



## **Bunbury City Council**

### **Notice of Meeting and Agenda 30 September 2014**



**CITY OF BUNBURY**  
4 Stephen Street  
Bunbury WA 6230  
Western Australia

*Correspondence to:*  
Post Office Box 21  
Bunbury WA 6231

# Table of Contents

Item No	Subject	Page
1.	Declaration of Opening / Announcements of Visitors.....	7
2.	Disclaimer .....	7
3.	Announcements from the Presiding Member.....	7
4.	Attendance .....	7
4.1	Apologies .....	7
4.2	Approved Leave of Absence .....	7
5.	Declaration of Interest.....	8
6.1	Public Question Time .....	8
6.2	Responses to Public Questions Taken ‘On Notice’ .....	8
7.	Confirmation of Previous Minutes and other Meetings under Clause 19.1.....	9
7.1	Minutes.....	9
7.1.1	Minutes – Ordinary Council Meeting.....	9
7.1.2	Minutes – Council Advisory Committees and Working/Project Groups .....	9
8.	Petitions, Presentations, Deputations and Delegations.....	10
8.1	Petitions.....	10
8.2	Presentations.....	10
8.3	Deputations .....	10
8.4	Council Delegates’ Reports.....	10
8.5	Conference Delegates’ Reports .....	10
9.	Method of Dealing with Agenda Business.....	10
10.	Reports.....	11
10.1	Recommendations from Advisory Committees.....	11
10.1.1	Decisions from Withers Advisory Committee Meeting 12.09.14 .....	11
10.2	Chief Executive Officer Reports .....	13
10.2.1	Major Projects Update Report for the period 1 July 2014 to 30 August 2014 ....	13
10.3	Director Community Development.....	15
Nil	.....	15
10.4	Director Corporate Services Reports .....	16
10.4.1	Financial Management Report for the Period Ending 31 August 2014.....	16
10.4.2	Disposal of lot 1, 38 Lockwood Crescent, Bunbury .....	19
10.4.3	Proposed Deed of License – Forza Dragon Boat Club Incorporated – Portion of Lot 397 Cobblestone Drive, Bunbury Reserve 15927 .....	21
10.5	Director Planning and Development Services Reports.....	24
10.5.1	Quays Precinct Parking Study .....	24
10.5.2	Request to Adopt Scheme Amendment 74 – Proposed Rezoning of Lots 2, 9, 10, 11, 12, 42 and part Lots 3, 43 Boyanup-Picton Road and Lots 8 and 4208 Harris Road, Picton from “Rural Zone” to “Development Zone - Industrial” .....	29
10.6	Director Works and Services Reports .....	32
Nil	.....	32

# Table of Contents

<b>Item No</b>	<b>Subject</b>	<b>Page</b>
11.	Applications for Leave of Absence.....	33
13.1	Response to Previous Questions from Members taken on Notice.....	33
13.2	Questions from Members.....	33
14.	New Business of an Urgent Nature Introduced by Decision of the Meeting .....	35
14.1	Proposed Deed of Lease over Portion of Hay Park (Reserve 30601, Lot 3001 on Deposited Plan 43553 Parade Road, Bunbury) – Bunbury Netball Association Inc. ....	35
14.	New Business of an Urgent Nature Introduced by Decision of the Meeting .....	40
15.	Meeting Closed to Public.....	40
15.1	Matters for which the Meeting may be Closed .....	40
15.1.1	Confidential Report – Shanghai Hippo / Vue Group Production studio and training school proposal .....	40
15.2	Public Reading of Resolutions that may be made Public.....	40
16.	Closure .....	40

## 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

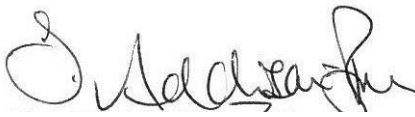
## GLOSSARY OF ABBREVIATED TERMS

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

TO: Council Committee Members

The next Ordinary Meeting of the Bunbury City Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, **30 September 2014** at 5.30pm.



Stephanie Addison-Brown  
Acting Chief Executive Officer  
(Date of Issue: 25/9/2014)

### Agenda 30 September 2014

Note: The recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the meeting.

Council Members:

Mayor Gary Brennan  
Deputy Mayor Councillor Brendan Kelly  
Councillor Murray Cook  
Councillor Wendy Giles  
Councillor James Hayward  
Councillor Judy Jones  
Councillor Betty McCleary  
Councillor Neville McNeill  
Councillor Jaysen Miguel  
Councillor Sam Morris  
Councillor David Prosser  
Councillor Michelle Steck  
Councillor Karen Steele

**1. Declaration of Opening / Announcements of Visitors**

**2. Disclaimer**

All persons present are advised that the proceedings of this meeting will be recorded for record keeping purposes and to ensure accuracy in the minute taking process, and will also be streamed live via the internet to the public.

**3. Announcements from the Presiding Member**

**4. Attendance**

**4.1 *Apologies***

**4.2 *Approved Leave of Absence***

Councillor Steck is on approved leave of absence from all Council-related business from 29 September 2014 to 10 October 2014 inclusive.

## 5. Declaration of Interest

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.

Section 5.60A: *“a person has a **financial interest** in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”*

Section 5.60B: *“a person has a **proximity interest** in a matter if the matter concerns –*

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land; or*
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or*
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.”*

Regulation 34C (Impartiality): *“**interest** means an interest that could, or could reasonably be perceived to, adversely affect the **impartiality** of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”*

## 6. Public Question Time

In accordance with Reg. 7(4)(a) of the Local Government (Administration) Regulations 1996, members of the public in attendance at the meeting may stand, state aloud their name and address, and ask a question in relation to any matter over which the municipality of Bunbury has jurisdiction or involvement.

In accordance with Standing Order 6.7(3)(a) a person wishing to ask a question, must complete a question form which is provided in the trays at the back of the public gallery and on the City’s website. The completed form must include your name and address and contain no more than three (3) questions. If your question requires research or cannot be answered at the meeting, it will be taken on notice and you will receive a written response and a summary of your question (and any responses provided) will be printed in the minutes of the meeting.

### 6.1 Public Question Time

### 6.2 Responses to Public Questions Taken ‘On Notice’

Nil



## **7. Confirmation of Previous Minutes and other Meetings under Clause 19.1**

### **7.1 Minutes**

#### **7.1.1 MINUTES – ORDINARY COUNCIL MEETING**

The minutes of the Ordinary meeting of the Bunbury City Council held 16 September 2014 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the Bunbury City Council held 16 September 2014 be confirmed as a true and accurate record.

#### **7.1.2 MINUTES – COUNCIL ADVISORY COMMITTEES AND WORKING/PROJECT GROUPS**

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various
<b>Attachments:</b>	Appendix MTBN-1 – Withers Advisory Committee Minutes 12.9.14 Appendix MTBN-2 – Roadwise Committee Minutes 3.9.14

#### **Summary**

The following Advisory Committee Meetings were held and the minutes are presented for noting:

1. Title: Withers Advisory Committee Minutes 12.9.14  
Author: Alison Baker, Executive Assistant Works and Services  
Appendix: MTBN-1
2. Title: Roadwise Committee Minutes 3.9.14  
Author: Rachel Griffiths, Engineering Technical Officer  
Appendix: MTBN-2

#### **Council Committee Recommendation**

The following Advisory Committee meeting minutes listed in the report be accepted and noted:

1. Withers Advisory Committee Minutes 12.9.14
2. Roadwise Committee Minutes 3.9.14

## **8. Petitions, Presentations, Deputations and Delegations**

### **8.1 *Petitions***

Pursuant to clause 6.10(2) of the City of Bunbury Standing Orders 2012, upon receiving a petition, the Council is to

- a) Receive the petition and refer to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings; or
- b) Reject the petition

### **8.2 *Presentations***

### **8.3 *Deputations***

### **8.4 *Council Delegates' Reports***

### **8.5 *Conference Delegates' Reports***

## **9. Method of Dealing with Agenda Business**

## 10. Reports

### 10.1 Recommendations from Advisory Committees

#### 10.1.1 DECISIONS FROM WITHERS ADVISORY COMMITTEE MEETING 12.09.14

<b>File Ref:</b>	A06016
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Phil Harris, Director Works and Services
<b>Executive:</b>	Phil Harris, Director Works and Services
<b>Attachments:</b>	Nil

#### Summary

At the Withers Advisory Committee Meeting held on 12 September 2014 the committee endorsed the transfer from the Withers Reserve of \$8,650 which represented budget over expenditure on the 2013/14 Devonshire Street Path project.

