



# Bunbury City Council

## Minutes 9 November 2010



**City of Bunbury**  
4 Stephen Street  
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, 9 November 2010.

### Minutes

9 November 2010

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

In the absence of the Mayor David Smith and in accordance with Section 5.13(b) of the Local Government Act 1995, Deputy Mayor Cr Brendan Kelly presided over the meeting.

#### 1. Declaration of Opening by the Mayor

The Deputy Mayor, Cr Brendan Kelly, declared the meeting opened at 6.05pm.

#### 2. Record of Attendance, Apologies and Leave of Absence

*PRESENT*

<b>Council Committee Members</b>	
Presiding Member:	Deputy Mayor, Councillor B Kelly
Members:	Councillor J Jones
	Councillor S Craddock
	Councillor W Major
	Councillor H Punch
	Councillor N Whittle
	Councillor R Slater
	Councillor M Steck
	Councillor A Leigh
	Councillor J Harrop
	Councillor D Spencer
	Councillor K Steele
<b>Executive Management Team (Non-Voting)</b>	
Chief Executive Officer:	Mr G Kelm (Acting CEO)
Executive Manager Corporate Services:	Mr K Weary
Executive Manager City Services:	Mr M Scott
Executive Manager City Development:	Mr G Fitzgerald (Acting)
Executive Manager City Life:	Ms D Marzano

<b>Council Officers (Non-Voting):</b>	
Admin. Officer Corporate Services:	Ms N Hribar
Admin. Officer Corporate Services:	Ms B Mell
<b>Others (Non-Voting):</b>	
Members of the Public:	3 (approx.)
Members of the Press:	1

*APOLOGIES:*

His Worship the Mayor, Mr. David Smith - Leave of Absence 28 October to 11 November 2010 (inclusive).

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

Nil

**4. Public Question Time**

Nil

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

Nil

## 6. Confirmation of Previous Minutes

The minutes of the Council Meeting held 19 October 2010, have been circulated.

### Recommendation

The minutes of the Council Meeting held 19 October 2010, be confirmed as a true and accurate record.

### Outcome – Council Meeting 9 November 2010

The recommendation (as printed) was moved Cr Major, seconded Cr Leigh.

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

#### **Council Decision 213/10**

*The minutes of the Council Meeting held 19 October 2010, be confirmed as a true and accurate record.*

CARRIED

12 votes "for" / Nil votes "against"

## 7. Disclosures of Interest Under the Local Government Act 1995

Nil

## 8. Announcements by the Mayor (No Discussion Permitted)

The Deputy Mayor advised Council that the His Worship the Mayor, Mr David Smith, is still in China and will be back later on this week he is taking some well deserved leave and he will be reporting to the Council when he gets back.

The Deputy Mayor, Cr Punch and Cr Slater will also be reporting further.

He also advised that on Thursday, 11 November there will be a wreath laying ceremony at Anzac Park at 11am for Remembrance Day.



## **9. Chief Executive Officer Reports/Discussion Topics**

The Acting Chief Executive Officer advised Council that the Wellington Group of Councils at its meeting on Monday, 1 November 2010, resolved to allocate the full \$2,468,710 available for regional projects through the Country Local Government Fund to the Bunbury Regional Entertainment Centre expansion project.

This amount is matched by an allocation of \$2.5 million by the City which leaves a shortfall of \$2.5 million. Application has been made to the strategic fund of the Royalties for Regions program for an amount of \$5 million. This may need to be adjusted given the recent Wellington Group of Councils decision. Discussions are underway with the South West Development Commission in relation to progressing the strategic fund application.

**9.1 Council Endorsement of Appointment to the Bunbury Regional Arts Management Board Inc.** *(was listed as item 9.1 on the meeting agenda)*

<b>File Ref:</b>	A00168
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Domenic Marzano – Executive Manager
<b>Executive:</b>	Domenic Marzano – Executive Manager
<b>Attachments:</b>	Nil

**Recommendation**

The Bunbury City Council endorses re-appointment of the Ms Pip Sawyer to the Bunbury Regional Arts Management Board Inc. for a term of two (2) years from the date of endorsement.

**Summary**

The constitution of the Bunbury Regional Arts Management Board Inc. (BRAMB) which is the incorporated body responsible for management of the Bunbury Regional Art Galleries, affords the Bunbury City Council the right to approve all appointments to its Board. The Bunbury Regional Arts Management Board seeks Council's endorsement of the re-appointment of Ms Pip Sawyer.

**Background**

The constitution of the Bunbury Regional Arts Management Board Inc. (BRAMB) which is the incorporated body responsible for management of the Bunbury Regional Art Galleries, affords the City of Bunbury the right to approve all appointments to its Board.

The BRAMB oversees operation of the Bunbury Regional Art Galleries with the following specific aims:

- To provide leadership in the creation and promotion of innovative opportunities to increase community interest, awareness and active participation in the arts.
- To improve efficiency within the operations of the Bunbury Regional Art Galleries.
- To heighten employee commitment and sense of achievement.
- To exceed arts industry standards.
- To increase community support and satisfaction.
- To continually improve the scope and quality of exhibitions and programs.
- To develop and improve the funding base for the galleries.

One (1) position on the Board is currently vacant and the BRAMB requests that the Council consider endorsing the re-appointment of Ms Pip Sawyer as a Board Member for a two (2) year term expiring two (2) years from the date of endorsement.

### **Officer Comments**

Ms Sawyer is an art consultant and has been a member of the Department of Housing and Works Panel for Art Coordination Services. She conducted multiple projects in Bunbury including Bunbury Prison, Manea College, Dalyellup Middle School and the Newton Moore Senior High School upgrade. She is currently employed by the City of Busselton in the capacity of Cultural Development Officer within their planning department.

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

No expense will be incurred by the City and no change to the existing Budget is necessary.

### **Options**

#### Option 1

Council proceed as per the recommendation in this report.

#### Option 2

Council proceed as per the recommendation with amendments.

#### Option 3

Council do not support the recommendation.

### **Outcome – Council Meeting 9 November 2010**

The recommendation (as printed) was moved Cr Craddock, seconded Cr Harrop.

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

#### **Council Decision 214/10**

***The Bunbury City Council endorses re-appointment of the Ms Pip Sawyer to the Bunbury Regional Arts Management Board Inc. for a term of two (2) years from the date of endorsement.***

CARRIED

12 votes "for" / Nil votes "against"

## **10. Reception of Formal Petitions and Memorials**

Nil

## **11. Reception of Reports and Recommendations from the Council (Standing) Committee Meeting held 2 November 2010**

Pursuant to Standing Order 16.1.1, the Council adopted 'en bloc' (i.e. without discussion) those recommendations listed for items 11.2, 11.3, 11.5, 11.6, 11.7, 11.13 & 11.14 of the meeting agenda.

Items 11.1, 11.4, 11.8, 11.9, 11.10, 11.11 & 11.12 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.

**11.1 Request for Leave of Absence – Councillor Derek Spencer** *(was listed as item 11.2 on the meeting agenda)*

<b>File Ref:</b>	A00215
<b>Applicant/Proponent:</b>	Councillor Derek Spencer
<b>Author:</b>	Geoff Klem, Acting Chief Executive Officer
<b>Executive:</b>	Geoff Klem, Acting Chief Executive Officer
<b>Attachments:</b>	Nil

**Committee 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 27 November 2010 to 3 January 2011 (inclusive).

**Summary/Background**

Councillor Spencer requests leave of absence from all Council-related business from 27 November 2010 to 3 January 2011 (inclusive).

