

## Bunbury City Council

### Minutes

30 November 2010



**City of Bunbury**  
4 Stephen Street  
Bunbury WA 6230  
Western Australia

*Correspondence to:*  
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## GLOSSARY OF ABBREVIATED TERMS

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

## GLOSSARY OF ABBREVIATED TERMS

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

## Bunbury City Council Minutes

Minutes of an Ordinary Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 30 November 2010.

### Minutes 30 November 2010

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

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

His Worship the Mayor declared the meeting opened at 6.00pm.

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

*PRESENT*

<b>Council Committee Members</b>	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member	Deputy Mayor, Councillor B Kelly
Members:	Councillor J Jones
	Councillor S Craddock
	Councillor W Major
	Councillor N Whittle
	Councillor R Slater
	Councillor M Steck
	Councillor A Leigh
	Councillor J Harrop Councillor K Steele
<b>Executive Management Team (Non-Voting)</b>	
Chief Executive Officer:	Mr G Klem (Acting CEO)
Executive Manager Corporate Services:	Mr K Weary
Executive Manager City Services:	Mr M Scott
Executive Manager City Development:	Mr G Fitzgerald (Acting)
Executive Manager City Life:	Mr D Marzano
<b>Council Officers (Non-Voting):</b>	
Acting Manager of Development Services	Mr T Farnworth
Manager Economic & Social Development	Ms F Anderson
Cultural Development Officer	Ms J Dunn
Administration Officer Corporate Services	Ms N Hribar
Administration Officer Corporate Services	Ms B Mell

<b>Others (Non-Voting):</b>	
Members of the Public:	20 (approx.)
Members of the Press:	1

*APOLOGIES:*

Cr. Punch was an apology for this meeting.

*LEAVE OF ABSENCE*

Cr. Spencer - Leave of Absence from 27 November 2010 to 3 January 2011 (inclusive).

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

Nil

**4. Public Question Time**

**Mr R Main, 7 Boyona Place, Boyanup**

*Question: (Regarding Clay Target Club Lease) Is Council aware of the number of pellets that could possibly get fired on the airport from the Clay Target guns?*

*Response: (The Mayor) I don't believe that all Councillors would be aware of the number of pellets that could potentially land on the airport, but they are aware of the incidents where pellets have actually landed and the number of them and the occasions.*

*Question: Are Councillors aware of how long this problem has been going on, how many years it's been going on?*

*Response: (The Mayor) We are certainly aware of the gun club. It's been there for a very long time and in that period no one has been actually injured. How long the pellets have been penetrating into the areas where there are aircraft movements or hangers I personally do not know but I do repeat I have not read the report from the Police or the other safety authority.*

*Question: Are Councillors aware of the number of aircraft using the airport?*

*Response: (The Mayor) Yes that was stressed last week at the Council Committee meeting. We are all aware of the development and growth of the airport and we welcome that development and growth. This is not a question of the gun club remaining where it is indefinitely, the question before us tonight is to whether or not it can be extended on the conditions which would include the police clearing any shooting on*



the leased area. Presently as you know there is a ban that has not been lifted as far as I am aware from shooting and the club is to erect signs saying there will be no shooting. I presume they won't be removed until the police are satisfied that the danger has been removed.

**Arpad Menschelyi, 6 Sampson Road, Bunbury**

*Question: (Regarding the Cathedral Boundary) Under Town Planning Scheme No 7, when the application was received why wasn't more information requested on this boundary and why didn't they seek more information?*

*Response: (The Mayor) I will meet with you on site at 10am tomorrow.*

**Amanda Doust, 24b Venn Street, Bunbury**

*Question: (Regarding the Art Gallery Proposal) Can commercial development happen on public open space?*

*Response: (CEO) The advice from the Department of Planning, who advises the Western Australian Planning Commission, is that you can have commercial operations on regional open space.*

**Joan Jenkins, 5/8 Minninup Road, South Bunbury**

*Question: (Regarding the Art Gallery Proposal) Recently a group of people, the Mayor and other Councillors went on a trip to the East, is there a report on this and is it available?*

*Response: (The Mayor) Yes there is a report and it can be made available to the public electronically.*

*Question: Were there any recommendations on this?*

*Response: (The Mayor) Yes there were and they were reported to Council.*

*Question: Is it going to be a modern gallery?*

*Response: (The Mayor) The issue that is primarily before Council tonight is the question of whether or not the area south of Koombana Drive would be suitable for an Art Gallery. The exact design of that Art Gallery, how it might be funded and how it might operate is not part of the recommendation.*

*Question: Has there been community consultation?*

*Response: (The Mayor) There have been 2 periods of consultation one in relation to the structure plan and one in relation to the amendments to the Great Bunbury Regional Scheme. On both occasions the public has*

made a number of submissions in relation to the retention of the area south of Koombana Drive as public open space. As to whether that would exclude there being a gallery on that site, most of the submissions supported community purpose uses.

The issue is on tonight's agenda, the primary issue is whether or not Council believes that an Art Gallery of the kind proposed by the proponent could be accommodated on the site.

**Katrina Baker, 35 Strickland Street, Bunbury**

*Question: (Regarding Rezoning Lots 73-81 Ward Street) Why can't Council take this opportunity to rezone all of Blair Street?*

*Response: (The Mayor) Some Councillors would agree with that view and they have expressed it at the Committee meeting on both occasions when the Ward Street issue has been before Council. If the outcome of tonight's item is to proceed with the rezoning then I would think all Councillors would want the additional planning to take place in the strategic plan to better define the rest of that neighbourhood. I suspect that most of those properties along Blair Street would go much the same way the ones going towards the Plaza and the Service Station. I suspect it will be an argument whether it should be the high density of residential or whether it should have some mixed use or whether it should be commercial or otherwise. What ever happens, it will be subject to public submissions.*

*Question: Would it not make sense to do the whole lot?*

*Response: (The Mayor) As I said there are some Councillors that stress that view and that is influencing the question of whether or not some Councillors support the amendment or not. There is a lot of merit in it being done but that sort of major change does require a strategic plan that is backed by a structure plan backed by some details of what each property would become under the new arrangements and that would need to have a fairly extensive period of public consultation.*

*Question: Isn't that what the City Vision is all about?*

*Response: (The Mayor) Some aspects of City Vision can be construed in that way*

**Tresyslyn Smith, 8 Picton Crescent, Bunbury**

*Question: (Regarding the Art Gallery Proposal) Does Council believe the Feasibility study done recently on the Art Gallery is defunct?*

*Response: (The Mayor) Yes, but it is not defunct. I think in light of the new gallery proposed for the foreshore area south of Koombana Drive that proposal will go to a vote while the merits in funding of the new gallery are considered.*

*Question: Can the City run both the proposal and the feasibility study?*

*Response: (The Mayor) It is inevitable that the duration of the alternative proposal will delay any progress on the existing gallery or the surrounds.*

*Question: How many assets does the City own, other than land, that is worth as much as the City collection?*

*Response: (The Mayor) I refer you to the Annual Financial Report which identifies the value of our assets which doesn't include many of our assets including the 100 hectares of land that is freehold that is being contemplated being apart of the regional park. There is a compensation issue which is not yet resolved.*

*Question: If this proposal is accepted will there be sufficient space available for the collection for at least 20 years?*

*Response: (The Mayor) Sufficient space for the exhibition is an ongoing issue. It has to be resolved between Council and Bunbury Regional Art Gallery as well as the Art Collection Committee and the Art Gallery of WA.*

*Question: Can this issue be dealt with quickly?*

*Response: (The Mayor) Neither the proposal made by the proponent in relation to the existing Gallery or the proponents for the area south of Koombana Drive are on our 5 Year Financial Plan at present and one of the issues for Council is, can we afford to include either of them on the current 5 Year Financial Plan. That obviously depends upon how much Federal or State support there might be for either project and the question on whether or not the public fundraising is successful. The current estimate of expenditure over the next 5 years is about \$100 million. The new Gallery would represent 30% in addition to the \$100 million. I certainly hope that none of the projects currently on the 5 Year Financial Plan are not deferred any more.*

*Question: Is the Council aware that without permanent display and storage space the collection cannot grow as it should and won't be able to get the corporate sponsors which is really important.*

*Response: (The Mayor) I am certainly aware of the value of the collection I don't think it is impossible to continue adding to it. I think that is demonstrated by the very generous donation made by Alcoa the year*

before last and I hope members of the public would agree, that business organisations should consider making a further donation of art works to the City collection. Our responsibility as the City is to ensure that we do provide proper care and maintenance and storage for those art works and display them regularly.

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

Nil

**6. Confirmation of Previous Minutes**

The minutes of the Council Meeting held 9 November 2010, have been circulated.

