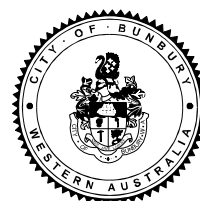




Bunbury City Council

Minutes

3 August 2010



CITY OF BUNBURY
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Bunbury WA 6230
Western Australia
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GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
1:100	Ratio of 'one in one hundred'
AD	Acceptable Development
ARI	Annual Recurrence Interval
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AWARE	All West Australians Reducing Emergencies (grant funding)
BCA	Building Code of Australia
BCCI	Bunbury Chamber of Commerce & Industries
BCRAB	Bunbury Community Recreation Association Board
BEAC	Built Environment Advisory Committee
BESAC	Bunbury Environment and Sustainability Advisory Committee
BHRC	Bunbury Harvey Regional Council
BPA	Bunbury Port Authority
BRAG	Bunbury Regional Art Galleries
BRAMB	Bunbury Regional Arts Management Board
BREC	Bunbury Regional Entertainment Centre
BSSC	Big Swamp Steering Committee
BWEA	Bunbury Wellington Economic Alliance
CALM	Department of Conservation and Land Management
CBD	Central Business District
CCAFF	Community Cultural and Arts Facilities Fund
CERM	Centre of Environmental and Recreation Management
CPI	Consumer Price Index
CSRFF	Community Sport and Recreation Facilities Fund
DADAAWA	Disability in the Arts Disadvantage in the Arts Australia, Western Australia
DAP	Detailed Area Plan (required by WA Planning Commission)
DCU	Development Coordinating Unit
DEC	Department of Environment and Conservation (formerly CALM)
DEWCP	Department for Environment, Water and Catchment Protection
DLI	Department of Land Information
DoE	Department of Environment
DOLA	Department of Land Administration
DoPI	Department of Primary Industry
DoW	Department of Water
DPI	Department for Planning and Infrastructure
DSR	Department of Sport and Recreation
DUP	Dual-use Path
ECT	Enforcement Computer Technology
EDAC	Economic Development Advisory Committee
EDWA	Education Department of Western Australia
EIA	Environmental Impact Assessment
EPA	Environmental Protection Authority
ERMP	Environmental Review and Management Program
ESL	Emergency Services Levy
FESA	Fire and Emergency Services Authority
FFL	Finished Floor Level
GBPG	Greater Bunbury Progress Group
GBRP	Greater Bunbury Resource Plan report
GBRS	Greater Bunbury Region Scheme
GL	Gigalitres
GRV	Gross Rental Value
GST	Goods and Services Tax
HCWA	Heritage Council of Western Australia
ICLEI	International Council for Local Environmental Initiatives
ICT	Information and Communications Technology
IP	Internet Protocol
IT	Information Technology
ITC	In Town Centre
ITLC	Former In-Town Lunch Centre (now the "In Town Centre")
LAP	Local Action Plan
LCC	Leschenault Catchment Council

GLOSSARY OF ABBREVIATED TERMS

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

Bunbury City Council Notice of Meeting

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, 3 August 2010.

Minutes 3 August 2010

NOTE: These minutes are subject to confirmation at the next Ordinary meeting of the Council 24 August 2010.

1. Declaration of Opening by the Presiding Member

His Worship the Mayor, Mr David Smith, declared the meeting open at 6.04pm.

2. Record of Attendance, Apologies and Leave of Absence

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

Admin Officer Corporate Services	Ms M Lloyd
Others (Non-Voting):	
Members of the Public:	4 (approx.)
Members of the Press:	1

APOLOGIES:

Councillor Michelle Steck was an apology.

LEAVE OF ABSENCE:

Cr Wayne Majors on leave of absence from 1 August 2010 to 30 August 2010 (inclusive).

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

Nil

4. Public Question Time

Nil

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

Nil

6. Confirmation of Previous Minutes

The minutes of the Council Meeting held 29 June 2010, have been circulated.

Recommendation

The minutes of the Council Meeting held 29 June 2010, be confirmed as a true and accurate record.

Outcome - Council Meeting 3 August 2010

The recommendation was moved Cr Leigh, seconded Cr Spencer.

The motion (as printed) was put to the vote and it was adopted to become the Council's decision on this matter.

Council Decision 127/10

The minutes of the Council Meeting held 29 June 2010, be confirmed as a true and accurate record.

CARRIED

11 Votes "For" / Nil Votes "Against"

7. Disclosures of Interest Under the Local Government Act 1995

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

Cr Slater disclosed a impartiality interest in the item 11.5 Proposed Closure of Remnant Road Reserve on Elizabeth Crescent and Amalgamation into Private Property. Councillor Slater remained in the chambers and participated in the discussion and vote.

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

Nil

9. Chief Executive Officer Reports/Discussion Topics

9.1 Appointment Of Community Representatives – City Of Bunbury Outer Harbour Taskforce

File Ref:	A00217-02
Applicant/Proponent:	Internal Report
Author:	Jack Dyson – Senior Administration Officer
Executive:	Greg Trevaskis – Chief Executive Officer
Attachments:	Nil

Recommendation

That Council endorse the recommendation of the City of Bunbury Outer Harbour Taskforce in:

1. Appointing Ms Monique Warnock and Mr Arthur Clive Pearson as community representatives to the taskforce for a term to expire on election day, 15 October 2011; and
2. That Council extend an invitation for a representative of Landcorp to attend meetings of the taskforce..

