



25 NOVEMBER 2008

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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

Term	Explanation
BSSC	Big Swamp Steering Committee
BWEA	Bunbury Wellington Economic Alliance
CALM	Department of Conservation and Land Management
CBD	Central Business District
CCAFF	Community Cultural and Arts Facilities Fund
CERM	Centre of Environmental and Recreation Management
CPI	Consumer Price Index
CSRFF	Community Sport and Recreation Facilities Fund
DADAAWA	Disability in the Arts Disadvantage in the Arts Australia, Western Australia
DAP	Detailed Area Plan (required by WA Planning Commission)
DCU	Development Coordinating Unit
DEC	Department of Environment and Conservation (formerly CALM)
DEWCP	Department for Environment, Water and Catchment Protection
DLI	Department of Land Information
DoE	Department of Environment
DOLA	Department of Land Administration
DoPI	Department of Primary Industry
DoW	Department of Water
DPI	Department for Planning and Infrastructure
DSR	Department of Sport and Recreation
DUP	Dual-use Path
ECT	Enforcement Computer Technology
EDAC	Economic Development Advisory Committee
EDWA	Education Department of Western Australia
EIA	Environmental Impact Assessment
EPA	Environmental Protection Authority
ERMP	Environmental Review and Management Program
ESL	Emergency Services Levy
FESA	Fire and Emergency Services Authority
FFL	Finished Floor Level
GBPG	Greater Bunbury Progress Group
GBRP	Greater Bunbury Resource Plan report
GBRS	Greater Bunbury Region Scheme
GL	Gigalitres
GRV	Gross Rental Value
GST	Goods and Services Tax
HCWA	Heritage Council of Western Australia
ICLEI	International Council for Local Environmental Initiatives
ICT	Information and Communications Technology
IP	Internet Protocol
IT	Information Technology
ITC	In Town Centre
ITLC	Former In-Town Lunch Centre (now the "In Town Centre")
LAP	Local Action Plan
LCC	Leschenault Catchment Council
LEMC	Bunbury Local Emergency Management Committee
LIA	Light Industrial Area
LN (2000)	Liveable Neighbourhoods Policy (2000)
LSNA	Local Significant Natural Area
MHDG	Marlston Hill Design Guidelines

Term	Explanation
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 MEETING MINUTES

Minutes of an Ordinary Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 25 November 2008.

MINUTES

25 November 2008

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

1. DECLARATION OF OPENING BY THE MAYOR

His Worship the Mayor, Mr David Smith, declared the meeting open at 6.02pm.

2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

PRESENT

Council Committee Members	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member:	Deputy Mayor, Councillor S Craddock
Members:	Councillor J Jones
	Councillor S Rooney
	Councillor B Kelly
	Councillor H Punch
	Councillor N Whittle
	Councillor R Slater
	Councillor M Steck (<i>arrived 6.03pm - item 4</i>)
	Councillor A Leigh
	Councillor J Harrop
Councillor D Spencer	
Executive Management Team (Non-Voting)	
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
A/Executive Manager City Life:	Ms J Massey
Council Officers (Non-Voting):	
Manager Community Law & Safety:	Mr J Kowal
Visitor Centre Coordinator:	Ms F Anderson
Administration Officer Corporate Services:	Ms D Ryan
Others (Non-Voting):	
Members of the Public:	5
Members of the Press:	1

APOLOGY:

Councillor W Major

3. **RESPONSES TO 'PUBLIC QUESTIONS' FROM THE PREVIOUS COUNCIL MEETING (WHERE THEY COULD NOT BE ANSWERED AT THAT MEETING)**

Not applicable.

4. **PUBLIC QUESTION TIME - AS SPECIFIED UNDER SECTION 5.24 OF THE LOCAL GOVERNMENT ACT 1995**

A summary of questions asked (and responses given) is provided below:

(Note: Cr Steck arrived at this point in proceedings - 6.03pm)

Ms Karen Steele, MacQueen Crescent, Bunbury

Question: Ms Steele announced that she is considering running for the Council in 2009 and asked (in relation to the meeting schedule listed in the agenda) how often the Council sets its meeting timetables?

Response: The Mayor advised Ms Steele that (generally) the City sets a meeting schedule once per year but this can be changed at any time if needed.

Question: Ms Steele suggested that in order for the Council to hold more meetings than currently proposed perhaps less councillor briefings could be scheduled.

Response: The Mayor advised that there is provision for Special Meetings of the Council to be held outside scheduled meetings where items of an urgent nature need to be resolved. The Council has formed a Meeting Review Working Group to review its current meeting arrangements and Ms Steele was invited to make a written submission for the attention of the Group so that her comments could be considered by it during the review process.

5. **QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL (WITHOUT DISCUSSION)**

Nil.

6. CONFIRMATION OF PREVIOUS MINUTES

The following motion was moved Cr Craddock, seconded Cr Leigh and adopted to become a Council Decision:

Council Decision 212/08

The minutes of the Council Meeting held 4 November 2008, 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

Cr Steck disclosed an impartiality interest in the item titled "*Underground Power Projects in Withers, Usher, Glen Padden - Office of Energy Request for Second Community Survey*" as she knows one of the fee-paying constituents.

Cr Craddock disclosed an impartiality interest (and specifically an "interest in common") in the item titled "*Proposed Caf-Fez Alfresco Area - Lot 5 (No. 20) Prinsep Street, Bunbury*" as he is the owner of a business in the Bunbury CBD.

Later during the meeting, Cr Craddock disclosed an impartiality interest (and specifically an "interest in common") in the item titled "*Proposal to Allow Free Christmas Parking - CBD Council Car Parks*" as he is the owner of a business in the Bunbury CBD and a member of the BCCI.

8. ANNOUNCEMENTS BY THE MAYOR (WITHOUT DISCUSSION)

The Mayor announced that the City has received (or is pursuing) the following Commonwealth funding grants. The Chief Executive Officer is preparing a list of projects for consideration by the Council and individual councillors were asked to contact his office as soon as possible should they have a particular project they would like to see included on the list:

- "Capital Projects" - the funding amount of \$487,000 must be used by 30 June 2008.
- "Capital Works" - applications for this funding close at the end of December and must be for a single project. The grant conditions will be supplied to all councillors to assist in their choice of a project.

The Mayor then congratulated Council Officers on receiving the following awards:

- Ken Weary, Executive Manager Corporate Services (on behalf of the members of the City's Accounting and Corporate Services Team) "*Certificate of Merit - Minister's Award for Local Government Financial Management*" for the City's budget preparation process, annual financial report, monthly financial reporting method and its 5-year "Plan for the Future". [At this point, the Mayor also noted that the City's fiscal star rating increased from 3.5 to 4 stars as at 30 June 2008]
- Felicity Anderson, Visitor Centre Coordinator - "*Visitor Centre Manager of the Year Award 2008*" for excellence in management and staff training in a Visitor Centre (Australia-wide).
- John Kowal, Manager Community Law & Safety, and, Lewis Winter, FESA CEMO - "*2008 Attorney General Department's Emergency Management Australia Award for Regional Information Sharing of Knowledge or 'RISK'* " and a joint award with FESA "*2008 Australian Safer Communities Award*" and a "*2008 Australian Safer Communities Award Joint Winner in Local Government Category*" certificate.
- Geoff Klem FPIA and the Strategic Planning Team (Thor Farnworth, Senior Planner - Strategic; Kelvin Storey, Planning Officer and Angela Starky) received the following from the Planning Institute of Australia in its 2008 Awards for Planning Excellence. The awards are specifically for the City Vision Strategy and Action Implementation Plan: "*Minister's Citation*"; "*WA Planning Minister's Award*" and "*Certificate of Special Commendation - Rural & Regional Planning Achievement*"

9. CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS

9.1 TENDER RFQ 2008/2009-05: CONSULTANCY SERVICES TO DESIGN & DEVELOP AN AIR CONDITIONING SYSTEM FOR THE BUNBURY REGIONAL ART GALLERIES - LOT 6 (NO. 68) WITTENOOM STREET, BUNBURY

File Ref:	New File
Applicant/Proponent:	Internal Report
Author:	Mark Robson, Contract Coordinator
Executive:	Jackie Massey, Acting Executive Manager City Life

Summary

The council invited companies to tender for a consultancy service to design and develop a specialised air conditioning system for the Bunbury Regional Art Galleries.

Background

Tenders were invited in *The West Australian* on 24 September 2008 and the *South Western Times* on 25 September 2008, for a consultancy service to design and develop a specialised air conditioning system incorporating a Building Management System at the Bunbury Regional Art Galleries situated at 68 Wittenoom Street, Bunbury.

It is important for the art galleries to maintain an A-class rating and imperative the building's temperature control provides a constant temperature of 21 degrees Celsius (plus or minus 2 degrees) and maintains a constant humidity level of 50% (plus or minus 5%) 24 hours per day, seven days per week. The design of the system is to ensure these levels are maintained at all times so as to help protect and preserve valuable works of art.

Tenders - Responses

Tenders closed at 3.00pm on 23 October 2008. The City's Manager Building Construction & Maintenance and the Contract Coordinator opened the tender box. A total of four interested companies requested the tender documents with two tenders being received from:

Guthrie Haskins Davey (GHD Pty Ltd), 239 Adelaide Terrace, Perth, 6004
Norm Disney & Young (NDY), 200 St George's Terrace, Perth, 6000

Term of Contract

The contract shall be undertaken in three stages, over a three year period as follows:

- Stage 1 - City Gallery on ground floor
- Stage 2 - Lower Gallery on ground floor
- Stage 3 - Chapel on first floor

Tenders - Evaluation Method

An evaluation panel comprising the City's Manager of Building Construction & Maintenance and the Contract Coordinator assessed the responses on 28 and 29 October 2008. The tenders were evaluated using the following criteria:

Compliance Criteria

The compliance criteria are as follows:

- Description of compliance criteria
- Will you be able to comply with the specifications contained in this request?
- Have you complied with the 'Conditions of Responding' contained in this request?
- Do you have sufficient resources to meet the Delivery Dates?
- Have you complied with and completed the Price Schedule?

Qualitative Criteria

The qualitative criteria for this request are as follows:

- Description of Qualitative Criteria Weighting
- Demonstrated experience in similar projects
- Respondent's personnel and resources that will be used on the project.
- Understanding of the project issues and respondent's approach.

Price

An evaluation of the tenderer's prices and ranking has been prepared but as this information was provided to the City 'commercial-in-confidence' details have been provided in the Confidential Report provided to members under separate cover.

Strategic and/or Regional Outcomes

For the Bunbury Regional Art Gallery to maintain an "A Class" classification the upgrading of the air conditioning system is crucial so as to protect, preserve and exhibit valuable works of art.

Community Consultation

Community consultation was not carried out during the process.

Councillor/Officer Consultation

The tender specifications were developed in consultation with operational staff involved in the daily operations of the art galleries and included the City's Manager of Building Construction & Maintenance, Contract Coordinator and the Manager of the Bunbury Regional Art Galleries.

Analysis of Financial and Budget Implications

Funding of \$150,000 for Stage 1 of this project has been allocated in the 2008/2009 Capital Works Program with further funding expected for stages 2 and 3.

Economic, Social, Environmental and Heritage Issues

Heritage issues will be addressed by the appointed architect and local purchasing will assist local businesses.

Policy Compliance

The tender process complies with the requirements of Work Procedure WP4.6 "Tender Procedure" and associated legislation.

Both Tenderers are located outside of Bunbury so application of the "Buy Local Policy" does not apply or affect the outcome of this tender.

Legislative Compliance

Advertising and processing of tenders has been conducted in accordance with Local Government (Function and General) Regulations 1996, Part 4 – Tenders for Providing Goods or Services (S.3.57) and general conditions of contract for "Engagement of Consultants" AS:4122-2000.

Delegation of Authority

As the total cost of the contract will exceed \$100,000 it has been dealt with in accordance with the Local Government (Functions and General) Regulations 1996, Part 4 – Tenders for Providing Goods or Services (S.3.57).

Relevant Precedents

Council deals with all tenders.

Options

Option 1

Reject all submissions per the recommendation in this report.

[Permitted per Local Government (General) Regulations 2005 – Regulation No. 178 3(e)]

Option 2

Council accepts the tender from *(as specified by the Council)*

Based on the panel's evaluation of the tender documents submitted by GHD and ND&Y it is highly recommended that Council reject the submissions received as neither represent true value for money and both contain various conditions that are not consistent with the City's requirements. It is also believed the high costs contained in these submissions are partially associated with the lack of building-related information, heritage requirements and "as constructed" drawings being unavailable.

Conclusion

The City has recently advertised and commissioned an architectural firm (Ian Molyneux & Associates) to provide Architectural and Superintendent Services for the \$800,000 upgrade to the Bunbury Regional Art Galleries complex. These services will generally include preparation of concept plans, detailed design plans, working drawings, specification documentation, contract administration and superintendence as well as liaising with Council's Project Manager to ensure completion of the project within the time frame and obtaining the necessary Heritage Council approvals.

The upgrade includes the following:

- Installation of a dual-purpose lift
- Refurbishment of foyer/hallway
- Part enclosure of courtyard
- Creation of additional storage

The architect's brief also includes a provisional sum for sub-consultants and has the provision to incorporate this project (and the upgrade works) into one project.

Recommendation

1. Council rejects all tender submissions received for the proposed "*Consultancy Services to Design and Develop Air Conditioning System for Bunbury Regional Art Galleries RFQ 2008 2009-05*" as permitted under Local Government (General) Regulations 2005 – Reg. 178 3(e).
2. Integrate the design of an air conditioning system as a project in Ian Molyneux & Associates' existing contract titled "*Architectural Services for the Upgrade to the Bunbury Regional Art Galleries RFQ 2008 2009-02*".
3. Record all tenders in the Tender Register.

AT THE COUNCIL MEETING

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

The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 213/08

1. *Council rejects all tender submissions received for the proposed “Consultancy Services to Design and Develop Air Conditioning System for Bunbury Regional Art Galleries RFQ 2008 2009-05” as permitted under Local Government (General) Regulations 2005 – Reg. 178 3(e).*
2. *Integrate the design of an air conditioning system as a project in Ian Molyneux & Associates' existing contract titled “Architectural Services for the Upgrade to the Bunbury Regional Art Galleries RFQ 2008 2009-02”.*
3. *Record all tenders in the Tender Register.*

CARRIED

12 Votes "For" / Nil Votes "Against"

9.2 APPLICATION FOR EXTENDED TRADING PERMIT (SECTION 60 & 76) - TRAFALGARS HOTEL, NO. 36 VICTORIA STREET, BUNBURY

File Ref:	P10159
Applicant/Proponent:	Danesse Pty Ltd (t/as Trafalgars Hotel) - <i>refer to "Confidential Report" for names of Company Directors</i>
Author:	Sarah Upton, Manager Health
Executive:	Geoff Klem, Executive Manager City Development

Summary

An application has been received from the Department of Racing, Gaming and Liquor seeking any objection or intervention for an Extended Trading Permit (ongoing hours) for Trafalgars Hotel, 36 Victoria Street, Bunbury.

