

## Council (Standing) Committee

### Minutes

27 July 2010

#### **Committee Terms of Reference** *(last updated 24/11/09)*

1. To review reports and recommendations that are to be submitted to a meeting of the Council and (where appropriate) make alternative recommendations to those recommendations listed in the reports.
2. To request additional information necessary to assist the members of Council in making a decisions.
3. To make reference to appropriate legislation, Council's policies, local laws and the Strategic Plan when making Committee Recommendations to Council.



**CITY OF BUNBURY**  
4 Stephen Street  
Bunbury WA 6230  
Western Australia  
Correspondence to:  
Post Office Box 21  
Bunbury WA 6231

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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

## Council (Standing) Committee Minutes

Minutes of an Ordinary Meeting of the Council (Standing) Committee held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 27 July 2010.

### Minutes 27 July 2010

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

#### 1. Declaration of Opening by the Presiding Member

The meeting was declared open at 6.00pm.

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

*PRESENT*

<b>Council Committee Members</b>	
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 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 Trevaskis
Executive Manager Corporate Services:	Mr K Weary
Executive Manager City Services:	Mr M Scott
Executive Manager City Development:	Mr G Klem

Executive Manager City Life:	Ms J Massey (Acting for D Marzano)
<b>Council Officers (Non-Voting):</b>	
Admin. Officer Corporate Services:	Mrs M Lloyd
<b>Others (Non-Voting):</b>	
Members of the Public:	11 (approx.)
Members of the Press:	2

***APOLOGIES:***

Cr Whittle was absent for the meeting.

**3. Responses to 'Public Questions' from the Previous Council Committee Meeting not Answered at that Meeting**

Nil

**4. Public Question Time**

**Mrs Carol Connolly, 8 Lumper Street, Bunbury**

*Question: (Bunbury Women's Club) We understand that a meeting has taken place between council and representatives of the shopping centre regarding illegal unloading of trucks in our right of way. We were not invited to that discussion and can not agree to any plan that allows trucks to stand in our right of way, blocking the car park area. I wish to present a petition which asks the council to ban semi-trailers from entering Princep Street between the hours of 9.00am and 5.00pm, Monday to Friday. What is the council going to do to solve this problem which has been ongoing since last September? An immediate solution is needed without any more delaying tactics.*

*Response: Mayor: We have gone to the trouble of getting a legal opinion. I was not privy to any discussion between the shop managers and the centre managers but I understood that one solution that was suggested was ensuring the trucks were out by 9.30am. It is not always a choice for the shop owners to determine the size of the trucks from suppliers. I personally agree that a better solution has to be found and there will be further discussions within council this week.*

*Question: Can we get a copy of your legal opinion?*

*Response: Mayor: No, it is not usual for us to provide them to members of the public or the parties involved because we may be acting on that advice.*

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

Nil

**6. Confirmation of Previous Minutes**

The minutes of the Council (Standing) Committee Meeting held 22 June 2010, have been circulated.

**Recommendation**

The minutes of the Council (Standing) Committee Meeting held 22 June 2010, be confirmed as a true and accurate record.

**Outcome – Council Committee Meeting 27 July 2010**

The recommendation was moved Cr Craddock, seconded Cr Leigh and adopted to become the Committees recommendation on the matter.

**Committee Recommendation**

**The minutes of the Council (Standing) Committee Meeting held 22 June 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**

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

Cr Harrop disclosed an impartiality interest in item 12.1 Motion on Notice – Recovery of Costs from the Community Garden as she is involved in the Bunbury Community Garden. Councillor Harrop remained in the chambers and participated in the discussion and vote.

Cr Slater disclosed a Proximity interest and an Impartiality interest in item 11.4 Proposed Closure of Remnant Road Reserve on Elizabeth Crescent and Amalgamation In to Private Property as he is friends with the proponents. Councillor Slater remained in the chambers and participated in the discussion and vote.



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

Nil

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

**9.1 Request for Leave of Absence – Councillor Wayne Major**

<b>File Ref:</b>	A00215
<b>Applicant/Proponent:</b>	Councillor Wayne Major
<b>Author:</b>	Greg Trevaskis, Chief Executive Officer
<b>Executive:</b>	Greg Trevaskis, Chief Executive Officer
<b>Attachments:</b>	Nil

**Recommendation**

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Wayne Major is granted leave of absence from all Council-related business from 1 August to 30 August 2010 (inclusive).

**Summary/Background**

Councillor Wayne Major requests leave of absence from all Council-related business from 1 August to 30 August 2010 (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 27 July 2010**

The recommendation was moved Cr Punch, seconded Cr Leigh.

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

**Committee Recommendation**

**Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Wayne Major is granted leave of absence from all Council related business from 1 August 2010 to 30 August 2010 (inclusive)**

CARRIED  
12 votes "For" / Nil votes "Against"

## 10. Reception of Formal Petitions and Memorials

### 10.1 Petition – Banning Trucks in Prinsep Street

<b>File Ref:</b>	P07969
<b>Applicant/Proponent:</b>	Bunbury Women's Club
<b>Author:</b>	His Worship the Mayor
<b>Executive:</b>	<i>If petitions adopted by Council refer to:</i> Executive Manager, City Services Michael Scott
<b>Attachments:</b>	

A letter and petition have been received from The Bunbury Women's Club in regards to Banning Trucks from entering Prinsep Street between the hours of 9.00am and 5.00pm, Monday to Friday.

Pursuant to City of Bunbury Standing Order 9.4, the only questions to be considered at the Council Meeting upon presentation of a petition are:

- (a) That the petition shall be accepted; or
- (b) That the petition not be accepted; or
- (c) That the petition be accepted and referred to a committee for consideration and report; or
- (d) That the petition be accepted and be dealt with by the full council.

#### **Outcome – Council Committee Meeting 27 July 2010**

Moved Cr Major, seconded Cr Leigh that the petition be accepted and be dealt with by the full council.

#### **Committee Recommendation**

**Pursuant to clause 9.4(d) of the City of Bunbury Standing Orders, the petition from the Bunbury Women's Club be accepted and be dealt with by the full council.**

CARRIED  
12 Votes "for / Nil votes 'Against"

## 10.2 Petition – Bunbury Parking Petition

<b>File Ref:</b>	A00472
<b>Applicant/Proponent:</b>	Public Sector Workers
<b>Author:</b>	Councillor Major
<b>Executive:</b>	<i>If petitions adopted by Council refer to:</i> Executive Manager, City Development Geoff Klem
<b>Attachments:</b>	

A letter and petition have been received from Bunbury Public Sector Workers in regards to Bunbury Parking.

Pursuant to City of Bunbury Standing Order 9.4, the only questions to be considered at the Council Meeting upon presentation of a petition are:

- (a) That the petition shall be accepted; or
- (b) That the petition not be accepted; or
- (c) That the petition be accepted and referred to a committee for consideration and report; or
- (d) That the petition be accepted and be dealt with by the full council.

### **Outcome – Council Committee Meeting 27 July 2010**

Moved Cr Major, seconded Cr Steck that the petition be accepted and be referred to the CBD Parking Strategy Project Control Group for consideration and report.