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 Committee Meeting**

The recommendation (as printed) was moved Cr Major, seconded Cr Leigh.

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

**Outcome – Council Meeting 9 November 2010**

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

**Council Decision 215/10**

***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 27 November 2010 to 3 January 2011 (inclusive).***

**CARRIED**

12 votes "for" / Nil votes "against"

**11.2 Proposed Relocation for the Marlston Waterfront Markets** *(was listed as item 11.3 on the meeting agenda)*

<b>File Ref:</b>	F00101
<b>Applicant/Proponent:</b>	
<b>Author:</b>	Krystal Savage, Building Construction Maintenance Officer
<b>Executive:</b>	Michael Scott, Executive Manager City Services
<b>Attachments:</b>	Appendix 2

**Committee Recommendation**

1. Agree “in principle” for the Sunday Marlston Waterfront Markets to relocate to the south end of Bicentennial Square (keeping the Graham Bricknell Sound Shell and the surrounding northern area of Bicentennial Square free for events).

If Recommendation 1 is adopted then also –

2. Officers to prepare a recommendation to Council that includes advertising for expressions of interest to manage the markets at Bicentennial Square and comment from adjacent businesses.

**Summary**

A memo detailing the basis for this proposal was sent to Councillors on 1 October 2010 for comment is **attached** at Appendix 2.

Correspondence has been received from some of the surrounding businesses about the current Marlston waterfront markets.

The relocation of the markets to the south end of Bi-Centennial Square would assist with parking and traffic management in the Marlston precinct.

**Background**

The Marlston waterfront markets have been operating for just over a year by Mr. Paul McBride. Recently Mr. McBride approached the City and expressed an interest to move the markets to a more central location.

In the time the markets have been conducted at Market Square on the Marlston Waterfront correspondence has been received from business owners in the adjacent area. This has included concerns about a reduction to the business owner’s annual sales and number of visitors to their business, as well as an increase in traffic congestion.

It has also been noted that street parking is a concern for businesses in the area on market day. The possibility of adding extra stalls into the markets has also been limited due to the size of the area available.

### **Officer Comments**

Research was conducted into how other Councils conduct the management of their markets and the most effective and efficient way was for the Council to manage them with an Operational Manager in a voluntary position. The Operational Manager takes the profits of the stallholder's fees while the Council enforces the standard process and policies that it has in place for existing events for example; health regulations on food products for sale.

No adverse responses have been received from Councillors on this matter.

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

No costs are associated with this item.

### **Council Policy Compliance**

If adopted the City's Work Procedure WP9.2 "Use or Hire of Active Reserves" would apply.

### **Options**

#### Option 1

As per the recommendation in this report.

#### Option 2

Reject the recommendation

*Comment: This is NOT supported by Officers.*

### **Outcome – Council Committee Meeting 2 November 2010**

Mr Paul McBride addressed the Committee and spoke against the recommendation 2. The following is a summary of his reasons. Mr McBride has been running the Marlston Waterfront Markets successfully since 4 October 2009, he has received over 20 letters of support and congratulations letters from surrounding businesses, charities, sporting groups and stallholders, there has been extensive advertising by the market owners which has resulted in ever growing attendance to the market. All of the business profits have been put back into the business along with \$40k of Federal Government backed funding to improve, expand and increase the profile of the market business. The market owners have worked closely with Council Officer's to ensure all rules and regulations have been adhered to and this will continue by the market owners at the new approved Council owned site. The market owners have built a business that is a tourist asset to the CBD. It also provides a weekly income to stallholders some who have invested heavily in the market. By rejecting recommendation 2 by voting for fairness Mr McBride will not lose his growing market business and stakeholders will retain their market investment and income source.

For a full copy of Mr McBride's address to the Committee see **attached** at appendix 10.

Councillor Steck arrived at the meeting at 6.34pm and was present during the vote.

It was requested that the motion be voted on in separate parts and the Presiding Member put the motion to the vote as follows:

- Point 1           7 votes "for" / 1 vote "against" – CARRIED  
Point 2           4 votes "for" / 4 votes "against" – The Presiding Member used her casting vote and voted in favour – CARRIED

The recommendation (as printed) was moved Cr Major, seconded Cr Steck (pro forma).

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

#### **Outcome – Council Meeting 9 November 2010**

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

#### **Council Decision 216/10**

- 1.     *Agree "in principle" for the Sunday Marlston Waterfront Markets to relocate to the south end of Bicentennial Square (keeping the Graham Bricknell Sound Shell and the surrounding northern area of Bicentennial Square free for events).***

***If Recommendation 1 is adopted then also –***

- 2.     *Officers to prepare a recommendation to Council that includes advertising for expressions of interest to manage the markets at Bicentennial Square and comment from adjacent businesses.***

**CARRIED**

**12 votes "for" / Nil votes "against"**



### 11.3 Port Access Road – Stage 2 Alignment *(was listed as item 11.5 on the meeting agenda)*

<b>File Ref:</b>	R00804
<b>Applicant/Proponent:</b>	Main Roads Western Australia – South West Region
<b>Author:</b>	City Engineer, Jason Gick
<b>Executive:</b>	Executive Manager City Services, Michael Scott
<b>Attachments:</b>	Appendix 3

#### **Committee Recommendation**

Council supports “in principle” the proposed Bunbury Port Access Road – Stage 2 alignment as depicted in the plan titled “Bunbury Port Access Road (Stage 2) – Option 7 and Bunbury Outer Ring Road Stage 1 (22 June 2010).

#### **Summary**

Main Roads Western Australia is planning the delivery of the second stage of the Bunbury Port Access Road. The proposed alignment was presented to the Council at its 5 October Briefing Session.

#### **Background**

The original alignment for the Port Access Road is depicted in the Greater Bunbury Region Scheme (GBRS). Main Roads has recently obtained advice that the original alignment is unlikely to be supported due to environmental constraints. Subsequently, Main Roads has proposed an alternative alignment that avoids significant environmental impacts. Alignment plan is **attached** at Appendix 3.

As part of the planning process, Main Roads is obliged to consult with affected stakeholders, including the City of Bunbury.

Main Roads is seeking a statement of no objection from the City to ensure that the alignment planning process can progress.

#### **Officer Comments**

Officers from Development Services and City Services attended a stakeholder information workshop on 23 September 2010.

Key features of the proposal affecting the City of Bunbury include:

- Upgrade of the Picton Boyanup / Port Access Road intersection to a controlled roundabout.
- Creation of a new highway link between South Western Highway and Boyanup Picton Road.
- Upgrade of the Centenary Road / South Western Highway intersection.
- “Opening up” access to the land bounded by the Preston River and the Boyanup Picton Road.
- Removal of haulage trucks from South Western Highway, Robertson Drive, Boyanup Picton Road and the Eelup Roundabout.

- Infrastructure investment of about \$170M to \$200M in the Greater Bunbury Region.

Whilst the proposed alignment varies from the alignment depicted in the Greater Bunbury Region Scheme it is not so significant as to affect the City.

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

There are no financial implications to the City.

### **Options**

#### Option 1

That the Council supports “in principle” the proposed Bunbury Port Access Road – Stage 2 alignment as depicted in the plan titled “Bunbury Port Access Road (Stage 2) – Option 7 and Bunbury Outer Ring Road Stage 1 (22 June 2010)

#### Option 2

That the Council reject the proposed Bunbury Port Access Road – Stage 2 alignment as depicted in the plan titled “Bunbury Port Access Road (Stage 2) – Option 7 and Bunbury Outer Ring Road Stage 1 (22 June 2010)

### **Outcome – Council Committee Meeting 2 November 2010**

The recommendation (as printed) was moved Cr Spencer, seconded Cr Major.