The hours of extension sought are from 12.00 midnight to 1.00am Thursdays, 12.00 midnight to 1.00am Fridays and 12.00 midnight to 1.00am Saturdays for a period of two years. A similar licence was issued to the Licensee of Trafalgars on 18 August 2006, with no objection but as the Licensee permitted the licence to expire by not applying for a renewal in time, a new application is now required.

The Manager Health and Executive Manager City Development have the delegated authority of the Council to approve extended trading permit renewals. Due to this application needing to be treated as a "new" application however, the matter is referred to the Council for a decision.

Background

Under the City of Bunbury Delegations Register adopted 3 July 2007 (Decision No. 130/07) Delegation 1.5 "Liquor Licensing Extended Trading Permits" grants the Manager Health and Executive Manager City Development the authority to approve applications except in the case of "first time" requests for Extended Trading Permits. As the original application from Trafalgars expired without a renewal being applied for, this application is being treated as a new application.

Trafalgars had applied (and were granted) an extension of hours in June 2004 and August 2006. The Director of Liquor Licensing granted conditional approval to trade from midnight to 1.00am the following day on Thursday, Friday and Saturday evenings after seeking comments from Council staff and reviewing any objections received during the prescribed advertising period. If Trafalgars had renewed its extended trading permit application before the expiry date, this current application would have been treated as a renewal and the Department of Racing and Gaming would only be seeking comments from Council staff i.e., the application would have been approved subject to certain conditions.

As part of the application process, Trafalgars is required to publicly advertise the lodgement of the application for fourteen days and provide a public interest assessment. The Public Interest Assessment submitted by Trafalgars, states as follows:

“I believe there is a greater need by the public for extended trading for our premises now than in the past. The substantial increase in the population of Bunbury and the growth of tourism in the region has put more pressure on the hospitality industry to meet public demand. To meet some of this demand we have spent a considerable amount of money on upgrading our premises to be able to provide a wider range of services. Two of these services are quite successful. We now provide a comprehensive menu (attached) that is available all day until 9.00pm and a greater variety of wines, predominantly local and Western Australian. However, we find that people enjoying a meal at night on the weekends, like to stay on to listen to the live music to round off their evening. Some do not finish their meal until 10.00 or later, this only allows an hour or so before we have to ask them to leave. This conflicts with the type of informal atmosphere we try to present.

One of the main factors to be considered in assessing this application is the location of Trafalgars Hotel. We are in the heart of the City Centre surrounded by many late night venues – restaurants, theatres, the Bunbury Entertainment Centre and the cinema complex. People are leaving some of these venues ten and eleven o'clock at night and are looking for somewhere to have some refreshments with their friends or families after the show. I believe the extra hour's trading would provide this service to the public.

Other Venues in the Area and Diversity of Services

There are two other hotels, one late night bar and one nightclub within 500 metres of our venue. One of the hotels and the late night bar and nightclub offer the same type of entertainment, that of disco music whereas we offer a much more relaxed style of music. We try to employ local duos and trios to promote the talent that is in the region but sometimes have to use an Entertainment Agency in Perth to supply suitable musicians. We find this type of entertainment is popular with all age groups and we are only one of two venues that offer the quieter style of music in the whole of the Bunbury area.

We are constantly looking for ways to improve our services whilst providing a safe and enjoyable atmosphere. We do this by providing meals throughout the licensed premises for at least 9 hours a day, we do not have any promotions that encourage patrons to drink excessively – no free or cheap drinks, nor do we serve shooters or other such drinks (please refer to our Management Plan).”

Previously the City has not objected to the granting of numerous Extended Trading Permits to Trafalgars to trade later on the Sunday of a long weekend. The City is not aware of any problems (under the provisions of the Health Act and Regulations) with the operation of the premises during these hours of extended trade. The City has not received any noise complaints directly associated with Trafalgars.

Although there is some anti-social behaviour associated with this area of the CBD on weekends, the City is unaware whether the anti-social behaviour is directly associated with Trafalgars. The launch of the new *Alcohol Accord* will be implementing strategies to assist in rectifying these problems.

The proposition to extend the hours of trade from midnight to 1.00am on Thursdays, Fridays and Saturdays will contribute to future economic benefits to the City by appealing to tourists and further growth of population. The approval would be granted for a two-year period where upon the applicant would need to renew.

Strategic and/or Regional Outcomes

It is considered that the broad direction of the City of Bunbury Strategic Plan 2007–2012 would not be compromised by supporting the extension of hours.

Community Consultation

Public advertising would not be required as Trafalgars is an existing hotel and has previously been granted this extension of hours. In addition the Department of Racing, Gaming and Liquor require the applicant (Trafalgars) to advertise for 14 days and to make a Public Interest Submission.

This application has been referred to Population Health and the Bunbury Police for comment. A representative from the Bunbury Police Department advised (verbally) that the Police do not have any objections. No comments have been received from Population Health at the time of writing.

Councillor/Officer Consultation

This matter was reviewed by Council Officers at a Development Coordination Unit Meeting comprising representatives from the Engineering, Planning, Building and Health Sections.

Analysis of Financial and Budget Implications

Currently there are no known adverse financial or Municipal Budget implications.

Economic, Social, Environmental and Heritage Issues

There are no known economic, social, environmental or heritage issues relating to this application.

Council Policy Compliance

Work Procedure 16.8 "Liquor Licensing" requires an application for a new Extended Trading Permit to be referred to the members of Council for determination.

Legislative Compliance

Legislative requirements relating to the Local Government Act 1995 or any other Act, Local Law or Regulations have been complied with in the processes leading up to the finalisation of this report.

Delegation of Authority

The Council has not delegated its authority to the Chief Executive Officer or Manager Health, to approve "new" Extended Trading Permit applications on its behalf.

Relevant Precedents

Extended Trading Permits have been granted to Trafalgars previously to extend hours from 12.00 midnight to 1.00am on Thursdays, Fridays and Saturdays.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Should Council determine NOT to support the application for a new Extended Trading Permit from Trafalgars Hotel, the Department of Racing Gaming and Liquor would need to be advised in writing advising that Council does not support the extension of hours application and would need to be provided with evidence from the City to support this decision. A suggested format is:

"Council advises the Department of Racing, Gaming and Liquor that it does NOT support the application for a new Extended Trading Permit by Danesse Pty Ltd (t/as Trafalgars Hotel) for the following reasons: (councillors to specify)"

Conclusion

It is proposed that the application for the Trafalgars Hotel be supported (i.e., to extend trading hours from 12.00 midnight to 1.00am on Thursdays, Fridays and Saturdays) as the Hotel was granted these extended trading hours on a previous occasion, and, there are similar premises in the near vicinity that currently trade until 1.00am on Thursdays, Fridays and Saturdays.

Extending the trading hours should not impact on the amenity of the surrounding area due to the location of Trafalgars Hotel in the CBD.

As this application is valid for two years there will be the opportunity for councillors or the public to submit any additional comments/concerns at the time of receipt of the renewal application.

Recommendation

1. Council supports the application for an Extended Trading Permit by Danesse Pty Ltd (t/as Trafalgars Hotel) to trade until 1.00am on Thursdays, Fridays and Saturdays.
2. The Manager Health to write to the Department of Racing Gaming and Liquor advising no objection subject to:
 - 2.1 Compliance with Environmental Protection (Noise) Regulations 1997.
 - 2.2 Compliance with Health (Public Buildings) Regulations 1992 i.e., the number of patrons not to exceed the maximum accommodation number.

AT THE COUNCIL MEETING

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

The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 214/08

1. *Council supports the application for an Extended Trading Permit by Danesse Pty Ltd (t/as Trafalgars Hotel) to trade until 1.00am on Thursdays, Fridays and Saturdays.*
2. *The Manager Health to write to the Department of Racing Gaming and Liquor advising no objection subject to:*
 - 2.1 *Compliance with Environmental Protection (Noise) Regulations 1997.*
 - 2.2 *Compliance with Health (Public Buildings) Regulations 1992 i.e., the number of patrons not to exceed the maximum accommodation number.*

CARRIED

11 Votes "For" / 1 Vote "Against"

9.3 UNDERGROUND POWER PROJECTS IN WITHERS, USHER, GLEN PADDEN - OFFICE OF ENERGY REQUEST FOR SECOND COMMUNITY SURVEY

File Ref:	R00567
Applicant/Proponent:	Office of Energy
Author:	Ken Weary, Executive Manager Corporate Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

At its meeting on 13 May 2008, the Council resolved to proceed with an Underground Power Project in Withers.

The Mayor and Council's Executive met with representatives from the Office of Energy on Monday, 10 November 2008, to discuss the Office of Energy's request for a second community survey. The outcome of the meeting with the Office of Energy was outlined to a briefing of Council on Thursday, 13 November 2008, and; is outlined within this report.

At the briefing, the members of Council were advised that a formal Council Decision will be required as to whether it supports a second community survey and that a report and recommendation in this regard will be referred to the Council Meeting on Tuesday, 25 November 2008.

Office of Energy Request for Second Community Survey

The letter from the Office of Energy requesting Council's decision on undertaking a second community survey reads as follows:

"As discussed, the Underground Power Steering Committee has considered the outcome of the City of Bunbury's community support survey for the proposed Withers Major Residential Project. The Committee is of the view that, as the survey outcome does not adequately demonstrate substantial support from ratepayers for the project, a second community support survey should be undertaken.

As you may be aware, under the Guidelines for Round Four Major Residential Projects, local governments with short-listed proposals within the Detailed Proposal Stage must demonstrate substantial and continuing support for a project.

I am keen to assist the City of Bunbury and Western Power and would appreciate officers of the City of Bunbury meeting soon with officers of Western Power and the Office of Energy to plan and execute an appropriate education and information program for affected ratepayers.

As I am sure you will appreciate, time is of the essence in order to provide continuity for the contractors to be engaged on the Withers project should it proceed. Therefore, a second survey would need to be undertaken and the outcome reported to the Steering Committee within two months.

Would you kindly advise at your earliest convenience if the City of Bunbury supports a second survey”.

Updated Budget

The Office of Energy has now provided the City with a revised budget as follows:

	Previous Budget	New Budget
Total Budget	\$16M	\$17.12M
Ratepayer Cost 35%	\$5.6M	\$5.99M
Average Residential Cost	\$3,262	\$3,413
Average Repayment over 20 years	\$308	\$322
General Rate Increase	34.8%	36.4%
Average Rate	\$884	\$884
Increased Average Rate	\$1,192	\$1,206

Previous Survey Results

For Council's information, the result of the first survey undertaken during early March 2008, is as follows:

A total of 1,622 properties were surveyed. In the survey area there is a total of 210 Department of Housing and Works ("DHW") properties.

Public Submissions Received	Including DHW Properties	Excluding DHW Properties
Response Rate	37.0%	24.0%
Yes	63.7%	43.5%
No	36.3%	56.5%

Community Consultative Programme

The Office of Energy has advised that its Community Consultation Programme is as follows:

Extent of Survey

All 1,622 property owners will be provided with the survey package. Survey duration is 3 weeks.

Survey Administrator

The City of Bunbury ("COB") assisted by Western Power ("WP") and the Office of Energy ("OOE").

Survey Package (changes to the First Survey are shown in 'italics' below)

A separate letter will be provided from the COB Mayor outlining the project including the finalised project budget, property owner cost and payment options.

The letter will also include:

1. A Brochure (prepared by the COB/WP)
 - *Project name change to include reference to Usher*
 - *Larger map showing clearly which properties are included in project with reference to Withers and Usher boundaries*
 - *Editing changes to enhance general brochure clarity and provide extra information (eg: payment options)*
 - *Link to Office of Energy's Underground Power Project Website*

2. Frequently Asked Questions ("FAQ") (prepared by the COB/WP)
 - *More FAQ's will be included*
 - *Property owners will be encouraged to contact COB or a WP project 'hotline' for more information*

3. Survey Form (prepared by the COB/WP as per UPP standard template)
(Property Owner Communications Plan)
 - A controlled public forum to be held with presentation from the proposed project partners and displays (COB, WP, OOE)
 - A project information display will be in place for duration of survey with manning during target times (COB, WP)
 - Local media (advertisements, articles, interviews) (COB, WP)
 - Internet – COB, OOE and WP website links (COB, WP, OOE)
 - Doorknocking to be carried out on residential property owners to ensure they have received survey package and to answer any queries (WP, OOE)
 - A manned project information caravan to be onsite at target times during survey period (WP)

Notes:

- The covering letter will detail the project name modification to include the northern part of Usher.

- Confirmation will be provided that the estate area informally known as Glen Padden is formally part of the project area of Withers.

- Transformers and Switchgear Units – the consultation process with all affected property owners has resulted in no units being located adjacent to private property.

Second Community Survey - Cost

The Community Survey will be undertaken by consultants Research Solutions with assistance from the City of Bunbury, Office of Energy and Western Power. The City estimates the survey cost to be \$20,000 (plus \$10,000 City of Bunbury staff time) totalling \$30,000.

Research Solutions, the consultants undertaking the survey, will analyse surveys returned and report the results to Council. The Office of Energy has advised it will contribute \$15,000 to the Community Survey.

Council's \$15,000 contribution is unbudgeted and will be referred for inclusion in the December 2008 Budget Review. Western Power has been requested to contribute \$7,500 toward the Community Survey and should this be agreed to, Council's contribution would be reduced accordingly.

Timeframe Requested by Office of Energy

The Office of Energy advises the following timeframe is to be met in respect to the undertaking and finalisation of the second community survey.

Deadline	Action Required
25 November 2008	Confirm whether Council will proceed with the second survey
28 November 2008	Letter of confirmation to proceed, then; - Prepare Survey - Issue Survey
30 January 2009	Determine the survey result and advise Office of Energy of Council's decision.

Council's Proposed Payment Options

- Option 1: Payment in full within the first year (interest free)
- Option 2: Payment over 3 years (interest free)
- Option 3: *Payment over 5 years for pensioners, seniors' properties and sporting clubs only (interest free)
- Option 4: Payment over 20 years (with interest charged)

All Government properties are required to pay in full in the first year.