#### **Committee Recommendation**

**Pursuant to clause 9.4(d) of the City of Bunbury Standing Orders, the petition from the Bunbury Public Service Workers be accepted and be referred to the CBD Parking Strategy Project Control Group for consideration and report.**

CARRIED  
12 Votes "For / Nil votes 'Against"

### 10.3 Petition – Corellas at Horseshoe Lake

<b>File Ref:</b>	PJ/274
<b>Applicant/Proponent:</b>	Residents of the area of Horseshoe Lake
<b>Author:</b>	Councillor Jones
<b>Executive:</b>	<i>If petitions adopted by Council refer to:</i> Executive Manager, City Development Geoff Klem
<b>Attachments:</b>	

A letter and petition have been received from residents of the area of Horseshoe Lake in regards to the Corellas at Horseshoe Lake.

Pursuant to City of Bunbury Standing Order 9.4, the only questions to be considered at the Council Meeting upon presentation of a petition are:

- (a) That the petition shall be accepted; or
- (b) That the petition not be accepted; or
- (c) That the petition be accepted and referred to a committee for consideration and report; or
- (d) That the petition be accepted and be dealt with by the full council.

#### **Outcome – Council Committee Meeting 27 July 2010**

Moved Cr Jones, seconded Cr Major that the petition be received and be referred to the Bunbury Environment & Sustainability Advisory Committee for consideration and report.

#### **Committee Recommendation**

**Pursuant to clause 9.4(d) of the City of Bunbury Standing Orders, the petition from the resident of the area surrounding Horseshoe Lake be accepted and be referred to the Bunbury Environment & Sustainability Advisory Committee for consideration and report.**

CARRIED  
12 Votes "For / Nil votes 'Against"

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

### 11.1 Proposed Disposal Of Lot 4968 (Reserve 27551) Cornell Street.

<b>File Ref:</b>	A02843
<b>Applicant/Proponent:</b>	City of Bunbury
<b>Author:</b>	Paul Davies, Consultant
<b>Executive:</b>	Geoff Klem, Executive Manager City Development
<b>Attachments:</b>	Appendix 1

#### Recommendation

It is recommended that Council resolve to undertake disposal procedures for Lot 4968 (Reserve 27551) Cornell Street in accordance with the Department of Lands - Guidelines for the Administration of Section 20A reserves.

#### Summary

The Land Rationalisation and Acquisitions Committee has identified the subject land for potential disposal. It is proposed that funds from sale of Lot 4968 (Reserve 27551) Cornell Crescent be utilised for upgrading and improvements to the Big Swamp reserve area.

The lot has an area of 841m<sup>2</sup> and is crown reserve which was vested under Section 20A of the Town Planning and Development Act and under management by the City for recreation. The land is zoned Residential R15 under the City of Bunbury, Town Planning Scheme No7.

#### Background

##### Lot 4968 (Reserve 27551) Cornell Street

Lot 4968 has an area of 841m<sup>2</sup> and is a crown reserve which was vested under Section 20A of the Town Planning and Development Act and under management by the City for Recreation. The land is zoned Residential R15 under the City of Bunbury, Town Planning Scheme No 7.

**Attached** at Appendix 1 show the location of the subject land.

Under the current R15 zoning the lot could easily be developed as a single residential lot. Under current proposed Amendment No 38 to Town Planning Scheme No 7 to change the Residential Coding of all residential lots throughout the City the lot is proposed to be rezoned to R20/ 30.

Under the proposed R20/30 coding the lot could be developed for two units or possibly more if the site was amalgamated with an adjoining property. Amendment 38 was recently advertised for public comment and it is anticipated that it will be considered by Council for final approval in the near future.

It is proposed that funds from sale of Lot 4968 (Reserve 27551) Cornell Crescent be utilised for upgrading and improvements to the Big Swamp reserve area.

### **Community Consultation**

Disposal of Section 20A reserve land will require advertising in accordance with Guidelines for the Administration of Section 20A reserves including letters to adjacent landowners, onsite advertising and newspaper advertisements.

### **Councillor/Officer Consultation**

The Land Rationalisation and Acquisitions Committee has identified the subject land for potential disposal.

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

The subject land is proposed for disposal. Proceeds from disposal of the subject land will be utilised for upgrading and improvements to the Big Swamp area.

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

The availability of quality residential and industrial land promotes employment opportunities through development of the land and increased economic infrastructure. There are no known social reasons in respect of the proposal. There are no heritage or environmental issues that have come to light as a result of this proposal.

### **Council Policy Compliance**

There are no related Council policies to consider.

### **Legislative Compliance**

Disposal of the 20A reserve land will be undertaken in accordance with Guidelines for the Administration of Section 20A reserves.

### **Options**

#### Option 1

Per recommendation

#### Option 2

Council may resolve not to proceed with the proposal.

**Outcome – Council Committee Meeting 27 July 2010**

Cr Jones suggested amending the recommendation to include the words “*and any proceeds of the sale apply to Big Swamp Reserve or the nearest beach reserve*”

Cr Craddock moved and Cr Jones seconded the motion with the following amendment:

Add the Words “*and any proceeds of the sale be allocated for expenditure to Big Swamp Reserve or the nearest beach reserve*” after the recommendation as printed.

The motion was put to the vote and adopted to become the committee’s recommendation on this issue.

**Committee Recommendation**

**It is recommended that Council resolve to undertake disposal procedures for Lot 4968 (Reserve 27551) Cornell Street in accordance with the Department of Lands - Guidelines for the Administration of Section 20A reserves and any proceeds of the sale be allocated for expenditure to Big Swamp Reserve or the nearest beach reserve**

CARRIED

11Votes “For” / 1 vote “Against”

It was requested that votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor B Kelly, Cr J Jones, Cr S Craddock, Cr A Leigh, Cr H Punch, Cr W Major, Cr D Spencer, Cr J Harrop, Cr R Slater, Cr K Steele

Against: Cr Steck

**11.2 Proposed Scheme Amendment 43 to Town Planning Scheme No. 7 - Lot 50 South Western Highway, Davenport (South Davenport Industrial Park)**

<b>File Ref:</b>	A03939
<b>Applicant/Proponent:</b>	City of Bunbury
<b>Author:</b>	Neville Dowling (Consultant Strategic Planner), Thor Farnworth (Coordinator Strategic & Environmental Planning)
<b>Executive:</b>	Geoff Klem, Executive Manager City Development
<b>Attachments:</b>	Under Separate Cover, Appendices 1, 2, 3, 4 & 5

**Recommendation**

1. Council, in pursuance of section 75 of the *Planning and Development Act 2005* (as amended), resolves to initiate Scheme Amendment 43 to the City of Bunbury Town Planning Scheme No. 7 by:
  - (a) rezoning portion of Lot 50 South Western Highway, Davenport, from “Rural Zone” to “Industry Zone” as shown on the scheme amendment map; and
  - (b) incorporating Portion Lot 50 South Western Highway, Davenport, within a “Development Investigation Policy Area” as shown on the scheme amendment map;in accordance with the Scheme Amendment documentation issued as report under separate cover and identified as Appendix 1
2. Subject to authorisation by the Western Australian Planning Commission and the advice of the Environmental Protection Authority, the proposed Scheme Amendment is to be advertised for public comment during a submission period of not less than 42 days in accordance with the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*.
3. Following public advertising of the proposed Scheme Amendment 43, the proposal and any public submissions lodged with the City during the advertising period is to be returned to Council for further consideration.
4. That the landowner of Lot 50 Bussell Highway, Davenport, be advised that any Structure Plan submitted for adoption by Council and endorsement by the Western Australian Planning Commission must be accompanied by a Local Water Management Strategy that is compiled in accordance with the Better Urban Water Management (October 2008) guidelines to the satisfaction of the Local Government, the Commission and the Department of Water (DoW).