Summary

The inaugural meeting of the City of Bunbury Outer Harbour Taskforce was held at the City on Tuesday 27 July 2010.

At the inaugural meeting the abovementioned recommendations were forthcoming for the consideration of Council.

Background

At its meeting on 27 April 2010, Council resolved to approve the establishment of an Outer Harbour Taskforce for the purposes of fast-tracking negotiations for the development of a structure plan, development plan and funding to the area.

At its meeting on 8 June 2010, Council adopted the terms of reference and identified membership requirements.

Subsequently advertisements calling for nominations to the taskforce were placed in local media.

At the closure of nominations, four (4) community members had submitted applications.

These applications were considered by the Taskforce members at the inaugural meeting held on Tuesday 27 July 2010 with the recommendation to Council to appoint Ms Monique Warnock and Mr Arthur Clive Pearson.

At the inaugural meeting, taskforce members also considered that it would be beneficial to the functionality of the taskforce and its members, to have a representative from Landcorp attend meetings, in an advisory capacity.

Therefore the taskforce recommends to Council that an invitation be extended to Landcorp to have a representative attend all taskforce meetings.

Officer Comments

The appointment of community representatives completes the official membership process and will allow the taskforce to put in effect its approved terms of reference which are to :

1. Meet with key agencies and their representatives to explore opportunities to fast-track development plans and funding for the Bunbury Outer Harbour and Koombana Bay; and
2. Report to Council on issues and progress towards developing the Outer Harbour and Koombana Bay areas,

Analysis of Financial and Budget Implications

Appointment of Community representatives to the Outer Harbour Taskforce is not expected to have any financial or budgetary impact on Council.

Options

Option 1

As per the recommendation listed above.

Option 2

As per the recommendation listed above with amendment.

Option 3

Council not endorse the recommendations of the Outer Harbour Taskforce.

Outcome – Council Meeting 3 August 2010

The recommendation was moved Cr Craddock, seconded Cr Steele.

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

Council Decision 128/10

That Council endorse the recommendation of the City of Bunbury Outer Harbour Taskforce in:

- 1 Appointing Ms Monique Warnock and Mr Arthur Clive Pearson as community representatives to the taskforce for a term to expire on election day, 15 October 2011; and**
- 2. That Council extend an invitation for a representative of Landcorp to attend meetings of the taskforce.**

CARRIED

11 Votes "For" / Nil votes "Against"

9.2 Western Australian Planning Commission (WAPC) – Confirmation of Hearing Committee Membership.

File Ref:	A00220-45
Applicant/Proponent:	Western Australian Planning Commission
Author:	Jack Dyson – Senior Administration Officer
Executive:	Greg Trevaskis – Chief Executive Officer
Attachments:	Nil

Recommendation

Council nominate His Worship the Mayor as it's elected representative to be appointed to the Hearings Committee for Greater Bunbury Region Scheme Amendments 0010/41, 0011/41 and 0012/41 (Marlston North, Koombana North and Koombana South).

Summary

An invitation has been received requesting His Worship the Mayor to nominate a suitable elected representative from the council to be appointed to the Hearings Committee for Greater Bunbury Region Scheme Amendments 0010/41, 0011/41 and 0012/41 (Marlston North, Koombana North and Koombana South).

Background

The Western Australian Planning Commission (WAPC) has announced the dates for the hearings in relation to the three (3) aforementioned Greater Bunbury Region Scheme Amendments as being held on 23, 24 and 25 August 2010

The WAPC has requested that His Worship the Mayor nominate a suitable elected member to be appointed to this committee.

The nominated attendee needs to be available on each of these days from 9.00am until 3.00pm and may also be required for another time should it be deemed necessary.

Officer Comments

In preparing this item, it is brought to the attention of Council that His Worship the Mayor has expressed his interest in being nominated by Council.

Analysis of Financial and Budget Implications

This nomination will have no financial impact on Council.

Options

Option 1

As per the recommendation above.

Option 2

As per the recommendation above, with amendment.

Option 3

Council not nominate a representative.

Outcome – Council Meeting 3 August 2010

The recommendation was moved Cr Craddock, seconded Cr Leigh.

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

Council Decision 129/10

Council nominate His Worship the Mayor as it's elected representative to be appointed to the Hearings Committee for Greater Bunbury Region Scheme Amendments 0010/41, 0011/41 and 0012/41 (Marlston North, Koombana North and Koombana South).