*The above proposed payment options allow pensioners, seniors and sporting clubs to pay interest free over a 5 year period. Should Council agree to this proposal there will be an interest cost to Council of \$41,000. This option has been included as there have been suggestions from councillors that Council make a contribution toward assisting eligible pensioners and seniors should this project proceed.

Eligible Pensioner Concession

Eligible pensioners will be entitled to claim a State Government Rebate or deferment of the payment of rates under the *Rates and Charges (Rebates and deferments) Act* as Council will be raising a Specified Area Rate under Section 6.37 of the *Local Government Act* for residential properties within the Underground Power precinct to fund the works, which will benefit each residential property within the precinct.

Utilisation of Sections 6.37 and 6.38 of the Local Government Act 1995

Rate exempt properties, Local Government properties and commercial properties will be charged a Service Charge under Section 6.38 of the *Local Government Act* for the cost of providing the prescribed service to those properties within the precinct.

Council has its own legal opinion and the Office of Energy has also advised it will obtain its own opinion from the State Solicitor's Office confirming Council is eligible to utilise both Section 6.37 and Section 6.38 of the *Local Government Act* to fund this project.

Options

Option 1

Per the recommendation as printed in this report.

Option 2

Council advises the Office of Energy that it is not prepared to undertake a second survey of the Withers Underground Power Precinct, as requested.

Conclusion

The benefits of underground power have been previously identified and include improved property values, improved street appearance, reduced power supply surges and fewer supply interruptions, brighter and safer street lights and a safer public environment.

Recommendation

1. The Office of Energy is advised that Council supports undertaking a second community survey to determine whether a majority of property owners within the precinct support the Underground Power Project.
2. An allocation of \$15,000 (being the City's contribution to the second community survey) to be included in the December 2008 Budget Review.

3. Council agrees to the payment options allowing eligible pensioners, seniors and sporting clubs to pay their contribution to the installation of underground power interest free over 5 years, and; the \$41,000 interest cost to Council be referred to the 2009/2010 Budget.

AT THE COUNCIL MEETING

Cr Steck disclosed an impartiality interest as she knows one of the fee-paying constituents personally. She elected to remain at the meeting to take part in the discussion and the vote on this matter.

The recommendation (as printed) was moved Cr Harrop, seconded Cr Craddock. During discussion, some points raised were:

- The definition of an "eligible pensioner" will be outlined in the literature being supplied with the survey form.
- Pensioners will have a number of repayment options at a reduced amount. They will also receive a 5-year interest-free period instead of the normal 3-year period.
- It was noted that the festive season (and current economic climate) is probably not the best time to be sending out a survey of this kind. However, the City must meet application deadlines set down by the Office of Energy. A list of critical dates is contained in the report.
- It was pointed out that where a resident does not return a survey form, this is automatically considered a "No" vote.
- The Mayor confirmed that the Department of Housing and Works (the major land owner in the precinct) will be making its payments upfront and will not be offered interest-free payment periods.

Following discussion, the Mayor put the motion moved Cr Harrop, seconded Cr Craddock to the vote in separate parts as follows:

Part 1: Carried (12 Votes "For" / Nil Votes "Against")

Part 2: Carried (12 Votes "For" / Nil Votes "Against")

Part 3: Carried (11 Votes "For" / 1 Vote "Against") - Cr Steck requested her vote "against" this part of the Council Decision, be recorded.

The Mayor confirmed that an Absolute Majority Vote had been attained for Parts 2 and 3 of the Council Decision as required under legislation.

The Council Decision in full is as follows:

Council Decision 215/08

1. *The Office of Energy is advised that Council supports undertaking a second community survey to determine whether a majority of property owners within the precinct support the Underground Power Project.*
2. *An allocation of \$15,000 (being the City's contribution to the second community survey) to be included in the December 2008 Budget Review.*
3. *Council agrees to the payment options allowing eligible pensioners, seniors and sporting clubs to pay their contribution to the installation of underground power interest free over 5 years, and; the \$41,000 interest cost to Council be referred to the 2009/2010 Budget.*

CARRIED

9.4 PROPOSAL TO ALLOW FREE CHRISTMAS PARKING - CBD COUNCIL CAR PARKS

File Ref:	A00471
Applicant/Proponent:	Bunbury Chamber of Commerce & Industries
Author:	John Kowal, Manager Community Law & Safety
Executive:	Geoff Klem, Executive Manager City Development

Summary

Correspondence has been received from the Bunbury Chamber of Commerce and Industries ("BCCI") requesting Council approval to allow free shopper parking for a one week period prior to Christmas.

Council already allows free 2-hour parking in the No.1 Blair Street lower car park, free parking on Sundays and free time restricted parking on-street.

Background

Since 2001 Council has allowed free shopper parking within the CBD to attract trade on the days leading up to Christmas in the following areas:

- Shoppers Car Park No. 2 – corner Prinsep, Wittenoom, Wellington Streets
- No. 1 Blair Street Car Park lower/upper levels – corner Blair, Cornwall, Stirling Streets
- Entertainment Centre Car Park – Blair Street

Free car parking is also normally provided on the Leschenault Foreshore area opposite Bicentennial Square.

In the past the City has provided this free car parking during the one week leading up to Christmas in support of a request from the BCCI. The free car parking period would be from Thursday, 18 December to Wednesday, 24 December 2008 - this equates to 7 trading days prior to Christmas. This coincides with the request from the BCCI for the one week period.

It is envisaged that free parking will encourage shoppers to conduct their Christmas shopping within the CBD, thus boosting Christmas business activity for CBD retailers.

Strategic and/or Regional Outcomes

There are no strategic and/or regional outcomes directly linked to this matter.

Community Consultation

There has been no direct Council consultation with the community. There has simply been a request from BCCI.

Councillor/Officer Consultation

Consultation has taken place with the Executive Manager City Development, BCCI and the management of Centrepoint Shopping Centre regarding the proposal to allow free car parking on the upper level of the No. 1 Blair Street Car Park.

Analysis of Financial and Budget Implications

It has been calculated previously that the City will lose approximately \$720.00/day/car park. Calculated over the 7 day trading period there is a potential loss to the City in the No. 2 Shoppers Car Park alone of approximately \$4,320.00. This loss, however, has to be considered and balanced with the benefits to the CBD traders of attracting the shopping public into the CBD during the busy Christmas period.

Although there may be a loss of car parking income to the City (approximately \$13,000 across 3 car parks) there are considerable economic benefits to the City overall derived from encouraging consumers into the CBD.

Economic, Social, Environmental and Heritage Issues

There are no economic, social, environmental or heritage issues regarding this matter other than those already contained in this report.

Council Policy Compliance

There is no Council policy that relates to this matter.

Legislative Compliance

Due to parking fees being set by Council in accordance with the Parking and Parking Facilities Local Law and Section 6.16 of the Local Government Act a Council resolution is required to amend parking fees.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority of the Council to amend or vary parking fees.

Relevant Precedents

Council has previously resolved to allow free parking to facilitate other events within the CBD area. Since 2001, requests from the BCCI have resulted in Council allowing free parking prior to Christmas.

Options

Option 1

Per the recommendation printed in this report.

Option 2

The proposal for free parking within Council car parks in the Bunbury CBD prior to Christmas, is refused.

Conclusion

In the current economic climate, the provision of free car parking within several Council car parking areas is one strategy that may encourage better consumer activity within the Bunbury CBD in the normally busy period leading up to Christmas.

Recommendation

1. Council permits free Christmas car parking (maximum time limit 4 hours) from Thursday, 18 December to Wednesday, 24 December 2008 inclusive, within the following areas:
 - 1.1 Council Shoppers Car Park No. 2 – corner Prinsep, Wittenoom, Wellington Streets;
 - 1.2 No. 1 Car Park (lower/upper levels) – corner Blair, Cornwall, Stirling Streets;
 - 1.3 Entertainment Centre Car Park – Blair Street; and
 - 1.4 Provision of overflow car parking on the Leschenault foreshore area opposite Bunbury Regional Entertainment Centre.
2. Council locally advertise the locations and conditions of the free Christmas car parking in its City Update column.
3. City Officers to correspond with the BCCI, informing it of Council's ongoing support of free Christmas car parking, and; requesting the BCCI to advertise the locations and conditions for free Council Christmas car parking within its advertising campaign.

AT THE COUNCIL MEETING

Cr Craddock disclosed an impartiality interest (and specifically an "interest in common") as he is the owner of a business in the Bunbury CBD and a member of the BCCI. He elected to remain at the meeting to take part in discussion and the vote on this matter.

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

The following are some of the points raised during discussion:

- Cr Slater indicated he would be moving Option 2 (to refuse the proposal) should the current motion be defeated.
- It was noted that previous Councils have approved free Christmas parking in the CBD in the past but there is no official policy. It is a precedent only.
- There was concern as to how the City might recoup some of the loss due to parking concessions granted.
- There was some disagreement between councillors over whether it is local residents (or visitors) that benefit from the parking concessions.
- Some councillors were concerned that as free parking is not being offered at other Council car parks in Bunbury there could be some public perception that the Council is overly concerned at promoting businesses within the CBD.
- As a way of using Council funding to encourage local residents to shop in all areas of Bunbury, it was suggested that the Council fund free public bus transport within Bunbury for the period specified.

Following discussion, the Mayor put the motion moved Cr Craddock, seconded Cr Spencer to the vote and it was adopted to become a Council Decision.

Council Decision 216/08

1. *Council permits free Christmas car parking (maximum time limit 4 hours) from Thursday, 18 December to Wednesday, 24 December 2008 inclusive, within the following areas:*
 - 1.1 *Council Shoppers Car Park No. 2 – corner Prinsep, Wittenoom, Wellington Streets;*
 - 1.2 *No. 1 Car Park (lower/upper levels) – corner Blair, Cornwall, Stirling Streets;*
 - 1.3 *Entertainment Centre Car Park – Blair Street; and*
 - 1.4 *Provision of overflow car parking on the Leschenault foreshore area opposite Bunbury Regional Entertainment Centre.*
2. *Council locally advertise the locations and conditions of the free Christmas car parking in its City Update column.*

3. *City Officers to correspond with the BCCI, informing it of Council's ongoing support of free Christmas car parking, and; requesting the BCCI to advertise the locations and conditions for free Council Christmas car parking within its advertising campaign.*

CARRIED

9 Votes "For" / 3 Votes "Against"

Crs Slater, Kelly and Steck requested that their votes "against" the Council Decision, be recorded.

10. RECEPTION OF FORMAL PETITIONS AND MEMORIALS

Nil.

**11. RECEPTION OF REPORTS AND RECOMMENDATIONS FROM THE COUNCIL
(STANDING) COMMITTEE MEETING HELD 18 NOVEMBER 2008**

At this point in proceedings, the Council adopted *en bloc* committee recommendations listed under items 11.9 and 11.10 of the meeting agenda (as permitted under the City's Standing Orders).

Items 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7 and 11.8 of the meeting agenda were then dealt with (and voted on) individually.

Please note: Items listed in Section 11 of the minutes differ from the order that they appeared in the meeting agenda. The items have been re-numbered in order of discussion so that those items voted *en bloc* by members of the Council, are listed first.

11.1 ADVISORY COMMITTEE AND/OR PROJECT CONTROL GROUP MINUTES TO BE NOTED AT THE COUNCIL COMMITTEE MEETING *(WAS LISTED AS ITEM 11.9 IN THE MEETING AGENDA)*

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

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

Recommendation

The following Advisory Committee and/or Project Control Group Meeting Minutes listed in the report circulated under separate cover, are noted for information only:

1. Title: Minutes - Bunbury Region Roadwise Committee (3/11/2008)
Author: Beatrice Plant, City Engineer
File: R00692
2. Title: Minutes – Bunbury-Setagaya Sister Cities Committee (15/10/08)
Author: Paul Hayward, Cultural Development Officer
File: A00443

Outcome of the Council Committee Meeting - 18 November 2008

The recommendation (as printed) was moved Cr Leigh, seconded Cr Major. The Presiding Member put the motion to the vote and it was adopted unanimously to become the Committee's recommendation on this issue.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Jones, seconded Cr Leigh. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 217/08

The following Advisory Committee and/or Project Control Group Meeting Minutes listed in the report circulated under separate cover, are noted for information only:

1. Title: Minutes - Bunbury Region Roadwise Committee (3/11/2008)
Author: Beatrice Plant, City Engineer
File: R00692
2. Title: Minutes – Bunbury-Setagaya Sister Cities Committee (15/10/08)
Author: Paul Hayward, Cultural Development Officer
File: A00443

CARRIED

12 Votes "For" / Nil Votes "Against"

11.2 ITEMS NOTED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING ON 18 NOVEMBER 2008 *(WAS LISTED AS ITEM 11.10 IN THE MEETING AGENDA)*

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

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

Recommendation

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

1. Title: Accounts for Payment - October 2008
Author: David Ransom, City Accountant
File: A00083
2. Title: Planning Approvals - October 2008
Author: Gary Fitzgerald, Manager Development Services
File: A00566

Outcome of the Council Committee Meeting - 18 November 2008

The recommendation was moved Cr Jones, seconded Cr Leigh. The Presiding Member put the motion to the vote and it was adopted unanimously to become the Committee's recommendation on this issue.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Jones, seconded Cr Leigh. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 218/08

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

1. Title: Accounts for Payment - October 2008
Author: David Ransom, City Accountant
File: A00083
2. Title: Planning Approvals - October 2008
Author: Gary Fitzgerald, Manager Development Services
File: A00566

CARRIED

12 Votes "For" / Nil Votes "Against"

11.3 SYNERGY 'STREETVISION' STREET LIGHTING AGREEMENT *(WAS LISTED AS ITEM 11.1 IN THE MEETING AGENDA)*

File Ref:	A02445
Applicant/Proponent:	Bunbury Environment & Sustainability Advisory Committee
Author:	Ben Deeley, Environmental Officer
Executive:	Geoff Klem, Executive Manager City Development

Summary

The City of Bunbury has recently signed its 'StreetVision' Street Lighting Agreement with Synergy for the supply of electricity to the City's street lighting system for the 2008/2009 financial year. It was decided to purchase 25% of the street lighting system's total electricity requirement via renewable energy sources (e.g., wind, solar, etc.) through Synergy's 'NaturalPower' scheme in order to mitigate some of the greenhouse gas emissions associated with the street lighting system.

The Synergy StreetVision Street Lighting Agreement was signed prior to Council's consideration of the matter in order to secure a 14% discounted rate offered by Synergy for agreements finalised prior to 30 June 2008. Synergy has advised that the NaturalPower option can be discontinued at any time, in which case the standard 'black' power rate would apply.