**Summary**

This scheme amendment is to rezone Lot 50 South Western Highway, Davenport, form “Rural Zone to “Industry Zone”. The amendment is in accordance with a direction given by the Western Australian Planning Commission (WAPC) to the City of Bunbury to reflect their resolution to rezone Lot 50 from “Rural Zone” to “Industrial Zone” under the Greater Bunbury Region Scheme (GBRS).

In accordance with orderly and proper planning, Lot 50 will also be incorporated into a “Development Investigation Policy Area” (DIPA) to ensure that structure planning is



finalised prior to any subdivision or development being approved within the DIPA area.

### **Background**

In August 2009, Turner Master Planners, on behalf of Eightwide Pty Ltd the owners of Lot 50 South Western Highway, Davenport, made a submission to Council seeking:

- (a) support for a Region Planning Scheme amendment to rezone the subject land from "Rural Zone" to "Industrial Zone" under the GRBS; and
- (b) initiation of a Local Planning Scheme amendment to rezone the subject land from "Rural Zone" to "Industry Zone" under the City of Bunbury Town Planning Scheme No. 7 (TPS7).

The submission sought to enable the subdivision of Lot 50 for industrial development. In order for Lot 50 to be subdivided and developed for industrial purposes - both the GBRS and TPS7 must be amended in a consistent manner.

As a result of the submission, discussions were held between officers of the City of Bunbury, the representatives of the landowner and the Department of Planning (DoP). Subsequently, the City received correspondence from the WAPC dated 6 October 2009 advising:

*"That the Western Australian Planning Commission at its meeting of 15<sup>th</sup> August 2008, resolved to include Lot 50 South Western Highway Davenport into the Preston Industrial Park Structure plan Southern precinct area for the purposes of strategic planning in the area."*

A copy of the Commission's letter can be found in the report issued **under separate cover** and identified as appendix 2

In response to the proponent's submission to initiate a rezoning of the land, the City advised Turners Master Planners on behalf of the landowner of Lot 50 in correspondence dated 26 October 2009 that:

*"The City has considered the matter and has determined that it is necessary for you to have the matter determined by the WAPC pursuant to the provisions of the Greater Bunbury Region Scheme legislation prior to your submitting any request to the City for a Scheme Amendment."*

A copy of the City's letter can be found in the report **under separate cover**, and identified as appendix 3

Turner Master Planners, on behalf of the landowner of Lot 50, approached the WAPC to request initiation of an amendment to the GBRS for the rezoning of the land from "Rural Zone" to "Industrial Zone" - to which the WAPC advised the proponent in a letter dated 3 November 2009 (copied to the City of Bunbury) that:

*“... the Department of Planning was prepared to recommend to the WAPC to initiate an amendment to the GBRS, and that it would be beneficial to do so with the support of the local authority concerned.”*

A copy of the Commission’s letter can be found in the report issued **under separate cover** and identified as appendix 4

As a result of the above advice from the WAPC, the matter was then presented to Council for its consideration at its ordinary meeting held on 24 November 2009 (Council Decision 225/09), at which Council resolved as follows:

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

it has no objection (in principle) to considering the initiation of a Scheme Amendment to Town Planning Scheme No.7 involving a change from “Rural” zone to “Development Zone – Industry” at Lot 50 South Western Highway Picton / Davenport.”

A copy of Council’s decision was sent to the WAPC for the Commission’s information and action. At its meeting on 11 December 2009 the WAPC (through the South-West Region Planning Committee) resolved to:

- 1) Rezone a portion of Lot 50 South Western Highway, Davenport from “Rural” to Industrial” under the Greater Bunbury Region Scheme and;*
  - i) Form the opinion that under section 57 of the Planning and Development Act 2005 the amendment does not constitute a substantial amendment, and resolve to initiate a minor amendment;*
  - ii) Approve the text of the Model Resolution; and*
  - iii) Approve the text and figures of the Amendment Report.*
- 2) Request the City of Bunbury initiate an amendment to the Town Planning Scheme No. 7 to reflect the WAPC resolution and the advertising associated with the local scheme amendment to take place concurrently with the Greater Bunbury Region Scheme amendment public inspection period.*

A copy of the Commission's letter can be found in the report issue **under separate cover** and identified as appendix 5

Therefore, the primary rationale for Scheme Amendment 43 is to ensure conformity with GBRS with respect to Lot 50.

### **Officer Comments**

The proposed Scheme Amendment 43 is to change the Scheme Map by:

- (a) including Lot 50 South Western Highway in the "Industry Zone"; and
- (b) incorporating the subject land within a respective "Development Investigation Policy Area" (DIPA).

The primary rationale for the amendment is to ensure conformity with GBRS with regard to Lot 50.

Under clauses 5.9.13 and 6.2.1 of TPS7, the inclusion of the subject land within Development Investigation Policy Areas will ensure that the subdivision of the land will occur in accordance with a structure plan that is adopted by the City of Bunbury and endorsed by the WAPC.

### **Proposed Main Roads Widening**

In May 2010 the City received notification from the department of Main Roads Western Australia (MRWA) that they were intending to undertake various widenings to the proposed Bunbury Outer Ring Road Reserve and South Western Highway in the vicinity of the subject land. The proposed widenings can be seen in Figure 5, (page 12) in the report issued **under separate cover** and identified as appendix 1.

It is to be noted that the GBRS amendment does not reflect the road widenings. As the City is required under Part 9 of the *Planning and Development Act 2005* to conform to the GBRS - the road widenings are consequently not reflected in the Scheme Amendment documentation for TPS7. It is to be noted however that MRWA have indicated that the proposed road widenings are still not considered final, and may be subject to further refinement. Once the reserve boundaries for the road widenings have been finalised it can be expected that another Region Planning Scheme and Local Scheme Amendment will be required.

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

There are not considered to be any financial or budget implications. Where more than 10% of a lot is ultimately reserved, the process for reserving and acquiring the land will be the responsibility of the State government; which is to be expedited through the amending of the GBRS where required.

Other normal conditions of land subdivision include, but are not limited to, the following items that are to be dedicated / constructed at the subdivider's / developer's cost and to the specification and satisfaction of the relevant public authorities:

- (1) *all lots with frontage to a constructed and drained subdivisional road that is connected to the local road system;*

- (2) *a contribute towards traffic calming measures, including intersection treatments connecting to main roads;*
- (3) *a contribute towards cycleways, dual use paths and footpaths;*
- (4) *land being filled, drained and connected to the City's stormwater drainage system; and*
- (5) *all lots with connection to the reticulated potable water and sewerage systems*

### **Strategic Relevance**

The proposed amendment is considered consistent with the aims and goals of Council's 2007 – 2012 Strategic Plan and the objectives and recommendations of the City Vision Strategy (2007). As explained under the section headings of 'Background' and 'Proposal' above, the amendment is also consistent with the administration of the GBRS. Details of conformity with the *Planning and Development Act 2005*, the State Planning Framework and the Local Planning Framework can be found in the report issued **under separate cover** and identified as appendix 1 (page iv).

