / Nil votes "against"

16. Close of Meeting

The meeting was declared closed at 9.00pm.