The matter was presented to Council's Bunbury Environment and Sustainability Advisory Committee ("BESAC") for comment at its meeting on 4 September 2008. BESAC subsequently made the following recommendation to Council:

BESAC Recommendation 2:

That Council funds the NaturalPower 'gap' via budgetary sources other than the Environmental Reserve on the basis that the proposal is likely to result in wide ranging benefits for the environment, community and the City of Bunbury.

It is noted that the NaturalPower 'gap' is the difference in prices between the standard 'black' electricity rate and the more expensive NaturalPower rate. The purchase of 25% of the street lighting system's total electricity requirement via NaturalPower will cost \$22,023 more than an equal amount of 'black' electricity supplied at the standard rate.

However, BESAC's recommendation is not supported because Council's 2008/2009 budget does not contain an appropriate allocation to fund the NaturalPower 'gap' and as such, funding would have to be re-directed from existing Council programmes, potentially to their detriment, to provide for the recommendation.

It is therefore proposed that Council:

1. Ceases the purchase of 25% NaturalPower under the Synergy StreetVision Street Lighting Agreement, and returns to 100% 'black' power under the Agreement, and;
2. Requests BESAC to investigate other options for mitigating the greenhouse gas emissions associated with the City's street lighting system (e.g. street lighting efficiency improvements, carbon sequestration, etc.) and report back to the Council in due course.

Background

The street lighting sector has previously been identified through the City of Bunbury's involvement in the *ICLEI Cities for Climate Protection Program* as the City's largest source of corporate greenhouse gas emissions and is thus a priority for improvement.

The City of Bunbury has recently signed its StreetVision Street Lighting Agreement with Synergy for the supply of electricity to the City's street lighting system for the 2008/2009 financial year. It was decided to purchase 25% of the street lighting system's total electricity requirement via renewable energy sources (e.g., wind, solar, etc.) through Synergy's 'NaturalPower' scheme in order to mitigate some of the greenhouse gas emissions associated with street lights. This action will result in the abatement of 152 tonnes of greenhouse gas emissions at a cost of \$22,023 more than an equal amount of 'black' electricity supplied at the standard rate.

The Synergy StreetVision Street Lighting Agreement was signed prior to Council's consideration of the matter in order to secure a 14% discounted rate offered by Synergy for agreements finalised prior to 30 June 2008. Synergy has advised that the NaturalPower option can be discontinued at any time, in which case the standard 'black' power rate would apply.

The matter was presented to BESAC for comment at its meeting on 4 September 2008. Council's Environmental Reserve was identified as a potential source of funding for the NaturalPower 'gap'. However, it was BESAC's consensus that the purchase of NaturalPower should be Council's standard practice and that the Environmental Reserve should be used for other environmental initiatives. BESAC subsequently made the following recommendation to Council *"That Council funds the NaturalPower 'gap' via budgetary sources other than the Environmental Reserve on the basis that the proposal is likely to result in wide ranging benefits for the environment, community and the City of Bunbury."*

Proposal

BESAC's recommendation is not supported because Council's 2008/2009 budget does not contain an appropriate allocation to fund the NaturalPower 'gap' and as such, funding would have to be re-directed from existing Council programmes, potentially to their detriment.

The Council has the option of disregarding BESAC's recommendation and of utilising funding currently available within the Environmental Reserve (approximately \$293,450 is forecast to remain at the end of the 2008/2009 financial year) to cover the cost of the NaturalPower 'gap'. However, this option is not supported as recent budget forecasting undertaken by members of the Strategic and Environmental Planning Team suggests that current funds within the Environmental Reserve may be required in the future in order to respond to emerging issues such as the management of regional open space under the Greater Bunbury Region Scheme. Such matters will be formally brought to the attention of Council upon completion of the Local Planning Strategy for Environmental Assets and Natural Resources (currently in preparation) in due course.

Alternatively, Council may wish to consider other options that might be available to it in mitigating the greenhouse gas emissions associated with its street lighting system, such as improving the efficiency of the system or through carbon sequestration and offsets. Should Council wish to explore such options, it would be prudent to cease with the NaturalPower arrangement in the interim period in order to stop incurring the additional costs associated with it. Council can re-commence the NaturalPower option at any time, albeit minus the 14% discount, at a cost of approximately \$25,500 per annum on top of the standard 'black' power rate.

It is therefore proposed that:

1. The City of Bunbury to cease the purchase of 25% "NaturalPower" under the *Synergy StreetVision Street Lighting Agreement* and return to 100% "Black" power under the Agreement.
2. Council requests its Bunbury Environment & Sustainability Committee to investigate other options for mitigating the greenhouse gas emissions associated with the City's street lighting system (e.g., street lighting efficiency improvements, carbon sequestration, etc.) and report back to the Council in due course.

Strategic and/or Regional Outcomes

Council has a duty to mitigate its environmental impact and to demonstrate leadership to the community as supported by the following strategic objectives from the *City of Bunbury Strategic Plan 2007/2012*:

Strategic Objective 2: Strengthen the City of Bunbury's governance and leadership.

Strategic Objective 5: Promote ecological sustainable development of the City's built and natural environments.

The officer's recommendation is consistent with these strategic objectives in promoting the consideration of options for mitigating the greenhouse gas emissions associated with the City's street lighting system.

Community Consultation

The matter has been considered by Council's Bunbury Environment and Sustainability Advisory Committee ("BESAC") the membership of which includes councillors, City staff, community representatives and representatives from State Government agencies.

Councillor/Officer Consultation

The following are (or have recently been) members of BESAC: His Worship the Mayor - Mr D Smith; Crs Shane Rooney, Juliet Harrop, Brendan Kelly; the Chief Executive Officer; Executive Manager City Development and Environmental Officer.

Analysis of Financial and Budget Implications

BESAC's recommendation will require \$22,023 on top of the standard 'black' power rate to fund. As an appropriate allocation is not available within Council's 2008/2009 budget, this recommendation requires the re-direction of funds from existing Council programmes.

The officer's recommendation is Council budget-neutral. Council can re-commence the NaturalPower option at any time, albeit minus the 14% discount, at a cost of approximately \$25,500 per annum on top of the standard 'black' power rate.

Economic, Social, Environmental and Heritage Issues

No additional economic, social, environmental or heritage issues of note are likely to occur as a result of the officer's recommendation printed in this report.

Council Policy Compliance

Council's Greenhouse Gas Reduction Strategy (adopted via Council Decision 161/03 made on 10 June 2003) aims to achieve the following corporate and community greenhouse gas emission reduction targets:

- Corporate Emissions Reduction Target: A reduction in Council greenhouse gas emissions from 1998 levels by 20% by 2010.
- Community Emissions Reduction Target: A reduction in community greenhouse gas emissions from 1996 levels by 20% by 2010.

The officer's recommendation is consistent with the Greenhouse Gas Reduction Strategy in promoting the consideration of options for mitigating the greenhouse gas emissions associated with the City's street lighting system.

Legislative Compliance

The officer's recommendation does not contravene any existing State or Commonwealth legislation.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority of the Council to make a decision on this matter.

Relevant Precedents

BESAC does not have the delegated authority of the Council to make decisions on the Council's behalf and as such, operates purely in an advisory capacity.

Council may manage its budget as it sees fit in accordance with the provisions of the WA Local Government Act 1995.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council endorses the following recommendation made by its Bunbury Environment & Sustainability Committee on 4 September 2008:

"That Council funds the NaturalPower 'gap' via budgetary sources other than the Environmental Reserve on the basis that the proposal is likely to result in wide ranging benefits for the environment, community and the City of Bunbury."

(Note: An Absolute Majority Vote of the Council will be required).

Option 3

Council does not endorse the recommendation made by its Bunbury Environment & Sustainability Committee on 4 September 2008 and resolves to fund the NaturalPower 'gap' through the Environmental Reserve.

(Note: An Absolute Majority Vote of the Council will be required).

Conclusion

Option 1 is supported as Council will be provided with the opportunity to consider other options that might be available to it in mitigating the greenhouse gas emissions associated with its street lighting system. This option will cease the NaturalPower arrangement and thus stop Council incurring the associated additional costs on top of the standard 'black' power rate. Council can re-commence the NaturalPower option at any time, albeit minus the 14% discount, at a cost of approximately \$25,500 per annum on top of the standard 'black' power rate.

Option 2 is not supported because Council's 2008/2009 budget does not contain an appropriate allocation to fund the NaturalPower 'gap' and as such, funding would have to be re-directed from existing Council programmes, potentially to their detriment.

Option 3 is not supported because recent budget forecasting undertaken by the Strategic & Environmental Planning Team suggests that current funds within the Environmental Reserve may be required in the future in order to respond to emerging issues such as the management of regional open space under the Greater Bunbury Region Scheme.

Recommendation

1. The City of Bunbury to cease the purchase of 25% "NaturalPower" under the *Synergy StreetVision Street Lighting Agreement* and return to 100% "Black" power under the Agreement.
2. Council requests its Bunbury Environment & Sustainability Committee to investigate other options for mitigating the greenhouse gas emissions associated with the City's street lighting system (e.g., street lighting efficiency improvements, carbon sequestration, etc.) and report back to the Council in due course.

Outcome of the Council Committee Meeting - 18 November 2008

Option 2 was moved Cr Harrop, seconded Cr Kelly (in place of the officer's recommendation) to become the motion under discussion.

During discussion, the mover indicated that she would like to see the City progress its greenhouse gas reduction targets using the City's General Reserve funds as she considers street-lighting and the City's Greenhouse Gas Reduction Strategy (for both corporate and general community gas emission reduction targets) to be too broad-ranging to be considered as a specific environmental project.

During discussion, some points raised were:

- The amount of money spent by the City on environmental projects over the years pales in comparison to its funding of projects such as restoration of the Bunbury Timber Jetty.
- There is no doubt that some community groups may suffer a reduction in funding if the City's General Reserve is used but the community as a whole will suffer if the world-wide problem of reducing greenhouse gas emissions is not taken seriously.
- The money can be allocated from the General Reserve during the December Budget Review.

- The Council should consider other ways of reducing greenhouse gas emissions such as requiring design guidelines for new homes to promote skylights in areas of the home devoid of adequate daylight (rather than continue the current reliance on electric lights).

In response to a question, the City's Executive Manager Corporate Services advised that the Council allocates a portion of its rate revenue each year to fund environmental projects and essentially, Council's BESAC Committee makes recommendations to the Council on how the funds would be best spent. It was confirmed that Council's Environment Reserve currently stands at \$400,000.

The Chief Executive Officer pointed out that the environmental levy was initially established by the Council to cover costs associated with employment of an Environmental Officer and a portion of the levy is still required for this purpose.

At the conclusion of discussion, the motion moved Cr Harrop, seconded Cr Kelly was put to the vote and adopted to become the Committee's recommendation on this issue.

A request was made for the vote to be recorded:

For: Crs Kelly, Major, Rooney, Harrop, Craddock and Leigh
Against: Crs Jones, Whittle, Slater, Steck and Spencer

Committee Recommendation

Council funds the NaturalPower 'gap' via budgetary sources other than the Environmental Reserve on the basis that the proposal is likely to result in wide ranging benefits for the environment, community and the City of Bunbury.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Kelly, seconded Cr Harrop. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision

Council funds the NaturalPower 'gap' via budgetary sources other than the Environmental Reserve on the basis that the proposal is likely to result in wide ranging benefits for the environment, community and the City of Bunbury.

CARRIED

8 Votes "For" / 4 Votes "Against"
Absolute Majority Vote Attained

Crs Slater, Jones, Steck and Spencer requested that their votes "against" the Council Decision, be recorded.

11.4 PROPOSED CAF-FEZ ALFRESCO AREA - LOT 5 (NO. 20) PRINSEP STREET, BUNBURY *(WAS LISTED AS ITEM 11.2 IN THE MEETING AGENDA)*

File Ref:	P07977
Applicant/Proponent:	Insitu Planning & Design
Author:	Ann-Kristin Jank, Planning Officer
Executive:	Geoff Klem, Executive Manager City Development

Summary

The City is in receipt of a Development Application from Insitu Planning & Design on behalf of the owners of Caf-Fez. The proposal is to develop an existing car parking bay to accommodate temporary alfresco dining on the portion of the City's Road Reserve in front of the business which is situated at Lot 5 (No. 20) Prinsep Street, Bunbury. The location plan is contained in **Attachment No. 1** in a report circulated to members under separate cover.

The applicant also wants to utilize the car parking bay for alfresco dining (outdoor eating area) with a licence under the City of Bunbury Local Law.

It is recommended that Council does not approve the application.

Background

At its meeting on 1 September 2008, the CBD Parking Project Control Group resolved to advise Council that: *"... the allocation of kerbside parking in front of Café-fez be deferred and that the matter be reconsidered at such time as a traffic and road planning study has been completed for the Central Business District"*.

Advice has been conveyed to the owners of Caf-Fez on a regular basis in relation to the development of a parking strategy and policy in the CBD.

One of the actions in the parking strategy is to progress a one-way traffic system for Wellington Street and Prinsep Street and to assess the traffic implications of the redevelopment of The Stirling's Centre. The potential for alfresco dining was linked to the one-way system which would have created a wider footpath area that could accommodate the proposed outdoor dining area (similar to Victoria Street).

During the public comment period for the parking strategy the owners of Caf-Fez supported the above action. Following adoption of the parking strategy Council established a CBD Parking Project Control Group to progress various actions outlined in the report. The Caf-

Fez proposal was discussed by the Project Control Group and a formal recommendation has been made to Council in response to the request from Caf-Fez.

The matter was considered at the Council Meeting on 30 September 2008 where it was resolved as follows:

"Council Decision 186/08

1. *Council NOT support the recommendation of the Project Control Group for the CBD Parking.*
2. *The Traffic and Road Planning Study for the Central Business District be undertaken as a matter of urgency and the recommendations referred back to Council.*
3. *The Caf-Fez proposal for Alfresco dining be referred back to the Council Committee Meeting of 28 October 2008, for consideration."*

However, recently (on 14 October 2008) an application for the development was received by the City. It was presented to the Council Meeting on 4 November 2008. The City has obtained legal advice that suggests it does not have the power to either consider the application or to issue the licence being sought. The advice suggests that the relevant local laws cannot be construed as giving the City the power to grant a licence for alfresco dining on verge-parking forming part of a road reserve. Therefore, Development Services Officers had recommended that the City not approve an on-street alfresco area adjacent to Caf-Fez at Lot 5 (No. 20) Prinsep Street, Bunbury at this time.