The amendment will require public advertising pursuant to the procedure set out in:

- (1) the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967*; and
- (2) clause 5.9.13 of the City of Bunbury Town Planning Scheme 7.

As Lot 50 will be the subject of a minor amendment to the GBRS to rezone the land from "Rural Zone" to "Industrial Zone" - it is intended to conduct this Local Planning Scheme amendment concurrently with the Region Planning Scheme amendment (WAPC reference number: 0014/57).

### **Councillor/Officer Consultation**

Up until the time of presenting this report to Council the Scheme Amendment has been compiled by Council's Development Services department in consultation with its Engineering Services department. Consultation has also occurred with representatives of DoP, MRWA and DoW.

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

#### **Economic**

The eventual rezoning, structure planning and subdivision of the land for industry can be assumed to have a net benefit to Bunbury's local and regional economy. This is partly because over recent years there has been a shortage of suitable land available for light and general industry - with growing demand for new industries seeking to locate in proximity of Bunbury's Strategic Regional Centre and Port. Hence, the subject area is optimally located for the development of industrial activities given that

it is situated approximately seven kilometres of Bunbury's CBD, five kilometres of the Inner Harbour and at the intersection of two regional road corridors.

### Social

There are no known negative impacts on the social environment.

### Environmental

The impacts on the physical (natural and built) environment are summarised in the Local Planning Scheme Amendment Report issued under separate cover and identified as Appendix 1 Figure 6 on page 13.

The key issues or constraints relate to the management of:

### **Surface, Groundwater & Drainage**

Groundwater management will likely be a prominent development issue due to the relatively high water table. The site abuts the Preston River foreshore reserve. Urban water management planning will therefore play a key role in the subdivision designing process. The landowner is therefore encouraged to undertake groundwater testing as early as possible before structure planning is undertaken.

The management of ground and surface water resources is the subject of WAPC's State Planning Policy 2.9 Water Resources (SPP 2.9). A by-product of this policy is the Better Urban Water Management (BUWM) guidelines, published in October 2008 by the WAPC in conjunction with DoW, WALGA and the Commonwealth Government Department of the Environment, Water, Heritage and the Arts. The BUWM indicates that a Local Water Management Strategy is required to accompany the local structure plan documentation, and that the structure plan can not be finalised unless the Local Water Management Strategy has been approved by the WAPC on advice from the DoW. It is for this reason that a recommendation has been included in this report to remind the proponents of their responsibility in this regard.

### **Remnant Vegetation**

Most of the remnant vegetation on Lot 50 occupies land adjacent to the Preston River and lies within an "Environmentally Sensitive Area" (ESA) as prescribed by the Department of Environment and Conservation (DEC). The ESA shown in the Local Planning Scheme Amendment Report issued under separate cover and identified as Appendix 1 Figure 5 on page 12 relates mostly to the area of vegetated land associated with the Preston River foreshore. Subject to the outcomes of approved flora and fauna surveys, land within an ESA is presumed to require clearing / development approvals regardless of the size of the area impacted. It is more than likely that clearing permits will not be granted within an ESA.

### **Legislative Compliance**

Proposals to amend a Local Planning Scheme are required to be undertaken in accordance with the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967*. The proposed Scheme Amendment, should it be

initiated by Council, will need to be referred to the Environmental Protection Authority (EPA) for their review prior to any formal public advertising period.

Once the EPA has indicated that a full environmental assessment is not required and that Lot 50 is subject to a minor amendment to the GBRS), the amendment may be advertised for a minimum period of 42 days. Submissions are analysed and the amendment is then submitted back to Council for adoption with or without modifications.

Should Council resolve to adopt the amendment, the scheme amending documentation, together with the schedule of submissions and Council's resolution, is to be referred to the WAPC for its endorsement and referral to the Minister for Planning for final approval and gazettal.

### **Options**

#### Option 1

As per the Recommendation.

#### Option 2

As per the Recommendation with modifications.

#### Option 3

Council may resolve not to proceed with the proposed Scheme Amendment 43 at this time.

It should be noted that Council is obliged to undertake the Scheme Amendment compliant with Part 9 of the *Planning and Development Act 2005*; specifically clause 123 of the Act, which stipulates that Local Planning Schemes are to be consistent with the overriding Region Planning Scheme (i.e. the GBRS).

### **Outcome - Council Committee Meeting 27 July 2010**

It was noted that this matter was presented to Council for its consideration at its ordinary meeting held 24 November 2009 at which Council had no objection in principle to the recommendation.

Option 1 was moved Cr Spencer and seconded Cr Jones.

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

**Committee Recommendation**

**1. Council, in pursuance of section 75 of the *Planning and Development Act 2005* (as amended), resolves to initiate Scheme Amendment 43 to the City of Bunbury Town Planning Scheme No. 7 by:**

**(a) rezoning portion of Lot 50 South Western Highway, Davenport, from “Rural Zone” to “Industry Zone” as shown on the scheme amendment map; and**

**(b) incorporating Portion Lot 50 South Western Highway, Davenport, within a “Development Investigation Policy Area” as shown on the scheme amendment map;**

**in accordance with the Scheme Amendment documentation issued as report under separate cover and identified as Appendix 1**

**2. Subject to authorisation by the Western Australian Planning Commission and the advice of the Environmental Protection Authority, the proposed Scheme Amendment is to be advertised for public comment during a submission period of not less than 42 days in accordance with the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*.**

**3. Following public advertising of the proposed Scheme Amendment 43, the proposal and any public submissions lodged with the City during the advertising period is to be returned to Council for further consideration.**

**4. That the landowner of Lot 50 Bussell Highway, Davenport, be advised that any Structure Plan submitted for adoption by Council and endorsement by the Western Australian Planning Commission must be accompanied by a Local Water Management Strategy that is compiled in accordance with the Better Urban Water Management (October 2008) guidelines to the satisfaction of the Local Government, the Commission and the Department of Water (DoW).**

Carried

7 votes “For” / 5 votes “Against”

It was requested that votes be recorded as follows:

For: Mayor D Smith, Cr J Jones, Cr S Craddock, CR M Steck, Cr A Leigh, Cr D Spencer, Cr H Punch

Against: Deputy Mayor B Kelly, Cr W Major, Cr J Harrop, Cr R Slater, Cr K Steele

### 11.3 Nomination for appointment to Bunbury Regional RoadWise Committee

<b>File Ref:</b>	R00692-06
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Gemma Bourne, Engineering Administration Officer
<b>Executive:</b>	Michael Scott, Executive Manager City Services
<b>Attachments:</b>	Confidential Report

#### Recommendation

Mr Gordon Pattenden is appointed as a Committee member to the Bunbury Regional RoadWise Committee.

#### Summary

Mr Gordon Pattenden (Road Skills Australia – Driving School) has nominated for appointment to the Bunbury Region RoadWise Committee to fill a position allocated to a Diving Instructor.

The appointment of Mr Gordon is supported by the Bunbury Region RoadWise Committee and is seeking endorsement of this Committee nomination from Council.