CARRIED

11 VOTES "For" / Nil votes "Against"

9.3 Country Local Government Funding 2010-11

File Ref:	A03667-02
Applicant/Proponent:	Department of Regional Development and Lands
Author:	Greg Trevaskis- Chief Executive Officer
Executive:	Greg Trevaskis- Chief Executive Officer
Attachments:	Appendix 1, 2

Recommendation

- 1 That Council acknowledge the allocation of \$749,717.00 from the Country Local Government Fund (CLGF) for 2010-11 and awaits the preparation of the City's forward capital works program for endorsement by Council, prior to submission to the Department of Regional Development and Lands
- 2 That Council agrees to contribute its regional CLGF allocation of \$403,694.00 to the Bunbury Wellington Group of Councils for pooling with member Council funds for regional infrastructure projects to be determined by the Group.
- 3 That Council nominates its priority regional projects for consideration by the Bunbury Wellington Group of Councils in the following priority order as detailed in this report:-
 - 1 New Soccer Multi-purpose Pavilion, Hay Park
 - 2 New Athletics/ Netball Multi-Purpose Pavilion, Hay Park
 - 3 Bunbury Regional Entertainment Centre- Redevelopment

Summary

For Council to note the City of Bunbury's individual local government allocation and regional group country fund allocation under the CLGF program for 2010/11. Council to also determine its preferred project for submission to the Bunbury Wellington Group of Councils. For projects of a regional nature to proceed they will require mutual agreement by the group.

Background

2010/11 CLGF Guidelines

Cabinet has approved the 2010/11 CLGF guidelines. The new guidelines are considerably more flexible than those for 2008/09, partly in response to feedback from individual local governments, WALGA and Regional Development Commissions. Copies of both the individual and regional group component guidelines are enclosed for Councillors information (Appendix 1 and Appendix 2).

Provision of adequate forward capital works plans, informed by strategic and asset management plans, is a prerequisite to access the individual local government allocations from the CLGF in 2010/11. Provision of a business case for each regional group project is a prerequisite to access the regional group allocations from the CLGF in 2010/11.

Individual Local Government Allocation

Under CLGF in 2010 the City of Bunbury will be allocated \$749,717.00 directly to utilise on projects identified in the City's forward capital works plan. Much of this expenditure has already been allocated for funding within Council's budget program for 2010/11 and the 5 Year Financial Plan.

Staff are currently preparing the required forward capital works program and associated approvals/ clearances to enable the identified projects to be completed within the 2010/11 budget period.

Details will be submitted to Council for endorsement prior to submission to the Department of Regional Development and Lands.

Regional groups of country local governments' allocation

The amount of \$403,694 has been made available for the City to contribute towards a pool of funds to be administered by the Bunbury Wellington Group of Councils. The funding is to be pooled for the Group as a whole, rather than expended by each local government according to the amount nationally allocated through the CLGF funding formula.

Regional group funding is for larger scale infrastructure projects that clearly demonstrate wider community benefits across their region. Priorities must be by mutual agreement of the group and it is expected that funding from other sources may be required to fund such projects. The preference is for the funds to be spent in the year on which they are paid to the group and by implication would favour projects that are 'shovel' ready.

The South West Development Commission (SWDC) will also assist the Bunbury Wellington Group of Councils to prepare a comprehensive business case for the priority projects agreed to by the Group.

Funding cannot be applied to non-infrastructure items such as:

- projects not identified as priorities by the Group
- purchasing of equipment (e.g. furniture, computers etc)
- purchasing land
- retiring debt
- general maintenance
- feasibility studies, marketing plans etc
- investment e.g. for interest generation
- retrospective funding for projects commenced or completed.

Priority Projects

The guidelines require projects to meet key criteria such as:

- are project ready
- can leverage funding from other government agencies and partners
- significant regional benefits
- can obtain support for funding from the Group
- are part of forward capital works and a business case can be provided in support of the project

The most obvious projects that have been previously identified by Council as being of regional benefit, are project ready, have capacity to leverage additional partner funding and are within the City's forward capital works program would be:-

- 1 New Soccer Multi-Purpose Pavilion, Hay Park
- 2 New Athletics/ Netball Multi-Purpose Pavilion, Hay Park
- 3 Bunbury Regional Entertainment Centre- Redevelopment

Analysis of Financial and Budget Implications

(a) New Soccer Multi-Purpose Pavilion

Council	-	Land Sales	\$ 331,000
		Loan	\$ 932,000
Contribution Soccer			\$ 70,000
LotteryWest			\$ 268,000
CSRFF (Dept of Sport & Recreation)			\$1,333,500
CLGF Funds			<u>\$1,333,500</u>
			<u>\$4,268,000</u>

(b) Athletics/ Netball Multi-Purpose Pavilion

Council	-	Land Sales	\$1,158,331
	-	General Fund	\$ 41,669
LotteryWest			\$ 200,000
CSRFF (Dept of Sport and Recreation)			\$1,400,000
CLGF Funds			<u>\$1,400,000</u>
			<u>\$4,200,000</u>

(c) BREC- Convention Centre Redevelopment

Council Funds (to be determined)			\$2,500,000
CLGF Funds			\$2,500,000
Federal/ State/ Fund Raising			<u>\$2,500,000</u>
			<u>\$7,500,000</u>

Councillor/Officer Consultation

Councillors were provided with a presentation on the Council Local Government Fund at a briefing session on 25 May 2010. The listed projects have been previously endorsed and are included in the City's adopted 5 Year Financial Plan for 2010 – 2014.

Conclusion

Council previously nominated the new Soccer Multi-Purpose Pavilion for \$2m funding from the Federal Government RCLIP program. Unfortunately, this application was not successful. The new soccer pavilion is also an integral part of efforts for regional soccer to comply with WA State Soccer ground requirements if the South West Phoenix Soccer Club is to be allowed to play in the Premier State League. A deadline for facilities to come up to standard by 2012 has been set.