The applicant has provided legal advice stating that the City of Bunbury has misinterpreted the local law and requests that the matter be reconsidered in light of the additional legal opinion.

During previous debate on this matter, it has been noted that the legal opinion sought by Council and the legal opinion sought by the proponents contradict one another. Members were advised that Council has requested a second legal opinion in an attempt to clarify the situation.

At its meeting on 4 November 2008, the Council resolved as follows:

"Council Decision 204/08

The item be referred back to Committee."

Council has obtained further legal advice as to the legal ability of Council to approve the alfresco dining as proposed. The second legal opinion from McLeods addressed the two previous legal opinions received. In summary, McLeods advises that in its opinion the City is able to grant a licence for an outdoor eating area for the proposed alfresco dining.

Proposal

The proposed development comprises removable timber decking of 6.6 metres in length and 2.4 metres in width over one car parking bay on the road reserve in Prinsep Street. It is proposed that the timber decking will be anchored to the pavement via nine removable bollards. Stainless steel railings will separate the alfresco area from the street. A minimum of 1.5 metres of "free passage area" on the footpath is proposed to be maintained at all times. Refer to the plans in **Attachments Nos. 2 & 3** in the report circulated under separate cover.

The applicant suggests that car parking bays along Prinsep Street can be re-marked in such a way as no car parking bays will be lost. It should be noted that this issue would require further investigation and detailed drawings. So far this has not been proven to the satisfaction of the Manager of Development Services or the City Engineer.

The following criteria are considered to be relevant in terms of properly considering the application:

Town Planning Scheme No. 7 ("TPS 7")

The development would be situated on a 'Local Reserve - Access Road' under TPS 7. In accordance with Clause 3.4.1 of TPS 7, a person must not commence or carry out development on a Local Reserve without first having obtained planning approval under Part 9 of the Scheme.

In determining an application for planning approval the local government is to have due regard to the ultimate purpose intended for the Reserve. In this case, the proposed alfresco area is clearly not in keeping with the purpose of an 'Access Road'.

Safety

Development Services Officers have concerns regarding the safety of the diners in relation to entry and egress of vehicles in surrounding car parking bays. The loading zone is considered unsafe in its proximity to the alfresco dining area (i.e., trucks backing in and out while people are sitting in the dining area).

Another concern is the possibility of trip hazards where the proposed decking interfaces with the existing footpath.

Loss of Public Car Parking

Loss of public on-street car parking is undesirable. This could set a precedent for other eating houses within the CBD and could result in further loss of public on-street car parking in due course.

Clause 2.3 of the City's Local Planning Policy titled 'Central Business District Parking' states:

“All existing private and public parking areas should be retained and managed in a way that ensures appropriate access, signage, drainage, surface, landscaping (where applicable), lighting and surveillance.

Where changes to existing parking areas are proposed that results in the loss of parking or new management arrangements, then a comprehensive report must be prepared for Council consideration that addresses the implications and ramifications of such changes on the overall provision of parking in the CBD, and associated costs (if any) to Council.”

To date, no such report has been prepared or submitted.

Other businesses in Bunbury (e.g. cafés in Stephen Street) with outdoor eating areas do not result in a loss of public car parking as they are situated on areas not designated as 'car parking bays' as they would not comply with Australian Standards. These areas have been provided with bollards to prevent vehicles from being parked there and obstructing the traffic flow. Furthermore, these areas have not been established/developed for the exclusive use of the cafés in this area.

The plans provided for the Caf-Fez application are inconsistent in that the dimensions of the loading bay vary. All car parking and loading bays have to be in accordance with Australian Standards and a reduction of the size of the loading bay is not acceptable.

It should be noted that any costs involving remarking or reconfiguration of car parking along Prinsep Street including relocation of signs, have to be paid by the applicant.

CBD Parking Project Control Group

The CBD Parking Project Control Group resolved at its meeting of 1 September 2008 to advise Council that: *“... the allocation of kerbside parking in front of Caf-Fez be deferred and that the matter be reconsidered at such time as a traffic and road planning study is completed for the Central Business District”.*

One of the actions in the parking strategy is to progress a one-way traffic system for Wellington Street and Prinsep Street, and; to assess the traffic implications of the redevelopment of The Stirling's Centre. The potential for alfresco dining in Prinsep Street was linked to the one-way system which would have created a wider footpath area that could accommodate outdoor dining areas (similar to Victoria Street).

Therefore Development Services considers this application premature.

Health Comments

The City of Bunbury Local Government and Public Property Local Law - Section 7.8 "Refusal of Licence", states:

"The local government or an authorised person may refuse to issue a licence if - (d) the proposed outdoor eating area is in the opinion of the local government undesirable or unsuitable.

In the case of subclause (d), the local government or an authorised person shall provide the applicant with the reasons in writing."

In this instance, the proposed outdoor eating area would appear to be considered undesirable by various City of Bunbury departments in relation to a number of issues such as orderly and proper planning, public safety, drainage issues, approvals of structures on streets, loss of car parking, traffic issues, etc.

The proposal for the outdoor eating area indicates a significant increase in the seating capacity of the premises. The existing sanitary facilities will need to be re-assessed in accordance with the Building Code of Australia as an initial assessment of the proposal indicated that additional facilities may be required.

As the dining area of the premises will be expanded, the premises will need to be re-assessed in accordance with the Health (Food Hygiene) Regulations 1993, which state that where a dining area is included in a food premises the kitchen area must be equal to no less than 25% of the total floor area. There is insufficient detail on the plans to assess this compliance at this point in time.

The standard conditions of licence for outdoor eating areas in Work Procedure 16.3 (adopted by Council in August 2000 – Council Decision 305/00) require that any tables, chairs and any other furniture associated with an outdoor eating area shall be removed from any street or public place at the close of business (refer to **Attachment No. 4** in the report circulated under separate cover).

The City's Manager Health is able to approve a variance to this condition. However, it is not considered judicious to create a precedent by approving a variation in this instance. Therefore, if an outdoor eating licence was to be issued to Caf-Fez it would be recommended that this standard condition be applied. The City's Chief Executive Officer also has discretion to vary this condition of licence.

Engineering Comments

The Engineering Department does not support the application. The following issues have been raised:

- Concerns in regard to storm water flow.
- Trip hazards, especially where the proposed decking interfaces with existing shared path.
- Concerns in regard to safety of patrons at interface with traffic.

- Engineering details for the proposed bollards and railings are required to ensure safety of patrons at interface with traffic.
- Engineering details for the anchor connection between the proposed bollards and the existing pavement.
- City of Bunbury will not be responsible for any maintenance or repairs to the alfresco arrangements.
- Width of proposed decking shall not exceed 2.3 metres from kerblines.
- Proposed decking shall not impinge on the length of the loading bay.
- A width of 1.5 metres of shared path access is to be maintained and not infringed on by pot plants or furniture.
- Cross-fall of the proposed decking is to be provided to the City to ensure that it complies with Australian Standards.
- Proposed re-marking of car parking bays to comply with Australian Standards.
- Parking signs to be modified and upgraded.
- No modifications to be made to the existing road surface, kerblines or storm water drainage without prior written approval from the City Engineer.
- Conversion of car parking bay to motor cycle bays is not supported.

Strategic and/or Regional Outcomes

There are no relevant strategic or regional outcomes to consider.

Community Consultation

No community consultation is required. The proponents have obtained comments from business owners in Prinsep Street.

Councillor/Officer Consultation

Council has been briefed on several occasions as to the content of the parking strategy and policy and the Caf-Fez proposal has been the subject of numerous discussions between Officers in the City Services and City Development Divisions but only recently (on 14 October 2008) has a Development Application been received in this regard.

Council has previously discussed the matter at its Committee and Council Meetings on 23 September 2008, 30 September 2008, 28 October 2008 and 4 November 2008.

This matter has been reviewed at meetings of the Development Coordination Unit which comprises officers from the Engineering, Planning, Building and Health Departments. Further discussions have taken place with the Executive Manager City Development, Manager Development Services and the Manager Administration & Property Services.

Analysis of Financial and Budget Implications

Funds have been budgeted to undertake a traffic management strategy for the CBD.

Economic, Social, Environmental and Heritage Issues

There are no known economic, social, environmental or heritage issues.

Council Policy Compliance

Council has adopted the parking strategy and policy and established an implementation Project Control Group.

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

Legislative Compliance

Legislative requirements relating to the Local Government Act or any other Act, Local Law, or regulations have been considered in the processes leading up to the finalisation of this report.

Delegation of Authority

Delegation of authority is not applicable in this case.

Relevant Precedents

There are no known precedents.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Approve the proposal. Should Council resolve to proceed with this option, the suggested format is as follows:

"Council, under the Planning and Development Act 2005, resolves to grant planning approval for the on-street alfresco dining area adjacent to Caf-Fez at Lot 5 (No. 20) Prinsep Street, Bunbury, subject to the following conditions and advice notes:

Conditions

1. *This approval is granted for a period of 12 month (only) from the date of this letter or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.*
2. *One additional sanitary facility to be provided in accordance with the Building Code of Australia. Additional facilities required to be installed are to be in place prior to the operation of the proposed alfresco dining area.*
3. *In accordance with the City of Bunbury Local Government and Public Property Local Law, the proprietor shall make an application for an outdoor eating licence with the appropriate fee. The licence application shall:*
 - a) *be accompanied by specifications and a plan showing the proposed outdoor eating area. The plan shall be at a scale of not less than 1:50 and show –*
 - (i) *the location and dimension of the proposed outdoor eating area; and*
 - (ii) *the position of all tables, chairs and other structures proposed to be provided in the eating area and how such items are to be confined within the outdoor eating area.*
 - b) *be accompanied by specifications and a plan on a scale of not less than 1:200 showing the outdoor eating area and all structures thereon including any public facility, parking area or parking restriction within 30 metres of the boundaries of the outdoor eating area;*
 - c) *be accompanied by a coloured photograph or a detailed drawing of the tables, chairs and other structures to be set up in the outdoor eating area;*
 - d) *provide the local government with written particulars of arrangements made with respect to public risk and any other relevant insurance. Evidence of public liability insurance of a minimum of \$10 million specifically including reference to the proposed outdoor eating area will be required;*
 - e) *provide the local government with any other information that the local government considers necessary in the circumstances of the case.*
4. *A detailed floor plan of the existing café at a scale of not less than 1:100 is to be provided to enable assessment of the ratio of the kitchen floor area to the total floor area of the premises.*

5. *In accordance with the City of Bunbury Local Government and Public Property Local Law, an outdoor eating licence is only valid for the period between the date of issue and the following 31 August. An application for the renewal of an outdoor eating licence will be required to be submitted for the remainder of the 12 month planning approval period after 31 August 2009.*
6. *The premises is currently classified as a Class 3 premises in accordance with the Health (Food Hygiene) Regulations 1993 with limits to basic preparation and heating/serving of food. Any substantial increase in the level of food preparation will require an upgrade of the premises to meet the classification of a Class 1 food premises.*
7. *Proposed remarking of car parking bays to comply with Australian Standards. Adequate plans to be submitted to the satisfaction of the City Engineer prior to commencement of any works.*
8. *Applicant has to modify and upgrade parking signage to the satisfaction of the Manager Ranger Services.*
9. *Width of proposed decking shall not exceed 2.3m from kerb.*
10. *Proposed decking shall not impinge on the length of the loading bay.*
11. *Minimum of 1.5m shared path access is to be maintained and not infringed on by pot plants or furniture.*
12. *Proposed decking to be constructed so as not to interfere with stormwater flow to the satisfaction of the City Engineer and the Manager Development Services.*
13. *Engineering details to be provided for proposed decking, bollards and railings (show design loadings applied and compliance with Australian Standards) prior to operation of the proposed alfresco dining area and to the satisfaction of the Manager Development Services.*
14. *Cross fall of the proposed decking is to be provided to the City to ensure that the decking cross fall complies with Australian Standards prior to operation of the proposed alfresco dining area.*
15. *No modifications to the existing road surface, kerb line or stormwater drainage is to occur without prior written approval from the City Engineer.*
16. *All development shall be generally in accordance with the approved development plans, which form part of this Planning Approval.*
17. *Any other operational conditions to the satisfaction of the Manager Development Services.*

Advice Notes:

- *City of Bunbury will not be responsible for any maintenance or repairs to the alfresco arrangements.*
- *Any building works will require a Building Licence.*
- *It should be noted that any costs involving remarking or reconfiguration of car parking along Prinsep Street including relocation of signs have to be paid by the applicant.*
- *Conversion of existing parking bay to motor cycle bays is not supported.*
- *Ensure no trip hazards, especially where the proposed decking interfaces with existing shared path."*

Conclusion

While it appears from the most recent legal advice that Council does have the legal ability under the City of Bunbury Local Government and Public Property Local Law 2003 (Part 7) to consider an application for the proposed alfresco dining as outdoor eating area; in the interest of orderly and proper planning and in the interest of public safety and health, there still remain a number of significant reasons (as contained within the body of this report) as to why in the opinion of Development Services Officers, the application should be refused.

Recommendation

The allocation of kerbside parking for alfresco dining in front of Caf-Fez at Lot 5 (No. 20) Prinsep Street, Bunbury, be deferred, and; the matter be reconsidered at such time as a traffic and road planning study has been completed for the Central Business District.

Outcome of the Council Committee Meeting - 18 November 2008

Cr Craddock disclosed an Impartiality Interest (specifically an "Interest in Common") as he owns a business located within the Bunbury CBD. He elected to remain at the meeting to take part in the discussion and the vote on this matter.

The Presiding Member called for public speakers and Mr Dave Jones, Insitu Planning & Design, requested to address the committee on behalf of the Applicant.

Mr Jones requested the committee adopt Option 2 (to approve the proposed alfresco area) but requested some refinement or amendment to conditions 2, 5, 10 and 17. Points raised by Mr Jones included:

- Mr Jones met with the City's Engineering Officers to discuss the loading bay/parking bay proposal in 2006 and it was agreed to (verbally) at that time. *[Note: The Executive Manager City Services clarifies that at the time, the verbal agreement was made by officers "subject to appropriate conditions to be decided".]*
- Other alfresco dining areas appear to be located within access or distributor road zones.

- He disputes that having a loading bay adjacent to an alfresco area will present a safety problem.
- The decking should not present a tripping hazard for the general public as it will be level with the footpath. Further, the decked area will be no more of an obstruction than the City's signs, bollards and street trees which line some streets in the CBD.
- There should be no significant drainage issues to consider as the decking will be removed during the wetter months of the year.
- If increasing the number of seats at the cafe is going to be an issue, the owner is happy to retain the current seating capacity at 70 seats.