#### Executive Recommendation

1. That Council note WAC decision 44/14 made under delegation at the Withers Advisory Committee Meeting 12 September 2014, which reads:

*WAC 44/14*

- i) That the monthly financial report be received with the amended figures as per attachment DWS 1 Expenditure Report as at 8 September 2014.*
  - ii) Transfer \$8,650 from Withers Reserve for Devonshire Street path Project*
2. That Council approve the transfer of \$8,650 into the Withers Reserve over budget expenditure in the 2013/14 Devonshire Street Path project.

(Absolute majority required)

#### Background

The Financial Report presented to the Withers Advisory Committee Meeting held 12 September 2014 advised that the 2013/14 Devonshire Street Path project has been completed \$8,650 over budget. The over expenditure relates to the number of property access points that had to be modified and sections of path replaced due to vandalism during construction.

#### Council Policy Compliance

Not Applicable

#### Legislative Compliance

Section 5.16 of the *Local Government Act 1995* allows delegation to committees and section 5.17 (1) (c) (i) allows delegation to committees comprising of elected members and other persons (Community Members) for the proper management of Local Government property.

### **Officer Comments**

The Devonshire Street Path project was endorsed at the Withers Advisory Committee Meeting held 14 February 2014. The Project budget was \$170,000 part funded by 2013/14 WAP allocation (\$115,000) and Withers Reserve (\$15,000). At the 11 July 2014 Withers Advisory Committee Meeting the Committee endorsed the transfer into the Withers Reserve the savings from the 2013/14 completed projects. As the Devonshire Street Path was completed in September 2014 any savings or over budget expenditure could not be included in the transfer.

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

The balance of the Withers Reserve is as follows:-

Withers Reserve (C/F 12/13)	\$385,813
Less Transfers from Withers Reserve	\$306,000
Plus Transfers to Withers Reserve completed 13/14 Projects	\$ 30,804
Balance of Withers Reserve	\$110,617
Less Transfer from Withers Reserve	\$ 8,650
Balance of Withers Reserve	\$101,967

There are sufficient funds held in the Withers Reserve to fund this request.

### **Withers Action Plan Funding**

Balance of Withers Reserve	\$101,967
2014/2015 WAP Allocations	\$300,000
Balance	\$401,967
2014/2015 WAP Projects endorsed 12.09.14	\$188,700
Remaining 2014/2015 Funds including Withers Reserve	\$213,267

Council Decision 128/11 provides that \$300,000 per year for a period of five years to a total of \$1,500,000 be allocated to Withers Action Projects; therefore there will be \$300,000 available for 2015/2016 WAP projects.

### **Community Consultation**

The Withers Advisory Committee comprises both elected members and community members.

### **Councillor/Officer Consultation**

Not Applicable

## **10.2 Chief Executive Officer Reports**

### **10.2.1 MAJOR PROJECTS UPDATE REPORT FOR THE PERIOD 1 JULY 2014 TO 30 AUGUST 2014**

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Stephanie Addison-Brown, Acting Chief Executive Officer
<b>Executive:</b>	Stephanie Addison-Brown, Acting Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-1 Major Projects Update Report

#### **Summary**

The Major Projects Committee was formed to provide an opportunity for elected members to have an oversight role in relation to the major projects. It was considered that these matters could more appropriately be dealt with through a formalised reporting arrangement direct to Council.

As an outcome of the Council Decision to disband the Major Projects Committee, the report **attached** at Appendix CEO-1 provides an overview of Councils endorsed major projects for the 2014/15 financial year, being the period 1 July 2014 to 30 August 2014.

As a result of Elected Member requests, the report now contains additional minor expenditure projects which when added together, act as major commitments (eg: contributions to the Bunbury Regional Entertainment Centre). The report has also been amended to include major projects carried forward from the 2013/14 financial year budget.

#### **Executive Recommendation**

That Council receives and notes the circulated Major Projects update report for the period ending 30 August 2014.

#### **Background**

The Major Projects report is a positive tool to help effectively manage and report on current year Major Projects being undertaken by the City of Bunbury, and will be submitted to Council on a six weekly interval and to allow time for works to be actioned.

It would be noted that in list of the projects identified in this report that not every project will have an update due to project delivery and consultation at different stages.

#### **Council Policy Compliance**

Not applicable.

#### **Legislative Compliance**

Not Applicable

#### **Officer Comments**

This report will be circulated to Council for noting and receiving on a 6 weekly basis. It would be noted that if any Elected Member wishes to receive an update on any major project outside of this timeframe, this option is still available.

Major projects which were included in the original list but have no allocated budget will form the basis of a separate report.

**Analysis of Financial and Budget Implications**

Not applicable.

**Community Consultation**

There is no requirement for community consultation.

**Councillor/Officer Consultation**

Not Applicable.

**10.3 Director Community Development**

**NIL**

## **10.4 Director Corporate Services Reports**

### **10.4.1 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING 31 AUGUST 2014**

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Vicki Gregg, Team Leader Financial Accounting
<b>Executive:</b>	David Ransom, Acting Director Corporate Services
<b>Attachments:</b>	Appendix DCS-1: Statement of Comprehensive Income Appendix DCS-2: Statement of Financial Activity Appendix DCS-3: Statement of Net Current Assets Appendix DCS-4: Capital Works Expenditure Summary

#### **Summary**

The following comments are provided on the key elements of Council's financial performance.

1. Statement of Comprehensive Income (**attached** at Appendix DCS-1)  
Actual Financial Performance to 31 August 2014
  - Actual income of \$39.90M is \$52.9K greater than the year-to-date budgeted income of \$39.85M.
  - Actual expenditure of \$6.76M is \$924K less than the year-to-date budgeted expenditure of \$7.68M (refer explanation on next page).
  - Actual operating surplus of \$33.14M is \$977K greater than the year-to-date budgeted operating surplus of \$32.17M.
2. Balance Sheet Year-to-date and Forecast balances are currently not available until the end of year audit for 2013/14 has been completed and the financial system rolled-over to 2014/15. A Balance Sheet report will be provided with the September 2014 Financial Statements.
3. Capital Works (**attached** at Appendix DCS-4)
  - Actual capital works of \$915K is \$1.51M less than the year-to-date budgeted capital works of \$2.42M, (refer explanation on next page).

#### **Executive Recommendation**

The Financial Management Report for the period ending 31 August 2014 be received.

#### **Background**

A financial management report is provided to Councillors on a monthly basis which includes the following summaries:

- Statement of Comprehensive Income (**attached** at Appendix DCS-1)
- Statement of Financial Activity (**attached** at Appendix DCS-2)
- Statement of Net Current Assets (**attached** at Appendix DCS-3)
- Capital Works Expenditure Summary (**attached** at Appendix DCS-4)

These summaries include end-of-year forecasts based on a monthly review of year-to-date income and expenditure for all accounts.