**Recommendation**

The minutes of the Council Meeting held 9 November 2010, be confirmed as a true and accurate record.

**Outcome – Council Meeting 30 November 2010**

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

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

**Council Decision 229/10**

***The minutes of the Council Meeting held 9 November 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**

Cr Craddock disclosed an impartiality interest in the item *“Proposed Scheme Amendment 33 to Town Planning Scheme No 7 (Car parking) and Draft Local Planning Policy Access and Parking for Pedestrians, Bicycles and Vehicles”*, as he is a retailer in the CBD and has an interest in common with other retailers. He has elected to stay, participate in the discussion and vote on the item. The Mayor put to the vote that Cr Craddock be allowed to stay, participate and vote – 9 votes “for” / 1 vote “against” CARRIED.

Cr Steck disclosed an impartiality interest in the item *“Proposed Scheme Amendment 33 to Town Planning Scheme No 7 (Car parking) and Draft Local Planning Policy Access and Parking for Pedestrians, Bicycles and Vehicles”*, as her partner has an interest in common with other developers. She has elected to stay, participate in the discussion and vote on the item. The Mayor put to the vote that Cr Steck be allowed to stay, participate and vote – 3 votes “for” / 7 votes “against” LOST. Cr Steck will leave the Chambers during the discussion of this item and will not participate in the vote.

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

Nil

## 9. Chief Executive Officer Reports/Discussion Topics

### 9.1 Asset Management Committee *(was listed as item 9.1 on the meeting agenda)*

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

#### Committee Recommendation

That Council appoint Councillor Jones as an additional member of the Asset Management Committee.

Note: Councillors are advised that the Committee Recommendation above does not conform with the requirements of decision no. 218/10 (see below) which had already appointed Cr. Jones. This item is to address point 4 that Council appoint another Councillor to the Committee.

*"Council Decision 218/10*

*That Council:*

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

#### Summary

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

#### Background

The appointment of one (1) Councillor to the Asset Management Committee was overlooked at the Ordinary Council Meeting of 9 November 2010 when this item was adopted en-bloc.

The Asset Management Committee currently has Mayor David Smith, Cr Stephen Craddock and Cr Alfred Leigh as members.

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

#### **Officer Comments**

There are no objections to the appointment of one (1) interested Councillor to the Asset Management Committee.

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

There is no financial implication in the appointment of one (1) interested Councillor.

#### **Options**

##### Option 1

As per the recommendation.

##### Option 2

As per the recommendation with amendments.

#### **Outcome – Council Committee Meeting 23 November 2010**

The recommendation (as printed) was moved Cr Craddock, seconded Cr Steck and nominated Cr Jones as the additional member of the Asset Management Committee.

The Mayor put the motion to the vote and was adopted as being the Committee's recommendation on this matter.

#### **Outcome – Council Meeting 30 November 2010**

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

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

*Note: Point 4 of Council Decision 218/10 was made in error and was not part of the original recommendation. No other Councillor is required to be appointed to this Committee.*

#### **Council Decision 230/10**

***That Council confirm the appointment of Councillor Jones to the Asset Management Committee.***

CARRIED

11 votes "for" / Nil votes "against"

**9.2 Bunbury Regional Art Gallery Proposal** *(was listed as item 9.2 on the meeting agenda)*

<b>File Ref:</b>	A03504
<b>Applicant/Proponent:</b>	Geoff Klem, Acting Chief Executive Officer
<b>Author:</b>	Geoff Klem, Acting Chief Executive Officer
<b>Executive:</b>	Geoff Klem, Acting Chief Executive Officer
<b>Attachments:</b>	Appendix 8 & 9

**Recommendation**

That Council resolve to:

1. Note the submission and congratulate the proponents for their planning foresight and the excellent presentation of the proposal.
2. Endorse Lot 681 Koombana Drive as a site that is appropriate and suitable for an art galley and ancillary uses.
3. Advise the Hon John Castrilli MLA, Minister for Local Government, Heritage and Multicultural Affairs, Member for Bunbury and the Hon John Day MLA Minister for Planning, Culture and the Arts and the Hon John Day MLA Minister for Planning, Culture and the Arts that Council:
  - (i) Has endorsed Lot 681 as appropriate and suitable for an art gallery and ancillary uses; and
  - (ii) Will undertake a thorough business case analysis of the proposal along with the potential to utilize the existing art gallery building as a regional museum.
4. Request the Acting Chief Executive Officer to prepare advice on:
  - (i) The key elements of a business case for a regional art gallery and regional museum including the resource implications of managing the project;
  - (ii) A draft terms of reference for an Advisory Committee to support the investigation process; and
  - (iii) Report back to Council on (i) and (ii) in the December round of meetings.

**Background**

Council received a presentation from Mr Lloyd Horn (by DVD), Mr Geoff Prosser and Mr Bill Hames (architect), at the Briefing Session on Tuesday 16 November on a proposal to establish a regional art gallery at Lot 681 Koombana Drive Bunbury (see Location Plan **attached** at Appendix 8).

The land the subject of the presentation is Crown Land vested in the City for the purpose of Recreation and is Reserved under Town Planning Scheme No 7 (TPS No 7) Parks and for Recreation and the Greater Bunbury Region Scheme (GBRS) for Regional Open Space (ROS). The GBRS is currently being amended to change a portion of Lot 681 abutting Koombana Drive from ROS to Regional Centre to permit urban development. Both Council and the WAPC have not supported the



amendment for Koombana South (Lot 681) which is before the Minister for Planning for a final decision.

The proposed uses are considered consistent with the existing Regional and Local Reservations and in the case of the GBRS, the Department of Planning has advised that public purpose uses such as an art gallery and ancillary uses such as a café/restaurant are permissible. Further, the City Vision Action Plan adopted by Council, clearly promotes the types of uses put forward by the proponents (see **attached** at Appendix 9).

Given the compatibility of the project with current strategic and statutory planning documents covering the land, the next areas of assessment need to address (and are not limited to) the following issues:

1. The future use of the existing art gallery (e.g. regional museum or other uses)
2. The source of the capital cost (estimated at between \$25-\$30 million) and recurrent cost of managing the gallery and the use of the existing art gallery building
3. The potential to defray the operational costs with a revenue stream from commercial leases
4. The compatibility of ancillary uses (particularly the convention and function facilities) with the BREC expansion
5. The architectural design and built form layout including the entry statement along Koombana Drive and the site coverage.

### **Officer Comments**

Before embarking on a critical review of the architectural design and site layout, Council needs to decide if the proposed location is suitable for an Art Gallery and ancillary uses and if so, what is the most appropriate use for the existing art gallery building. As outlined above, in addition to the advice from the Department of Planning regarding the compatibility of the proposal with the GBRS, City Vision as adopted by Council provides a sound basis of support for the location of the proposal.

Council has also committed to the appointment of a Curator and an Assistant as well as accommodation adjoining King Cottage. A key task of the curator is to set out the structure for the establishment of a local museum and to recommend a suitable location for a new museum. Without pre-empting the recommendation of the curator, it would be reasonable to assume that the existing art gallery building, if available, would be a prime candidate for the museum.

Council also needs to establish the scope of the project. Whilst the art gallery is clearly acceptable, Council needs to determine what other uses would be appropriate as part of the project. A cafe/restaurant has been a long standing proposal for this site and would be compatible with the "public purpose" and "recreation" emphasis. The proposed convention and function centre may not however be appropriate, given the expansion project by the Bunbury Regional Entertainment Centre. It is noted that the BREC proposal has convention and function facilities as an essential part of the business plan for the expansion.

Of critical importance to on-going support for the project is not only the sourcing of the \$25-\$30 million capital cost, but also the recurrent cost of managing the new facility as well as the use or uses that would occupy the existing art gallery. The business case, which should include revenue generating options such as commercial leasehold and the level of financial support through the State Government Arts portfolio, needs to be developed as a logical "next step" following endorsement of the location for the art gallery use.

The process to undertake the business case analysis will need to be coordinated by the City's Executive Project Management Team. The project is unfunded and will need to be scoped to establish the full resource implications prior to commencement. In this regard, a further report will be necessary for Council to consider in the December round.

The establishment of an Advisory Committee to assist in providing advice to Council on the scope of the project, the business case and the design and layout needs a draft terms of reference for Council consideration also at the December round.

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

As discussed above there are significant financial and budget implications associated with this project. In the short term, if Council resolves to proceed with the proposal, there will need to be resources allocated to manage the project and to develop a comprehensive business case.

The capital cost of the new gallery is estimated at \$25-\$30 million and the recurrent cost for managing the facility is likely to be in the order of \$1-\$1.5 million per annum. Without significant support from the State Government, it is unlikely that the City can afford the full capital and recurrent costs. It is also important to include the future use of the existing art gallery. If, for example, a museum option is adopted, then the fit out and recurrent management costs must also be considered as part of the project.