#### Background

The Bunbury Region RoadWise Committee was formed in 1998 and consists of interested members of the public and representatives of organisations concerned with road safety. The committee's terms of reference reflects these concerns and are as follows:

*Continue the development of road safety within the Bunbury Region.  
Develop and maintain a Road Safety Strategy document.  
Prioritise and recommend actions to be adopted.*

Currently, the committee comprises of His Worship the Mayor, Cr Harrop, Cr Slater and the following agency and community representatives:

*Paul Cassidy, Southern Road Services  
Alan Roberts, Main Roads Western Australia  
Silvia Clearwater, South West Population Health Services  
Darren Spouse, St Johns Ambulance  
Lisa Gartrell, School Drug Education and Road Aware  
Brad Brooksby, Community Member  
Murray Cook, Fire & Emergency services Australia  
Sgt Gerard Murphy, South West Traffic – Bunbury Police*

The committee also consists of a RoadWise Officer (Kelly Mennen), Jason Gick (City Engineer – City of Bunbury), and Gemma Bourne (Engineering Administration Officer – City of Bunbury) who do not have voting rights.

The confidential nomination form received from Mr Gordon Pattenden has been circulated to members **under separate cover.**



### **Officer Comments**

The members of the Bunbury Region RoadWise Committee unanimously support appointment of the nominated committee member.

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

There are no budget implications as a result of this proposal.

### **Options**

#### Option 1

Per the Executive Recommendation listed in this report.

#### Option 2

Council may elect to reject the appointment of the nominated member to the Bunbury Region RoadWise Committee at this time.

### **Outcome - Council Committee Meeting 27 July 2010**

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

### **Committee Recommendation**

**Mr Gordon Pattenden is appointed as a Committee member to the Bunbury Regional RoadWise Committee.**

CARRIED

12 votes "For" / Nil votes "Against"

#### 11.4 Proposed Closure of Remnant Road Reserve on Elizabeth Crescent and Amalgamation Into Private Property

<b>File Ref:</b>	A00420-13
<b>Applicant/Proponent:</b>	Dave Jones Insitu Planning & Design
<b>Author:</b>	Beth Kozyrski, Engineer Technical Officer
<b>Executive:</b>	Michael Scott, Executive Manager City Services
<b>Attachments:</b>	

#### Recommendation

Pursuant to the provisions of Section 58 of the Land Administration Act 1997 and having given the prescribed notice Council resolves to approve the proposed closure of the remnant road reserve as shown in the location plan attached at Appendix 2 and its amalgamation into the adjoining Lots.

#### Summary

On the 6<sup>th</sup> October 2009 the City of Bunbury received correspondence from Insitu Planning & Design attached at Appendix 2 requesting that the remnant road reserve, approximately 331m<sup>2</sup>, be closed under Section 58 of the Land Administration Act 1997 and its amalgamated into the adjoining Lots 218 and 219.

The road reserve is not required for the ongoing use of Elizabeth Crescent.

#### Background

A subdivision plan has been lodged by the Applicant on behalf of the owners Peter and Christine Farnell. The amalgamation of the remnant road reserve will improve the shape of the proposed blocks.

#### Officer Comments

Previous precedent was set with the closure of the remnant road reserve on Casuarina Drive and its amalgamation into private property by Council Decision 147/09.

#### Analysis of Financial and Budget Implications

There will be no detrimental effect on the City's Annual Budget.

#### Options

##### Option 1

Per the recommendation as listed in this report.

##### Option 2

Council does NOT support the request.

**Outcome – Council Committee Meeting 27 July 2010**

Cr R Slater declared an impartiality interest in this item. Councillor Slater remained in the chamber and participated in the discussion and vote.

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

**Committee Recommendation**

**Pursuant to the provisions of Section 58 of the Land Administration Act 1997 and having given the prescribed notice Council resolves to approve the proposed closure of the remnant road reserve as shown in the location plan attached at Appendix 2 and its amalgamation into the adjoining Lots.**

CARRIED

11 Votes "For" / 1 Vote "Against"

### 11.5 International Cities Town Centres & Communities Society Conference – October 2010.

<b>File Ref:</b>	A00220
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jack Dyson, Senior Administration Officer
<b>Executive:</b>	Greg Trevaskis, Chief Executive Officer
<b>Attachments:</b>	Nil

#### **Recommendation**

Council approve the attendance of both His Worship the Mayor and Councillor Craddock at the 2010 International Cities Town Centres & Communities Society (ICTC) conference which is being conducted in Coffs Harbour, New South Wales from 12 - 15 October 2010.

#### **Summary**

Councillors recently received information from the International Cities, Town Centres and Communities Society advising of their 11<sup>th</sup> Conference to be held in Coffs Harbour, New South Wales, from 12<sup>th</sup> to 15<sup>th</sup> October 2010.

In accordance with Council Policy CEO 1, His Worship the Mayor and Councillor Craddock have indicated an interest in attending the 11<sup>th</sup> International Cities, Town Centres and Communities Society Conference, at the Opal Cove Convention Centre in Coffs Harbour, New South Wales.

#### **Background**

Council has taken a keen interest in the activities and conferences offered by the ICTC in recent years, actually hosting the event at the Bunbury Regional Entertainment Centre in May 2005.

In 2009, both Councillors Punch and Harrop attended the 10<sup>th</sup> conference which was held in the City of Geelong.

Sessions available at the 2010 conference include such matters as Urban Lifestyle/ Revitalisation, Community Building and Consultation, Regional Strategic Planning, Creating Liveable Neighbourhoods, Changing Economy, Housing Affordability, Transport and Urban Communities, Managing Growth, Development Challenges, Projects in Partnership, Sports Stadiums and Place Marketing, Healthy Cities - Masterplanned Communities, Town Centres and Main Streets, Sustainable Cities and Towns and Infrastructure Planning and Development.

Presenters at the Conference include specialists from within Australia and New Zealand as well as keynote speakers from America and Great Britain.

#### **Officer Comments**

His Worship the Mayor and Councillor Craddock would like to attend the conference to glean knowledge and gain an appreciation of some of the potential future possibilities that may be available or possible for Bunbury may be.

Last year both Councillors Punch and Harrop provided councillors with a report on their experiences from attendance at the conference.

Information and ideas sourced from attendance at a conference of this nature can only assist in the decision making process' that Council will need to consider in regard to the future of Bunbury's growth for the foreseeable future.

The benefits to Council from attendance at the conference by His Worship the Mayor and Councillor Craddock will be the knowledge and information in papers being made available and share with Council on return of the attendees.

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

Conference registrations, flights, accommodation and attendance costs are able to be met from within the existing Councillor Conference Expenses currently identified in the Draft Budget. The total estimated cost for attendance by both Councillors is in the vicinity of \$5,000.00 which includes conference registrations, accommodation, travel and meals.

### **Options**

Option 1

As per the recommendation above.

Option 2

As per the recommendation above with amendment.

Option 3

Council not support the attendance.

### **Outcome – Council Committee Meeting 27 July 2010**

Cr Craddock left the chambers at 7.14pm and did not participate in the discussion and did not vote.