**Council Policy Compliance**

Not applicable.

**Legislative Compliance**

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix DCS-2) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

**Officer Comments**

The following is an explanation of significant Operating and Capital variances identified in the Statement of Comprehensive Income and Statement of Financial Activity. It should be noted that traditionally, the first two months following the adoption of the budget have lower expenditure, as projects are planned and quotes sought. This explains the favourable variances below.

<b>Statement of Comprehensive Income</b>	<b>YTD Actual to Budget Variance</b>
<b>Operating Income</b>	
The Total Operating Income variance between actual and budget-to-date is a favourable variance. There are a number of income items had have a minor actual variance above or below budget-to-date due to the timing of the receipt of income.	\$52,905
<b>Operating Expenditure</b>	
The Total Operating Expenditure variance between actual and budget-to-date is a favourable variance of \$924,462. There are a number of expenditure items had have an actual variance above or below budget-to-date due to the timing of expenditure.	\$924,462 12%
<b>Employee Costs</b> - Actual Employee Costs are \$246,050 above budget-to-date. This is due to payouts of employee annual leave, long service leave and other entitlements and one day's pay not included in the year-to-date budget figures. Annual leave and long service leave entitlements will not affect the end of year surplus as this expenditure has a matching provision in the balance sheet. This will even out over the financial year and does not affect the end of year forecast for employee costs.	(\$246,050) (7%)
<b>Materials and Contracts –</b> <i>Materials Expense</i> – Favourable variance of \$251,042, accounts to be monitored on a monthly basis. <i>Consultants Expense</i> – Favourable variance of \$83,091, accounts to be monitored on a monthly basis. <i>Contractors Expense</i> – Favourable variance of \$629,158 due to timing of operating projects.	\$943,827 35%
<b>Utilities (Electricity)</b> – Favourable variance of \$65,865, account will be monitored on a monthly basis.	\$65,865 20%
<b>Other Expense – Contribution, Donation and Sponsorship Expense</b> - Community funding grants are still being assessed and yet to be approved and paid.	\$109,966 49%

<b>Statement of Financial Activity</b>	<b>YTD Actual to Budget Variance</b>
<b>Operating Revenues</b>	
See explanation above included in the Statement of Comprehensive Income variances.	\$52,800
<b>Operating Expenses</b>	
See explanation above included in the Statement of Comprehensive Income variances	\$924,462 12%
<b>Capital Expenses</b>	
<b>Acquisition of Assets</b> – Variance due to delay in progress of various projects. Refer to Capital Expenditure Report for project details.	\$1,511,548 62%

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

This Financial Management Report on the financial performance of the City is provided for Councillors information and does not have any financial or budget implications.

### **Community Consultation**

There is no requirement for community consultation on this report.

### **Councillor/Officer Consultation**

Council's Executive Leadership Team, Department Managers and Corporate Services staff monitors the City's monthly revenue and expenditure and (as required) refer any variances requiring remedial action to Council.

Approved budget amendments are recorded in the financial statements to reflect Council's current budget and financial position at all times.

#### 10.4.2 DISPOSAL OF LOT 1, 38 LOCKWOOD CRESCENT, BUNBURY

<b>File Ref:</b>	Sale of City of Bunbury Surplus Freehold Land
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Massimo Andreone – Manager Contracts and Property
<b>Executive:</b>	David Ransom, Acting Director Corporate Services
<b>Attachments:</b>	Nil

##### Summary

Southern Districts Estate Agency (SDEA) has been engaged by the City to market and sell Lot 1, 38 Lockwood Crescent Withers, which is held in freehold by the City.

A written offer to purchase the Property was received from Peter Robert Churchman via SDEA, and was accepted by the City on 21 August 2014.

In accordance with Section 3.58 of the *Local Government Act 1995*, Council can endorse the disposal of the Property by private sale subject to giving two (2) weeks public notice of the sale by advertising in a local newspaper and inviting members of the public to make submissions in relation to the disposal.

##### Executive Recommendation

That Council endorses the disposal and transfer of the Property to the Purchaser, in terms of the Sale Agreement concluded on 21 August 2014.

##### Background

SDEA has been engaged to provide a marketing and sales service for disposal of surplus freehold land, consisting specifically of four (4) commercial lots, and three (3) residential lots, including Lot 1, 38 Lockwood Crescent Withers.

A commission of 2.64% (inclusive of GST) of the actual selling price of the Property is payable to SDEA.

A market valuation for the Property was obtained from Landgate in June 2013, as follows:-

- Lot 1 on Deposited Plan 50807 - 38 Lockwood Crescent, Withers – Land Area 696m<sup>2</sup> - Vacant Land - \$100,000 inclusive of GST.

SDEA initially held a multi-lot auction, incorporating the Property, together with two other residential lots for sale, on 21 November 2013 without success. The reserve price proposed for the Property at auction was \$100,000.

SDEA was subsequently instructed to market the Property for sale by private treaty, resulting in the sale of the Property to the Purchaser.

The principal terms and conditions of the Sale Agreement are as follows:-

- A purchase price payable for the Property of \$105,000 including GST

- A deposit of \$500 to be paid by the Purchaser within seven (7) days of acceptance of the offer by the City
- The balance of the purchase price to be paid on the date of settlement
- Registration of settlement of the Property to the Purchaser to occur within twenty-one (21) days of the offer becoming unconditional
- Finance approval to be within twenty-one (21) days of acceptance of the offer
- The sale being subject to Council approval to dispose of the Property, subject to public advertising and consideration of any public submissions received, within forty five (45) days from date of acceptance (on or before 5 October 2014)

There is no Mortgage affecting the Property.

The deposit was paid to SDEA on 25 August 2014, and finance approval was confirmed on 2 September 2014.

Local public notice of the proposed sale, in accordance with Section 3.58(3)(a) of the Act, was given in the Bunbury Mail newspaper on 10 September 2014. The advertisement invites submissions to be made by no later than 4pm on 25 September 2014.

#### **Council Policy Compliance**

There is no Council Policy applicable to this item.

#### **Legislative Compliance**

Section 3.58 of the *Local Government Act 1995* – Disposing of Property

#### **Officer Comments**

The sale price for the Property is in accordance with the Landgate valuation, as well as the reserve at auction.

Settlement is anticipated to take place on 27 October 2014.

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

Upon receipt of the purchase price, the following outgoings will be deducted:-

- Southern Districts Estate Agency – Agents Commission: - \$2,772 including GST.
- Slee Anderson & Pidgeon Trust Account –Professional charges, fees and disbursements: - \$798.28 including GST.

A provisional amount of approximately \$1,000 will also be held by Slee Anderson Pidgeon in trust pending possible adjustment of rates and taxes, leaving a balance payable to the City, in sum of approximately \$100,429.72.

#### **Community Consultation**

Public submissions close on 25 September 2014, and any submissions received will be presented to Council for consideration at the Ordinary Council Meeting on 30 September 2014.