### **Options**

#### Option 1

As per the recommendation in this report

#### Option 2

Council notes the submission for an art galley at Lot 681 Koombana Drive and resolved not to proceed with further analysis of the proposal on the basis that:

1. It does not support the proposed location, and/or
2. The financial implications are beyond the capacity of the City to meet.

Council further resolved to thank the proponents for their planning foresight and excellent presentation of the proposal.

### **Outcome – Council Meeting 30 November 2010**

The Mayor asked if there were any members of the public that wished to address Council.

Ms Amanda Doust, 24b Venn Street Bunbury, addressed the Committee and spoke against the recommendation. The following is a summary of her submission. Amanda advised that she thought the concept is great, the idea of having an Art Gallery of that size in Bunbury is exciting, but she does not feel that this is the right location for it to go on Council land Lot 681. It is a special piece of land in Bunbury and should be made available to everyone to use and access.

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

The Mayor asked if the mover and seconder would agree to change the wording of the recommendation. The mover and seconder agreed to the following changes:

Point 2: remove "Lot 681" and replace with "the land South of".

Point 3: change "Member for Local Government, Member for Bunbury and the Hon John Day MLA Minister for Planning, Culture and the Arts" to "Minister for Local Government, Heritage and Multicultural Affairs, Member for Bunbury and the Hon John Day MLA Minister for Planning, Culture and the Arts".

Point 3(i): remove "Lot 681" and replace with "the land South of".

The Deputy Mayor Cr Kelly asked if the mover and seconder would agree to change the wording of the recommendation. The mover and seconder agreed to the following change:

Point 1: change the wording from "Note the submission and congratulate the proponents for their planning foresight and the excellent presentation of the proposal" to "Note the submission and congratulate all those concerned for their excellent proposal".

The Mayor put the motion (as amended) to the vote and was carried to become the Council's decision on this matter.

**Council Decision 231/10**

***That Council resolve to:***

- 1. Note the submission and congratulate all those concerned for their excellent proposal.***
- 2. Endorses the land south of Koombana Drive as a site that is appropriate and suitable for an art gallery and ancillary uses.***
- 3. Advise the Hon John Castrilli MLA, Minister for Local Government, Heritage and Multicultural Affairs, Member for Bunbury and the Hon John Day MLA Minister for Planning, Culture and the Arts that Council:***
  - (i) Has endorsed the land south of Koombana Drive as appropriate and suitable for an art gallery and ancillary uses; and***
  - (ii) Will undertake a thorough business case analysis of the proposal along with the potential to utilize the existing art gallery building as a museum.***

- 4. Request the Acting Chief Executive Officer to prepare advice on:**
- (i) The key elements of a business case for a regional art gallery and museum including the resource implications of managing the project;**
  - (ii) A draft terms of reference for an Advisory Committee to support the investigation process; and**
  - (iii) Report back to Council on (i) and (ii) in the December round of meetings.**

CARRIED

10 votes "for" / 1 vote "against"

It was requested that the votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Craddock, Cr Steck, Cr Whittle, Cr Leigh, Cr Slater, Cr Harrop, Cr Jones, Cr Major  
Against: Cr Steele

**9.3 Special Electors Meeting** *(was listed as item 9.3 on the meeting agenda)*

<b>File Ref:</b>	A00221/04
<b>Applicant/Proponent:</b>	Mr R Nicholson
<b>Author:</b>	Geoff Klem (Acting) Chief Executive Officer Gary Fitzgerald, (Acting) Executive Officer City Development
<b>Executive:</b>	Geoff Klem (Acting) Chief Executive Officer Gary Fitzgerald, (Acting) Executive Officer City Development
<b>Attachments:</b>	Report Under Separate Cover

**Recommendations**

1. Council notes recommendation 1 from the special electors meeting and adopts the following resolution:
  - a) The newly appointed CEO to provide a report to Council which analyses options for possible changes to the existing Council meeting arrangements as early as practicable in 2011.
2. Council notes recommendation 2 from the special electors meeting and adopts the following resolution:
  - a) Advise the electors that the planning budget, along with all other operations of the City, will be reviewed as part of the normal annual Council budget process.
3. Council notes recommendation 3 from the special electors meeting and adopts the following resolution:
  - a) Advise the electors that Council strongly supports its professional staff within all areas of the City's operations and has confidence that they act in a professional manner in their dealings with the general public and development industry.
  - b) That Council be provided with monthly statistics (depending on dates of meeting) of approval times (including reasons for delays in applications for planning approval and building licences over 21 working days) so that it is informed of the details of processing all planning and building applications.
  - c) That Council be provided with a "Report to Council" within 3 months from the date of this resolution on options for benchmarking of building and planning approval times with other comparable Local Government authorities.
  - d) That the proposal to establish a Planning Committee with delegated powers from Council be considered as part of the report to be prepared under Recommendation 1 above.

- e) Council request the Acting Chief Executive Officer to initiate a programme of quarterly meetings with the Development Industry to provide updates on topical issues.
4. Council notes recommendation 4 from the special electors meeting and adopts the following resolution:
- a) Advise the electors that a comprehensive review of all Local Planning Policies, conducted as part of the Scheme review process, is underway (as briefed to Council on 5 October 2010). The aim of this review is to reduce the number and complexity of Local Planning Policies. The goal of the policy review is to have an updated policy framework in line with current legislation and changes in community values and expectations.
- b) Advise the electors that Local Planning Policies are required as a normal part of regulating land use and development in a manner specific to the Local Government's needs. The development of Local Planning Policies under the provisions of the Town Planning Scheme is an essential component of orderly and proper planning, and that their maintenance is a key role and function of good administration of the municipality.
- c) Advise the electors that the preparation of a revised Local Planning Scheme has been substantially advanced with much of the key issue land use planning strategy work completed or nearly finalised.
- d) Advise the electors that the process in preparation of a revised Local Planning Scheme being followed by the City is consistent with normal practice and will ensure the best possible Local Planning Policy Framework that enables the sustainable development of the City for the next 20 years.
- 5 In regards to recommendation 5 Council notes the recommendation.

### **Summary**

Council received a petition signed by Mr R Nicholson 15<sup>th</sup> September 2010 requesting a special electors meeting under section 5.28 of the Local Government Act listing several matters to be discussed as relating to *improving planning service delivery*. Copy of petition **attached** at Attachment 1 in report **under separate cover**. On the 20 October a meeting was held with 5 recommendations referred to Council for consideration.

### **Background**

On the 15 September 2010 Council received a copy of a petition requesting a special electors meeting.

A summary of the signatories to the original petition is as follows:

- 153 Signatories on the petition;
- 17 Ineligible (Not listed on the electoral role);

- 2 developers withdrew for reasons that they did not know exactly what was contained within the petition;
- 17 had a building or planning approval within the last 2 years;
- Of the 17 that have had a BA or DA 5 were developers;
- Of the 17 only 4 applications in total exceeded the requested times as stated on the petition.

On the 20 October 2010 a special electors meeting was held at the City of Bunbury with 61 attendees registered at the meeting, a summary of the signatories is as follows:

- 61 signatories on the official attendance register (nb: this figure does not include City of Bunbury staff that attended) made up of:
  - 10 Councillors;
  - 13 Individuals classified as regularly involved in development;
  - 10 Signatories that have had a BA or DA within the last 2 years;
  - 28 Signatories that have not had a DA or BA within the last 2 years;

At the meeting the above mentioned motions were supported.

At the special electors meeting on the 20 October the following motions were moved

1. Council shall form a specific Council Committee to oversee planning administration for the City of Bunbury.
2. Council shall manage its planning budget within the total fees collected through the published planning charge rates allowable to process planning applications.
3. Council shall provide a commitment to the development industry of professional conduct and to process planning applications within the following times.

* change of use	2 weeks
* planning applications	3 weeks
* with advertising	additional 4 weeks to the above
* building licence	3 weeks

  - 3.1 Council consider the establishment of a committee under section 5.8, subdivision 2 of the Local Government Act.
  - 3.2 Council give to the committee delegated powers to exercise any of the powers or duties under the Scheme to that Committee; and
  - 3.3 The committee to meet with building and development community on a quarterly basis.
4. Council shall cease developing policies under TPS No 7, and commence a new Town Planning Scheme (TPS No 8) with a strong emphasis on clear objectives for the future and simple administrative assessment of applications.
5. That Mr Vic Howes be heard on his planning issues.

## **Officer Comments**

With respect to the specific motions moved the following comments are provided for Councils consideration.