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

### **Outcome – Council Meeting 9 November 2010**

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

#### **Council Decision 217/10**

***Council supports “in principle” the proposed Bunbury Port Access Road – Stage 2 alignment as depicted in the plan titled “Bunbury Port Access Road (Stage 2) – Option 7 and Bunbury Outer Ring Road Stage 1 (22 June 2010).***

CARRIED

12 votes “for” / Nil votes “against”

#### **11.4 Asset Management Committee** *(was listed as item 11.6 on the meeting agenda)*

<b>File Ref:</b>	A02590
<b>Applicant/Proponent:</b>	Asset Management Committee
<b>Author:</b>	Jason Gick, City Engineer
<b>Executive:</b>	Michael Scott, Executive Manager City Services
<b>Attachments:</b>	Nil

#### **Committee Recommendation**

That Council:

- 1 Appoint Cr Judy Jones as a member of the Asset Management Committee.
- 2 Adopt the updated Asset Management Committee Terms of Reference.
- 3 Establish an Asset Management and Asset Renewal reserve.
- 4 Appoint one other Councillor as a member of the Asset Management Committee at Council Meeting 9 November 2010.

#### **Summary**

The Asset Management Committee is seeking to expand its membership and to establish a reserve fund that can be used for future asset management programs and asset renewal projects.

#### **Background**

The Asset Management Committee currently has Mayor David Smith, Cr Stephen Craddock and Cr Alfred Leigh as members. Cr Judy Jones has attended two meetings as a guest and has expressed interest in joining the Committee.

The Committee meets every two (2) months and will expire on Election Day 15 October 2011.

The Asset Management Committee's Terms of Reference include provision to oversee the funding and implementation of asset management for the City. The Committee recommends the establishment of an Asset Management and Asset Renewal reserve fund to provide funds for the future implementation of asset management strategies.

#### **Officer Comments**

There are no objections to the appointment of Cr Judy Jones and one other interested Councillor to the Asset Management Committee. The updated Terms of Reference are provided to recognise these changes to the Committee membership and some changes in staff.

The proposed Terms of Reference are:

*To oversee funding and implementation of Council's Asset Management Strategy, compliance with the Asset Management Policy CEO6 and to make recommendations to Council thereon.*

The establishment of an Asset Management and Asset Renewal reserve fund is a sensible approach to preserving and accessing funds for future asset management programs and asset renewal projects.

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

There is no financial implication in the appointment of Cr Judy Jones and one other interested Councillor.

The financial implications of the proposed Asset Management and Asset Renewal reserve fund will be documented through each budget cycle.

### **Options**

#### Option 1

As per recommendation

#### Option 2

That Council:

- 1 Appoint Cr Judy Jones as a member of the Asset Management Committee.
- 2 Adopt the updated Asset Management Committee - Terms of Reference be adopted.
- 3 Establish an Asset Management and Asset Renewal reserve fund.

### **Outcome – Council Committee Meeting 2 November 2010**

The recommendation (as printed) was moved Cr Steck, seconded Cr Major.

Cr Harrop left the Chambers at 7.29pm and was not present for the vote.

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

The Presiding Member put to the vote that they appoint the other Council member (as referred to in point 2). Cr Harrop returned to the chambers at 7.31pm and was present to vote on Point 4 of this matter.

### **Outcome – Council Meeting 9 November 2010**

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

**Council Decision 218/10**

***That Council:***

- 1 Appoint Cr Judy Jones as a member of the Asset Management Committee.***
- 2 Adopt the updated Asset Management Committee Terms of Reference.***
- 3 Establish an Asset Management and Asset Renewal reserve.***
- 4 Appoint one other Councillor as a member of the Asset Management Committee at Council Meeting 9 November 2010.***

CARRIED

12 votes "for" / Nil votes "against"

**11.5 Resignation of Member and Proposed Appointment of Replacement – Bunbury Environment and Sustainability Advisory Committee** *(was listed as item 11.7 on the meeting agenda)*

<b>File Ref:</b>	A02445
<b>Applicant/Proponent:</b>	Internal report
<b>Author:</b>	Ben Deeley, Acting Coordinator Strategic & Environmental Planning
<b>Executive:</b>	Gary Fitzgerald, Acting Executive Manager City Development
<b>Attachments:</b>	Appendix 4 Confidential Report

**Committee Recommendation**

That Council appoints Ms Mary Anne Molloy to the Bunbury Environment and Sustainability Advisory Committee as a community representative.

**Summary**

Mr. Hrimnir Benediktsson recently resigned from his position as a community representative on Council's Bunbury Environment and Sustainability Advisory Committee.

It is proposed that Council appoints Ms. Mary Anne Molloy to the Bunbury Environment and Sustainability Advisory Committee in order to fill the vacancy created by the resignation of Mr. Benediktsson.

**Background**

The Bunbury Environment and Sustainability Advisory Committee is charged with the task of providing advice to Council on environmental and ecological sustainability issues.

An extract from the City of Bunbury's Committee Book that illustrates the Bunbury Environment and Sustainability Advisory Committee's Terms of Reference is **attached** at Appendix 4.

Membership of the Bunbury Environment and Sustainability Advisory Committee is currently as follows:

*Committee Members (Voting):*  
His Worship the Mayor, Mr David Smith  
Councillor Juliet Harrop  
Chief Executive Officer  
Executive Manager City Development

*Up to five (5) community representatives, as follows:*  
Mr Hrimnir Benediktsson  
Mr Philip Smith  
Mr Bernhard Bischoff  
Mr Chris Gibbs

Mrs Terrina Rae Earl

*Ex-Officio Members (Non-Voting):*

- 1 Representative - Department of Environment & Conservation
- 1 Representative - Leschenault Catchment Council
- 1 Representative - South West Development Commission

Correspondence was received from Mr. Hrimnir Benediktsson on the 4 August 2010, advising that he had decided to resign from his position as a community representative on the Bunbury Environment and Sustainability Advisory Committee.

Expressions of interest were sought from community members wishing to fill the vacated community representative position between the 25 August and the 1 October 2010. A total of three applications were received, which are circulated as a Confidential Report **under separate cover**.

A review of the three (3) applications was undertaken by Bunbury Environment and Sustainability Advisory Committee members during October 2010. The Committee concluded that Ms. Mary Anne Molloy was the preferred candidate and subsequently made the following recommendation to Council:

*“Committee Recommendation:*

*That Council appoints Ms Mary Anne Molloy to the Bunbury Environment and Sustainability Advisory Committee as a community representative”.*

Accordingly, it is proposed that Council appoints Ms. Mary Anne Molloy to the Bunbury Environment and Sustainability Advisory Committee as a community representative in order to fill the vacancy created by the resignation of Mr. Hrimnir Benediktsson.

**Officer Comments**

The recommendation listed in this report will result in the filling of the current community representative vacancy on Council’s Bunbury Environment and Sustainability Advisory Committee. The filling of the community representative vacancy may further assist the Committee in achieving a quorum at meetings and may also assist in the improved performance of the Committee through the inclusion of additional skill sets and knowledge as provided by the new appointee.

**Analysis of Financial and Budget Implications**

The proposal does not have any direct implications for the current budget or the Five Year Financial Plan.