**10.4.3 PROPOSED DEED OF LICENSE – FORZA DRAGON BOAT CLUB INCORPORATED – PORTION OF LOT 397 COBBLESTONE DRIVE, BUNBURY RESERVE 15927**

<b>File Ref:</b>	CAP-COBO-00003
<b>Applicant/Proponent:</b>	Forza Dragon Boat Club Inc.
<b>Author:</b>	Kristen Anderson, Administration Officer Property and Procurement
<b>Executive:</b>	David Ransom, Acting Director Corporate Services
<b>Attachments:</b>	Appendix DCS-5: Forza Dragon Boat Club Location Plan

**Summary**

The Deed of License, which is a simplified lease document, issued to Forza Dragon Boat Club Incorporated (the “Club”/ “Licensee”) in 2012 is nearing expiry, with the Club now seeking Council’s consent to enter into a new Deed of License, over portion on Lot 397 Cobblestone Drive, Bunbury, Reserve 15927 for a period of five (5) years. A location plan is **attached** at Appendix DCS-5.

**Executive Recommendation**

That Council agrees to grant a new Deed of License to the Forza Dragon Boat Club Incorporated over portion of Lot 397 Cobblestone Drive, Bunbury, Reserve 15927 for use as a boat storage area, for a period of five (5) years, subject to the terms and conditions as specified in the report, and the following:

1. Advertising in accordance with the provisions of Section 3.58 of the *Local Government Act* 1995.
2. The Licensee is responsible for the full cost of document preparation and statutory advertising.

**Background**

The Forza Dragon Boat Club is a non-for-profit group who were relocated from their previous storage area during the Cobblestone Drive Car Park upgrade. The licensed premises comprise of a small parcel of land which houses a storage shed only.

The Club (originally known as the Forza Italia Dragon Boat Club) has been an integral part of the Bunbury dragon boat scene since the club was formed in 1991. Originally primarily comprised of family and friends of the Italian community in Bunbury, the Club is now a diverse multicultural team, with paddlers ranging in ages from 15 years to 67 years of age, and from a variety of employment and educational backgrounds.

Club members have also competed at National and International events with the Club, the Western Australian State Paddlers Squad (WASPS), and the City of Bunbury International Dragon Boat Crews, and have travelled throughout Australia, Asia and America, winning various titles.

Since 2002, the Club has run fourteen (14) dragon boat regattas including five (5) WA State Championships on the Koombana Inlet, with assistance from the Crewsaders Dragons Abreast Bunbury, the City of Bunbury, and the Bunbury Rowing Club.

In 2005, members of the Club co-founded Crewsaders Dragon Abreast Bunbury, a paddling group for survivors of breast cancer and their supporters. Crewsaders are still an affiliate member of the Club and their primary aim is to provide support, assistance and recreational and social opportunities for women who have survived breast cancer, or are supportive of the cause.

The Club has also run dragon boating with the Bunbury Senior High School as part of their physical education program and the South West Primary Schools Leadership Group. These programs allowed the Club to reinvest into the local community by teaching students the importance of teamwork, discipline and fitness, whilst also making the events enjoyable and rewarding, as well as challenging.

Since the current Deed of License was granted to the Club by Council in 2012, the compound that originally housed the Club's equipment has grown from a chainmesh fence to a fully contained shed, which is utilised solely by the Club to house its equipment. No other club has or will be entitled to use of the facility.

With a funding contribution of \$18,000 granted by the City, the Club was able to construct a shed within the Licensed Premises to enable the Club to expand to other paddling disciplines and maximise its potential to attract greater member numbers.

Current License Details:

Date of Commencement:	14/11/2012
Term:	2 years - No further option
Date of Expiry:	13/11/2014
Rent:	Peppercorn. The Licensee was not required to pay rent due to the fact they are a not-for-profit group who were relocated from their previous storage area during the Cobblestone Drive Car Park Upgrade
Outgoings:	Responsibility of Licensee
Insurance:	Licensee to maintain Public Risk Insurance and General Insurance for the Licensed Premises. Public Liability set at \$10M
Permitted Use:	Storage of equipment and goods only
Lease Area:	195sqm
Document Preparation Costs:	Licensee responsible for all document preparation and statutory advertising costs

Proposed New License Details:

Date of Commencement:	14/11/2014
Term:	5 years - No further option
Date of Expiry:	13/11/2019
Rent:	Peppercorn. The Licensee was not required to pay rent due to the fact they are a not-for-profit group who were relocated from their previous storage area during the Cobblestone Drive Car Park Upgrade A rental valuation was not required in this case as the Licensed Premises comprises of a small parcel of land which houses a storage shed only
Outgoings:	Responsibility of Licensee

Insurance:	Licensee to maintain Public Risk Insurance and General Insurance for the Licensed Premises. Public Liability set at \$10M
Permitted Use:	Storage of equipment and goods only
Lease Area:	195sqm
Document Preparation Costs:	Licensee responsible for all document preparation and statutory advertising costs

### **Legislative Compliance**

- Advertising in accordance with Section 3.58 of the *Local Government Act 1995*, which requires advertisement of the proposed Deed of License in the local newspaper.

### **Officer Comments**

The Club has satisfactorily fulfilled its obligations and responsibilities under the current License.

The Club plays a large role in its contribution to the community by way of promotion of a healthy and active lifestyle, including running workshops for school children and local businesses, and the promotion of events within the City of Bunbury. It is recommended that Council grant a Deed of License to the Club for a period of five (5) years.

The funding of \$18,000 contributed by the City in 2013 enabled the Club to build a boat compound and storage shed and to expand their activities and member numbers. This facility, and the contribution by the City, should be utilised to its full potential. As stated above, the Club is a not-for-profit organisation, who was originally relocated to their current site from their previous storage area during the upgrade to the Cobblestone Drive car park.

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

The Licensed Premises comprise of a storage shed on a small portion of land. This, together with the Club being recognised as a not-for-profit group, would recognise no rental fees being payable. The Deed of License will be Peppercorn. This would also accord with the City's proposed 'Rent Tier Matrix'.

### **Community Consultation**

Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

Consultation with the Club.

### **Councillor/Officer Consultation**

This item was discussed with the City's Development Coordination Unit (DCU) with no objections received.

## **10.5 Director Planning and Development Services Reports**

### **10.5.1 QUAYS PRECINCT PARKING STUDY**

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Neil Dyer, Parking Coordinator
<b>Executive:</b>	Bob Karaszewych, Director Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-1: Survey Responses Appendix DPDS-2: Summary Comments from Community Workshop Appendix DPDS-3: Cover Letter for Letter Drop to Residents Appendix DPDS-4: Quays Parking Study brochure Appendix DPDS-5: Quays Parking Website Questionnaire

#### **Summary**

Council Decision 293/13 resolved on the 17 September 2013 that Council Executive staff prepare a report which provides recommendations on potential options to increase the number of parking bays in the vicinity of the Parade Hotel/ Quays precinct. Council staff have consulted and engaged with the local resident and business community in the area of the Parade Hotel/ Quays precinct to ascertain the pattern of usage of public parking bays and whether or not an opportunity existed to enhance present and future parking.

#### **Executive Recommendation**

That Council

1. Receives and notes the report entitled Quays Precinct Parking Study.
2. Supports the preparation of a Detail Concept Plan for the Quays Precinct (consistent with the recommendations of the Leschenault Inlet Master Plan) that considers possibilities for:
  - a) Installation of angled parking bays on the northern side of Stirling Street, west of King Road.
  - b) Installation of a parking embedment on Austral Parade between Hough Road and 12 Austral Parade.
  - c) Installation of angle parking embedments on the eastern side of Hough Road between Stirling Street and Forrest Street.
  - d) Redesign the section of road/ verge in front of 100 Stirling Street (front of Parade Hotel car park) and install traffic calming devices on Austral Parade, Stirling Street, King Road and Hough Road.
  - e) Improved public accessibility, pedestrian and cycle paths to accommodate all modes of transport.
  - f) Alfresco dining on the section of Stirling Street between King Road and Hough Road
  - g) Liaise with the owner of the Parade Hotel on the possibilities for the redesign Lot 100 Austral Parade (existing Hotel car park) to improve the amenity and optimise the car parking capacity for private and public use.
3. Notes that property owners and business operators will be advised of Councils decision.