### ***Motion 1***

Council presently operates within a structure which works on a 3-weekly cycle comprising a Briefing, Committee (full Council) and Council. In addition Council has in place 31 ad hoc committees of which half meet on a regular basis. Special Council meetings are also held for large and complex matters such as the 5 year financial plan and budget, annual electors meeting and special electors meetings.

The average meeting time in the three weekly cycle is 4 hours with many meetings going beyond this time and as late as midnight. Ad hoc Committees can be resource intensive with minute taking, agenda preparation and report presentations. Often these meetings are after hours and on average 2 hours in duration. In addition to the demands of the decision making process is the high volume of Councillor enquiries which are often unrelated to Council meeting agenda items.

Both Council and the Executive have in the past agreed that there is a need for Council decision making to become more efficient, however to date there has not been any changes that have been effective in achieving this objective. Suggestions from the Department of Local Government are that Standing Orders should be rigorously enforced and for the Committee to be discontinued.

The establishment of an additional Planning Committee with delegated powers (without complete structural reform) would exacerbate the current situation and exclude the majority of Councillors from participating in the planning debates, which invariably are the most contentious before Council.

In assessing the capacity of the City to respond to the requirements of Council, the Executive does not believe that the current arrangements are sustainable. Staff are working unreasonable hours and are experiencing high levels of stress. The City is very fortunate to have an extensive range of highly qualified and experienced staff that take great pride in their work and strive to provide high quality service to both Council and the wider community. There is a strong consensus that there is a need for a better structure that facilitates professional excellence.

A review of the current set of arrangements would be best undertaken by the new Chief Executive Officer. This would promote a "fresh look" at the situation and ensure that the new administration is compatible with the final agreed decision making process.

### ***Motion 2***

Council is responsible for delivery of a diverse range of services to the community under the provisions of relevant acts of parliament. Administration of the Town Planning Scheme in the interest of orderly and proper town planning within the community is one such responsibility. As is ensuring compliance with the Local Government (Miscellaneous Provisions) Act including administration of the Building Code of Australia and associated legislation.



The City's strategic plan also states objectives which are additional to the area of development assessment including Implementation of City Vision and promoting ecological sustainable development of the City's built and natural environment. In addition the City is committed to providing a high level of customer service such as the provision of advice to the public and industry.

The motion moved at the special electors meeting suggests that Town Planning operations be limited to operating within a budget as determined by fees collected through statutory planning fees. However, currently the ability to recoup costs through the collection of fees is limited. Fees for Planning Approvals and Building Licences are prescribed by State Government Regulation, and are therefore outside the control of Council. Consequently, discretionary increases in the level of fees charged in order to ensure costs are fully recovered is not possible

It is also important to note that many of the services provided to the community do not have a prescribed statutory fee applicable and therefore the only means by which the above motion could be achieved would be to significantly reduce the level of service provided. One such service is general customer service enquiries which currently fees cannot be charged however, form a significant work load. Additional costs could be recovered by increasing non statutory fees as contained within Council schedule of fees and charges. Copy attached at Attachment 2 of the report **under separate cover**.

### ***Motion 3***

The motion moved at the special electors meeting refers to the Council providing a commitment to the development industry of professional conduct. The issue of professional conduct and any suggestion that any staff member is not acting in a professional manner is a serious issue for the City. All staff within the City of Bunbury are required to comply with the Code of Conduct. Copy attached at Attachment 3 of the report **under separate cover**.

The Code of Conduct provides Council Members, Committee Members and staff in the City of Bunbury with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issues of ethical responsibility and encourages greater transparency and accountability in the City of Bunbury.

The Code is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in:

- (a) Better decision-making by local governments;
- (b) Greater community participation in the decisions and affairs of local governments;
- (c) Greater accountability of local governments to their communities; and
- (d) More efficient and effective local government.

The Code provides a guide and a basis of expectations for Council Members, Committee Members and staff. It encourages a commitment to ethical and professional behavior and outlines principles in which the City of Bunbury's responsibilities may be based.

The City presently employs a diverse range of professionals with backgrounds in a variety of areas including town planning, architecture, landscape architecture, building surveying, science, etc. In respect to staff within the Development Services area responsible for processing Development and Building Applications it must be noted that all Town Planners and Building Surveyors hold qualifications and experience that allows for either corporate membership of PIA (and ideally Certified Practising Planner) and/or Australian Institute Of Building Surveyors (Level 1 Certified Building Surveyor)

In addition to the City of Bunbury Code of Conduct membership to either the Planning Institute of Australia (PIA) or the Australian Institute of Building Surveyors (AIBS) requires adherence to the particular professional institutions Code of Conduct for practising professionals as well as ongoing professional development through Continued Professional Development (CPD).

The main thrust of recommendations 3.1 to 3.3 deals with the issue of Council's review of committee structure as referred to in recommendation 1. However in regard to the issues raised concerning communication with the development industry, it is suggested a number of actions can be implemented to improve the level of communication as well as service. Development Services have in the past run development forums with the industry with varying success in regard to attendance. As recently briefed to Council it is proposed to hold the next development forum in December it is also proposed that forums will in future be held on a quarterly basis.

It was noted at the meeting that the issue of interaction with staff was discussed as a concern to developers. It is suggested that one way to address this issue would be to explore the possibility of including a technical officer capable of dealing with initial town planning and building enquiries within the Customer Services Area. This would allow for immediate interaction on the submission of applications and customer service enquiries.

It is noted that while the principle signatory for the proposed Special Electors' meeting stated that the Special Electors' meeting is prompted as a result of concerns over performance in the planning area by **industry representatives**, analysis of the list of electors who signed the petition revealed that 88% of signatories have **not** had a planning or building application submitted or approved **within the last 2 years**. Of those that have signed, Council records indicate that **less than 2%** of signatories have had approvals that exceed the set times as requested in the petition.

### **Statutory Compliance**

Under provisions of the Planning and Development Act the statutory timeframe to approve DA's is 60 days before deemed refusal

A total of 98% of Development Approvals have been approved within the statutory timeframe, the 2% that have not been within the statutory time frame relate to applications referred to external authorities for comment.

Under the Local Government (Miscellaneous Provisions) Act the statutory timeframe to approve building applications is 35 days before deemed refusal.

A total of 96% of building approvals have been approved within the statutory time frame. The 3% not approved related to external referrals.

However, while the City clearly maintains its adherence to statutory requirements it is a prime objective of Development Services to approve applications in considerably less time than prescribed by statute.

**A summary of the City approval times for DA's and BA's over the last 12 months is as follows.**

- Development Approvals average of 17.2 days per application;
- 73% of DA's approved within 21 working days;
- Building Licences average of 5.5 days per application;
- 96% of building application approved in less than 21 working days.

A report indicating approval times for the City and other comparative Local authorities for both planning and Building approvals is attached at Attachment 4 of the report **under separate cover**.

***Motion 4***

Local Planning Policies are required as a normal part of regulating land use and development in a manner specific to the Local Government's needs. The development of Local Planning Policies under the provisions of the Town Planning Scheme is an essential component of orderly and proper planning, and that their maintenance is a key role and function of good administration of the municipality.

A comprehensive review of all Local Planning Policies, conducted as part of the Scheme review process, is underway (as briefed to Council on 5 October 2010). The aim of this review is to reduce the number and complexity of Local Planning Policies. The goal of the policy review is to have an updated policy framework in line with current legislation and changes in community attitude/expectations. Council will be presented the revised policies according to a programme of successive rounds, with significant or new policies being presented singularly, in order to allow adequate consideration and consultation.

The preparation of a revised Local Planning Scheme has been substantially advanced with much of the key issue land use planning strategy work completed or nearly finalised. The preparation of the Local Planning Strategy and revised Local Planning Scheme has commenced with the awarding of a contract to an assisting consultant. The project milestones include the preparation of a Scheme Report that will provide an assessment of the current Scheme and the likely form that the new Scheme will need to take as a result of potential Model Scheme Text changes (itself being reviewed by the Department of Planning).

A second milestone will be the production of a Local Planning Strategy Discussion Paper early in the project timeline to provide maximum opportunity for dialogue with the community and industry on the likely needs and outcomes of the Scheme review. Council will then formally initiate a Scheme review (which statutorily has only 6 months to complete) once these documents have been prepared – (as they represent the supporting documents to any Council report presented to the Western Australian Planning Commission and Minister of Planning supporting the need for a Scheme review), Council will be presented the above mentioned documents at each milestone, with regular progress reporting on the project through the relevant committee.

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

Both motions 2 and 3 have the potential to have a significant impact on the City's operational budget.