The Bunbury Environment and Sustainability Advisory Committee has a role in providing advice to Council on environmental issues including the expenditure of Council’s Environmental Reserve fund.

**Community Consultation**

Expressions of interest were sought from community members wishing to fill the vacated community representative position between the 25 August and the 1

October 2010 via advertisements on the City of Bunbury's website, at the City's Libraries and in the Bunbury Mail Newspaper 'City Focus' column.

### **Councillor/Officer Consultation**

His Worship the Mayor, Councillor Juliet Harrop, the Chief Executive Officer and Executive Manager City Development are voting members of the Bunbury Environment and Sustainability Advisory Committee.

### **Options**

#### Option 1

As per the recommendation listed in this report.

#### Option 2

Council decides to appoint one of the other applicants to the Bunbury Environment and Sustainability Advisory Committee.

### **Outcome – Council Committee Meeting 2 November 2010**

The recommendation (as printed) was moved Cr Harrop, seconded Cr Spencer.

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

### **Outcome – Council Meeting 9 November 2010**

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

#### **Council Decision 219/10**

***That Council appoints Ms Mary Anne Molloy to the Bunbury Environment and Sustainability Advisory Committee as a community representative.***

CARRIED

12 votes "for" / Nil votes "against"



**11.6 City of Bunbury Auditors Report and Audited Financial Statements for the Year Ended 30 June 2010** *(was listed as item 11.13 on the meeting agenda)*

<b>File Ref:</b>	A00084-06
<b>Applicant/Proponent:</b>	As required under the Local Government Act 1995
<b>Author:</b>	David Ransom, City Accountant
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services
<b>Attachments:</b>	Report Under Separate Cover

**Committee Recommendation**

The Auditors Report and the Audited Annual Financial Statements of the City of Bunbury for the financial year ended 30 June 2010 be accepted.

**Summary**

The Auditors Report (shown on Pages 4 & 5 of the Annual Financial Report) and Audited Financial Statements of the City of Bunbury for the financial year ended 30 June 2010 have been received and are issued for the information of Councillors under separate cover.

**Executive Overview**

Council's management and internal control systems are sound. In addition to being monitored internally on a daily and monthly basis they are also strengthened by an independent assessment each year on the City's financial management systems and external audit reporting. The independent assessment reviews Council's financial position, financial management practices and compliance with the requirements of the Local Government Act, the Local Government (Financial Management) Regulations, and Accounting Standards.

There are four (4) primary financial statements;

- Statement of Comprehensive Income;
- Statement of Financial Position
- Statement of Changes in Equity;
- Statement of Cash Flows;

**Statement of Comprehensive Income:** The Statement of Comprehensive Income (shown on page 7 of the Financial Statements) shows the extent to which revenue has exceeded operating expenditure during the financial year (i.e. net result). For the year ending 30 June 2010, the net result was a positive \$5.9M.

**Statement of Financial Position:** The Statement of Financial Position (shown on page 8 of the Financial Statements) shows the assets and liabilities which make up the community equity as at the 30 June 2010. Council's current assets exceed current liabilities by \$12.4M and the total community equity as at 30 June 2010 was \$205.6M.

**Statement of Changes in Equity:** The Statement of Changes in Equity (shown on page 9 of the Financial Statements) shows the extent to which the Community equity



<b><u>Financial Information by Ratio:</u></b> (Cont.)	<b><u>2010</u></b>	<b><u>2009</u></b>	<b><u>2008</u></b>	<b><u>2007</u></b>	<b><u>2006</u></b>
<p><b>Debt Ratio</b>  <i>Total Liabilities as a percentage of Total Assets</i>            (Council's Debt Ratio denotes a strong Total Liabilities to Total Assets position. Council's 5 Year Financial Plan Target is &lt; 10%)</p>	7.0%	6.5%	7.9%	8.8%	0.8%
<p><b>Debt Service Ratio</b>  <i>The cost of principal and interest payments from loan borrowing paid during the year as a percentage of operating revenue</i>            (This percentage represents the Council's ability to service debt. The 5.7% result denotes a sound Debt Service Ratio. Council's 5 Year Financial Plan Target is 4% - 8%)</p>	5.7%	7.5%	6.9%	7.4%	9.5%
<p><b>Gross Debt to Revenue</b>  <i>Gross debt as a percentage of revenue</i>            (The percentage illustrates Council's ability to cover its debt with its revenue in any given year. Council's outstanding debt is \$8.5M and operating revenue is \$38.5M.)</p>	22%	23%	26%	31%	43%
<p><b>Gross Debt to Economically Realisable Assets</b>  <i>Gross debt as a percentage of all assets other than infrastructure assets</i>            (The percentage illustrates Council's debt as a proportion of assets which would be committed to retire debt. Council is in a strong Gross Debt to Economically Realisable Assets position.)</p>	11%	11%	13%	17%	19%
<p><b>Rate Coverage Ratio</b>  <i>Rate revenue as a percentage of operating revenue</i>            (This measures Council's capacity to fund operations from rate revenue. The higher the ratio the higher the capacity and less dependency on government grants. The higher the percentage of the Rate Coverage Ratio the easier it is to cope with unforeseen funding requirements and allows more flexible budget options. Council's 5 Year Financial Plan Target is &gt; 50%)</p>	50%	52%	50%	52%	52%

<b><u>Financial Information by Ratio:</u></b> (Cont.)	<b><u>2010</u></b>	<b><u>2009</u></b>	<b><u>2008</u></b>	<b><u>2007</u></b>	<b><u>2006</u></b>
<b>Outstanding Rates Ratio</b> <i>Rates outstanding at the end of the year as a percentage of total rates collectable (This ratio helps to determine the effectiveness of Council's rate collection procedures. Council's 5 Year Financial Plan Target is &lt; 3%)</i>	<b>2.1%</b>	<b>3.7%</b>	<b>6.4%</b>	<b>2.9%</b>	<b>2.9%</b>
<b>Change in Equity Ratio</b> <i>The change in Total Equity (i.e. total assets less total liabilities) expressed as a percentage (Indicates the net change in the total value of the Council at the end of each financial year. Council's Total Equity is \$205.7M compared to \$199.7M in the previous financial year)</i>	<b>3.0%</b>	<b>3.3%</b>	<b>7.5%</b>	<b>5.3%</b>	<b>1.5%</b>

#### **Review by Audit Committee**

The Audit Committee reviewed the Auditors Report and the Audited Financial Statements at its meeting 21 October 2010 and have referred these reports to Council for endorsement.

#### **Outcome – Council Committee Meeting 2 November 2010**

The recommendation (as printed) was moved Cr Steck, seconded Cr Major.

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

#### **Outcome – Council Meeting 9 November 2010**

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

#### **Council Decision 220/10**

***The Auditors Report and the Audited Annual Financial Statements of the City of Bunbury for the financial year ended 30 June 2010 be accepted.***

CARRIED

12 votes "for" / Nil votes "against"

**11.7 Advisory Committee and/or Project Control Group Minutes to be Noted at the Council Committee Meeting** *(was listed as item 11.14 on the meeting agenda)*

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various
<b>Attachments:</b>	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 – Bunbury Environment & Sustainability Advisory Committee (7/10/2010)  
Author: Ben Deeley, Environmental Officer  
File: A02445
2. Title: Minutes – Community Access Committee (15/10/2010)  
Author: Adam Johnson, Community Development Officer  
File: A01145-05
3. Title: Minutes – City of Bunbury Audit Committee (21/10/2010)  
Author: David Ransom, City Accountant  
File: A02733
4. Title: Minutes – City Promotions Committee (16/08/2010 & 20/09/2010)  
Author: Nardine Walford-Jones, Events Coordinator  
File: A03402

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

**Outcome – Council Committee Meeting 2 November 2010**

The recommendation (as printed) was moved Cr Steck, seconded Cr Major.