4. Receives a further report on the provision of additional car park options for its consideration.

### **Background**

The Quays Precinct is located near the intersection of Stirling Street, Austral Parade and King Road. The area includes the Parade Hotel, the Leschenault Quays Shopping Centre, and various other shops, offices and laundrette. The area is identified in the Leschenault Inlet Master Plan (LIMP) as the Quays Precinct. The LIMP was adopted by Council in June 2013. The LIMP recognised the significance of this area and included a concept that had posed improvements to the streetscape, traffic movements and parking.

The area currently has three defined locations where motorists are able to park. Those are:

- The Parade Hotel car park located on Austral Parade directly across from the Parade Hotel.
- The Leschenault Quays Shopping Centre car park immediately surrounding the shopping centre.
- Twenty eight (28) on-street time-limited and not time-limited parking bays.

During peak periods, parking in this area is at a premium and the City has received complaints from businesses regarding the use of the Quays shopping centre car park by people frequenting other businesses within the area other than in the shopping centre. It has been reported that this practice results in a shortage of parking for customers. To assist in the management of the parking in the area, time restriction were introduced by the City for the on-street parking bays and the owner of the shopping centre introduced time restrictions and installed signage advising the area was for shopping centre customers only.

On the 17 September 2013, a Development Application for an extension to the Happy Wife Café at Lot 4 (No.98) Stirling Street, was considered by Council. The Council Decision was as follows.

*“Council Decision 293/13*

*That Council hereby resolves pursuant to the provisions of the Planning and Development Act 2005 (as amended) to:*

- 1. Approve the proposed extension to the Happy Wife Café at Lot 4(No. 98) Stirling Street, Bunbury, application reference DA/2013/268/1 in accordance with Town Planning Scheme No.7 of City of Bunbury, subject to the following conditions:*
  - (1.1) At all times, the development the subject of this planning approval must comply with the definition of restaurant as contained in Schedule 1 of the City’s Local Planning Scheme.*
  - (1.2) All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.*
  - (1.3) This planning approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.*
  - (1.4) A contribution of \$14,000 being provided to the City of Bunbury towards the construction of 4 car parking bays in the Stirling Street Road Reserve.*

(1.5) *Application to comply with the requirements of the Health Act 1911 and the Health Local Laws 2001 and to the satisfaction of the Manager of Health.*

2. *That, separate to the matters relating to the Happy Wife, Council Executive staff be requested to prepare a report for the December round of Council meetings on recommendations as to how to increase the number of parking bays in the vicinity of the Parade Hotel/Quays precinct."*

Following that decision, four (4) additional car parking bays were constructed on Stirling Street and an investigation into the provision of additional parking within the area was commenced.

The investigation into the provision of additional parking included consideration of a community-based survey and a public meeting. A list of responses to the survey and a list of issues and opportunities is **attached** at Appendix DPDS-1 and DPDS-2.

### **Officer Comments**

The City was made aware of parking related concerns in the area of Parade Hotel/Quays Precinct well prior to the Development Application being received for the Happy Wife Cafe. The concerns related primarily to motorists parking within the Leschenault Quays Shopping Centre car park and walking to other businesses in the area or walking into the CBD resulting in a shortage of parking for the shopping centre customers. The concerns were investigated, however monitoring of the car parks was unable to be substantiate those concerns.

Information received from both the community workshop and through the public survey suggested that there is a shortage of public parking in the area at peak periods and this is mainly in the warmer months. The main recommendations to improve parking in the area included the installation of angled parking bays along Stirling Street and that the installation of these parking bays should not extend into the foreshore reserve.

There was also repeated and strong opposition to any encroachment into the Frank Buswell Foreshore and in particular any encroachment that would impact on the existing established trees within the foreshore reserve. Other suggestions included the purchase of land in the immediate area by Council to enable the land to be developed into public parking and for an existing privately owned car park in the area to be upgraded.

Aside from the comments received regarding improvements to car parking, there were also a number of comments suggesting improvements to the area including improvements to the Frank Buswell Foreshore. The suggested improvements included the placement of seating, additional lighting, installation of BBQ's, additional play equipment and landscaping. Comments were also received regarding required improvements to both the pedestrian access/ footpaths and landscaping that would make the section of Austral Parade between King Road and Hough Road into a 'destination' for visitors rather than a place those visitors may pass through.

The suggestion to create angled parking bays along Stirling Street, the improvements to the Frank Buswell Foreshore and improvements to the section of Stirling Street in front of the existing businesses and Leschenault Quays Shopping Centre were generally consistent with the concept for the area as proposed in the LIMP.

To progress the provision of additional parking within the Quays Precinct, it is considered necessary to develop a detailed concept plan to incorporate the following.

1. Install 90° parking bays on the northern side of Stirling Street, west of King Road.
2. Install parking embedment on Austral Parade between Hough Road and 12 Austral Parade.
3. Install angle parking embedment's on the eastern side of Hough Road between Austral Parade Street and Forrest Street.
4. Redesign the section of road/verge in front of 100 Stirling Street (currently the Parade Hotel car park).
5. Install traffic calming on Austral Parade, Stirling Street, King Road and Hough Road.
6. Improve pedestrian paths with the potential for alfresco dining areas on the section of Austral Parade between King Road and Hough Road.
7. In consultation with the owner of the Parade Hotel, redesign Lot 100 Austral Parade (the existing Parade Hotel car park) to improve its appearance and to optimise the car parking capacity.

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

The planning for and implementation of the LIMP – Quays Precinct plan will require future funding which will need to be determined at the time that the detailed concept plan is prepared. The LIMP does not provide any costing for the development and therefore the costs for all works will need to be ascertained during the planning phase of a new project should the Council support the future development of the Quays Precinct.

### **Community Consultation**

A comprehensive community consultation campaign was undertaken in the form of a request for public submissions via the City's website together with a survey being delivered to property owners, business proprietors and residents within a 400m radius of the study area (copy of the covering letter is **attached** at Appendix DPDS-3). A Public Forum was also held at the Council Function Room on the 31 July 2014 with the attendance of over 25 people. The City had stated that it would convey the findings of the forum discussions to attendees.

A summary of the submissions received from the City's website and the Quays Parking Study survey are provided as **attached** at Appendix DPDS-1 and a summary of the comments, list of issues and opportunities raised at the public forum are **attached** as Appendix DPDS-2.

A copy of Quays Parking Study brochure is **attached** at Appendix DPDS-4 and the website questionnaire is **attached** at Appendix DPDS-5.

### **Councillor/Officer Consultation**

In compiling this report, there was no consultation with individual Councillors or Advisory Committees; however the matter was referred to the Manager Engineering and the Manager Sustainability and Integrated Land Use Planning for further advice and comment. The advice received from those consulted reinforced that any future proposals for the Quays Precinct would need to be aligned with the LIMP as adopted by Council in June 2013.

Residents and local business operators that had attended the public forum have been notified when the Council is to consider this matter; the availability of the item on the City's website and the opportunity to make a representation.

### **Strategic Relevance**

The LIMP, adopted by Council in June 2013 and subsequently by the WAPC as a master plan for future capital works and provides recommendations for improvements to a number of locations surrounding the Leschenault Inlet. The Quays Precinct is identified as a location of interest and illustrates a concept for the Quays Precinct. The concept was intended to enhance the streetscape, encourage dining, improved access, parking and decrease the speed of traffic through the area.