#### **Options:**

##### Option 1

Council adopt motions moved at the special electors meeting of the 20 October 2010

#### **Outcome – Council Meeting 30 November 2010**

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

The Mayor asked if the mover and seconder would agree to change the wording of the recommendation. The mover and seconder agreed to the following changes:

Point 1(a) change the wording from “The newly appointed CEO to provide a report to Council which analyses options for possible changes to the existing Council meeting arrangements as early as practicable in 2011” to “When the new CEO is appointed he or she is asked to provide a report to Council which analyses options for possible changes to the existing Council meeting arrangements as early as practicable in 2011”.

The Mayor put the motion (as amended) to the vote and was carried to become the Council's decision on the matter.

#### **Council Decision 232/10**

- 1. Council notes recommendation 1 from the special electors meeting and adopts the following resolution:**
  - a) When the new CEO is appointed he or she is asked to provide a report to Council which analyses options for possible changes to the existing Council meeting arrangements as early as practicable in 2011.**
- 2. Council notes recommendation 2 from the special electors meeting and adopts the following resolution:**
  - a) Advise the electors that the planning budget, along with all other operations of the City, will be reviewed as part of the normal annual Council budget process.**
- 3. Council notes recommendation 3 from the special electors meeting and adopts the following resolution:**
  - a) Advise the electors that Council strongly supports its professional staff within all areas of the City's operations and has confidence that they act in a professional manner in their dealings with the general public and development industry.**

- b) *That Council be provided with monthly statistics (depending on dates of meeting) of approval times (including reasons for delays in applications for planning approval and building licences over 21 working days) so that it is informed of the details of processing all planning and building applications.*
  - c) *That Council be provided with a "Report to Council" within 3 months from the date of this resolution on options for benchmarking of building and planning approval times with other comparable Local Government authorities.*
  - d) *That the proposal to establish a Planning Committee with delegated powers from Council be considered as part of the report to be prepared under Recommendation 1 above.*
  - e) *Council request the Acting Chief Executive Officer to initiate a programme of quarterly meetings with the Development Industry to provide updates on topical issues.*
4. *Council notes recommendation 4 from the special electors meeting and adopts the following resolution:*
- a) *Advise the electors that a comprehensive review of all Local Planning Policies, conducted as part of the Scheme review process, is underway (as briefed to Council on 5 October 2010). The aim of this review is to reduce the number and complexity of Local Planning Polices. The goal of the policy review is to have an updated policy framework in line with current legislation and changes in community values and expectations.*
  - b) *Advise the electors that Local Planning Policies are required as a normal part of regulating land use and development in a manner specific to the Local Government's needs. The development of Local Planning Policies under the provisions of the Town Planning Scheme is an essential component of orderly and proper planning, and that their maintenance is a key role and function of good administration of the municipality.*
  - c) *Advise the electors that the preparation of a revised Local Planning Scheme has been substantially advanced with much of the key issue land use planning strategy work completed or nearly finalised.*

*(Cont'd overleaf)*

- d) Advise the electors that the process in preparation of a revised Local Planning Scheme being followed by the City is consistent with normal practice and will ensure the best possible Local Planning Policy Framework that enables the sustainable development of the City for the next 20 years.**

**5 In regards to recommendation 5 Council notes the recommendation.**

CARRIED  
10 votes "for" / 1 vote "against"

It was requested that the votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Craddock, Cr Steck, Cr Whittle, Cr Leigh, Cr Slater, Cr Harrop, Cr Jones, Cr Steele  
Against: Cr Major

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

Nil

## **11. Reception of Reports and Recommendations from the Council (Standing) Committee Meeting held 23 November 2010**

Pursuant to Standing Order 16.1.1, the Council adopted 'en bloc' (i.e. without discussion) those recommendations listed for items 11.5, 11.9, 11.10, 11.11, 11.12, 11.13, 11.14, 11.17 & 11.18 of the meeting agenda.

Items 11.1, 11.2, 11.3, 11.4, 11.6, 11.7, 11.8, 11.15, & 11.16 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 Amendment to the Bunbury Regional Arts Management Board Constitution *(was listed at item 11.5 on the meeting agenda)*

<b>File Ref:</b>	A00168-10
<b>Applicant/Proponent:</b>	Bunbury Regional Arts Management Board
<b>Author:</b>	Domenic Marzano, Executive Manager City Life
<b>Executive:</b>	Domenic Marzano, Executive Manager City Life
<b>Attachments:</b>	Nil

#### **Committee Recommendation**

1. That the Council approves and endorses the proposed amendment to the Bunbury Regional Arts Management Board (BRAMB) Constitution:
2. The Council advises the Bunbury Regional Arts Management Board and the Art Gallery of Western Australia of its decision.

#### **Summary**

The Bunbury Regional Arts Management Board wishes to alter the clause of its constitution relating to the frequency of meetings. Changes to the Constitution require the prior approval of both the Council of the City of Bunbury and the Art Gallery of Western Australia.

#### **Background**

Recently, growing demands on time and resources are making it difficult for a number of BRAMB members to meet the commitment of monthly meetings. This alteration was recommended by the Art Gallery of WA and is supported by BRAMB, in order to improve the efficiency of the Board and to enable an effective sub-committee structure that does not increase the demand on members' time. If the proposed alteration is approved, BRAMB will hold a general meeting every second month. Sub-committee meetings will be held in the intervening months.

#### **Officer Comments**

The Executive Manager City Life is satisfied that BRAMB will be able to operate effectively meeting bi-monthly rather than monthly.

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

There are no financial and budget implications with this change.

#### **Options**

##### Option 1

As per the recommendation.



Option 2

As per the recommendation with amendments.

Option 3

Council do not support the recommendation and BRAMB will continue to meet on a monthly basis.

**Outcome – Council Committee Meeting 23 November 2010**

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

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

**Outcome – Council Meeting 30 November 2010**

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

**Council Decision 233/10**

- 1. That the Council approves and endorses the proposed amendment to the Bunbury Regional Arts Management Board (BRAMB) Constitution.**
- 2. The Council advises the Bunbury Regional Arts Management Board and the Art Gallery of Western Australia of its decision.**

CARRIED

11 votes "for" / Nil votes "against"

**11.2 Lease Renewal – Indian Harley (Bunbury) Club Inc.** *(was listed as item 11.9 on the meeting agenda)*

<b>File Ref:</b>	Lease #159; F00101
<b>Applicant/Proponent:</b>	Indian Harley (Bunbury) Club Inc.
<b>Author:</b>	David Whitfield – Property Officer
<b>Executive:</b>	Ken Weary – Executive Manager Corporate Services
<b>Attachments:</b>	Appendix 5

**Committee Recommendation**

Council agrees to grant a renewal of Lease to the Indian Harley (Bunbury) Club Inc. over Site 4 of Portion Lot 200 Clements Place Bunbury for a further 5 year term expiring 31 August 2015.

**Summary**

The Indian Harley (Bunbury) Club Inc seeks a renewal of their lease on Site 4, Portion Lot 200 Clements St (Halifax) Bunbury which recently expired on 31 August 2010.

**Background**

The Indian Harley (Bunbury) Club Inc originally sought a lease from the City of Bunbury for the purposes of storage in 2005. Council decision 181/05 gave subsequent approval of a lease for a 5 year term over site 4 Portion Lot 200 Clements Street (Halifax) Bunbury.

Following Councils decision to approve the lease in 2005 the Bunbury Indian Harley (Bunbury) Club Inc. constructed a colourbond shed upon site 4 for storage purposes.

Since the expiry of the current lease on 31 August 2010 to site continues to be occupied by the Bunbury Indian Harley (Bunbury) Club under the holding over clause of the original lease.

Current Lease Details:

Current Lease Commenced:	1 September 2005
Current Term: (Expired)	Five (5) Years
Expiry Date:	31 August 2010
Annual Rental:	\$405.65 per annum + GST (2010/2011)
Rent Review	The Rental was subject to CPI increases on an annual basis.
Permitted Use:	Storage Facility
Outgoings:	Responsibility of Lessee
Insurance:	Lessee to maintain Public Risk Insurance and General Insurance on the building. Public Liability to be set at \$5(M)

Proposed Lease Details:

Commencement Date:	1 September 2010
Term:	Five (5) Years
Expiry Date:	31 August 2015
Annual Rental:	\$405.65 per annum + GST (2010/2011)
Rent Review	The Rental is subject to CPI increases on an annual basis.
Permitted Use:	Storage Facility
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)

There are no services available to the site (power/water/sewerage).

A copy of the lease site is **attached** at Appendix 5.

**Officer Comments**

Lot 200 is reserved for 'Regional Open Space' under the Greater Bunbury Region Scheme. 'Regional Open Space' reservations are reserved *'to protect the natural environment, provide recreational opportunities, safeguard important landscapes and provide for public access;'*

The use of the site by the Indian Harley (Bunbury) Club Inc. meets the above criteria.