Detailed architectural drawings and quantity surveyor costings have been undertaken for each of the listed projects. Each one is included in Council's Five Year Plan and satisfy the requirement of major infrastructure of regional significance.

It would assist negotiations with the Bunbury Wellington Group of Councils if Council would determine its priority projects as that the Group could commence discussions at the earliest opportunity. Once the Bunbury Wellington Group of Councils has mutually agreed on its regional priorities further work needs to be undertaken to prepare a forward capital works plan with the cooperation of the South West Development commission.

Outcome – Council Meeting 3 August 2010

The recommendation was moved Cr Spencer and seconded Deputy Mayor Cr Kelly.

The Mayor put the following projects for Council to nominate its priority for the regional projects in Item 3 of the recommendation to be considered by the Bunbury Wellington Group of Councils was put to the vote and adopted to become Councils decision on the matter.

- Item 3.1 New Soccer Multi-purpose Pavilion, Hay Park
11 votes "For" / Nil votes "Against"

- Item 3.2 New Athletics/ Netball Multi-Purpose Pavilion, Hay Park
11 votes "For" / Nil votes "Against"

- Item 3.3 Bunbury Regional Entertainment Centre- Redevelopment
8 votes "For" / 3 votes "Against"

The motion (as printed) was put to the vote and it was adopted to become Council's decision.

Council Decision 130/10

- 1** That Council acknowledge the allocation of \$749,717.00 from the Country Local Government Fund (CLGF) for 2010-11 and awaits the preparation of the City's forward capital works program for endorsement by Council, prior to submission to the Department of Regional Development and Lands

- 2** That Council agrees to contribute its regional CLGF allocation of \$403,694.00 to the Bunbury Wellington Group of Councils for pooling with member Council funds for regional infrastructure projects to be determined by the Group.

- 3** That Council nominates its priority regional projects for consideration by the Bunbury Wellington Group of Councils in the following priority order as detailed in this report:-
 - 3.1** New Soccer Multi-purpose Pavilion, Hay Park
 - 3.2** New Athletics/ Netball Multi-Purpose Pavilion, Hay Park
 - 3.3** Bunbury Regional Entertainment Centre- Redevelopment

CARRIED

11 votes "For / Nil

10. Reception of Formal Petitions and Memorials

10.1 Petition – Banning Trucks In Princep Street

File Ref:	A02051
Applicant/Proponent:	Bunbury Women's Club
Author:	
Executive:	<i>If petition is adopted by Council refer to:</i> Executive Manager City Services, Michael Scott
Attachments:	Nil

Recommendation

Pursuant to clause 9.4(d) of the City of Bunbury Standing Orders, the petition from the Bunbury Women's Club be accepted and be referred to the next ordinary Council meeting.

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

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

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

Outcome – Council Committee Meeting 27 July 2010

Moved Cr Major, seconded Cr Leigh that the petition be received and be referred to the next ordinary council meeting

Outcome – Council Meeting 3 August 2010

The recommendation was moved Cr Jones, seconded Cr Harrop.

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

Council Decision 131/10

Pursuant to clause 9.4(d) of the City of Bunbury Standing Orders, the petition from the Bunbury Women's Club be accepted and be referred to the next ordinary Council meeting.

CARRIED

11 Votes "For / Nil votes 'Against"

10.2 Petition – Bunbury Parking Petition

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

Recommendation

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

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

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

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

Outcome – Council Committee Meeting 27 July 2010

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

Outcome – Council Meeting 3 August 2010

The recommendation was moved Cr Jones, seconded Cr Leigh.

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

Council Decision 132/10

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

CARRIED

11 Votes "For" / Nil votes "Against"

10.3 Petition – Corellas at Horseshoe Lake

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

Recommendation

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

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

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

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

Outcome – Council Committee Meeting 27 July 2010

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

Outcome – Council Meeting 3 August 2010

The recommendation was moved Cr Jones, seconded Cr Steele.

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

Council Decision 133/10

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

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

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

Pursuant to Standing Order 16.1.1, the Council adopted 'en bloc' (i.e. without discussion) those recommendations listed for items 11.1, 11.2, 11.4, 11.7, 11.8, 11.10, 11.11 of the meeting agenda.

Item 11.3, 11.5, 11.6, 11.9, 11.12 of the meeting agenda was then discussed and voted on separately.

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

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

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

Recommendation

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

Summary/Background

Councillor Wayne Major requests leave of absence from all Council-related business from 1 August to 30 August 2010 (inclusive).

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

Outcome – Council Committee Meeting 27 July 2010

The recommendation was moved Cr Punch, seconded Cr Leigh.

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

Outcome – Council Meeting 3 August 2010

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

Councils Decision 134/10

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

CARRIED

11 Votes "For" / Nil Votes "Against"

11.2 Proposed Disposal Of Lot 4968 (Reserve 27551) Cornell Street. *(was listed as item 11.2 on the meeting agenda)*

File Ref:	A02843
Applicant/Proponent:	City of Bunbury
Author:	Paul Davies, Consultant
Executive:	Geoff Klem, Executive Manager City Development
Attachments:	Nil

Recommendation

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

Summary

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

The lot has an area of 841m² and is crown reserve which was vested under Section 20A of the Town Planning and Development Act and under management by the City for recreation. The land is zoned Residential R15 under the City of Bunbury, Town Planning Scheme No7.