All proposals to areas identified within the LIMP should generally align with recommendations.

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

#### Economic

Any improvement to the provision of parking and other amenities should attract visitation hence economic viability.

#### Social

Any an improvement to the provision of parking and other amenities within the area should improve the social interaction and vibrancy.

#### Environmental

Any improvements to the foreshore area, lighting, accessibility and footpaths should improve the environmental amenity.

#### Heritage

Opportunities to enhance the streetscape should contribute to the physical amenity of both contemporary and historic residences in the locality.

**10.5.2 REQUEST TO ADOPT SCHEME AMENDMENT 74 – PROPOSED REZONING OF LOTS 2, 9, 10, 11, 12, 42 AND PART LOTS 3, 43 BOYANUP-PICTON ROAD AND LOTS 8 AND 4208 HARRIS ROAD, PICTON FROM “RURAL ZONE” TO “DEVELOPMENT ZONE - INDUSTRIAL”.**

<b>File Ref:</b>	A05963
<b>Applicant/Proponent:</b>	City of Bunbury
<b>Author:</b>	Jana Joubert, Planning Officer
<b>Executive:</b>	Bob Karaszkewych, Director Planning and Development Services
<b>Attachments:</b>	DPDS-6: Local Planning Scheme Amendment Report DPDS-7: Schedule of Public Submissions

**Summary**

The City of Bunbury has been advised by the Western Australian Planning Commission that it has gazetted an amendment to the Greater Bunbury Region Scheme (GBRS 0024/41), which involves a change in the zoning of Lots 2, 9, 10, 11, 12, 42 and part Lots 3, 43 Boyanup-Picton Road and Lots 8 and 4208 Harris Road, Picton from regional “Rural Zone” to regional “Industrial Deferred Zone”.

Although the “Industrial Deferred Zone” is a recently created GBRS zone, the location and extent of the proposed “Industrial Deferred Zone” is currently best captured in the City of Bunbury Town Planning Scheme No. 7 (TPS7) as “Development Zone – Industrial”. As such, in order to ensure on-going compatibility between the region and local planning schemes, an appropriate consequential amendment to TPS7 will be required.

Scheme Amendment 74 to TPS7 therefore seeks to maintain consistency with the GBRS by amending the designation of the subject land, as it currently appears on the Scheme Map, from local “Rural Zone” to local “Development Zone – Industrial”, which would be in keeping with the designation of adjacent zoned land.

The Local Planning Scheme Amendment Report (incorporating the GBRS amendment document as supporting information) is **attached** as Appendix DPDS-6.

**Executive Recommendation**

That Council, in accordance with section 124 of the *Planning and Development Act 2005*, resolves:

1. To adopt Scheme Amendment 74 to the City of Bunbury Town Planning Scheme No. 7 in accordance with the Scheme Amendment 74 documentation.
2. To refer the Scheme Amendment 74 documentation to the Western Australian Planning Commission seeking approval in accordance with the provisions of the *Town Planning Regulations 1967*.

**Background**

Background to this amendment can be found in the Council Minutes dated 15 April 2014. The resolution was as follows (Decision No. 130/14):

1. *Initiate proposed Scheme Amendment 74 to the City of Bunbury Town Planning Scheme No. 7 by amending the Scheme Map by rezoning Lots 2, 9, 10, 11, 12, 42 and*

*part Lots 3, 43 Boyanup-Picton Road and Lots 8 and 4208 Harris Road, Picton from “Rural Zone” to “Development Zone - Industrial”; as detailed in the Local Planning Scheme Amendment Report.*

2. *Notify the Western Australian Planning Commission (WAPC) of Council’s decision to initiate proposed Scheme Amendment 74, and furnish the Commission with a copy of the scheme amending documentation, prior to proceeding to public advertising.*
3. *Refer a copy of the proposed scheme amending documentation to the Environmental Protection Authority (EPA) and any other relevant public authority, for consideration and comment.*
4. *Subject to formal assessment not being required by the EPA, and no objection received from the WAPC, proceed to advertise proposed Scheme Amendment 74 for public comment with a submission period of not less than forty two (42) days.*
5. *Following public advertising, the proposal and any public submissions lodged with the City of Bunbury during the advertising period are to be returned to Council for further consideration.*

#### **Council Policy Compliance**

The subject site is situated within the area defined in the City Vision Strategy and Action Plan as the “Industry focus-area”, which largely comprises the industrial land in the south and east of the city, including the localities of Preston, Davenport and Picton.

The strategy more specifically makes reference to the “Picton Area” as being highly valued and rapidly developing industrial estates with a growing workforce. The strategy recognises the need for:

(1) the review of transport connections to Davenport and Picton industrial areas in order to ensure that these estates are adequately serviced, and

(2) research to be undertaken in order to establish the type and level of current and future demand for general and service industrial land and the availability of land, including a review of servicing costs, to meet that demand.

From discussions with the DoP, it is anticipated that district structure planning by the department will, in part, address some of those issues.

#### **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 74 report was referred to the EPA and WAPC for their review, prior to the formal public advertising period, which has now concluded.

Should Council resolve to adopt the scheme amendment, the documentation together with the schedule of submissions and Council’s resolution are to be forwarded on to the WAPC for its endorsement to the Minister for Planning for final approval and gazettal.

### **Officer Comments**

The primary purpose of Scheme Amendment 74 is to ensure on-going consistency with the zoning designations of an amended GBR. The justification for the region scheme amendment is provided within the supporting document prepared by the DoP, which is captured as part of the Scheme Amendment 74 report.

Nevertheless, it is worth noting that the scheme amendment proposal creates a range of potential opportunities for the future development of the subject lots due to them being:

- located in proximity of the Inner Harbour with road connectivity via the Port Access Road;
- part of the regionally significant Preston Industrial Park;
- adjacent to existing industrial uses and associated activities; and
- situated within a unique coalescing of road and rail freight transport networks.

The subject site satisfies a number of basic requirements for transport related or heavier industrial land uses, hence given the immediate proximity to the Ferguson River, it is suggested that the future land use classes developed in this area be limited to non-polluting light and general industry uses, that would be in keeping with the State Planning Framework.

In addition, whilst the Region Planning Scheme and associated Local Planning Scheme amendments facilitate future industrial development, it must be noted that any proposed structure plan(s) will need to be supported by flood studies and flood mitigation plans that are endorsed by the Department of Water (DoW) and the WAPC, prior to any development within the floodway and flood fringe of the Ferguson River.

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

The scheme amendment procedure has no associated budgetary impact other than necessary staffing costs.

### **Community Consultation**

Scheme Amendment 74 was publicly advertised for a period of 42 days. Of the 10 submissions received, all were from Government departments/agencies. The concerns raised and advice given by Government Agencies and Departments will be required to be satisfactorily addressed during the structure planning phase and as part of the development application process.

The comments submitted appear together with an officer response within the Schedule of Submissions attached at Appendix DPDS-7.

### **Councillor/Officer Consultation**

N/A

**10.6 Director Works and Services Reports**

**NIL**



## **11. Applications for Leave of Absence**

No requests for Leave of Absence had been received at the time of printing.

## **12. Motions on Notice**

No motions on notice had been received at the time of printing.

## **13. Questions on Notice**

### **13.1 Response to Previous Questions from Members taken on Notice**

Nil.