**Analysis of Financial and Budget Implications**

There would be no implications to the annual budget.

The Club will be responsible for the payment of all outgoings and lease preparation fees.

**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 grant a renewal of Lease to the Bunbury Indian Harley (Bunbury) Club Inc.

**Outcome – Council Committee Meeting 23 November 2010**

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

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

**Outcome – Council Meeting 30 November 2010**

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

**Council Decision 234/10**

***Council agrees to grant a renewal of Lease to the Indian Harley (Bunbury) Club Inc. over Site 4 of Portion Lot 200 Clements Place Bunbury for a further 5 year term expiring 31 August 2015.***

CARRIED

11 votes "for" / Nil votes "against"

### 11.3 December 2010 Budget Review *(was listed as item 11.10 on the meeting agenda)*

<b>File Ref:</b>	A00284-02
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Harrison, Budget Accountant
<b>Executive:</b>	Ken Weary, Budget Accountant
<b>Attachments:</b>	Report Under Separate Cover

#### **Committee Recommendation**

Council adopts the December 2010 Budget Review.

**Note:** *An Absolute Majority Vote by Council is required.*

#### **Summary**

Council adopted the 2010/2011 Budget on 10 August 2010 (total budget of \$73M comprising \$26.4M capital works, \$1.6M debt reduction and \$45M in operating expenditure).

The City of Bunbury reviews its annual budget in December and March each year. The reviews are comprehensive and identify additional expenditures (where unavoidable) and additional income and/or expenditure savings to offset funding requirements.

This budget review maintains the 2010/2011 budget in a balanced position.

#### **Background**

The draft December Budget Review identifies expenditure of \$568,257 for general works, variations and new projects. Funding of \$568,257 inclusive of reduction in expenditures, adjustment of grant funding, additional revenue and reserve funding; has been identified in this review to maintain a balanced budget.

A copy of the draft December 2010 Budget Review has been issued **under separate cover.**

#### **Officer Comments**

Executives, managers and officers with budget responsibility are consulted in the preparation of the Budget Review. Councillors were given an overview of the draft Budget Review at the Councillor Briefing session held on Tuesday, 16 November 2010.

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

Budget reviews assist in (and form part of) the financial management processes within the City of Bunbury. The scope of financial management is to ensure a sufficient cash supply is available to meet expenditure demand. Council's Executive Management together with Corporate Services staff monitor the City's monthly

revenue and expenditure activities and (as required) refer any variances requiring remedial action to the Council.

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

### **Strategic and/or Regional Outcomes**

The proposal complies with the City's Strategic Plan 2007-2012 in providing efficient financial management and accounting services to all strategic directions for the City of Bunbury.

### **Community Consultation**

It was not necessary to undertake community consultation in respect to this Budget Review.

### **Council Policy Compliance**

The proposal does not contravene any Council Policies or Work Procedures.

### **Legislative Compliance**

In accordance with Section 6.8 (1b) of the Local Government Act 1995 (Expenditure from municipal fund not included in the Annual Budget) Council is required to authorise the advance expenditure by an absolute majority vote.

### **Delegation of Authority**

The Chief Executive Officer does not have the delegated authority of the Council to adopt Budget Reviews.

### **Relevant Precedents**

Council reviews its Budget in December and March each year.

### **Options**

#### Option 1

Adopt the December 2010 Budget Review for the City of Bunbury.

#### Option 2

Adopt the December 2010 Budget Review for the City of Bunbury with amendments (as specified by the Council).

### **Outcome – Council Committee Meeting 23 November 2010**

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

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

**Outcome – Council Meeting 30 November 2010**

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

**Council Decision 235/10**

***Council adopts the December 2010 Budget Review.***

CARRIED

11 votes "for" / Nil votes "against"

**11.4 Financial Statements – October 2010** *(was listed as item 11.11 on the meeting agenda)*

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

**Committee Recommendation**

The Financial Statements for the periods ending 31 October 2010 be received.

**Summary/Background**

Financial Statements for the period ending 31 October 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 23 November 2010**

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

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



**Outcome – Council Meeting 30 November 2010**

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

**Council Decision 236/10**

***The Financial Statements for the periods ending 31 October 2010 be received.***

CARRIED

11 votes "for" / Nil votes "against"

**11.5 Reconstruction and Widening of Albert Road** *(was listed as item 11.12 on the meeting agenda)*

<b>File Ref:</b>	R-0004
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	James Shepherd, Manager Operations
<b>Executive:</b>	Michael Scott, Executive Manager City Services
<b>Attachments:</b>	Nil

**Committee Recommendation**

Council delegate authority to the Acting Chief Executive Officer to proceed with the upgrade works on Albert Road.

**Summary**

Council's Christmas recess will extend from 15 December to the end of January 2011. A contract needs to be awarded before the end of January for the reconstruction and widening of Albert Road between Mackinnon Way and Strickland Street.

A delay in awarding the contract to mid to late February will risk it not being completed by the end of the financial year.

**Background**

Albert Road has been included in the 5 year road programme as a priority to be built in 2010/11 financial year as approved in Council's 5 year financial plan (adopted 29 June 2010)

**Officer Comments**

As Council will be in recess from Christmas until February 2011 there is a risk that delaying the awarding of this works contract until mid to late February could mean that the project is delayed into the following financial year.

The 2010 – 2011 Capital Works Programme has a budgeted sum of \$250,000 for this project. It is expected that the quotes received from the RFQ will not exceed this sum. Council are requested to delegate the authority to select the best value quote and award a contract to the Acting Chief Executive Officer to facilitate the early completion of this project.

**Analysis of Financial and Budget Implications**

There are no financial or budget implications outside of the project budget of \$250,000.

**Council Policy Compliance**

Council approval is required for the reconstruction and widening of Albert Road between Mackinnon Way and Strickland Street.

### **Legislative Compliance**

This complies with the WA Local Government Act 1995 5.52 Delegation of Authority to the CEO.

### **Relevant Precedents**

Council has previously delegated expenditure for the containment boom to be installed around the Bunbury Timber Jetty.

Council has previously authorised expenditure of preserved funding for planning. (Parking Strategy)

Council has previously delegated sole provider, contractor appointment and expenditure in excess of \$100,000 to the CEO. (Athletics track)

### **Options**

#### Option 1

As per the recommendation in this report

#### **Outcome – Council Committee Meeting 23 November 2010**

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

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

#### **Outcome – Council Meeting 30 November 2010**

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

#### **Council Decision 237/10**

***Council delegate authority to the Acting Chief Executive Officer to proceed with the upgrade works on Albert Road.***

CARRIED

11 votes "for" / Nil votes "against"

**11.6 Proposed Scheme Amendment 49 to Town Planning Scheme No. 7 - Special Use Zone 43 (former Fawly Towers Motel): Lot 3 (No. 205) Ocean Drive, South Bunbury** (was listed as item 11.13 on the meeting agenda)

<b>File Ref:</b>	A04301
<b>Applicant/Proponent:</b>	Harley Global
<b>Author:</b>	Paul Davies, Planning Consultant
<b>Executive:</b>	Gary Fitzgerald, Acting Executive Manager City Development
<b>Attachments:</b>	Report Under Separate Cover

**Committee Recommendation**

That Council resolves as follows:

1. Pursuant to the *Planning and Development Act 2005* initiate Scheme Amendment 49 to the City of Bunbury Town Planning Scheme No. 7 with respect to Lot 3 (street address 205) Ocean Drive, South Bunbury, in accordance with the Scheme Amendment 49 documentation (under separate cover at Attachment 1 to this report).
2. Refer Scheme Amendment 49 documentation to the Environmental Protection Authority for its assessment in accordance with the provisions of section 81 of the *Planning and Development Act 2005*.
3. Following the consent of the Western Australian Planning Commission and the Environmental Protection Authority, publicly advertise Scheme Amendment 49 for a period of not less than 42 days in accordance with the *Town Planning Scheme Regulations 1969*.

**Summary**

A submission has been received from the consulting firm Harley Global on behalf of the owner of the former Fawly Towers Motel for an amendment to the Special Use Zone 43 provisions under City of Bunbury Town Planning Scheme No. 7 (TPS7).

The subject site is situated at Lot 3 Ocean Drive, South Bunbury, as shown on the location plan at Attachment 2 under separate cover to this report.

The aim of the amendment proposal is to allow for up to 25% of the units in the new development to be used on either a short-stay or permanent residential basis.

**Background**

The site is currently zoned "Special use Zone 43" (SU43) and includes the special uses of motel, restaurant; and coffee lounge; with development conditions as determined by Council.