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

**Outcome – Council Meeting 9 November 2010**

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

**Council Decision 221/10**

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

1. Title: **Minutes – Bunbury Environment & Sustainability Advisory Committee (7/10/2010)**

- |                                      |                                                                             |
|--------------------------------------|-----------------------------------------------------------------------------|
|                                      | <b>Author:</b> Ben Deeley, Environmental Officer                            |
|                                      | <b>File:</b> A02445                                                         |
| 2.                                   | <b>Title:</b> Minutes – Community Access Committee (15/10/2010)             |
|                                      | <b>Author:</b> Adam Johnson, Community Development Officer                  |
|                                      | <b>File:</b> A01145-05                                                      |
| 3.                                   | <b>Title:</b> Minutes – City of Bunbury Audit Committee (21/10/2010)        |
|                                      | <b>Author:</b> David Ransom, City Accountant                                |
|                                      | <b>File:</b> A02733                                                         |
| 4.                                   | <b>Title:</b> Minutes – City Promotions Committee (16/08/2010 & 20/09/2010) |
|                                      | <b>Author:</b> Nardine Walford-Jones, Events Coordinator                    |
|                                      | <b>File:</b> A03402                                                         |
| CARRIED                              |                                                                             |
| 12 votes “for” / Nil votes “against” |                                                                             |

## 11.8 The Australia Local Government Women's Association National Conference – Sydney *(was listed as item 11.1 on the meeting agenda)*

<b>File Ref:</b>	A03830
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jack Dyson, Senior Administration Officer
<b>Executive:</b>	Geoff Klem, Acting Chief Executive Officer
<b>Attachments:</b>	Appendix 1

### Committee Recommendation

1. Council endorses the attendance of Councillor Juliet Harrop at the Australian Local Government Women's Association National Conference in Sydney from 25 to 27 November 2010.
2. Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Juliet Harrop is granted leave of absence from all Council-related business from 25 November to 27 November 2010.

### Summary

The Australian Local Government Women's Association National Conference is being held in Sydney from 25 to 27 November 2010. Councillor Juliet Harrop is seeking approval to represent Council at the conference. A copy of the conference program guide is **attached** at Appendix 1.

In accordance with the Council Policy CEO1, *Conferences, Seminars, Training and Induction Courses – Attendance by Elected Members* Councillor Harrop requires permission of Council to travel interstate to attend the conference.

### Background

The Australian Local Government Women's Association National Conference assists with furthering women's knowledge and understanding of the function of Local Government, protecting and enhancing the interests and rights of women in Local Government, taking action in relation to any subject or activity of particular interest to women affecting local governing bodies and/or Local Government legislation, acting in an advisory capacity to intending women candidates for Local Government elections and encouraging women into professional careers in Local Government.

### Analysis of Financial and Budget Implications

Conference registrations, accommodation and attendance costs can be met from within the existing Councillor Conference Expenses Budget. The total cost for this conference is expected not to exceed \$3,000.00 including registration, airfare and accommodation.

## **Options**

### Option 1

As per the recommendation listed in this report.

### Option 2

Council may elect not to endorse the attendance of Councillor Juliet Harrop at the Australian Local Government Women's Association National Conference in November 2010.

## **Outcome – Council Committee Meeting 2 November 2010**

The recommendation (as printed) was moved Cr Steele, seconded Cr Leigh.

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

## **Outcome – Council Meeting 9 November 2010**

The recommendation (as printed) from the Council (Standing) Committee was moved Cr Slater, seconded Cr Steele.

Pursuant to City of Bunbury Standing Order 15.4 Cr Whittle moved that the motion now be put.

The Deputy Mayor put the procedural motion to the vote and was CARRIED 12 votes "for" / Nil votes "against".

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

### **Council Decision 222/10**

- 1. Council endorses the attendance of Councillor Juliet Harrop at the Australian Local Government Women's Association National Conference in Sydney from 25 to 27 November 2010.**
- 2. Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Juliet Harrop is granted leave of absence from all Council-related business from 25 November to 27 November 2010.**

CARRIED

10 votes "for" / 2 votes "against"

It was requested that the vote be recorded as follows;

Against: Cr Jones



## 11.9 Proposed Development Former Bunbury Dental Clinic, 120 Spencer Street, Bunbury *(was listed as item 11.4 on the meeting agenda)*

<b>File Ref:</b>	P07399
<b>Applicant/Proponent:</b>	Mr J Monaco
<b>Author:</b>	Ron Boardley, Property & Rating Coordinator
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services
<b>Attachments:</b>	Nil

### Committee Recommendation

The application for a Demolition Licence submitted by John Monaco, on behalf of the intending purchasers, Cantalupo Pty. Ltd. and Tony Monaco, for the “complete demolition” of the building situated at 120 (Lot 102) Spencer Street, Bunbury, be approved subject to a prominent Bronze Plaque outlining the history of the building to recognise the former Dental Clinic’s heritage value, be fixed to the Donnybrook Stone (which forms part of the existing building) and being placed on the site.

### Summary

An application for a Demolition Licence has been received from Mr. John Monaco for the “complete demolition” of the former Bunbury Dental Clinic situated at 120 (Lot 102) Spencer Street, Bunbury.

### Background

In March 2010 Council accepted a conditional Contract of Sale for 120 (Lot 102) Spencer Street (former Bunbury Dental Clinic) with a value of \$825,000, inclusive of GST.

The offer was conditional upon a demolition licence being approved and acceptance by the City of concept drawings and details of the proposed new development.

Council resolved at its meeting of 8 June 2010:

*“That Council provide ‘in principle’ support for the proposed redevelopment of the former Bunbury Dental Clinic at 120 Spencer Street, Bunbury. Demolition, or part demolition, would be subject to the preparation and implementation of a heritage interpretation plan by a suitably qualified and experienced professional”.*

The City engaged the services of Hocking Planning & Architecture to prepare an “Archival Record and Interpretation Plan”. A copy of the plan was previously issued to Councillors. The recommendations contained in the plan are:-

*“The Archival Record should be the base document for any future interpretation. Additional research into the social history of the services and patients would provide valuable contextual information. Suggested methods of interpretation include:*

- *Plaque or sign on the site*
- *Display in a public place*
- *Collection of artefacts held in public library or shire archives*

- *Footprint of the building marked on the site in paving or similar*
- *Oral history program”.*

An application for a Demolition Licence has been received from Mr. John Monaco for the “complete demolition” of the former Bunbury Dental Clinic situated at 120 (Lot 102) Spencer Street, Bunbury.

### **Planning Comment**

Council’s Heritage Advisory Committee has considered the proposal and advises as follows:-

The Heritage Advisory Committee does not support the full demolition of the former Bunbury Dental Clinic at 120 Spencer Street, Bunbury.

Further, the Heritage Advisory Committee is not satisfied that the “Bunbury Dental Clinic – Archival Record and Interpretation Plan” as prepared by Hocking Planning and Architecture meets the requirements of Council’s resolution of 8 June 2010 and reiterates the recommendations of the Regional Heritage Advisor as follows:

- Consideration be given to the preparation of elevations of the existing building (particularly if demolition may proceed); and
- Additional information and analysis be included in Sections 4.1 and 4.2 of the “Bunbury Dental Clinic – Archival Record and Interpretation Plan” to:-
  - Further develop and analyse each of the interpretation options;
  - Determine how their implementation would be best achieved (and by whom);
  - Provide a brief outline of any additional work/research that will be required to develop and implement effective interpretation of this place (in a manner appropriate to its assessed significance and potential future development).