### **13.2 Questions from Members**

The following questions were submitted by Cr Steck on 24 September 2014. Responses are provided below:

- 1. Why was the item Shanghai Hippo / Vue Group along with confidential attachments report CRUSC-1 submitted as late item during agenda briefing 23 September 2014 and listed for the Agenda 30 September 2014, when the item has clearly been planned for a considerable period of time?*

Vue Group advised the Acting Chief Executive Officer last week that they were planning for a Memorandum of Understanding with Ministers and Chinese Officials to be signed off on 15 October 2014. This advice did not allow for adequate time to prepare a report prior to the issuing of the Briefing Agenda for 23 September 2014 (issued 18 September). In order to ensure Councillors were properly briefed prior to the report being issued as an item for urgent business at the Ordinary Council Meeting 30 September 2014, a presentation was given immediately following the Briefing, whereby Councillors had the opportunity to ask questions and seek clarification on any matters relating to the proposal.

- 2. Why wasn't the information emailed to all councillors prior to the beginning of the agenda briefing when in the past Councillors receive digital information prior to commencement of meetings?*

The item was being finalised by staff, and was also being discussed with the Mayor upon his return from leave of absence. Council were aware of the meetings with Shanghai Hippo and Vue Group via Executive Update and notice of the confidential briefing was sent out with the Executive Update last Friday, as well as being noted on the Councillor Weekly Diary.

- 3. Why is staff permitted to submit items as late items after the cut off period has passed?*

On occasion, timeframes pertaining to the subject of the report do not lend themselves to the same timeframes imposed for Council agenda distribution – an example is the Bunbury Netball

Association item which is also being submitted as an urgent item as the Board of the Netball Association were only available to meet with staff after the briefing agenda had taken place, and subsequently has to go directly to an Ordinary Council meeting.

4. *Where is the process and due diligence of following procedure in tabling an item as a late item and allowing an item to proceed when the item is not of an urgent nature?*

As above

5. *Why are Councillors not permitted the same opportunity and process in submitting late items that are late and or not of an urgent nature?*

Every effort is made to accommodate late requests if it is deemed necessary that they be considered at the earliest Ordinary Council Meeting.

6. *Why have protocols or procedure in place if staff can waive that process when it suits them?*

Refer to my response to question 3.

7. *Shouldn't Councillors vote if the matter will be dealt with as a late item when a late item is received?*

In relation to any item submitted direct to an Ordinary Council Meeting, Councillors are required to vote on whether the item be dealt with as urgent business under section 5.4 of Councils Standing Orders.

8. *Didn't this council come to an agreement that late items would not be considered unless they were of an urgent nature?*

Refer to my response to question 3

9. *Why was this late item tabled from staff not voted on by the council if the matter is of urgent matter or not? Has this practice occurs for any item tabled by a Councillor and has occurred in the past?"*

The vote will be taken at the Ordinary Council Meeting on the 30 September 2014 under section 14 of the agenda titled "New Business of an Urgent Nature Introduced by Decision of the Meeting".

10. *Apart from the Mayor and Deputy Mayor, why was Councillor James Haywood privy to the information in relation to the Shanghai Hippo/Vue venture and not other councillors prior to the matter being tabled as a late item?*

On the 4 September 2014, Deputy Mayor Brendan Kelly was invited to dinner with Mr Stuart Hicks, Chairman South West Development Commission, Mr Kerr Xu, President, Shanghai Hippo Animation Pty Ltd and Mr Alan Lindsay, Managing Director, Vue Group for dinner and informal discussions on the development of joint China Australian film and animation production in the South West Region. The Deputy Mayor was unable to attend, and the Acting Chief Executive Officer Stephanie Addison-Brown suggested that Cr Hayward attend in his place, given Cr

Hayward works in the digital production industry. Cr Hayward attended the dinner in the place of the Deputy Mayor.

11. Why was a member or the proponents of Shanghai Hippo/Vue permitted to access the briefing session as a late item when this item was clearly planned well in advance and not of a late item or of urgent nature?

Refer to my response to question 1

## 14. New Business of an Urgent Nature Introduced by Decision of the Meeting

At the Ordinary Council Meeting on the 16 September 2014, Council deferred Item 10.4.3 titled “Proposed Deed of Lease over Portion of Hay Park (Reserve 30601, Lot 3001 on Deposited Plan 43553 Parade Road, Bunbury) – Bunbury Netball Association Inc” to the Council Meeting of 30 September 2014. Staff have since met with representatives of the Bunbury Netball Association and have revised the report accordingly.

It is requested that this matter be dealt with as urgent business as consultation with the Bunbury Netball Association and subsequent changes to the report could not be undertaken prior to Council Briefing on the 23 September 2014.

### Recommendation

That Council pursuant to section 5.4 of Councils Standing Orders, agree to receive the item entitled “Proposed Deed of Lease over Portion of Hay Park (Reserve 30601, Lot 3001 on Deposited Plan 43553 Parade Road, Bunbury) – Bunbury Netball Association Inc” as a matter of urgent business.

### 14.1 PROPOSED DEED OF LEASE OVER PORTION OF HAY PARK (RESERVE 30601, LOT 3001 ON DEPOSITED PLAN 43553 PARADE ROAD, BUNBURY) – BUNBURY NETBALL ASSOCIATION INC.

<b>File Ref:</b>	CAP-SCR-00020
<b>Applicant/Proponent:</b>	Bunbury Netball Association Inc.
<b>Author:</b>	Massimo Andreone, Manager Contracts and Property
<b>Executive:</b>	David Ransom, Acting Director Corporate Services
<b>Attachments:</b>	Appendix URG-1 Location Plan Appendix CRUSC-2 Original Confidential Valuation by LMW Hegney Appendix CRUSC-3 Revised Confidential Valuation by LMW Hegney

### Summary

The City of Bunbury has been approached by the Bunbury Netball Association Inc. (“the Applicant”) to enter into a new Lease over a portion of Hay Park Reserve 30601, Lot 3001 Parade Road, for a term of five (5) years with a further option of five (5) years. A location plan is **attached** at Appendix URG-1.

At the Council Meeting on 16 September 2014, Council decided to defer this matter to the next ordinary Council Meeting on 30 September 2014, to allow staff to hold further discussions with the Bunbury Netball Association Board regarding details of the Lease.

A meeting was held with the President of the Bunbury Netball Association, on 22 September 2014. The President was taken through the Valuation Report for the site and was advised of the City's calculations.

Written confirmation of the Association's acceptance of the revised proposal was received on 23 September 2014.

The proposed Deed of Lease is now referred to Council for consideration.

### **Executive Recommendation**

Council agrees to grant a new Lease with the Applicant over portion of Hay Park Reserve 30601, Lot 3001 Parade Road, Bunbury for a term of five (5) years with a further option of five (5) years subject to the terms and conditions as specified in the report, and the following:

1. Final approval of the Minister for Lands.
2. The Applicant to pay all costs associated with the lease application including document preparation and advertising.
3. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

### **Background**

The Applicant has occupied its current lease site since 1994. The land is comprised within Reserve 30601, (Lot 3001 on Deposited Plan 43554) and is held by the City of Bunbury under Management order 1902/1967 Crown Land Record Volume 3129 Folio 866 for the purpose of "Recreation" with the power to lease for a term not exceeding twenty-one (21) years.

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

The City contributed \$49,107 to the resurfacing of the netball courts in 2013, with the Bunbury Netball Association Inc. and Department of Sport and Recreation contributing \$45,455 and \$54,696 respectively.

The current Lease expired on 30 June 2014 and the Applicant is in "Holding Over" until a new Lease is granted.