In March 2007 Council approved the redevelopment of the former Fawly Towers motel site for a new 43 unit resort development to replace the former 17 room motel development.

Construction of the new development has recently commenced - comprising of a range of self contained single bedroom, two bedroom and three bedroom units, some with interconnectivity to provide larger units when required. The development also includes a reception area, café and swimming pool overlooking the beach.

### **Proposal**

The proposal is for an amendment to the provisions in the “Special Use(s)” and “Conditions” columns of Special Use Zone 43 under Schedule 2 of the Scheme Text. The proposed amendment will allow for up to 25% of the units in the new development to be used for either short-stay or permanent residential accommodation. The proposed amendment also includes a number of provisions to regulate future development and use of the site. Refer to Attachment 1 **under separate cover** to this report for a copy of the proposed scheme amendment provisions.

### **Officer Comments**

The allowance for up to 25% of the units to be used as “Residential Unrestricted Accommodation”, permitting both short-stay and permanent residential accommodation, within an overall tourism development is consistent with recommendations of the State Government’s Tourism Planning Taskforce Report (endorsed by Cabinet in January 2006).

The key principle identified in the Tourism Planning Taskforce Report was that a sustainable tourism industry, with its many inherent benefits, requires tourism development to be undertaken for tourism purposes. To achieve this, the taskforce recommended an increased focus on land use planning for tourism, formulated at a regional and local level.

The City responded by preparing the Local Planning Strategy for Tourism (adopted by Council on 19 May 2009), which identified the subject site the current scheme amendment proposal for a “non-strategic tourism site” is consistent with. Based upon the Local Planning Strategy for Tourism, Council has previously supported provision for up to 25% permanent Residential accommodation in other Tourist development sites including the Punchbowl site and Lot 66 Ocean Drive.

In accordance with the proposed scheme provisions the proponent will need to submit an application for planning approval for the site in order to designate the proposed permanent residential units.

Most of the planning issues outlined in the proposed special provisions have previously been addressed in the current Planning Approval for the site. The overall scheme provisions are; however, proposed to be consistent with requirements for other tourist development sites in the City.

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

There are no known financial or budget implications for Council.

### **Community Consultation**

The proposed scheme amendment will be required to be advertised for public comment in accordance with the requirements of the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967*.

### **Legislative Compliance**

Local Planning Scheme amendments are required to comply with requirement of the Planning and Development Act 2005 (as amended) and the State Planning Framework (e.g. all relevant State Planning Policies).

### **Delegation of Authority**

The Chief Executive Officer does not have delegated authority to initiate Town Planning Scheme amendments.

### **Relevant Precedents**

The City has previously rezoned land for tourist development including a 25% permanent residential component including the Punchbowl site and Lot 66 Ocean Drive.

### **Options**

#### Option 1

As per recommendation.

#### Option 2

Council may resolve not to initiate the proposed Scheme Amendment.

### **Outcome – Council Committee Meeting 23 November 2010**

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

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

### **Outcome – Council Meeting 30 November 2010**

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

*(Council Decision shown overleaf)*

**Council Decision 238/10**

***That Council resolves as follows:***

- 1. Pursuant to the Planning and Development Act 2005 initiate Scheme Amendment 49 to the City of Bunbury Town Planning Scheme No. 7 with respect to Lot 3 (street address 205) Ocean Drive, South Bunbury, in accordance with the Scheme Amendment 49 documentation (under separate cover at Attachment 1 to this report).***
- 2. Refer Scheme Amendment 49 documentation to the Environmental Protection Authority for its assessment in accordance with the provisions of section 81 of the Planning and Development Act 2005.***
- 3. Following the consent of the Western Australian Planning Commission and the Environmental Protection Authority, publicly advertise Scheme Amendment 49 for a period of not less than 42 days in accordance with the Town Planning Scheme Regulations 1969.***

**CARRIED**

**11 votes "for" / Nil votes "against"**

**11.7 Advisory Committee Minutes to be Noted at the Council Committee Meeting** *(was listed as item 11.14 on the meeting agenda)*

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various
<b>Attachments:</b>	Under Separate Cover

**Committee Recommendation**

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

1. Title: Minutes – Bunbury Setagaya Sister Cities Committee  
(18/08/2010, 15/09/2010 & 20/10/2010)  
Author: Jenni Brown, Project Officer  
File: A00443

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

**Outcome – Council Committee Meeting 23 November 2010**

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

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

**Outcome – Council Meeting 30 November 2010**

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

**Council Decision 239/10**

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

1. Title: **Minutes – Bunbury Setagaya Sister Cities Committee**  
(18/08/2010, 15/09/2010 & 20/10/2010)  
Author: **Jenni Brown, Project Officer**  
File: **A00443**

CARRIED

11 votes "for" / Nil votes "against"



**11.8 Motion on Notice – Renaming of Wilkerson Way Action Group & Renaming Reserve 40244 as Warren Troy Park** *(was listed as item 11.17 on the meeting agenda)*

<b>File Ref:</b>	A00217
<b>Applicant/Proponent:</b>	Councillor Wayne Major
<b>Author:</b>	Councillor Wayne Major
<b>Executive:</b>	If adopted by Council refer to: Michael Scott, Executive Manager City Services
<b>Attachments:</b>	Nil

**Committee Recommendation**

1. Council note and welcome the formation of Withers Action Group.
2. Council seek the expedition of the creation of Reserve 40244 as an urban park in 2011; and
3. That an appropriate acknowledgement of Mr Warren Troy be located in the park next to the Family Centre.

Cr Major submitted the following motion for the Council Committee Meeting on 23 November 2010:

*"That this Council be made aware of the formation of the Withers Action Group, formally the Wilkerson Way Action Group. It is also asked of Council upon completion of Reserve 40244 to the status of an urban park within the time frame of 2011, it is further asked of Council to name this park Warren Troy Park."*

**Comments - Cr Major**

In support of his motion, Cr Major states that, *"It is felt by the Withers Action Group (WAG) convenor that Warren Troy by his actions, demeanour and his non confrontational approach to all issues, not only to Hudson Road but to all issues that related to the City is deserving of this honour. His work towards a comfortable outcome and his ability to talk to all parties to settle such disputes as they arose was a calming effect and very much appreciated. "*

**Executive Comments**

For Council's consideration.

**Cr Major's Motion**

That this Council be made aware of the formation of the Withers Action Group, formally the Wilkerson Way Action Group. It is also asked of Council upon completion of Reserve 40244 to the status of an urban park within the time frame of 2011, it is further asked of Council to name this park Warren Troy Park.

### **Outcome – Council Committee Meeting 23 November 2010**

The Mayor asked if there were any members of the public wishing to address the Committee on this issue.

Mr Glen Willets, 40 Wilkerson Way Withers, addressed the Committee and spoke in favour of the motion. A summary of his submission is as follows. The Wilkerson Way Action Group has renamed themselves as the Withers Action Group (WAG). They have done this in order to be able to deal with the issues in the Withers area as a whole. They want to enhance and modernise the area to be in line with the rest of Bunbury. They ask that the Reserve 40244 be enhanced back to being public open space with barbeque, seating, paths, reticulation etc as was proposed by Council for the December budget review for work to start in 2011. The WAG has asked that they be a part of the design process and that the group would assist with the maintenance of the Park. They would like the Council to consider naming the Park after council employee Warren Troy who had passed away recently. The reasons were that they felt that Warren Troy was very helpful to them and was approachable to all residents. Glen thanked Cr Major, the Councillors and the Mayor for all their help in getting the matter progressed this far.

The Motion on Notice was moved Cr Major, seconded Cr Spencer to become the motion under discussion.

It was suggested to the mover and seconder that the motion be amended to form three (3) points to reads as follows:

- “1. Council note and welcome the formation of Withers Action Group.
2. Council seek the expedition of the creation of Reserve 40244 as an urban park in 2011; and
3. That Council consider that the park east of the Family Centre be named Warren Troy Park or any other name that is appropriate.”

This amendment was agreed to.

During the discussion it was suggested that a fourth point be added which reads as follows:

- “4. That an appropriate acknowledgement of Mr Warren Troy be located in the park next to the Family Centre.”

This was agreed to by the mover and seconder.

It was requested that the vote on the motion be taken in separate parts.

The Mayor put the motion (as amended) to the vote in separate parts and was adopted to become the Committee’s recommendation on this matter.