Following some questions of Mr Jones and the City's Executive, Option 2 was moved Cr Kelly, seconded Cr Jones (in place of the officer's recommendation) to become the motion under discussion.

During discussion:

- It was agreed that the City's Officers would review conditions 2, 5, 10 and 17 of the conditions and provide their comments and/or suggested alternatives (as required) for consideration by councillors at the subsequent Council Meeting on 25 November 2008.
- It was acknowledged that alfresco dining is best suited to footpaths but this is not possible in many parts of Bunbury as the footpaths are not wide enough.
- It was noted that if the application is granted, it will be for an initial trial period of 12 months.
- The Executive Manager City Service confirmed that (provided his department can source a suitable provider) the proposed Traffic and Road Planning Study will commence in March 2009.
- As a possible solution to safety concerns presented by the smaller loading bay (as proposed), it was suggested the loading bay itself could be relocated to a position adjacent to a laneway opening onto the street, giving drivers more space to manoeuvre.
- Some councillors object to Option 2 as safety concerns have not been properly addressed and they consider it could set a precedent for further loss of car parking bays in the CBD.

The Presiding Member put the motion moved Cr Kelly, seconded Cr Jones to the vote and it was adopted 7 Votes "For" to 4 Votes "Against" to become the Committee's recommendation on this issue.

Committee Recommendation

Council, under the Planning and Development Act 2005, resolves to grant planning approval for the on-street alfresco dining area adjacent to Caf-Fez at Lot 5 (No. 20) Prinsep Street, Bunbury, subject to the following conditions and advice notes:

Conditions

1. This approval is granted for a period of 12 month (only) from the date of this letter or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.
2. One additional sanitary facility to be provided in accordance with the Building Code of Australia. Additional facilities required to be installed are to be in place prior to the operation of the proposed alfresco dining area.
3. In accordance with the City of Bunbury Local Government and Public Property Local Law, the proprietor shall make an application for an outdoor eating licence with the appropriate fee. The licence application shall:
 - a) be accompanied by specifications and a plan showing the proposed outdoor eating area. The plan shall be at a scale of not less than 1:50 and show –
 - (i) the location and dimension of the proposed outdoor eating area; and
 - (ii) the position of all tables, chairs and other structures proposed to be provided in the eating area and how such items are to be confined within the outdoor eating area.
 - b) be accompanied by specifications and a plan on a scale of not less than 1:200 showing the outdoor eating area and all structures thereon including any public facility, parking area or parking restriction within 30 metres of the boundaries of the outdoor eating area;
 - c) be accompanied by a coloured photograph or a detailed drawing of the tables, chairs and other structures to be set up in the outdoor eating area;
 - d) provide the local government with written particulars of arrangements made with respect to public risk and any other relevant insurance. Evidence of public liability insurance of a minimum of \$10 million specifically including reference to the proposed outdoor eating area will be required;

- e) provide the local government with any other information that the local government considers necessary in the circumstances of the case.
- 4. A detailed floor plan of the existing café at a scale of not less than 1:100 is to be provided to enable assessment of the ratio of the kitchen floor area to the total floor area of the premises.
- 5. In accordance with the City of Bunbury Local Government and Public Property Local Law, an outdoor eating licence is only valid for the period between the date of issue and the following 31 August. An application for the renewal of an outdoor eating licence will be required to be submitted for the remainder of the 12 month planning approval period after 31 August 2009.
- 6. The premises is currently classified as a Class 3 premises in accordance with the Health (Food Hygiene) Regulations 1993 with limits to basic preparation and heating/serving of food. Any substantial increase in the level of food preparation will require an upgrade of the premises to meet the classification of a Class 1 food premises.
- 7. Proposed remarking of car parking bays to comply with Australian Standards. Adequate plans to be submitted to the satisfaction of the City Engineer prior to commencement of any works.
- 8. Applicant has to modify and upgrade parking signage to the satisfaction of the Manager Ranger Services.
- 9. Width of proposed decking shall not exceed 2.3m from kerb.
- 10. Proposed decking shall not impinge on the length of the loading bay.
- 11. Minimum of 1.5m shared path access is to be maintained and not infringed on by pot plants or furniture.
- 12. Proposed decking to be constructed so as not to interfere with stormwater flow to the satisfaction of the City Engineer and the Manager Development Services.
- 13. Engineering details to be provided for proposed decking, bollards and railings (show design loadings applied and compliance with Australian Standards) prior to operation of the proposed alfresco dining area and to the satisfaction of the Manager Development Services.
- 14. Cross fall of the proposed decking is to be provided to the City to ensure that the decking cross fall complies with Australian Standards prior to operation of the proposed alfresco dining area.

15. No modifications to the existing road surface, kerb line or stormwater drainage is to occur without prior written approval from the City Engineer.
16. All development shall be generally in accordance with the approved development plans, which form part of this Planning Approval.
17. Any other operational conditions to the satisfaction of the Manager Development Services.

Advice Notes:

- City of Bunbury will not be responsible for any maintenance or repairs to the alfresco arrangements.
- Any building works will require a Building Licence.
- It should be noted that any costs involving remarking or reconfiguration of car parking along Prinsep Street including relocation of signs have to be paid by the applicant.
- Conversion of existing parking bay to motor cycle bays is not supported.
- Ensure no trip hazards, especially where the proposed decking interfaces with existing shared path."

AT THE COUNCIL MEETING

The Mayor advised that this matter had been withdrawn by the applicant.

Discussion ensued in which a number of councillors disputed that withdrawing the item would be the best action. The Mayor indicated that it was the applicant's prerogative to withdraw the application and the members of Council should consent to this decision.

At this point in proceedings, the following Procedural Motion was moved Cr Jones (no seconder required) under Standing Order 14.1(a):

Council Decision 219/08

The Council proceed to the next business on the agenda.

CARRIED

8 Votes "For" / 4 Votes "Against"

Crs Kelly, Steck, Slater and Whittle requested that their votes "against" the Council Decision, be recorded.

11.5 APPOINTMENT OF MEMBER - BUNBURY-SETAGAYA SISTER CITIES COMMITTEE *(WAS LISTED AS ITEM 11.3 IN THE MEETING AGENDA)*

File Ref:	A00443
Applicant/Proponent:	Bunbury-Setagaya Sister Cities Committee
Author:	Paul Hayward, Cultural Development Officer
Executive:	Domenic Marzano, Executive Manager City Life

Summary

A nomination has been received from community member, Suzanne Ellis, to fill an existing vacancy on the Bunbury-Setagaya Sister Cities Committee. As a number of members have resigned during 2008, the appointment of Mrs Ellis would ensure the committee is able to achieve a quorum more regularly.

Background

The Bunbury-Setagaya Sister Cities Committee is a committee of the Council with the following terms of reference:

1. To publicise and educate the Bunbury community on its Sister City relationship with the City of Setagaya through active promotional programs and liaison with community, educational and commercial organisations.
2. To encourage the development of special links between individuals and interest groups of the two (2) communities.
3. To encourage and plan for cross-cultural visitations between the cities of Bunbury and Setagaya.
4. To identify opportunities to develop areas of mutual interest between the two (2) cities.
5. To advise the Bunbury City Council on matters relating to the Sister City relationship.
6. All communications to the Mayor of Setagaya shall be through the Mayor of Bunbury's office.

Membership of the committee is currently:

City of Bunbury Members (Voting):

Councillor Alfred Leigh
Councillor Ross Slater

Community Representatives (Voting):

Royston Hansen
David Powell
Phillippa Powell
Valda Smith
Pauline Vukelic

Ex-Officio Member (Non-Voting):

Brad Robinson – Tour Leader

Strategic and/or Regional Outcomes

The proposal is consistent with Strategic Directions in the *City of Bunbury Strategic Plan 2007-2012* i.e. "having diverse arts, cultural, recreational and leisure opportunities and having Bunbury recognised as a place to live, work and invest."

Community Consultation

The vacancy on the Bunbury-Setagaya Sister Cities Committee was advertised in the City Update Column of the *Bunbury Mail* for public information, as well as in the Public Notices Section of the *Bunbury Herald* and the *South Western Times*.

Councillor/Officer Consultation

The proposal to appoint the nominee to the Bunbury-Setagaya Sister Cities Committee has the support of the committee's Presiding Member, Councillor Leigh, as well as Councillor Slater who is also a member of the committee.

Analysis of Financial and Budget Implications

The proposal will have no financial or budget implications.

Economic, Social, Environmental and Heritage Issues

Appointment of members to fill vacancies on the Council's various advisory committees forms part of the City's administrative duty. In terms of social issues, the Bunbury-Setagaya Sister Cities Committee supports increased awareness of (and interaction with) other cultures, thereby contributing to a more tolerant community.

Council Policy Compliance

The "Terms of Reference" for advisory committees or project control groups appointed by the Council do not contravene established Council policies.

Policy CEO7 (adopted by Council on 27 November 2007) sets out guidelines for establishment and operation of advisory committees.

Legislative Compliance / Delegation of Authority

Section 5.9(2) of the WA Local Government Act 1995, indicates that an advisory committee of a council may comprise council members only, officers only, community members only or a combination of any of these.

Appointments to a committee of the Council (or any amendment to its terms of reference) must be by an absolute majority vote.

Tenure of committee membership is specified in Section 5.11 of the WA Local Government Act 1995.

Relevant Precedents

Council endorses nominations for membership of Council's various committees. The Council regularly reviews and updates appointments to its committees.

Options

Option 1

Per the recommendation printed in this report.

Option 2

Council declines to appoint nominee, Suzanne Ellis, to fill a vacancy on the Bunbury-Setagaya Sister Cities Committee.

Recommendation

Council appoints Suzanne Ellis as a 'Community Representative' on the Bunbury-Setagaya Sister Cities Committee - tenure of membership is as specified in Section 5.11 of the Local Government Act 1995.

Outcome of the Council Committee Meeting - 18 November 2008

The recommendation was moved Cr Slater, seconded Cr Leigh to become the motion under discussion.

During discussion:

- Crs Major and Kelly indicated that they would like to see the City taking renewed action (through its Sister City relationship, if possible) to promote Australia's opposition to Japan's whaling activities in the Southern Ocean.

- Cr Major stated that to his knowledge, no child from Withers has ever been involved in a student exchange with the City of Setagaya.

The Presiding Member put the motion to the vote and it was adopted 10 votes "For" to 1 vote "Against" to become the Committee's recommendation on this issue.

Cr Major requested that this vote 'against' the Committee Recommendation, be recorded.

Committee Recommendation

Council appoints Suzanne Ellis as a 'Community Representative' on the Bunbury-Setagaya Sister Cities Committee - tenure of membership is as specified in Section 5.11 of the Local Government Act 1995.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Slater, seconded Cr Leigh. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 220/08

Council appoints Suzanne Ellis as a 'Community Representative' on the Bunbury-Setagaya Sister Cities Committee - tenure of membership is as specified in Section 5.11 of the Local Government Act 1995.

CARRIED

12 Votes "For" / Nil Votes "Against"
Absolute Majority Vote Attained

11.6 PLANNING DEPARTMENT - CPI INCREASE TO "REGULATED FEES" (WAS LISTED AS ITEM 11.4 IN THE MEETING AGENDA)

File Ref:	A00281
Applicant/Proponent:	Internal Report
Author:	Gary Fitzgerald, Manager Development Services
Executive:	Geoff Klem, Executive Manager City Development

Summary

The Planning and Development (Local Government Planning Fees) Regulations 2000 prescribe the processes and maximum fees which may be charged by a Local Government in regard to planning applications. The Western Australian Planning Commission ("WAPC") has advised the City that these regulations have now been increased by the Consumer Price Index ("CPI") rate of 3.4%. The new fee structure is to take effect from 10 October 2008 - refer to the letter from the WAPC and the subsequent proposed *Planning Fees Schedule* for 2008/09 **attached** at Appendix 1.

It is recommended that Council approve the proposed *Planning Fees Schedule 2008/09* and incorporate the new fee structure into the City's "Schedule of Fees and Charges".

Background

The 2008/2009 Annual Budget for the City of Bunbury adopted by Council on 5 August 2008, sets the annual Fees and Charges for the City. The basis for Council setting the statutory planning fee structure was based on the maximum fees as prescribed in the Planning and Development (Local Government Planning Fees) Regulations 2000. Any amendments to the City's adopted Fees and Charges Schedule are required to be advertised for public information for a minimum period of 28 days.

Planning Fees are regulated under the Planning and Development (Local Government Planning Fees) Regulations 2000 and are reviewed periodically by the WAPC. The fees were last increased on 8 June 2007.

Strategic Outcomes

The proposed increase to statutory planning fees should not impact on the City of Bunbury Strategic Plan 2007-2012.

Community Consultation

There is no requirement for community consultation on this matter at this stage. However, following the consideration and adoption of any proposed change(s) to the City's adopted Schedule of Fees and Charges; any proposed changes are required to be advertised for public comment for a period of 28 days.

Applicant Consultation

Not applicable in this instance.

Councillor/Officer Consultation

The revised *Planning Fees Schedule 2008/09* has been prepared to reflect the CPI increase as gazetted by the Western Australian Planning Commission Bulletin 93, Planning and Development (Local Government Planning Fees) Regulations 2000.

Analysis of Financial and Budget Implications

It is considered there may be a small increase in anticipated income.

Economic, Social, Environmental and Heritage Issues

It is considered there should not be any adverse economic, social or environmental impacts as a result of the proposal. Nor are there any heritage-related issues to consider in connection with the recommendation (as printed).

Council Policy Compliance

It is considered that the recommendation (as printed) does not contravene any known Council policy.

Legislative Compliance

Adoption of the amended Planning Fees will comply with Planning and Development (Local Government Planning Fees) Regulation 2000.

Following Council adoption of any proposed change(s) to the City's adopted Schedule of Fees and Charges for the 2008/09 year; the proposed changes are required to be advertised for public comment for a period of 28 days.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority of the Council to adopt the increase to the City's Schedule of Fees and Charges for the 2008/09 year.

Relevant Precedents

Council has previously endorsed amendments to its Statutory Planning Fees.

Options

No alternative option is provided.

Conclusion

The revised Statutory Planning Fees and Charges will ensure that the City's practices are consistent with WAPC regulations.

Recommendation

1. Council adopts the revised *Planning Fees Schedule 2008/09* effective 1 December 2008.
2. Council advertise the increase to the City of Bunbury's Schedule of Fees and Charges for public information.