In addition, Development Services suggests the following alternative recommendation to be included in the agenda report to Council:

*“Full demolition of the former Bunbury Dental Clinic is not supported. Redevelopment of the site including partial demolition of the rear portion of the building is supported subject to a positive conservation outcome for the portion of the building to be retained, inclusive of conservation/adaption works and the preparation of a full archival record and the implementation of interpretation of its history.”*

### **Officer Comments**

As outlined earlier in this report, Council resolved at the meeting held on 8 June 2010 to provide ‘in principle’ support for the proposed redevelopment of the former dental clinic and that demolition or part demolition would be subject to the preparation and implementation of a heritage interpretation plan.

The “Archival Record and Interpretation Plan” prepared by Hocking Planning & Architecture lists various options, as outlined above, for recognition of the heritage

value of the building. It is therefore considered that complete demolition of the building can be supported, subject to appropriate recognition of the building.

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

The 2010/2011 Budget provides for income of \$750,000 (exclusive of GST) from the sale of the former Bunbury Dental Clinic. The income from the sale will be allocated to capital projects as detailed in Council's Five (5) Year Financial Plan.

### **Options**

#### Option 1

As per the recommendation listed in this report.

#### Option 2

As per the recommendation listed in this report, with amendments suggested by Council members.

#### Option 3

Full demolition of the former Bunbury Dental Clinic is not supported. Redevelopment of the site including partial demolition of the rear portion of the building is supported subject to a positive conservation outcome for the portion of the building to be retained, inclusive of conservation/adaption works and the preparation of a full archival record and the implementation of interpretation of its history.

#### Option 4

The application for a Demolition Licence submitted by John Monaco, on behalf of the intending purchasers, Cantalupo Pty. Ltd. and Tony Monaco, for the "complete demolition" of the building situated at 120 (Lot 102) Spencer Street, Bunbury, be refused as demolition of the building is contrary to the aims and objectives of the City's local Planning Policies that guide the development of such places.

### **Outcome – Council Committee Meeting 2 November 2010**

Mr John Monaco was present for questions.

The recommendation (as printed) was moved Cr Steck, seconded Cr Major.

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

It was requested that the votes be recorded as follows;

For: Cr Jones, Cr Steck, Cr Major, Cr Spencer, Cr Whittle, Cr Steele  
Against: Cr Leigh, Cr Harrop

### **Outcome – Council Meeting 9 November 2010**

The recommendation (as printed) from the Council (Standing) Committee was moved Cr Harrop, seconded Cr Steck.

The mover of the motion asked the seconder to agree to an amendment to the motion. The seconder declined the amendment.

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

**Council Decision 223/10**

***The application for a Demolition Licence submitted by John Monaco, on behalf of the intending purchasers, Cantalupo Pty. Ltd. and Tony Monaco, for the "complete demolition" of the building situated at 120 (Lot 102) Spencer Street, Bunbury, be approved subject to a prominent Bronze Plaque outlining the history of the building to recognise the former Dental Clinic's heritage value, be fixed to the Donnybrook Stone (which forms part of the existing building) and being placed on the site.***

CARRIED

10 votes "for" / 2 votes "against"

### 11.10 Lots 50, 492 and 5002 Withers Crescent, Land Rationalisation Proposal (was listed as item 11.8 on the meeting agenda)

<b>File Ref:</b>	A02843
<b>Applicant/Proponent:</b>	City of Bunbury
<b>Author:</b>	Paul Davies, Planning Consultant
<b>Executive:</b>	Gary Fitzgerald, Acting Executive Manager City Development
<b>Attachments:</b>	Appendix 5

#### Committee Recommendation

That Council resolve;

1. To support in principle the concept design for the realignment of Withers Crescent through Lot 50 and part through Lot 5002 and redesign of the car parking area adjacent to the Boulders Heights lookout.
2. To request the Department of Regional Development and Lands – State Lands for an equal area land exchange for the portions of Lot 50 proposed for a possible new road reserve for realignment of Withers Crescent and proposed recreation reserve for an equal portion of Lot 5002 Withers Drive.

#### Summary

The Land Rationalisation and Acquisitions Committee has identified Lots 50, 492 and 5002 Withers Crescent, Bunbury for further investigation of potential for rationalisation of the reserved land and possible disposal of part of the land.

The overall intent of the proposal is to create a larger recreation area adjacent to the existing Boulders Heights lookout. The proposal will also facilitate improvements to the road alignment and car parking facilities adjacent to the lookout area.

#### Background

The Land Rationalisation and Acquisitions Committee requests Council to support a potential realignment of Withers Crescent through Lot 50 and a portion of Lot 5002. The realignment of the road would utilise part of Lot 50 and Reserve 5002 for a new road reserve.

The City Engineering Department has prepared a detailed design for a possible realignment of Withers Crescent and new car parking facilities to determine final land requirements for the proposal.

The plan **attached** at Appendix 5 indicates a general concept design for the realignment of Withers Crescent through Lot 50 and part through Lot 5002 and redesign of the car parking area adjacent to the Boulders Heights lookout.

#### Officer Comments

Lot 50 has an area of 945m<sup>2</sup> is owned freehold by the City of Bunbury and is reserve for Public Purpose Local Government under the City of Bunbury, Town Planning

Scheme No 7 (TPS No 7). Lot 492 is a Crown lot of 246m<sup>2</sup> vested with the City of Bunbury and is Reserve for Public Purpose - Local Government under TPS No 7.

Adjoining Lot 5002 with an area of 911m<sup>2</sup> is a crown reserve for recreation vested in the City of Bunbury. The land is part zoned Residential R15 and part Reserve for Recreation under TPS No 7.

A section of Lot 50 and the existing road reserve for Withers Crescent is proposed to be included in the Boulters Heights reserve to provide a larger recreation reserve area adjacent to the Boulters heights lookout and allow the car parking area to be redesigned to accommodate vehicles away from the lookout.

It is proposed to request the Department of Regional Development and Lands – State Lands for an equal area land exchange for the portions of Lot 50 proposed for a new road reserve for realignment of Withers Crescent and proposed recreation reserve for an equal portion of Lot 5002 Withers Drive.

Subject to approval of the Department of Regional Development and Lands – State Lands for a land exchange then a further report will be presented to Council for initiation of an appropriate amendment to the City of Bunbury, Town Planning Scheme No 7 to rezone the respective land areas.

It is proposed that funds from the sale of the land will be utilised to fund construction of the new road realignment and new car parking area and landscaping. Further funds may then be utilised for improvements and upgrading of the overall Boulters Heights reserve area.

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

There are no financial or budget implications to this item.

### **Community Consultation**

Future rezoning of the subject land will require an amendment to the City of Bunbury Town Planning Scheme to rezone the respective areas of land. The scheme amendment will need to be advertised for public comment in accordance with the Town Planning Regulations.

Also, the disposal of Council land will require advertising in accordance with Local Government Act requirements.

### **Councillor/Officer Consultation**

The proposal has been considered by the Land Rationalisation and Acquisitions Committee. The proposal was previously presented to Council at the briefing session held on 4 May 2010.

### **Options**

#### Option 1

As per the recommendation.

Option 2

As per the recommendation with amendments.