Background

Lot 4968 (Reserve 27551) Cornell Street

Lot 4968 has an area of 841m² and is a crown reserve which was vested under Section 20A of the Town Planning and Development Act and under management by the City for Recreation. The land is zoned Residential R15 under the City of Bunbury, Town Planning Scheme No 7.

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

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

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

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

Community Consultation

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

Councillor/Officer Consultation

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

Analysis of Financial and Budget Implications

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

Economic, Social, Environmental and Heritage Issues

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

Council Policy Compliance

There are no related Council policies to consider.

Legislative Compliance

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

Options

Option 1

Per recommendation

Option 2

Council may resolve not to proceed with the proposal.

Outcome – Council Committee Meeting 27 July 2010

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

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

Add the Words “and any proceeds of the sale be allocated for expenditure to Big Swamp Reserve or the nearest Beach Reserve.”

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

Outcome – Council Meeting 3 August 2010

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

Council Decision 135/10

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

CARRIED

11 Votes "For" / Nil Votes "Against"

11.3 Nomination for appointment to Bunbury Regional RoadWise Committee (*was listed as item 11.4 on the meeting agenda*)

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

Recommendation

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

Summary

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

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

Background

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

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

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

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

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

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

Officer Comments

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

Analysis of Financial and Budget Implications

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

Options

Option 1

Per the Executive Recommendation listed in this report.

Option 2

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

Outcome - Council Committee Meeting 27 July 2010

Moved Cr Jones, seconded Cr Leigh.

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

Outcome – Council Meeting 3 August 2010

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

Council Decision 136/10

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

CARRIED

11 Votes "For" / Nil Votes "Against"

11.4 Bunbury Regional Entertainment Centre – Endorsement of Board of Management Members *(was listed as item 11.7 on the meeting agenda)*

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

Recommendation

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

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

Summary

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

Background

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

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

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

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

Officer Comments

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

Analysis of Financial and Budget Implications

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

Options

Option 1

As per the recommendation above.

Option 2

As per the recommendation above, with amendment.

Option 3

Council not support the recommendation.

Outcome – Council Committee Meeting 27 July 2010

Moved Cr Jones, seconded Cr Harrop

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

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

Outcome – Council Meeting 3 August 2010

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

Council Decision 137/10

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

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

CARRIED

11 votes "For" / Nil votes "Against"

11.5 Schedule of Accounts Paid (Formerly known as "Accounts for Payment") for the Period 1 June 2010 to 30 June 2010 (was listed as item 11.8 in the meeting agenda)

File Ref:	A00083
Applicant/Proponent:	Internal Report
Author:	David Ransom, City Accountant
Executive:	Ken Weary, Executive Manager Corporate Services
Attachments:	Nil

Recommendation

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

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

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

For Committee/Council Information Only.

Outcome – Council Committee Meeting 27 July 2010

The recommendation was moved Cr Major, seconded Cr Leigh.

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

Outcome – Council Meeting 3 August 2010

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

Council Decision 138/10

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

CARRIED

11 votes "For" / Nil votes "Against"

11.6 Bunbury Airport Site # 37 – Deed of Assignment of Lease from Bairstow to Flewdebuster PTY LTD *(was listed as item 11.10 on the meeting agenda)*

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

Recommendation

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

Summary

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

Background

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

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

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

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

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

Lease Details:

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

Officer Comments

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

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

Analysis of Financial and Budget Implications

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

Options

Option 1

Per the recommendation listed in this report.

Option 2

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

Option 3

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

Outcome – Council Committee Meeting 27 July 2010

The recommendation was moved Cr Jones, seconded Cr Harrop.

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

Outcome – Council Meeting 3 August 2010

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

Council Decision 139/10

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

CARRIED

11 votes "For" / Nil votes "Against"

11.7 Preliminary Financial Statements – 30 June 2010 *(was listed as item 11.11 in the meeting agenda)*

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

Recommendation

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

Summary/Background

Financial Statements for the period ending 30 June 2010, have been circulated to members under separate cover. The statements include the following:

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

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

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

Outcome – Council Committee Meeting 27 July 2010

The recommendation was moved Cr Leigh, seconded Cr Major.

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

Outcome – Council Meeting 3 August 2010

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

Council Decision 140/10

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

CARRIED

11 votes "For" / Nil votes "Against"

11.8 Proposed Scheme Amendment 43 to Town Planning Scheme No. 7 - Lot 50 South Western Highway, Davenport (South Davenport Industrial Park) (was listed as item 11.3 on the meeting agenda)

File Ref:	A03939
Applicant/Proponent:	City of Bunbury
Author:	Neville Dowling (Consultant Strategic Planner), Thor Farnworth (Coordinator Strategic & Environmental Planning)
Executive:	Geoff Klem, Executive Manager City Development
Attachments:	Nil

Recommendation

1. Council, in pursuance of section 75 of the *Planning and Development Act 2005* (as amended), resolves to initiate Scheme Amendment 43 to the City of Bunbury Town Planning Scheme No. 7 by:
 - (a) rezoning portion of Lot 50 South Western Highway, Davenport, from “Rural Zone” to “Industry Zone” as shown on the scheme amendment map; and
 - (b) incorporating Portion Lot 50 South Western Highway, Davenport, within a “Development Investigation Policy Area” as shown on the scheme amendment map;