Moved Cr Jones, seconded Cr Leigh

Cr Jones agreed to an amendment which reads:

Remove the words from

*“Council approve... to Councillor Craddock...”*

Replace with

*“Council approve the attendance of Councillor Craddock and one other”* with that councillor being decided at the Council Meeting 3 August 2010.

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

**Committee Recommendation**

**Council approve the attendance of Councillor Craddock and one other Councillor, with that councillor being decided at the council meeting 3 August 2010 at the 2010 Internation, Cities Town Centres and Communities Society (ICTC) conference which is being conducted in Coffs Harbour, New South Wales from 12-15 October 2010.**

Carried

11 votes "For" / Nil votes "Against"

Cr Craddock re-entered the chambers at 7.21pm.

## 11.6 Bunbury Regional Entertainment Centre – Endorsement of Board of Management Members

<b>File Ref:</b>	F00084-13
<b>Applicant/Proponent:</b>	Bunbury Regional Entertainment Centre
<b>Author:</b>	Jack Dyson – Senior Administration Officer
<b>Executive:</b>	Greg Trevaskis - Chief Executive Officer
<b>Attachments:</b>	Nil

### Recommendation

The City of Bunbury endorses the recommendation of the Bunbury Regional Theatre Inc selection panel in appointing the following members to the Board:

- a) The retiring members of the Board be reappointed as follows:
  - Mr Simon Jacob 2 year term
  - Dr Robyn McCarron 2 year term
  - Mr Trevor Smith 2 year term
  - Mr John Ventris 2 year term; and
  
- b) That community members be appointed to the Board as follows:
  - Mr Brian McLoughlin 2 year term
  - Ms Nicola Waite 1 year term

### Summary

Under the provisions of the existing Deed of Management between the City and Bunbury Regional Theatre Inc, it is a requirement that the City approve/endorse the appointees to the governing Board of Management.

### Background

Advice has been received that nominations were recently called for membership of Bunbury Regional Theatre Inc Board of Management via advertisements in local media.

Board positions became available on 1 July 2010 for five (5) x 2 year terms and one (1) x 1 year term.

Nominations were received from four (4) retiring board members and three community members.

The selection panel has considered all the applications and recommends the confirmation of the members listed above.

### Officer Comments

In endorsing this recommendation the City has fulfilled it's obligation under the terms of the current Deed of Management.

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

There are no known financial or budget implications associated with this recommendation.

### **Options**

Option 1

As per the recommendation above.

Option 2

As per the recommendation above, with amendment.

Option 3

Council not support the recommendation.

### **Outcome – Council Committee Meeting 27 July 2010**

Moved Cr Jones, seconded Cr Harrop

The Mayor wishes to record his personal appreciation to Rob Rumble for the time he spent in relation to the Chairmanship of the board. He thinks he was one of the best Chairs of any committee we have ever had.

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

### **Committee Recommendation**

**The City of Bunbury endorses the recommendation of the Bunbury Regional Theatre Inc selection panel in appointing the following members to the Board:**

**a) The retiring members of the Board be reappointed as follows:**

<b>Mr Simon Jacob</b>	<b>2 year term</b>
<b>Dr Robyn McCarron</b>	<b>2 year term</b>
<b>Mr Trevor Smith</b>	<b>2 year term</b>
<b>Mr John Ventris</b>	<b>2 year term; and</b>

**b) That community members be appointed to the Board as follows:**

<b>Mr Brian McLoughlin</b>	<b>2 year term</b>
<b>Ms Nicola Waite</b>	<b>1 year term</b>

CARRIED  
12 votes "for" / Nil votes "against"



### 11.7 Offer to Purchase Lot 66 Ocean Drive, Bunbury

<b>FILE REF:</b>	A00420
<b>APPLICANT/PROPONENT:</b>	Internal Report
<b>AUTHOR:</b>	Ron Boardley, Senior Property Officer
<b>EXECUTIVE:</b>	Ken Weary, Executive Manager Corporate Services
<b>ATTACHMENTS:</b>	Under Separate Cover & Appendix 5

#### Recommendation

The City of Bunbury accepts the offer of \$2,660,000 (inclusive of GST) for the purchase of Lot 66 Ocean Drive, Bunbury subject to:-

- 1 The deletion of special condition 2 of the offer which requires “the seller meeting the cost of removing the power poles on the Scott Street boundary verge and arranging for those power lines to be installed underground by no later than the settlement date”; and
- 2 The City in lieu of meeting the costs of removing the power poles on the Scott Street boundary verge make a contribution of up to \$15,000 towards the cost of placing the power lines on the Scott Street boundary verge underground.

#### Summary

This report relates to an offer received for the purchase from the City of Lot 66 Ocean Drive. A site plan is **attached** at Appendix 3

#### Background

At the Meeting held on 8 June 2010, Council considered a report relating to “Expressions of Interest” received for the purchase from the City of Lot 66 Ocean Drive and resolved as follows:

“Council proceed with the sale of Lot 66 Ocean Drive, Bunbury and the property be listed for sale for not less than \$2,640,000, inclusive of GST. - with the final price to be determined after consultation with Landgate and a private valuer.”

A conditional offer of \$2,660,000 (inclusive of GST) to purchase Lot 66 Ocean Drive has now been received from one of the parties who submitted an Expression of Interest, and is circulated as a confidential report issued **under separate cover**.

It is suggested that rather than agreeing to condition 2 of the offer, Council consider making a contribution of up to \$15,000 towards the cost of removing the power poles and placing the power lines underground on the Scott Street boundary verge. This would result in Council receiving a nett sale price of \$2,645,000 (inclusive of GST), which is \$5,000 above the sale price determined by Council, as outlined above.

In accordance with Council’s decision of 8 June 2010, a market valuation assessment of \$2,805,000, inclusive of GST, has been obtained from Hegney Property Valuations, which is \$165,000 above the sale price set by Council. However, Hegney Property Valuations has expressed the view that “any offers above

\$2,640,000 (inclusive of GST), that is within approximately 5% of the market valuation, should be given serious consideration”, due to the “current lack of consumer confidence and uncertainty due largely to the current economic climate”.

The valuation provided by Landgate Valuation Services on 29 March 2010 was \$2,500,000, inclusive of GST.

### **Officer Comments**

It is considered that Council should accept the offer to purchase Lot 66 Ocean Drive on the basis of deleting condition 2, relating to the undergrounding of the power lines and instead offering to make a contribution of up to \$15,000 towards this cost.

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

Accepting the offer as outlined above would result in Council receiving a nett sale price of \$2,645,000 (inclusive of GST), which is \$5,000 above the sale price previously determined by Council.

### **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 listed in this report.

### **Outcome – Council Committee Meeting 27 July 2010**

Deputy Mayor, Cr Kelly moved Procedural Motion 14 1 (i) of the City of Bunbury Local Law Standing Orders that this matter lie on the table until Item 15.1 Confidential Business.

This motion was put to the vote.