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

### **Current Lease Details**

Commencement:	1 July 2009
Term:	Five (5) years
Expiry Date:	30 June 2014
Rental:	\$1,600.00 + GST per annum
Rent Review:	CPI annually, Market Rent Review every third year

Outgoings:	Responsibility of the Lessee
Insurance:	Lessee to maintain Public Risk and General Insurance cover over the premises with Public Liability to be set at \$10 million

*Proposed New Lease Details*

Commencement:	1 July 2014
Term:	Five (5) years with a further five (5) year option
Expiry Date:	30 June 2019
Rental:	\$4,853.76 + GST per annum
Rent Review:	CPI annually, Market Rent Review every third year
Outgoings:	Responsibility of the Lessee
Insurance:	Lessee to maintain Public Risk and General Insurance cover over the premises with Public Liability to be set at \$10 million
Special Conditions:	Lessee responsible for maintaining and upkeep of the demised premises
Document preparation:	The Lessee to pay full cost of document preparation and advertising

An updated market rental value for the leased property has subsequently been obtained from LMW Hegney, National Property Valuers and Consultants, for \$20,224 per annum; a copy of the confidential report is **attached** at Appendix CRUSC-3. The City has discounted this valuation by 76%, from \$20,224 to \$4,853.76 to take into account the building condition, that the majority of maintenance is undertaken by the Association, the commercial gain or benefit from the operation of a kiosk, and that the Association matches the 'Healthy Club' characteristics.

**Legislative Compliance**

- Section 3.58 of the Local Government Act 1995

**Officer Comments**

The Applicant has satisfactorily fulfilled its obligations and responsibilities under the current Lease. The Applicant provides like-minded participation from local community members and visitors.

The Contracts and Property Department have prepared a Draft Council Policy – Rent Tier Matrix and a Corporate Guideline – Leasing Licensing which will be presented to the Policy Review and Development Committee on the 16 October 2014. This Policy will standardise the process for applying rentals to all Lessees/Licensees. The Draft Corporate Guideline explaining the Process of the Council Policy proposes as follows:-

**GUIDELINES:**

*Officers seeking to obtain endorsement of a reduction in the proposed rental to be charged to an organisation/club shall first assess:*

- *the type of property or facility to be leased or licensed;*
- *the current condition of the property or facility and any maintenance that may be required to be carried out thereto;*

- *previous market rental valuations obtained for the property or facility (if applicable);*
- *the current rental payable for the property or facility (if applicable);*
- *the organisation/clubs maintenance contribution towards the upkeep of the property or facility (if applicable);*
- *whether the organisation/club is a commercial, community, sporting, recreation, or Not for Profit entity; and*
- *the organisations/clubs commercial operations (if applicable).*

**PROCEDURE:**

*The process for variances to proposed rental is as follows:*

*Prior to leasing or licensing any land or property, an independent Market Rental Valuation (“the Valuation”) will be obtained by the City.*

*The valuation is assessed against the ‘Rent Tier Matrix’ (“the Matrix”), in order to determine whether a lease or license rental below the proposed market rental is applicable or justifiable.*

*Appropriate discounts are then applied on a sliding scale, based on the Valuation and the following considerations are taken into account:*

- *maintenance requirements to the property or facility;*
- *the current condition of the property or facility;*
- *whether the organisation/club endorses the characteristics of a ‘Healthy Club’, which may include:*
  - (i) *Smoke Free*
  - (ii) *Healthy food options encouraged and available*
  - (iii) *Sun protection policy and practices in place and promoted*
  - (iv) *Safe training/playing environment provided*
  - (v) *Alcohol is not promoted, but if served is used in a responsible manner*
  - (vi) *Use of illicit drugs and performance enhancing drugs is not permitted*
  - (vii) *Access and equality is encouraged*
- *whether the organisation/club operates a bar (a liquor licence being required through the Department of Racing Gaming and Liquor), kiosk or similar; and*
- *whether the organisation/club provides a community service benefit.*

*Discounts will be applied in terms of the Matrix up to the following maximum percentages (with one or more of these gradings possibly applying to the organisation/club):-*

- (i) *The current condition and requisite maintenance of the facility – 30%*
- (ii) *Maintenance obligations to be carried out by the organisation/club 50%*
- (iii) *Endorsement by the organisation/club of ‘Healthy Club’ characteristics 6%*
- (iv) *Whether a Sporting/Community/Recreation/Not for Profit club or organisation acquires a commercial gain from a bar or a kiosk – 30%*

- (v) *Whether the organisation/club provides a community benefit service/is a charitable organisation – 75%.*

*The following will also be considered in the determination of the proposed rental:*

- *the identity of the organisation/club;*
- *its funding sources and financial viability;*
- *whether the organisation/club generates an income from its lease or license of the premises;*
- *any maintenance costs to be incurred by the City;*
- *compliance by the organisation/club with the lease or license during any prior lease or license period (if applicable);*
- *the current demand for facilities by similar user groups; and*
- *any cash or 'in-kind' support provided by the organisation/club towards development of the facility.*

*Annual increases to reflect the movement in the Consumer Price Index and Market Rental Reviews will be provided for in the Lease/Licence Agreement, as required.*

*The City will thereafter (based on the valuation, application of the Matrix and current information pertaining to the organisation) negotiate an appropriate rental for the facility with the organisation/club.*

*Should special circumstances be deemed applicable, the organisation/club is to provide Council with a detailed application in writing, in substantiation of any further reduction in rentals to be taken into account in order to enable Council to properly assess the proposal.*

The Rent Tier Matrix was applied, resulting in a total rent reduction of 76%, with a proposed annual rental amount payable by the Association of \$4,853.76, excluding GST.

### **Community Consultation**

Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995 will take place following Council endorsement.

A meeting was held with the President of the Association, on 22 September 2014. The President was taken through the Valuation Report for the site and was advised of the City's calculations.

Written confirmation of the Association's acceptance of the revised proposal was received on 23 September 2014.

### **Councillor/Officer Consultation**

Comment was sought from the Development Coordination Unit.

Environmental Health have advised the kiosk is to comply with the requirements of the Food Act 2008, the Food Regulations 2009 and the Australian Food Safety Standards.

No other department having any objections to the proposed new Lease.

## 14. New Business of an Urgent Nature Introduced by Decision of the Meeting

It is requested that this matter be dealt with as urgent business as a presentation was made to Councillors by Alan Lindsay of Vue Group following the Council Briefing on the 23 September 2014. Following the presentation, Councillors had time to ask questions and consider the content of the presentation.

This item is the subject of a confidential report, which will be considered under section 15.1 of the agenda - *Matters for which the Meeting may be Closed*

### Recommendation

That Council pursuant to section 5.4 of Councils Standing Orders, agree to receive the item 15.1.1 entitled "*Confidential Report – Shanghai Hippo / Vue Group Production Studio and Training School Proposal*" as a matter of urgent business, and consider the item under section 15.1 of the agenda under *Matters for Which the Meeting may be Closed*.

## 15. Meeting Closed to Public

### 15.1 *Matters for which the Meeting may be Closed*

#### 15.1.1 CONFIDENTIAL REPORT – SHANGHAI HIPPO / VUE GROUP PRODUCTION STUDIO AND TRAINING SCHOOL PROPOSAL

<b>Applicant/Proponent:</b>	Shanghai Hippo / Vue Group
<b>Author:</b>	Stephanie Addison-Brown, Acting Chief Executive Officer
<b>Executive:</b>	Stephanie Addison-Brown, Acting Chief Executive Officer
<b>Attachments:</b>	CRUSC-1 Confidential Report: Shanghai Hippo / Vue Group Production Studio and Training School Proposal

This report is confidential in accordance with section 5.23(2)(c) of the Local Government Act 1995, which also permits the meeting to be closed to the public for business relating to the following:

*A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report CRUSC-1). The report is not for circulation.

### 15.2 *Public Reading of Resolutions that may be made Public*

## 16. Closure