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

2. Subject to authorisation by the Western Australian Planning Commission and the advice of the Environmental Protection Authority, the proposed Scheme Amendment is to be advertised for public comment during a submission period of not less than 42 days in accordance with the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*.
3. Following public advertising of the proposed Scheme Amendment 43, the proposal and any public submissions lodged with the City during the advertising period is to be returned to Council for further consideration.
4. That the landowner of Lot 50 Bussell Highway, Davenport, be advised that any Structure Plan submitted for adoption by Council and endorsement by the Western Australian Planning Commission must be accompanied by a Local Water Management Strategy that is compiled in accordance with the Better Urban Water Management (October 2008) guidelines to the satisfaction of the Local Government, the Commission and the Department of Water (DoW).

Summary

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

In accordance with orderly and proper planning, Lot 50 will also be incorporated into a “Development Investigation Policy Area” (DIPA) to ensure that structure planning is finalised prior to any subdivision or development being approved within the DIPA area.

Background

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

(a) support for a Region Planning Scheme amendment to rezone the subject land from “Rural Zone” to “Industrial Zone” under the GRBS; and

(b) initiation of a Local Planning Scheme amendment to rezone the subject land from “Rural Zone” to “Industry Zone” under the City of Bunbury Town Planning Scheme No. 7 (TPS7).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

place concurrently with the Greater Bunbury Region Scheme amendment public inspection period.

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

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

Officer Comments

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

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

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

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

Proposed Main Roads Widening

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

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

Analysis of Financial and Budget Implications

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

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

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

Strategic Relevance

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

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

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

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

Councillor/Officer Consultation

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

Economic, Social and Environmental Issues

Economic

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

subject area is optimally located for the development of industrial activities given that it is situated approximately seven kilometres of Bunbury's CBD, five kilometres of the Inner Harbour and at the intersection of two regional road corridors.

Social

There are no known negative impacts on the social environment.

Environmental

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

The key issues or constraints relate to the management of:

Surface, Groundwater & Drainage

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

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

Remnant Vegetation

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

Legislative Compliance

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

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

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

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

Options

Option 1

As per the Recommendation.

Option 2

As per the Recommendation with modifications.

Option 3

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

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

Outcome - Council Committee Meeting 27 July 2010

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

Option 1 was moved Cr Spencer and seconded Cr Jones.

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

Outcome – Council Meeting 3 August 2010

The recommendation from the Council Standing Committee was moved Cr Spencer, seconded Cr Jones.

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

Council Decision 141/10

1. **Council, in pursuance of section 75 of the *Planning and Development Act 2005* (as amended), resolves to initiate Scheme Amendment 43 to the City of Bunbury Town Planning Scheme No. 7 by:**
 - (a) rezoning portion of Lot 50 South Western Highway, Davenport, from “Rural Zone” to “Industry Zone” as shown on the scheme amendment map; and
 - (b) incorporating Portion Lot 50 South Western Highway, Davenport, within a “Development Investigation Policy Area” as shown on the scheme amendment map;

in accordance with the Scheme Amendment documentation issued as report under separate cover and identified as Appendix 1
2. **Subject to authorisation by the Western Australian Planning Commission and the advice of the Environmental Protection Authority, the proposed Scheme Amendment is to be advertised for public comment during a submission period of not less than 42 days in accordance with the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*.**
3. **Following public advertising of the proposed Scheme Amendment 43, the proposal and any public submissions lodged with the City during the advertising period is to be returned to Council for further consideration.**
4. **That the landowner of Lot 50 Bussell Highway, Davenport, be advised that any Structure Plan submitted for adoption by Council and endorsement by the Western Australian Planning Commission must be accompanied by a Local Water Management Strategy that is compiled in accordance with the Better Urban Water Management (October 2008) guidelines to the satisfaction of the Local Government, the Commission and the Department of Water (DoW).**

CARRIED

8 Votes “For” / 3 votes “Against”

It was requested that the votes be recorded as follows:

For: Mayor D Smith, Cr Jones, Cr Craddock, Cr Whittle, Cr Leigh, Cr Punch, Cr Spencer, Cr Harrop

Against: Deputy Mayor Cr Kelly, Cr Slater, Cr Steele

11.9 Proposed Closure of Remnant Road Reserve on Elizabeth Crescent and Amalgamation Into Private Property *(was listed as item 11.5 on the meeting agenda)*

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

Recommendation

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

Summary

On the 6th October 2009 the City of Bunbury received correspondence from Insitu Planning & Design attached at Appendix 2 requesting that the remnant road reserve, approximately 331m², be closed under Section 58 of the Land Administration Act 1997 and its amalgamated into the adjoining Lots 218 and 219.

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

Background

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

Officer Comments

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

Analysis of Financial and Budget Implications

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

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council does NOT support the request.

Outcome – Council Committee Meeting 27 July 2010

Cr R Slater declared an impartiality interest in this item and was allowed to stay and vote.

Moved Cr Jones, seconded Cr Leigh

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

Outcome – Council Meeting 3 August 2010

The recommendation from the Council Standing Committee was moved Cr Jones, seconded Cr Spencer.