Option 3

Council does not support the recommendation.

**Outcome – Council Committee Meeting 2 November 2010**

The recommendation (as printed) was moved Cr Whittle, seconded Cr Leigh.

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

**Outcome – Council Meeting 9 November 2010**

The recommendation (as printed) from the Council (Standing) Committee was moved Cr Major, seconded Cr Whittle.

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

**Council Decision 224/10**

***That Council resolve;***

- 1. To support in principle the concept design for the realignment of Withers Crescent through Lot 50 and part through Lot 5002 and redesign of the car parking area adjacent to the Boulters Heights lookout.***
- 2. To request the Department of Regional Development and Lands – State Lands for an equal area land exchange for the portions of Lot 50 proposed for a possible new road reserve for realignment of Withers Crescent and proposed recreation reserve for an equal portion of Lot 5002 Withers Drive.***

CARRIED

9 votes "for" / 3 votes "against"

It was requested that the votes be recorded as follows;

Against: Cr Steck, Cr Punch, Cr Steele

**11.11 Year 2011 Council Meeting Schedule** *(was listed as item 11.9 on the meeting agenda)*

<b>File Ref:</b>	A00221
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jack Dyson, Senior Administration Officer
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services
<b>Attachments:</b>	Appendix 6, 7 & 8

**Committee 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 2011".

**Summary**

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 above provides Council with a similar meeting schedule for 2011, to that which was adopted for the 2010 year.

**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 it intends to hold its Council Meetings over the ensuing twelve (12) month period. Likewise, Council Committee Meetings that will be open to the public also need to be advertised.

**Officer Comments**

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

The recess periods identified are in alignment with scheduled school holiday periods and should not impose any restriction on Councillor activities other than the absence of Ordinary Council and Council Committee Meetings.

The **attached** (at Appendices 6, 7 & 8) schedules are all very similar to the meeting schedule adopted on 24 November 2009 for the 2010 year.

The adopted 2010 schedule provided for thirteen (13) Briefing Sessions, fourteen (14) Committee Meetings and Council Meetings.

The **attached** (at Appendix 6) option 1 schedule provides for 13 Briefing Sessions, 14 Committee Meetings and 14 Council Meetings, with the first Briefing to be conducted on **Tuesday 25 January 2011**, the day prior to the Australia Day Public Holiday of Wednesday 26 January 2011.



This option **does not** provide for a Briefing between the Council Meeting of 29 November 2011 and the Committee Meeting of 6 December 2011, in order to permit Council to wind up its' business in reasonable time prior to Christmas.

The **attached** (at Appendix 7) option 2 schedule provides for only thirteen (13) Briefing, Sessions, Committee and Council Meetings.

The **attached** (at Appendix 8) option 3 schedule provides for fourteen (14) Briefing Sessions, Committee and Council Meetings but would require council to resume business on Tuesday 18 January 2011.

This option would also leave very little time for staff to enjoy periods of annual leave that are already scheduled over the Christmas New year period.

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

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

#### **Options**

##### Option 1

As per the recommendation.

##### Option 2

As per the recommendation with amendment.

##### Option 3

Council not support the recommendation.

#### **Outcome – Council Committee Meeting 2 November 2010**

The recommendation (as printed) was moved Cr Major, seconded Cr Leigh.

The Presiding Member put the motion to the vote and was adopted to become the Committee's Recommendation.

#### **Outcome – Council Meeting 9 November 2010**

The recommendation (as printed) from the Council (Standing) Committee was moved Cr Steck (pro forma), seconded Cr Leigh.

Pursuant to Clause 15.9 of the City of Bunbury Standing Orders, Cr Craddock moved a procedural motion to "lay the matter on the table".

The Deputy Mayor put the procedural motion to the vote and was LOST 4 votes "for" / 8 votes "against".

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

**Council Decision 225/10**

***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 2011".***

CARRIED

12 votes "for" / Nil votes "against"

**11.12 Review – Delegations of Authority Register 2010** *(was listed at item 11.10 on the meeting agenda)*

<b>File Ref:</b>	A00276
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jack Dyson, Senior Administration Officer
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services
<b>Attachments:</b>	Nil.

**Committee Recommendation**

That Council endorses Delegations of Authority Register as adopted 29 September 2009 as circulated under separate cover and previously circulated under memorandum dated 14 October 2010.

**Summary**

This report relates to the annual review of the City of Bunbury “Delegations Register” and recommends that Council endorses the existing specific delegations as adopted on 29 September 2009, without alteration.

**Background**

Under the provisions of the Local Government Act 1995, Council’s Delegations of Authority are to be reviewed at least once every financial year.

The last review was undertaken in September 2009 with Council formally adopting the current register on 29 September.

The City of Bunbury Delegations Register currently contains 93 specific items of delegation.

Council’s Executive Managers and Managers have recently conducted an internal review of the ‘Delegations Register’. The review did not reveal any existing delegations that required amendment, alteration or variation at this point in time.

**Legislative Compliance**

Under the provisions of the Local Government Act 1995, Council’s Delegations of Authority are to be reviewed at least once every financial year.

Section 5.42 of the Local Government Act 1995 requires that delegations to the Chief Executive Officer must be by an absolute majority of the Council.

**Officer Comments**

A Local Government the size of the City of Bunbury cannot operate without utilising Council’s power under the Local Government Act to delegate functions to the Chief Executive Officer. The purpose of delegations is to free up councillors time to enable them to set broad directions in regard to the Strategic Plan, Five Year Financial Plan and Budget; thereby enabling the Chief Executive Officer to efficiently put into effect

Council decisions and implement Council Policy. Delegations need to be provided to ensure that the organisation can operate efficiently.

Delegations to the Chief Executive Officer are not an abolishment of Councils authority or control. A council is the controlling body of a local authority and the Chief Executive Officer and his staff are accountable through the following:

- Council Policies
- Strategic Plan
- Five Year Financial Plan
- Budget
- Performance reporting and direction set by Council through the Chief Executive Officer's Performance Contract.

A local government may delegate to its Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, other than those as specified under the provisions of Section 5.43 of the Local Government Act 1995.

Likewise, the Chief Executive Officer is able to be delegated all allowable delegations from the following Acts, including regulations and local laws made under these Acts:

- Trustees Amendment Act
- Council Town Planning Scheme
- Planning and Development Act 2005
- Residential Planning Codes
- Reserved Street Names Register – Land Administration Act 1997
- Town Planning Scheme 'R' Codes
- Building Regulations of Western Australia 1989
- Council Local Laws
- Health Act 1911
- Litter Act 1979
- Bush Fires Act 1954
- Environmental Protection Act 1986
- Road Traffic Act 1974
- Control of Vehicles (Off Road Areas) Act 1978
- Dog Act 1976 and Amendment Act 1976
- Strata Titles Act 1985
- Local Government (Miscellaneous Provisions) Act 1960
- Health (Treatment of Sewerage and Disposal of Liquid Waste) Regulations 1974
- Caravan Parks and Camping Grounds Act 1995
- Caravan Park and Camping Grounds Regulations 1997
- Parks and Reserves Act 1895

The Chief Executive Officer may delegate to any employee of Council, the exercise of any of the CEO's powers or the discharge of any of his duties under the provisions of the Act, other than the power of delegation. On-delegated powers and duties are identified at the rear of each section of the Delegations Register.

Council has been operating successfully over the past years with these delegations and they have proved suitable and non problematic for the efficient management of the organisation.

Council's Executive Managers and Managers have recently conducted an internal review of the 'Delegations Register'. The review did not reveal any existing delegations that required amendment, alteration or variation at this point in time.