Outcome of the Council Committee Meeting - 18 November 2008

The recommendation was moved Cr Major, seconded Cr Leigh to become the motion under discussion.

In response to questions and comments from Committee Members, the Executive Manager City Development advised as follows:

- The new Schedule of Fees will be advertised for public information in the City Update column of the Bunbury Mail and on the City's website.
- Documentary evidence can be provided to prove that the City's processing of planning and building applications (and associated approval time) is above standard compared with many other local authorities in the State. Where an application falls short of target timelines it is usually due to a situation generated by the applicant themselves e.g., submission of inappropriate or incomplete applications, repeated failure to rectify non-compliance, contentious demands, etc.
- Builders and developers in the Bunbury Region have an opportunity to air their grievances concerning planning approval and building licence application processes, at the Development Services Industry Forum to be hosted by the City on 20 November 2008.

The Presiding Member put the two parts of the motion to the vote separately, as follows:

Part 1 - Carried 9 Votes "For" / 2 Votes "Against"

Part 2 - Carried 10 Votes "For" / 1 Vote "Against"

The motion was adopted to become the Committee's recommendation on this issue.

Committee Recommendation

1. Council adopts the revised Planning Fees Schedule 2008/09 effective 1 December 2008.
2. Council advertise the increase to the City of Bunbury's Schedule of Fees and Charges for public information.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Spencer, seconded Cr Slater.

Some discussion took place during which Cr Jones moved (no seconder required) the following Procedural Motion under Standing Order 14.1(e):

Council Decision 221/08

The motion now be put.

CARRIED

12 Votes "For" / Nil Votes "Against"

Accordingly, the Mayor ceased debate and put the motion to the vote. It was adopted to become a Council Decision as follows:

Council Decision 222/08

1. *Council adopts the revised Planning Fees Schedule 2008/09 effective 1 December 2008.*
2. *Council advertise the increase to the City of Bunbury's Schedule of Fees and Charges for public information.*

CARRIED

11 Votes "For" / 1 Vote "Against"
Absolute Majority Vote Attained

**11.7 PROPOSED AMENDMENT NO. 27 TO TOWN PLANNING SCHEME NO. 7
(CLAUSE 5.7.1.9 "CITY CENTRE ZONE") - CAR PARKING PROVISION (WAS
LISTED AS ITEM 11.5 IN THE MEETING AGENDA)**

File Ref:	A00472
Applicant/Proponent:	Internal Report
Author:	Paul Davies, Planning Consultant
Executive:	Geoff Klem, Executive Manager City Development

Summary

At its meeting on 24 June 2008, the Council resolved (Decision 120/08) to amend Clause 5.7.1.9 of Town Planning Scheme No. 7 to read as follows: *“Council will not require proponents to provide parking for proposals of development or change of use of less than 500sq.m GFA (100% concession)”*.

The proposed amendment was advertised for public comment including notices in the newspaper and letters to government agencies. The submission period closed on 14 October 2008. Three submissions were received from government referral agencies advising there was no objection to the scheme amendment. Accordingly, it is recommended that:

1. Council, under and by virtue of the powers of the Planning and Development Act 2005 (as amended), hereby resolves to grant final approval to Amendment No. 27 to the City of Bunbury Town Planning Scheme No. 7 to amend clause 5.7.1.9 of the Scheme Text without modification.
2. Council to forward the signed and sealed Scheme Amendment No. 27 documents to the Minister for Planning via the Western Australian Planning Commission, with a request for final approval.

Background

Clause 5.7.1.9 of Town Planning Scheme No. 7 currently states as follows: *“Within the City Centre Zone, car parking spaces associated with developments up to 2000m² gross floor area may not be required. However, any development in excess of 2000m² gross floor area is to provide adequate on-site car parking as determined by the local government”*.

The Council recently adopted a new *Central Business District Parking Strategy* and new Local Planning Policy titled *“Central Business District Parking”*. In accordance with Town Planning Scheme No. 7 requirements, the new Local Planning Policy was advertised for public comment prior to final adoption by Council.

The new Local Planning Policy outlines a reduction in the floor area threshold for car parking provision in the City Centre Zone from 2000m² to 500m². The current proposed amendment is to incorporate the new car parking threshold into the Town Planning Scheme provisions.

On this basis, the Town Planning Scheme provisions will be consistent with the new Local Planning Policy.

Proposed developments with floor areas exceeding 500m² GFA will be required to provide full car parking provision for the floor area over 500m² in accordance with the Town Planning Scheme No. 7 requirements for the particular proposed land use/s for the development.

The new *Central Business District Parking Strategy* and new Local Planning Policy titled "*Central Business District Parking*" were extensively advertised for public comment prior to final adoption by Council.

There has been general agreement by the City and stakeholders that there continues to be a need to provide some relief for small businesses that do not have the physical means (or financial capacity) to provide car parking. These businesses are typically restaurants, cafes, newsagents, lunch bars, specialist clothing stores, hairdressers, gift shops and florists.

There has also been general agreement that a reduced discretionary floor space threshold of 500m² of GLA would be more appropriate to meet the needs of small business and allow Council to absorb the financial impact through rate revenue both "General" and "Specified Area".

The proposed amendment was advertised for public comment including notices in the newspaper and letters to government agencies. The submission period closed on 14 October 2008. Three submissions were received from government referral agencies advising there was no objection to the scheme amendment.

Strategic and/or Regional Outcomes

The new Local Planning Policy titled "*Central Business District Parking*" will make a substantial contribution to the development of the City as an attractive, vibrant and accessible regional city. As the commercial heart of the South West region, the City has a major impact and influence on adjoining regional areas.

Community Consultation

The proposed amendment was advertised for public comment including notices in the newspaper and letters to government agencies. The submission period closed on 14 October 2008. Three submissions were received from government referral agencies advising there was no objection to the scheme amendment.

Councillor/Officer Consultation

Extensive consultation occurred internally with Council officers. Councillors received several briefings on the new Local Planning Policy.

Analysis of Financial and Budget Implications

The new Parking Policy identifies the Specified Area Rate for the Central Traffic Area, fees and fines, cash-in-lieu of parking and General Rate revenue as the sources of funding provision for parking infrastructure

Economic, Social, Environmental and Heritage Issues

Economic Issues

The new Local Planning Policy aims to increase economic activity through improvements to the provision and management of the current parking and access arrangements.

Social Issues

Key services and shopping areas must be accessible to all members of the community and this requires adequate provision of disabled bays, safe and convenient pedestrian connections, shelter and strict policing of strategically important parking locations.

Environmental Issues

A key objective of the new Local Planning Policy is to facilitate alternative transport modes such as public transport, walking, cycling and car sharing. The effect of this structural shift is a reduction in noise, dust and carbon emissions as well as congestion.

Heritage Issues

The new Local Planning Policy makes provision for a concession where a heritage building is part of a development, redevelopment or change of use provided that the heritage value of the building is conserved to the satisfaction of the Council.

Council Policy Compliance

The current proposed amendment is to incorporate the new car parking threshold outlined in the Local Planning Policy into Town Planning Scheme provisions.

Legislative Compliance

The proposed amendment has been advertised in accordance with statutory requirements.

Delegation of Authority

The Chief Executive Officer does not have delegated authority to adopt a Town Planning Scheme Amendment for final approval.

Relevant Precedents

Council has previously endorsed amendments to Town Planning Scheme provisions.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council resolves NOT to proceed with Amendment No. 27 to the City of Bunbury Town Planning Scheme No. 7.

Conclusion

The Council has recently adopted a new *Central Business District Parking Strategy* and new Local Planning Policy titled "*Central Business District Parking*". In accordance with Town Planning Scheme No. 7, the requirements of the new Local Planning Policy were advertised for public comment prior to it being presented for final adoption by Council.

The new Local Planning Policy outlines a reduction in the floor area threshold for car parking provision in the City Centre Zone from 2000m² to 500m². The current proposed amendment is to incorporate the new car parking threshold in the Town Planning Scheme provisions.

On this basis, the Town Planning Scheme provisions will be consistent with the new Local Planning Policy. It is proposed to delete the current clause 5.7.1.9 from Town Planning Scheme No. 7 and insert a new Clause 5.7.1.9 as follows:

"5.7.1.9 Council will NOT require proponents to provide parking for proposals of development or change of use less than 500m² GFA (100% concession)"

Recommendation

1. Council, under and by virtue of the powers of the Planning and Development Act 2005 (as amended), hereby resolves to grant final approval to Amendment No. 27 to the City of Bunbury Town Planning Scheme No. 7 to amend clause 5.7.1.9 of the Scheme Text without modification.
2. Council to forward the signed and sealed Scheme Amendment No. 27 documents to the Minister for Planning via the Western Australian Planning Commission, with a request for final approval.

Outcome of the Council Committee Meeting - 18 November 2008

The recommendation was moved Cr Major, seconded Cr Rooney to become the motion under discussion.

During discussion, the following points were raised:

- The policy promotes add-ons over new development as developers of new buildings will be penalised by having to provide extra parking whereas, if they 'modify' an existing building with add-ons (while staying within the existing building footprint), the car parking arrangements need not be altered.
- The Bunbury CBD is growing and footprints need to get larger not stay the same.
- If continued concessions are granted to developers releasing them from the need to cater for parking, it will eventually fall back on the City to rectify the imbalance that is created by having to publicly fund provision of additional parking facilities in the CBD.

The Presiding Member put the motion moved Cr Major, seconded Cr Rooney to the vote and it was adopted 9 votes "For" to 2 votes "Against" to become the Committee's recommendation on this issue.

Crs Slater and Steck requested that their votes 'against' the Committee Recommendation, be recorded.

Committee Recommendation

1. Council, under and by virtue of the powers of the Planning and Development Act 2005 (as amended), hereby resolves to grant final approval to Amendment No. 27 to the City of Bunbury Town Planning Scheme No. 7 to amend clause 5.7.1.9 of the Scheme Text without modification.
2. Council to forward the signed and sealed Scheme Amendment No. 27 documents to the Minister for Planning via the Western Australian Planning Commission, with a request for final approval.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Craddock, seconded Cr Punch.

Following some brief discussion, the Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 223/08

1. *Council, under and by virtue of the powers of the Planning and Development Act 2005 (as amended), hereby resolves to grant final approval to Amendment No. 27 to the City of Bunbury Town Planning Scheme No. 7 to amend clause 5.7.1.9 of the Scheme Text without modification.*
2. *Council to forward the signed and sealed Scheme Amendment No. 27 documents to the Minister for Planning via the Western Australian Planning Commission, with a request for final approval.*

CARRIED

10 Votes "For" / 2 Votes "Against"

11.8 COUNCIL MEETING SCHEDULE - 2009 (WAS LISTED AS ITEM 11.6 IN THE MEETING AGENDA)

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

Summary

It is proposed that the Council identify and/or adopt a Council Meeting Schedule for 2009.

A proposed schedule is **attached** at Appendix 2.

Background

Regulation 12 of the Local Government (Administration) Regulations 1996, requires a local government to (at least once per year) give local public notice of the dates on which it intends to hold its council meetings over the ensuing 12-month period. Likewise, as meetings of the Council's Standing Committee are also open to the public, the City needs to advertise these also.

Strategic and/or Regional Outcomes

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

Councillors enjoyed a 6-week recess over the 2007/2008 Christmas/New Year period with no disruption caused to the City's services nor any back-log of issues for consideration as the first meeting agenda for 2008 contained only 11 items.

Community Consultation

No community consultation is required for this item as general services provided to City of Bunbury customers will not be affected by the proposal.

Should a situation arise during a nominated Council recess period which requires an urgent Council decision, a Special Meeting can be convened.

Councillor/Officer Consultation

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

The recess periods identified will not impose any restriction on normal councillor activities other than the absence of Ordinary Council and Council Committee Meetings during this time.

Analysis of Financial and Budget Implications

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

Economic, Social, Environmental and Heritage Issues

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

Council Policy Compliance

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

Legislative Compliance

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

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

Delegation of Authority

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

Relevant Precedents

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

The meeting schedule for 2009 is very similar to the meeting schedule adopted on 27 November 2007 for the 2008 year.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council resolves NOT to adopt the proposed meeting schedule.

Conclusion

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

The recommendation as contained below provides Council with a similar meeting schedule for 2009 to that which was adopted for the 2008 year.

Recommendation

Council adopts the "*City of Bunbury 2009 Meeting Schedule*" and gives local public notice that the Ordinary Meetings of the Bunbury City Council and Council (Standing) Committee listed for the dates therein, will take place in the Council Chambers, 4 Stephen Street, Bunbury, commencing at 6.00pm.

Outcome of the Council Committee Meeting - 18 November 2008

The recommendation was moved Cr Major, seconded Cr Leigh to become the motion under discussion.

Following some brief discussion, the Presiding Member put the motion to the vote and it was adopted 8 votes "For" to 3 votes "Against" to become the Committee's recommendation on this issue.

Committee Recommendation

Council adopts the "*City of Bunbury 2009 Meeting Schedule*" and gives local public notice that the Ordinary Meetings of the Bunbury City Council and Council (Standing) Committee listed for the dates therein, will take place in the Council Chambers, 4 Stephen Street, Bunbury, commencing at 6.00pm.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Kelly, seconded Cr Leigh. Some points raised during discussion were:

- In response to comments indicating more meetings should be held to ensure no backlog of Council business, the Chief Executive Officer confirmed that there is no backlog of business (i.e., applications fully processed by administrative staff and simply awaiting a Council decision) that he is aware of.

- The Council has the option under the Local Government Act 1995, to call Special Meetings to make decisions on urgent matters, outside of the scheduled dates.
- The agenda for each Council Meeting contains a heading titled "Urgent Business" under which councillors can bring up matters requiring a Council decision which (the members of the meeting consider) cannot wait until the next scheduled meeting.
- It was suggested that Council Officers survey other local authorities to determine how they schedule (and resource) their meetings. It was recommended that queries be made with other South West Councils (i.e., Dardanup, Harvey, Collie and Busselton) and regional councils of a similar size to Bunbury such as Albany and Geraldton. Perth metropolitan councils need not be included.

The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 224/08

Council adopts the "City of Bunbury 2009 Meeting Schedule" and gives local public notice that the Ordinary Meetings of the Bunbury City Council and Council (Standing) Committee listed for the dates therein, will take place in the Council Chambers, 4 Stephen Street, Bunbury, commencing at 6.00pm.

CARRIED

10 Votes "For" / 2 Votes "Against"

Crs Craddock and Harrop requested that their votes "against" the Council decision, be recorded.