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

Council Decision 142/10

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

CARRIED

11 Votes "For" / Nil votes "Against"

11.10 International Cities Town Centres & Communities Society Conference – October 2010. *(was listed as item 11.6 in the meeting agenda)*

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

Recommendation

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

Summary

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

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

Background

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

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

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

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

Officer Comments

His Worship the Mayor and Councillor Craddock would like to attend the conference to glean knowledge and gain an appreciation of some of the potential future possibilities that may be available or possible for Bunbury may be. Last year both Councillors Punch and Harrop provided councillors with a report on their experiences from attendance at the conference.

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

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

Analysis of Financial and Budget Implications

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

Options

Option 1

As per the recommendation above.

Option 2

As per the recommendation above with amendment.

Option 3

Council not support the attendance.

Outcome – Council Committee Meeting 27 July 2010

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

Moved Cr Jones, seconded Cr Leigh

Cr Jones agreed to an amendment which reads:

Remove the words from

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

Replace with

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

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

Outcome – Council Meeting 3 August 2010

Cr Craddock and Cr Steele left the room at 7.25pm. Cr Craddock and Cr Steele did not participate in the discussion and vote.

The recommendation from the Council Standing Committee was moved Cr Jones, seconded Cr Spencer.

Recommendation 1 was deleted.

Recommendation was amended to include the name of Cr Steele.

The amended recommendation was put to the vote and was adopted to become the Councils decision on the matter.

Council Decision 143/10

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

CARRIED

9 Votes “for” / Nil votes “Against”

Cr Craddock and Cr Steele returned to the chambers at 7.30pm.

11.11 2010 Bike Futures Conference – Melbourne, Victoria 14 and 15 October 2010
(was listed as item 11.9 on the meeting agenda)

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

Recommendation

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

Summary

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

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

Background

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

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

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

Officer Comments

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

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

The plan identifies a clear strategic objective for future path and cycleway development funding opportunities, supports future policy developments that

encourage cycling participation and considers path preservation and expansion schedules.

Analysis of Financial and Budget Implications

Conference registrations, accommodation and attendance costs can be met from within the existing Councillor Conference Expenses Budget. The total cost for this conference is expected not to exceed \$3,200.00 including registration, airfare and accommodation.

Options

Option 1

As per the recommendation listed in this report.

Option 2

Council may elect not to endorse the attendance of Councillor Noel Whittle to the 2010 Bike Futures Conference at Etihad Stadium in Melbourne, Victoria in October 2010.

Outcome – Council Committee Meeting 27 July 2010

The recommendation was moved Cr Jones, seconded Cr Leigh.

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

Outcome – Council Meeting 3 August 2010

The recommendation from the Council Standing Committee was moved Cr Steele, seconded Cr Spencer.

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

Council Decision 144/10

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

CARRIED

11 votes "For" / Nil votes "Against"

11.12 Offer to Purchase Lot 66 Ocean Drive, Bunbury *(was listed as item 11.12 on the meeting agenda)*

File Ref:	A00420
Applicant/Proponent:	Internal Report
Author:	Ron Boardley, Senior Property Officer
Executive:	Ken Weary, Executive Manager Corporate Services
Attachments:	Nil

At the Council Committee Meeting of 27 July 2010, the Committee resolved that this matter lie on the table until the Full Council Meeting of 3 August 2010.

Following the Council Committee Meeting of 27 July 2010, the offer for the purchase of Lot 66 Ocean Drive has been further reviewed to accommodate the matters raised by Councillors at the Meeting.

Outcome – Council Meeting 3 August 2010

Councillor Craddock moved, Cr Jones seconded the procedural motion “that the motion be raised from the table”. The motion was put to the vote.

Council Decision 145/10

In accordance with Standing Order 15.9.2, the motion be raised from the table

CARRIED

11 votes “For” / Nil votes “Against”

Recommendation

The City of Bunbury, in accordance with Section 3.58 of the Local Government Act 1995, advertise its intention to sell Lot 66 Ocean Drive Bunbury to Citron Property Pty Ltd for \$2,660,000 (including GST) subject to :

- 1
 - a) The offer is conditional upon a Development Approval for the construction of a hotel being approved by the City of Bunbury no later than 180 days from acceptance.
 - b) The City does not by virtue of selling the property subject to the conditions described in 1(a) in any way limit its discretionary powers as the responsible authority for its Town Planning Scheme.
- 2
 - a) The deletion of special condition 2 of the offer which requires “the seller meeting the cost of removing the power poles on the Scott Street boundary verge and arranging for those power lines to be installed underground by not later than the settlement date”.
 - b) The City in lieu of meeting the costs of removing the power poles on the Scott Street boundary verge, make a contribution of up to \$15,000 towards the cost of placing the power lines on the Scott Street boundary verge underground.