CARRIED

12 votes “For” / Nil votes “Against”

**11.8 Schedule of Accounts Paid (Formerly known as "Accounts for Payment") for the Period 1 June 2010 to 30 June 2010**

<b>File Ref:</b>	A00083
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, City Accountant
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services
<b>Attachments:</b>	Under Separate Cover

**Recommendation**

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 June 2010 to 30 June 2010 has been issued to elected members **under separate cover**. The schedule contains details of the following transactions:

1. Municipal Account Fund 1 - direct payments totalling \$4,861,153.28
2. Advance Account Fund 2 - cheque and EFT payments totalling \$3,648,368.06
3. Trust Account Fund 5 - cheque and EFT payments totalling \$43,508.13
4. Visitor Information Centre Trust Account Fund 4 - payments totalling \$40,529.80
5. Bunbury-Harvey Regional Council Municipal Account 1 - EFT payments totalling \$162,820.37
6. Bunbury-Harvey Regional Council Advance Account - cheque and EFT payments totalling \$89,863.97

*For Committee/Council Information Only.*

**Outcome – Council Committee Meeting 27 July 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.

**Committee Recommendation**

**The Schedule of Accounts the period 1 June 2010 to 30 June 2010 be received.**

CARRIED  
12 votes "For" / Nil votes "Against"

### 11.9 2010 Bike Futures Conference – Melbourne, Victoria 14 and 15 October 2010

<b>File Ref:</b>	A03830
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jack Dyson, Senior Administration Officer
<b>Executive:</b>	Greg Trevaskis, Chief Executive Officer
<b>Attachments:</b>	Nil

#### Recommendation

Council endorses the attendance of Councillor Noel Whittle at the 2010 Bike Futures Conference in Melbourne, Victoria on 14 and 15 October 2010.

#### Summary

The 2010 Bike Futures Conference will be held at Etihad Stadium in Melbourne, Victoria on 14 and 15 October 2010. Councillor Noel Whittle has sought approval to represent Council at the conference.

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

#### Background

The 2010 Bike Futures Conference is a once a year opportunity for national and local leaders, planners, designers and builders to come together around the opportunities and challenges we all face in meeting the ever rising demand for bicycle transportation.

The 2010 Conference will tackle issues specific to bike transportation such as:

- Separating riders from traffic and tuning traffic signals
- Designing effective shared paths and developing shared use
- Applying the new AustRoads guidelines
- Links to workplaces and public transport and end of trip facilities
- Bike plans, land use and high return investments

#### Officer Comments

Bike Futures is a bicycle network project that supports people who are working in, with or alongside Local Government in Australia.

At its meeting held on 29 June 2010, Council accepted “the City of Bunbury Bicycle Plan April 2010” as prepared by Cardno Eppell Olsen, which was developed in consultation with Main Roads Department, South West Development Commission, Bicycle Groups and members of the public.

The plan identifies a clear strategic objective for future path and cycleway development funding opportunities, supports future policy developments that encourage cycling participation and considers path preservation and expansion schedules.

### **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 \$3,200.00 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 Noel Whittle to the 2010 Bike Futures Conference at Etihad Stadium in Melbourne, Victoria in October 2010.

### **Outcome – Council Committee Meeting 27 July 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.

#### **Committee Recommendation**

**Council endorses the attendance of Councillor Noel Whittle at the 2010 Bike Futures Conference in Melbourne, Victoria on 14 and 15 October 2010.**

CARRIED

12 votes "For" / Nil votes "Against"

#### 11.10 Bunbury Airport Site # 37 – Deed of Assignment of Lease from Bairstow to Flewdebuster PTY LTD

<b>File Ref:</b>	F00080 Lease #184
<b>Applicant/Proponent:</b>	Peter Bairstow
<b>Author:</b>	David Whitfield, Property Officer
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services
<b>Attachments:</b>	Appendix 6

#### Recommendation

1. Council agrees to grant the Assignment of Lease over Bunbury Airport Site No. 37, Reserve 27686, Lot 501 South Western Highway, Bunbury from Mr Peter Bairstow to Flewdebuster Pty Ltd for the unexpired term of the lease (to 30 June 2011) in accordance with the terms and conditions specified in the report.
2. Public notice of the intention to Assign the Lease will be provided in accordance with Section 3.58 (3) and (4) of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration centre, at both the City's libraries, published in a local newspaper and on the City's website.
3. Subject to no objecting submissions being received the Deed of Assignment of Lease be finalised.
4. Obtain Minister for Lands approval.
5. The Assignee to be responsible for the full costs of documentation, registration and statutory advertising associated with the assignment of the lease.

#### Summary

Mr Peter Bairstow requests Council consideration to assign the lease he holds over Bunbury Airport Site #37, South Western Highway, Bunbury to Flewdebuster Pty Ltd. A copy of the site plan is **attached** at Appendix 4

#### Background

The Bunbury Airport is located on Reserve 27686, (lot 501) South Western Highway Bunbury. The land is held by the City of Bunbury under Management Order Crown Land Record 3040/63 for the purpose of an Aerodrome with the power to lease for a term of up to twenty one (21) years.

Pursuant to Section 18 of the Land Administration Act 1997, the Department for Regional Development and Lands has provided the City with its "in principal" approval to the assignment of the lease.

The proposal to assign the lease has been referred to the Bunbury Airport Advisory Committee which has advised they have no objection to the proposed assignment.

Subject to Councils endorsement of the assignment the proposed assignment must be advertised pursuant to Section 3.58 of the Local Government Act 1995 and requires a public submission period of fourteen (14) days.

Final approval will be then sort from the Minister for Lands (Department for Regional Development and Lands) with the lodgement of the Lease assignment document.

**Lease Details:**

<b>Current Lease Commenced:</b>	1 July 2008
<b>Current Term:</b>	Three (3) years
<b>Expiry Date:</b>	30 June 2011
<b>Annual Rental:</b>	\$620.28 per annum + GST
<b>Administration Fee:</b>	\$36.13 per annum + GST
<b>Rent Review</b>	The Annual Lease Rental and Administration Fee are adjusted annually in accordance with Council's Commercial and Industrial Municipal Rate.
<b>Permitted Use:</b>	Storage of Aircraft
<b>Area</b>	150m <sup>2</sup>
<b>Outgoings:</b>	Responsibility of Lessee
<b>Insurance:</b>	Lessee to maintain Public Risk Insurance and General Insurance on the building. Public Liability to be set at \$10(M)

**Officer Comments**

The Assignee intends to develop the site for aircraft purposes and as the proposal meets the intended use of the current lease documents the application should be approved.

The Assignee shall be responsible for the full cost of the documentation, registration and statutory advertising.

**Analysis of Financial and Budget Implications**

Fees for the airport hanger sites are endorsed each year as part of Councils annual budget. The annual lease rental, administration fee and municipal rates are to be increased annually in line with Councils *Commercial and Industrial Rate* increases throughout the balance of the lease term.

**Options**

Option 1

Per the recommendation listed in this report.

Option 2

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

Option 3

Council refuses to support the proposal for the assignment of the Lease over Bunbury Airport Site No. 37 on Reserve 27686, Lot 501 South Western Highway, Bunbury.

**Outcome – Council Committee Meeting 27 July 2010**

The recommendation was moved Cr Jones, seconded Cr Harrop.