A copy of Council's Delegations Register was circulated to Councillors under memorandum dated 14 October 2010 and which called for elected members to contact the Senior Administration Officer with any queries or suggested alterations.

At the time of preparing the agenda no enquiries or suggestions had been received from any councillor.

Should any elected member have a concern at any given time with regard to a specific delegation, they may request that that item be listed as a separate matter for review.

### **Options**

#### Option 1

As per the recommendation.

#### Option 2

As per the recommendation with amendment.

#### Option 3

Council not support the recommendation.

### **Outcome – Council Committee Meeting 2 November 2010**

The recommendation (as printed) was moved Cr Steele, seconded Cr Spencer.

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

### **Outcome – Council Meeting 9 November 2010**

The recommendation (as printed) from the Council (Standing) Committee was moved Cr Jones, seconded Cr Major.

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

**Council Decision 226/10**

***That Council endorses Delegations of Authority Register as adopted 29 September 2009 as circulated under separate cover and previously circulated under memorandum dated 14 October 2010.***

CARRIED

12 votes "for / Nil votes "against"

**11.13 Deed of Lease – Koombana Bay Beach Kiosk** *(was listed as item 11.11 on the meeting agenda)*

<b>File Ref:</b>	F00077-02
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Ron Boardley, Property & Rating Coordinator
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services
<b>Attachments:</b>	Nil

**Committee Recommendation**

That subject to the final approval of the Minister for Lands, Council agrees to lease the Koombana Bay Beach Kiosk situated on Reserve 28032 Koombana Drive, Bunbury to Little Cornish Restaurant Pty Ltd as Trustee for The Dudley Family Trust for a term of five (5) years from 1 December 2010 to 30 November 2015, on the terms and conditions as specified in the report.

**Summary**

This report relates to the Deed of Lease for the Koombana Bay Beach Kiosk and seeks council's endorsement to the proposed lease of the premises.

**Background**

At the meeting held on 14 September 2010, Council considered a report relating to the Expressions of Interest received for the lease of the Koombana Bay Beach Kiosk and resolved as follows:-

*"That Council delegates authority to the Interviewing Panel to decide who the successful applicant is and for the Chief Executive Officer to finalise draft lease arrangements for the Koombana Bay Beach Kiosk, upon advice of the Interview Panel as to the successful applicant".*

Following the completion of the interview process on 15 September 2010, the interview panel advised that the successful applicant was Little Cornish Restaurant Pty Ltd (John Dudley).

Discussions have been held, and agreement has been reached, with Mr Dudley in regard to the conditions contained within the draft Deed of Lease. The Acting Chief Executive Officer has approved the draft Deed of Lease, the basic conditions being as follows:-

<b>Term:</b>	Five (5) years, no option for renewal.
<b>Commencement</b>	1 December 2010
<b>Expiry Date:</b>	30 November 2015
<b>Lease Area:</b>	Koombana Bay Beach Kiosk
<b>Rental:</b>	\$5,200 per annum, exclusive of GST.
<b>Rent Review:</b>	Indexed annually by CPI.
<b>Outgoings:</b>	Responsibility of the Lessee
<b>Insurance Requirements:</b>	The Lessee to maintain Public Risk Insurance and General Insurance cover over the premises with Public Liability to be set at \$10 million.

The Koombana Bay Beach Kiosk is situated on Reserve 28032 (Lot 829 on Deposited Plan 219368) Koombana Drive, Bunbury. The reserve is held by the City of Bunbury under Management Order 2093/66 on Crown Land Record Volume 3107 Folio 880 for the purpose of "Recreation and Aquatic Sports", with the power to lease.

Pursuant to Section 18 of the *Land Administration Act 1997*, the Office of the Minister for Lands has provided "in-principle" approval for the proposed lease, subject to formal approval being granted on receipt of the signed/executed Deed of Lease.

### **Officer Comments**

Council's endorsement of the Deed of Lease is required prior to seeking the final approval of the Minister for Lands.

### **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.

### **Outcome – Council Committee Meeting 2 November 2010**

The recommendation (as printed) was moved Cr Whittle, seconded Cr Leigh.

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

It was requested that the votes be recorded as follows;

For: Cr Jones, Cr Major, Cr Spencer, Cr Whittle, Cr Steele, Cr Leigh, Cr Harrop  
Against: Cr. Steck

### **Outcome – Council Meeting 9 November 2010**

The recommendation (as printed) from the Council (Standing) Committee was moved Cr Whittle, seconded Cr Slater.

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



**Council Decision 227/10**

***That subject to the final approval of the Minister for Lands, Council agrees to lease the Koombana Bay Beach Kiosk situated on Reserve 28032 Koombana Drive, Bunbury to Little Cornish Restaurant Pty Ltd as Trustee for The Dudley Family Trust for a term of five (5) years from 1 December 2010 to 30 November 2015, on the terms and conditions as specified in the report.***

CARRIED

11 votes "for" / 1 vote "against"

**11.14 College Grove Subdivision (North of Somerville Drive) – Audited Financial Statements for the Year Ended 30 June 2010** *(was listed as item 11.12 on the meeting agenda)*

<b>File Ref:</b>	A00084-06
<b>Applicant/Proponent:</b>	N/A
<b>Author:</b>	David Ransom, City Accountant
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services
<b>Attachments:</b>	Appendix 9

**Committee Recommendation**

The Audit Report and the Audited Financial Statements for the College Grove Subdivision (North of Somerville Drive) for the financial year ended 30 June 2010 be accepted.

**Summary**

The College Grove Subdivision (North of Somerville Drive) Audited Financial Statements for the financial year ended 30 June 2010 are **attached** at Appendix 9.

The Financial Statements have been prepared for the City of Bunbury and Department of Regional Development and Lands (formerly the Department for Planning and Infrastructure) to fulfil Council's financial reporting requirements under the agreement with Department of Regional Development and Lands for the College Grove Subdivision. The City of Bunbury is the appointed manager of the subdivision for the north side of Somerville Drive, with Landcorp managers for the development of any subdivisional works south of Somerville Drive.

There is no ongoing development in this north of Somerville Drive subdivision. Lot 70 Winthrop Avenue remains available and will be considered for sale or development following determination of traffic management and upgrading of roads adjoining the site.

The Financial Statements include an Income Statement, Balance Sheet, Notes to the Statements and an independent Audit Report.

**Review by Audit Committee**

The Audit Committee reviewed the Auditors Report and the Audited Financial Statements at its meeting 21 October 2010 and has referred these reports to Council for endorsement.

**Outcome – Council Committee Meeting 2 November 2010**

The recommendation (as printed) was moved Cr Steele, seconded Cr Leigh.

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

**Outcome – Council Meeting 9 November 2010**

The recommendation (as printed) from the Council (Standing) Committee was moved Cr Major, seconded Cr Spencer.

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

**Council Decision 228/10**

***The Audit Report and the Audited Financial Statements for the College Grove Subdivision (North of Somerville Drive) for the financial year ended 30 June 2010 be accepted.***

CARRIED

12 votes "for" / Nil votes "against"

**12. Motions on Notice**

Cr Major requested an update on the progress of the following questions he raised some time ago;

- Progress of the Seaman's Plaque on Woodman Point.
- Councillors meeting room still states "Staff Only"
- Would like access to the drink fridge (soft drink only) when they have guests.

**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**

Nil

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

Nil

**16. Close of Meeting**

The meeting was declared closed at 7.37pm