The following motion (foreshadowed during discussion of Decision 224/08) was moved Cr Craddock, seconded Cr Harrop at this point. The Mayor put the motion to the vote and it was adopted to become a Council Decision:

Council Decision 225/08

Council officers survey other local authorities in the State to identify the different schedules for Council Meetings - the results to be forwarded to the Meeting Review Working Group for consideration and recommendation to full Council.

CARRIED

7 Votes "For" / 5 Votes "Against"

11.9 PROPOSED ADDITION TO DELEGATION REGISTER - GREATER BUNBURY REGION SCHEME (WAS LISTED AS ITEM 11.7 IN THE MEETING AGENDA)

File Ref:	A00276
Applicant/Proponent:	Internal Report
Author:	Sam McNeilly, Senior Planner (Statutory)
Executive:	Geoff Klem, Executive Manager City Development

Summary

The purpose of this report is to formalise the delegation of powers already granted under legislation by the Western Australian Planning Commission ("WAPC") to the Bunbury City Council its members and officers; with respect to decision-making under the Greater Bunbury Region Scheme ("GBRS").

A copy of the *Instrument of Delegation* (Resolution 16 made under the Planning and Development Act 2005 by the WAPC) is **attached** at Appendix 3. It states:

“The WAPC by Resolution made on 18 December 2007 pursuant to Section 16 of the Act delegates to local governments and to members and officers of those local governments, within their respective districts, the functions of the WAPC relating to the determination, in accordance with Parts 7 and 8 of the GBRS, of applications for approval to commence and carry out development specified in schedule 1 and development of a kind or class set out in a resolution of the WAPC under Clause 27 of the GBRS and specified in Schedule 2, subject to the terms set out in schedule 3 and the definitions listed in Schedule 4.”

It is also noted that the *Instrument of Delegation* references Clause 27 (Notice of Resolution made under Clause 27 of the GBRS) a copy of which is **attached** at Appendix 4. This relates to GBRS legislation which states that development on zoned land requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (WAPC) under Clause 27 of the GBRS and requires Local Governments to act under delegated authority as specified.

It is considered that this delegation by the WAPC to Council should be formally added to Council’s formal Delegations Register to bring it up to date from an official perspective.

Background

Late last year, the State Government gazetted the Greater Bunbury Region Scheme. With a view to maximizing efficiencies in decision-making under the Scheme, the WAPC has also gazetted an *Instrument of Delegation* whereby certain listed matters can be determined by an individual council, its members and officers. Without adequate delegation of powers decision-making would be more cumbersome and much less efficient, thereby adversely impacting on the economic growth and social development of the City and the Region.

Proposal

The proposal is to suitably amend the City's Delegations Register to include reference to the recent promulgation of an *Instrument of Delegation* by the WAPC - the purpose of which is to delegate powers regarding decision-making under the GBRS (in certain defined circumstances) from the WAPC to the Council, its members and officers.

As indicated above “*the WAPC by resolution made on 18 December 2007 pursuant to section 16 of the Act delegates to local governments and to members and officers of local governmentthe functions of the WAPC relating to the determination ... of applications for approval to commence and carry out development*”.

Strategic Outcomes

It is considered that the broad direction of the City’s 2007 –2012 Strategic Plan would not be compromised to any significant extent by supporting the proposed action.

Community Consultation

Nil impact.

Applicant Consultation

Nil impact.

Councillor /Officer Consultation

The various issues relating to this matter have been broadly canvassed at staff level with a view to achieving a corporate approach to the decision making-process.

Analysis of Financial and Budget Implications

The proposal would have no adverse impact on the Municipal Budget.

Economic, Social, Environmental and Heritage Issues

Economic Issues

Delegation of decision-making responsibilities from the WAPC to Council, its members and officers should result in efficiencies in administration by the City of Bunbury concerning the GBRS.

Social Issues

Economic growth has, potentially, a concomitant beneficial impact on the social development of the City and the Region.

Environmental & Heritage Issues

Nil impact

Council Policy Compliance

It is considered that the proposed delegation complies in principle, with relevant Council policies.

Legislative Compliance

Legislative requirements relating to the Local Government Act 1995 or any other Act, Local Law or Regulations have been complied with. The proposal will be required to comply with the requirements of the Health Act 1911 (as amended) and the City of Bunbury Health Local Laws 2001.

Delegation of Authority

Notwithstanding the fact that the powers of delegation have been transferred under legislation to the Council, its members and officers; it is important that such action is recorded in the City's official Delegations Register.

Relevant Precedents

There are no known precisely relevant precedents.

Options

Option 1

Per the recommendation printed in this report.

Option 2

Council could elect not to amend its current Delegations Register. However, this option would run counter to the delegation already granted to the Council by the WA Planning Commission under its *Instrument of Delegation* made 18 December 2007. It is considered that a decision not to formally adopt this delegation into the City's Delegation Register would not be tenable in the circumstances. Essentially therefore, there exists only one option to consider.

Conclusion

The proposed formalization and adoption of the powers already officially delegated from the State to the City of Bunbury is a necessary action to bring the City's Delegations Register up to date.

Recommendation

Council takes the following action to:

1. Note the delegation (Resolution 27 and Resolution 16) from the WA Planning Commission, and; endorse inclusion of this delegation into Council's Delegation Register.
2. Delegate to the Chief Executive Officer of the City of Bunbury, the authority and power to make planning determinations in accordance with the *Instrument of Delegation* per the resolution by the WA Planning Commission made 18 December 2007; pursuant to the provisions of Section 16 of the Planning and Development Act 2005.
3. Confirm that the Chief Executive Officer, in turn, delegates such decision making powers to the Executive Manager of City Development, Manager of Development Services, Coordinator of Statutory Planning and the Coordinator of Strategic Planning - the Delegations Register to be updated accordingly.

Outcome of the Council Committee Meeting - 18 November 2008

The recommendation was moved Cr Jones, seconded Cr Major (pro forma) to become the motion under discussion.

The Executive Manager City Development explained that the requested delegation of authority relates to routine matters only. Any contentious issues will continue to be brought before the Council for consideration.

The Presiding Member put the motion to the vote and it was adopted unanimously to become the Committee's recommendation on this issue.

Committee Recommendation

Council takes the following action to:

1. Note the delegation (Resolution 27 and Resolution 16) from the WA Planning Commission, and; endorse inclusion of this delegation into Council's Delegation Register.
2. Delegate to the Chief Executive Officer of the City of Bunbury, the authority and power to make planning determinations in accordance with the Instrument of Delegation per the resolution by the WA Planning Commission made 18 December 2007; pursuant to the provisions of Section 16 of the Planning and Development Act 2005.

3. Confirm that the Chief Executive Officer, in turn, delegates such decision making powers to the Executive Manager of City Development, Manager of Development Services, Coordinator of Statutory Planning and the Coordinator of Strategic Planning - the Delegations Register to be updated accordingly.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Spencer, seconded Cr Rooney. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 226/08

Council takes the following action to:

1. *Note the delegation (Resolution 27 and Resolution 16) from the WA Planning Commission, and; endorse inclusion of this delegation into Council's Delegation Register.*
2. *Delegate to the Chief Executive Officer of the City of Bunbury, the authority and power to make planning determinations in accordance with the Instrument of Delegation per the resolution by the WA Planning Commission made 18 December 2007; pursuant to the provisions of Section 16 of the Planning and Development Act 2005.*

CARRIED

12 Votes "For" / Nil Votes "Against"
Absolute Majority Vote Attained

11.10 FINANCIAL STATEMENTS - 1 TO 31 OCTOBER 2008 *(WAS LISTED AS ITEM 11.8 IN THE MEETING AGENDA)*

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

Summary/Background

Financial Statements for the period 1 to 31 October 2008, have been circulated to members under separate cover. The statements include the following:

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

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

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

Recommendation

The Financial Statements for the period 1 to 31 October 2008, be received.

Outcome of the Council Committee Meeting - 18 November 2008

The recommendation was moved Cr Major, seconded Cr Harrop. The Presiding Member put the motion to the vote and it was adopted unanimously to become the Committee's recommendation on this issue.

Committee Recommendation

The Financial Statements for the period 1 to 31 October 2008, be received.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Jones, seconded Cr Leigh. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 227/08

The Financial Statements for the period 1 to 31 October 2008, be received.

CARRIED

12 Votes "For" / Nil Votes "Against"

12. MOTIONS (OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN)

Nil.

13. "URGENT" BUSINESS WITH THE APPROVAL OF THE MAJORITY OF MEMBERS PRESENT AS PERMITTED UNDER STANDING ORDER 5.1.13

13.1 WORDING OF HEADSTONE OR PLAQUE TO DENOTE THE PIONEER MEMORIAL (MASS) GRAVE AT THE BUNBURY CEMETERY

File Ref:	F00117
Applicant/Proponent:	Internal Report
Author:	Not applicable
Executive:	<i>Referred for Action to:</i> Not applicable

Cr Steck requested that the Council urgently consider the wording that the Bunbury Cemetery Board is proposing to inscribe on the plaque denoting the Pioneer Memorial Grave (a mass grave containing remains of Bunbury's early settlers) which is situated at the Bunbury Cemetery.

The Mayor advised that he cannot accept this as a matter of urgent business. The Bunbury Cemetery Board is a statutory body created under State Government legislation. Accordingly, the Council does not have jurisdiction over it.

Cr Steck was invited to put her concerns in writing to the Chairman of the Bunbury Cemetery Board.

13.2 FREE PUBLIC (BUS) TRANSPORT IN LIEU OF FREE CHRISTMAS PARKING

File Ref:	A00471
Applicant/Proponent:	Internal Report
Author:	Not applicable
Executive:	<i>Referred for Action to:</i> Not applicable

Cr Harrop requested the Council to urgently consider a motion, that: *"The Council liaise with the local public transport provider in Bunbury to provide nominal bus fares in the week 18 to 24 December 2008"*. This would be in place of the continuing annual arrangement of offering free parking in CBD car parks in the weeks leading up to Christmas.

The Mayor indicated that earlier during the meeting the Council had made a decision to allow free Christmas parking at its CBD car parks so there is no longer an urgency to determine this matter. He suggested Cr Harrop submit this motion as a *Motion on Notice* for consideration at the next scheduled Council Committee or Council Meeting.

13.3 FEDERAL GRANT GUIDELINES

File Ref:	A00964
Applicant/Proponent:	Internal Report
Author:	Not applicable
Executive:	<i>Referred for Action to:</i> Greg Trevaskis, Chief Executive Officer

Pursuant to Standing Order 5.1.13, the Mayor requested a show of hands to indicate support for discussion of Federal grant monies referred to earlier in the meeting.

Permission granted, the Mayor followed on from his announcement in Section 8 of these minutes, by reiterating that the City has received (or is pursuing) the following Commonwealth funding grants.

- "Capital Projects" - the funding amount of \$487,000 must be used by 30 June 2008.
- "Capital Works" - applications for this funding close at the end of December 2008 and must be for a single project.

The Mayor requested that councillors be supplied with the written guidelines for both sets of available grant funding and that the City's Executive make recommendations for Council consideration at the next Council Committee Meeting.

The Chief Executive Officer confirmed that applications for the Capital Works Program close on 23 December 2008 and that this matter is listed for consideration by councillors at the next briefing session

After some discussion, a motion was moved Cr Craddock, seconded Cr Slater and adopted to become the Council's decision as follows:

Council Decision 228/08

1. *The guidelines for both sets of available Federal Grant programs for regional councils to be emailed to all councillors on 26 November 2008.*
2. *Councillors to email their project nominations to the Chief Executive Officer prior to the next Briefing Session.*
3. *Council's Executive is requested to make recommendations for these grants for consideration at the next Briefing Session.*

CARRIED

12 Votes "For" / Nil Votes "Against"

13.4 LEASE OF PORTION NEW LIBRARY BUILDING AT LOT 512 PARKFIELD STREET, BUNBURY, FOR USE AS AN AUSTRALIAN CENTRE FOR DIGITAL INNOVATION ("ACDI")

File Ref:	A02351
Applicant/Proponent:	Internal Report
Author:	Ken Weary, Executive Manager Corporate Services
Executive:	Ken Weary, Executive Manager Corporate Services

Pursuant to Standing Order 5.1.13 the Mayor requested a show of hands to indicate support for discussion of leasing matters pertaining to ACDI as an item of urgent business – this was supported 12 votes “for” to Nil votes “against”.

The Executive Manager Corporate Services tabled a "Confidential Report" which contained a number of options for the Council to consider.

To allow councillors to discuss the contents of the report, the following Procedural Motion was moved Cr Slater, seconded Cr Craddock pursuant to Standing Order 15.10 and adopted to become a Council Decision:

Council Decision 229/08

The meeting exclude members of the public to permit Confidential Business (as defined by the Local Government Act 1995) to be discussed.

CARRIED

12 Votes "For" / Nil Votes "Against"

Members of the public and press were requested to leave the meeting room.

Lengthy discussion ensued.

The following motion (based on Option 3 of the Confidential Report) was moved Cr Spencer, seconded Cr Craddock and adopted to become a Council Decision:

Council Decision 230/08

Council authorises the Chief Executive Officer to continue negotiations with ACDI on the following conditions:

1. *Council will accept responsibility for the maintenance and replacement of the specialised plant and equipment servicing the Data Centre for the first 10 years until the lease is put on a commercial basis and thereafter, the City of Bunbury and ACDI share the maintenance and replacement costs based on rack usage (the subsidised lease fee of \$200 per square metre will revert to a market rental in the 11th year of the lease) on the proviso that a suitable fee for the City's use of the Data Centre for its rack usage can be agreed to i.e., a fee based on direct power usage and a contribution to the Data Centre's air conditioning operating costs.*
2. *No final agreement be agreed to (or entered into) without the approval of Council.*
3. *Council continue to investigate other options for leasing of the Data Centre and adjoining lettable space.*

CARRIED

7 Votes "For" / 5 Votes "Against"

The following procedural motion was moved by Cr Jones (no seconder required) and adopted by the Council.

Council Decision 231/08

Members of the public, press and staff members be invited to rejoin the Council Meeting.

CARRIED

12 Votes "For" / Nil Votes "Against"

14. ITEMS TO BE NOTED (NO DISCUSSION)

There were no new items for noting.

15. CONFIDENTIAL BUSINESS AS STIPULATED UNDER SECTION 5.23(2) OF THE LOCAL GOVERNMENT ACT 1995

Nil.

16. CLOSE OF MEETING

The Mayor declared the meeting closed at 11.00pm.

CONFIRMED this day 16 December 2008 to be a true and correct record of proceedings of the Bunbury City Council Meeting held 25 November 2008.

MR DAVID SMITH
MAYOR