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

**Committee Recommendation**

- 1. Council agrees to grant the Assignment of Lease over Bunbury Airport Site No. 37, Reserve 27686, Lot 501 South Western Highway, Bunbury from Mr Peter Bairstow to Flewdelbuster Pty Ltd for the unexpired term of the lease (to 30 June 2011) in accordance with the terms and conditions specified in the report.**
- 2. Public notice of the intention to Assign the Lease will be provided in accordance with Section 3.58 (3) and (4) of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration centre, at both the City's libraries, published in a local newspaper and on the City's website.**
- 3. Subject to no objecting submissions being received the Deed of Assignment of Lease be finalised.**
- 4. Obtain Minister for Lands approval.**
- 5. The Assignee to be responsible for the full costs of documentation, registration and statutory advertising associated with the assignment of the lease.**

CARRIED

12 votes "For" / Nil votes "Against"



### 11.11 Preliminary Financial Statements – 30 June 2010

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

#### **Recommendation**

The Preliminary Financial Statements for the period 1 June 2010 to 30 June 2010 be received.

#### **Summary/Background**

Financial Statements for the period ending 30 June 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 27 July 2010**

The recommendation was moved Cr Leigh, seconded Cr Major.

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

**Committee Recommendation**

**The Preliminary Financial Statements for the period 1 June 2010 to 30 June 2010 be received.**

CARRIED  
12 votes "for" / Nil votes "against"

## 12. Motions on Notice

### 12.1 Motion on Notice – Recovery of Costs from The Community Garden

<b>File Ref:</b>	A00217-02
<b>Applicant/Proponent:</b>	Councillor Major
<b>Author:</b>	Councillor Major
<b>Executive:</b>	If adopted by Council refer to Ken Weary, Executive Manager Corporate Services
<b>Attachments:</b>	Nil

Cr Major has given notice that he intends to move the following motion for the Council Committee Meeting on 27 July 2010:

*"That this council seek an explanation from the Community Garden committee as of the events of the 17<sup>th</sup> July. Example – burning of pallets, green waste, burning of free standing tree, household rubbish.  
That this council seek to recoup costs involved in remedial work of Reserve 40244, Lot 300 Hudson Road"*

#### **Comments in support of the motion – Cr Major**

It is felt by the author that an explanation by the Community Garden Group as to why fires were lit during the so called clean up period.  
The verbal confrontation to local residents who asked as to why fires were lit considering the clean up crews consisted of seven (7) men with four (4) cars with trailers.

#### **Cr Major's Motion**

*"That this council seek an explanation from the Community Garden committee as of the events of the 17<sup>th</sup> July. Example – burning of pallets, green waste, burning of free standing tree, household rubbish.  
That this council seek to recoup costs involved in remedial work of Reserve 40244, Lot 300 Hudson Road"*

#### **Outcome – Council Committee Meeting 27 July 2010**

Cr Harrop declared an impartiality interest. Councillor Harrop remained in the chamber and participated in the discussion and vote.

Mr Glen Willetts, 40 Wilkerson Way, addressed the council on behalf of the Wilkerson Way Action Group  
He wished to thank the Council and the Mayor for helping to resolve this dispute and for the clean up effort on 17 July 2010. He asked for the Motion on Notice to be withdrawn.

Michelle Perkins from the Bunbury Community Garden Group wished to acknowledge her appreciation to James Sheppard and council staff for their help in this matter.

Cr Major withdrew his Motion on Notice.

**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**

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

There are no items recommended for noting.

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

There are no items recommended for endorsement.

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

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

Cr Kelly moved Procedural Motion 15.9.3 of the City of Bunbury Local Standing Orders, that former Item 11.7 of the agenda be raised from the table and discussed behind closed doors.

**15.1 Offer to Purchase Lot 66 Ocean Drive, Bunbury**

<b>FILE REF:</b>	A00420
<b>APPLICANT/PROPONENT:</b>	Internal Report
<b>AUTHOR:</b>	Ron Boardley, Senior Property Officer
<b>EXECUTIVE:</b>	Ken Weary, Executive Manager Corporate Services
<b>ATTACHMENTS:</b>	Under Separate Cover & Appendix 5

**Recommendation**

The City of Bunbury accepts the offer of \$2,660,000 (inclusive of GST) for the purchase of Lot 66 Ocean Drive, Bunbury subject to:-

- 1 The deletion of special condition 2 of the offer which requires "the seller meeting the cost of removing the power poles on the Scott Street boundary verge and arranging for those power lines to be installed underground by no later than the settlement date"; and

- 2 The City in lieu of meeting the costs of removing the power poles on the Scott Street boundary verge make a contribution of up to \$15,000 towards the cost of placing the power lines on the Scott Street boundary verge underground.

### **Summary**

This report relates to an offer received for the purchase from the City of Lot 66 Ocean Drive. A site plan is **attached** at Appendix 3

### **Background**

At the Meeting held on 8 June 2010, Council considered a report relating to "Expressions of Interest" received for the purchase from the City of Lot 66 Ocean Drive and resolved as follows:

"Council proceed with the sale of Lot 66 Ocean Drive, Bunbury and the property be listed for sale for not less than \$2,640,000, inclusive of GST. - with the final price to be determined after consultation with Landgate and a private valuer."

A conditional offer of \$2,660,000 (inclusive of GST) to purchase Lot 66 Ocean Drive has now been received from one of the parties who submitted an Expression of Interest, and is circulated as a confidential report issued **under separate cover**.

It is suggested that rather than agreeing to condition 2 of the offer, Council consider making a contribution of up to \$15,000 towards the cost of removing the power poles and placing the power lines underground on the Scott Street boundary verge. This would result in Council receiving a nett sale price of \$2,645,000 (inclusive of GST), which is \$5,000 above the sale price determined by Council, as outlined above.

In accordance with Council's decision of 8 June 2010, a market valuation assessment of \$2,805,000, inclusive of GST, has been obtained from Hegney Property Valuations, which is \$165,000 above the sale price set by Council. However, Hegney Property Valuations has expressed the view that "any offers above \$2,640,000 (inclusive of GST), that is within approximately 5% of the market valuation, should be given serious consideration", due to the "current lack of consumer confidence and uncertainty due largely to the current economic climate".

The valuation provided by Landgate Valuation Services on 29 March 2010 was \$2,500,000, inclusive of GST.

### **Officer Comments**

It is considered that Council should accept the offer to purchase Lot 66 Ocean Drive on the basis of deleting condition 2, relating to the undergrounding of the power lines and instead offering to make a contribution of up to \$15,000 towards this cost.

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

Accepting the offer as outlined above would result in Council receiving a nett sale price of \$2,645,000 (inclusive of GST), which is \$5,000 above the sale price previously determined by Council.

## **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 listed in this report.

## **Outcome – Council Committee Meeting 27 July 2010**

Mr Mike Jenkins, Commercial Realty, was allowed to remain in the chambers as the City of Bunbury's selling agent.

Due to a number of concerns raised, it was suggested Procedural motion 14.1(i) of the City of Bunbury Standing Orders Local Law that this matter lie on the table until the next Ordinary Council Meeting to give time for modifications to the Offer and Acceptance.

This was put to the vote and was adopted to become the Committee's Recommendation.

### **Committee Recommendation**

That this matter lie on the table until the next Ordinary Council Meeting to give time for modifications to the Offer and Acceptance.

CARRIED

12 votes "For" / Nil votes "Against"

Cr Jones moved and Cr Craddock seconded that they move back into Committee and endorse the recommendation.

CARRIED

12 votes "For" / Nil votes "Against"

## **16. Close of Meeting**

The meeting was declared closed at 8.25pm.