- 3 The Certificate of Title forms part of the contract for sale.
- 4 The purchaser acknowledges being made aware of the planning issues with the property and acknowledges having received a copy of the Planning Information package which forms part of the contract for sale.
- 5
 - a) The contract is conditional upon the Buyer undertaking due diligence investigations and enquiries about the property and all related matters and being satisfied with the results of those enquiries including but not limited to a geotec survey or investigation.
 - b) All due diligence enquires and investigations are to be made at the expense of the Buyer. If the Buyer does not notify the Seller (Council) within 30 days of acceptance of the contract that it is not satisfied with the due diligence enquires, then this condition is deemed to be fulfilled.
 - c) If the buyer does notify the Seller (Council) within 30 days of acceptance that the Buyer is not satisfied with the due diligence enquiries, then the contract shall terminate and all monies (the deposit paid) shall be repaid to the Buyer.

Summary

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

Background

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

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

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

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

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

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

Officer Comments

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

Analysis of Financial and Budget Implications

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

Options

Option 1

Per the recommendation listed in this report.

Option 2

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

Option 3

Council do not support the recommendation listed in this report.

Outcome – Council Committee Meeting 27 July 2010

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

Due to numerous concerns, it was suggested Procedural Motion 14 1 (i) of the City of Bunbury Local Law Standing Orders that this matter lie on the table until the next Ordinary Council Meeting to give time for modifications to the Offer and Acceptance.

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

Outcome – Council Meeting 3 August 2010

The recommendation as printed was moved Cr Punch, seconded Cr Spencer.

The motion was put to the vote and was adopted to become the Councils decision on the matter.

Council Decision 146/10

The City of Bunbury, in accordance with Section 3.58 of the Local Government Act 1995, advertise its intention to sell Lot 66 Ocean Drive Bunbury to Citron Property Pty Ltd for \$2,660,000 (including GST) subject to :

- 1**
 - a) The offer is conditional upon a Development Approval for the construction of a hotel being approved by the City of Bunbury no later than 180 days from acceptance.**
 - b) The City does not by virtue of selling the property subject to the conditions described in 1(a) in any way limit its discretionary powers as the responsible authority for its Town Planning Scheme.**
- 2**
 - a) The deletion of special condition 2 of the offer which requires “the seller meeting the cost of removing the power poles on the Scott Street boundary verge and arranging for those power lines to be installed underground by not later than the settlement date”.**
 - b) The City in lieu of meeting the costs of removing the power poles on the Scott Street boundary verge, make a contribution of up to \$15,000 towards the cost of placing the power lines on the Scott Street boundary verge underground.**
- 3** **The Certificate of Title forms part of the contract for sale.**
- 4** **The purchaser acknowledges being made aware of the planning issues with the property and acknowledges having received a copy of the Planning Information package which forms part of the contract for sale.**
- 5**
 - a) The contract is conditional upon the Buyer undertaking due diligence investigations and enquiries about the property and all related matters and being satisfied with the results of those enquiries including but not limited to a geotec survey or investigation.**
 - b) All due diligence enquires and investigations are to be made at the expense of the Buyer. If the Buyer does not notify the Seller (Council) within 30 days of acceptance of the contract that it is not satisfied with the due diligence enquires, then this condition is deemed to be fulfilled.**
 - c) If the buyer does notify the Seller (Council) within 30 days of acceptance that the Buyer is not satisfied with the due diligence enquiries, then the contract shall terminate and all monies (the deposit paid) shall be repaid to the Buyer.**

CARRIED

11 votes “For” / Nil votes “Against”

12. Motions on Notice

12.1 Motion on Notice – Items to be Noted for Information Only

File Ref:	A00217
Applicant/Proponent:	Councillor Jones
Author:	Councillor Jones
Executive:	If adopted by Council refer to:Geoff Klem, Executive Manager City Development
Attachments:	Appendix 3

Cr Jones submitted the following motion for the Council Committee Meeting on 3 August 2010:

That “Items to be Noted: For Information Only, Building Application / Development Approvals – 01 March to 31 March 2010” be appended to accurately reflect the chronology of events relating to DA/2008/294 (1 Hales Street, Davenport, Perkins Investments WA Pty Ltd)

Comments - Cr Jones

In support of her motion, Cr Jones states that, *“Items to be Noted presented to Council gives the impression that the Total Elapsed Days and Adjusted Elapsed Days is 20 days, when in fact the planning application was lodged in September 2008.”*

Executive Comments

A copy of the chronology of events in relation to this matter as previously issued to Councillor Jones as attached at Appendix 3 for the information of Councillors.

Cr Jones’s Motion

That “Items to be Noted: For Information Only, Building Application / Development Approvals – 01 March to 31 March 2010” be appended to accurately reflect the chronology of events relating to DA/2008/294 (1 Hales Street, Davenport, Perkins Investments WA Pty Ltd)

Outcome – Council Meeting 3 August 2010

The Mayor ruled that the matter is not in order as it involves the alteration of a document prepared by the executives and in the discussion when the document was presented to council and minutes accurately reflect what happened at that meeting.

Cr Jones moved that the matter be referred to the next briefing session, seconded Cr Steele.

That the methodology associated with the collation of City’s Development Applications and Building Approvals be referred to a Briefing Session.

Council Decision 146/10

That the methodology associated with the collation of City's Development Applications and Building Approvals be referred to a Briefing Session.

CARRIED

11 votes "For" / Nil votes "Against"

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

14. Items to be Noted or Endorsed

There are no items recommended for noting.

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

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

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

Nil

16. Close of Meeting

The meeting was declared closed at 8.21pm.