Point 1: 13 votes “for” / Nil votes “against” – CARRIED  
Point 2: 13 votes “for” / Nil votes “against” – CARRIED  
Point 3: 4 votes “for” / 9 votes “against” – LOST  
Point 4: 11 votes “for” / 2 votes “against” – CARRIED

**Outcome – Council Meeting 30 November 2010**

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

**Council Decision 240/10**

- 1. Council note and welcome the formation of Withers Action Group.**
- 2. Council seek the expedition of the creation of Reserve 40244 as an urban park in 2011; and**
- 3. That an appropriate acknowledgement of Mr Warren Troy be located in the park next to the Family Centre.**

CARRIED

11 votes "for" / Nil votes "against"

**11.9 Items to be Noted (No Discussion) at the Council Committee Meeting**  
(was listed as item 11.18 on the meeting agenda)

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various
<b>Attachments:</b>	Under Separate Cover

**Committee Recommendation**

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

1. Title: Building Applications/Development Approvals September 2010  
Author: Gary Fitzgerald, Manager Development Services  
File: A00566-04
2. Title: Building Applications/Development Approvals October 2010  
Author: Gary Fitzgerald, Manager Development Services  
File: A00566-04
3. Title: Schedule of Accounts Paid – October 2010  
Author: David Ransom, City Accountant  
File: A000083-11

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

**Outcome – Council Committee Meeting 23 November 2010**

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

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

**Outcome – Council Meeting 30 November 2010**

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

**Council Decision 241/10**

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

1. Title: ***Building Applications/Development Approvals September 2010***  
Author: ***Gary Fitzgerald, Manager Development Services***  
File: ***A00566-04***

- 2. Title: Building Applications/Development Approvals October 2010**  
**Author: Gary Fitzgerald, Manager Development Services**  
**File: A00566-04**
- 3. Title: Schedule of Accounts Paid – October 2010**  
**Author: David Ransom, City Accountant**  
**File: A000083-11**

CARRIED

11 votes "for" / Nil votes "against"

**11.10 Appointment of Community Representatives – City of Bunbury Museum Advisory Committee** *(was listed as item 11.1 on the meeting agenda)*

<b>File Ref:</b>	A01262-06
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jenelle Dunn, Acting Executive Officer Bunbury Museum Advisory Committee
<b>Executive:</b>	Domenic Marzano, Executive Manager City Life
<b>Attachments:</b>	Nil

**Committee Recommendation**

That Council endorse the recommendation of the City of Bunbury Museum Advisory Committee in:

1. Appointing Mr Bernhard Bischoff, Ms Phyllis Barnes and Ms Jane Griffiths to the Committee for a term to expire on 15 October 2011.

**Summary**

As per Council Decision 107/10 on 8 June 2010, Council approved the membership of the Bunbury Museum Advisory Committee, which includes three community members.

Existing Committee members considered all expressions of interest and ranked them in order of preference. The abovementioned recommendation was forthcoming for the consideration of Council.

**Background**

At its meeting on 8 June 2010, Council resolved to approve the establishment of a Bunbury Museum Advisory Committee for the purposes of further investigating possible sites for a Bunbury Museum.

At this same meeting, Council adopted the terms of reference as listed below (under 'Officer Comments' section).

Subsequently, advertisements calling for Expressions of Interest for community members for the Committee were placed in local media.

At the closure of nominations, five (5) community members had submitted applications. One further application was received after closing date, however as there were enough applications to enable the selection of community members for the Committee, this application was not accepted.

Copies of all expressions of interest were forwarded to existing Committee members for consideration with a recommendation of possible members from City Life senior staff.

All expressions of interest were considered by existing Committee members and ranked in order of preference. All but one Committee member responded within the allocated timeframe.

Based on these rankings, the resulting recommendation to Council is to appoint Mr Bernhard Bischoff, Ms Phyllis Barnes and Ms Jane Griffiths.

The inaugural meeting of the Bunbury Museum Advisory Committee will be held once the Museum Curator has been appointed, as this person will act as the Executive Officer for this Committee.

### **Officer Comments**

The appointment of community representatives completes the official membership process and will allow the Committee to put in effect its approved terms of reference (agreed to by Council on 8 June 2010) which are to:

1. To develop criteria for the selection of a site for a Bunbury Museum
2. To identify a range of possible sites with regards to the above criteria
3. To investigate feasibility of sites and report back to Council on findings.

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

Appointment of Community representatives to the Bunbury Museum Advisory Committee 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 Bunbury Museum Advisory Committee.

### **Outcome – Council Committee Meeting 23 November 2010**

The Mayor asked if there were any members of the public that wished to address the Committee.

Mr Arpad Mencshelyi, 6 Sampson Road Bunbury, addressed the Committee and spoke against the recommendation. The following is a summary of his submission. He wanted to know why his name was left off the Committee nominations and believes that all five (5) applications should go through. He believes he has the experience and qualifications. He stated that he has a Bachelor of Architecture from University of Western Australia (UWA), Diploma of Electrical Engineering from TAFE

as well as other qualifications. He was involved with the design of King Cottage and has served on other Council Committees. He believes he can contribute significantly to the design brief.

The Executive Manager of City Life stated in answer to the question posed by Mr Mencshelyi that the nominations were assessed by the members of the Museum Committee and that there were only three (3) positions available. The Museum Committee recommended the applicants that they considered most suitable.

In accordance with Section 15.2 of the City of Bunbury Standing Orders, Cr Craddock moved, Cr Steck seconded a procedural motion that the matter be adjourned until Council Meeting of 30 November 2010.

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

### **Outcome – Council Meeting 30 November 2010**

Cr Slater left the Chambers at 7.49pm and was not present for the vote on the procedural motion.

Cr Harrop moved the procedural motion 15.10 of the City of Bunbury Standing Orders that the meeting goes behind closed doors to discuss confidential business. The Mayor put the procedural motion to the vote – 3 votes “for” / 7 votes “against” LOST.

Cr. Slater returned to the Chambers at 7.53pm and was present for the remainder of the discussion and took part in the vote.

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

Cr Whittle moved Cr Leigh seconded an amendment to have Arpad Menschelyi appointed to the Committee. The Mayor put the amendment to the vote and was CARRIED 8 votes “for” / 3 votes “against”.

Cr Harrop moved Cr Steck seconded an amendment that Lee-Anne Abdo also be appointed to the Committee. The Mayor put the amendment to the vote and was CARRIED 6 votes “for” / 5 votes “against”.

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



**Council Decision 242/10**

***That Council endorse the recommendation of the City of Bunbury Museum Advisory Committee in:***

- 1. Appointing Mr Bernhard Bischoff, Ms Phyllis Barnes, Ms Jane Griffiths, Mr Arpad Menschelyi and Ms Lee-Anne Abdo to the Committee for a term to expire on 15 October 2011.***

**CARRIED**

**11 votes "for" / Nil votes "against"**

**11.11 Deed of Lease - Bunbury Clay Target Club, Reserve 670 (Adjacent to Bunbury Airport)** *(was listed as item 11.2 on the meeting agenda)*

<b>File Ref:</b>	F00040
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Ron Boardley, Property & Rating Co-ordinator
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services
<b>Attachments:</b>	Appendix 3 & 4 Confidential Report Under Separate Cover

**Committee Recommendation**

That subject to the approval of the Minister for Lands, Council agrees to grant the Bunbury Clay Target Club Inc. a Deed of Lease over portion of Reserve 670 (adjacent to the Bunbury Airport) from 1 December 2010 to 30 June 2012, on the terms and conditions as specified in this report and subject to the Club revising the layout of the site in consultation with the Bunbury Airport Advisory Committee, Specialist Enforcement Operation Licensing Enforcement Division of Western Australian Police and Council Officers so as to ensure the highest possible degree of safety.

**Summary**

The Bunbury Clay Target Club has occupied a part of Reserve 670, situated adjacent to the Bunbury Airport since 1986. The lease expired on 30 June 2009; however the "Holding Over" clause is in place. It is proposed to enter into a new Deed of Lease for the period 1 December 2010 to 30 June 2012.

A plan showing the lease area is **attached** at Appendix 3.

**Background**

Council considered a report in regard to the above at the meeting held on 24 August 2010 and resolved as follows;

- "1. That the Bunbury Clay Target Club be advised that Council is prepared to delay any decision on re-location of the Bunbury Clay Target Club and a decision on the renewal of the lease until such time as the South West Ballistic Project report is completed.*
- 2. That this matter be returned to Council following publication of the report with a recommendation on re-location of the club after consultation with affected parties or by 1 December 2010, whichever is sooner."*

A copy of the Department of Sport and Recreation "South West Ballistics Complex – Draft August 2010" report has now been received and the "Executive Summary" **attached** at Appendix 4 from the report outlines the projected timelines, actions and outcomes.

The City's Executive supports the projected timelines, actions and outcomes contained within the report which are scheduled for completion in June 2011 and it is proposed that the lease for the Bunbury Clay Target Club over a portion of Reserve 670 (adjacent to Bunbury Airport) be renewed for a further term commencing 1 December 2010 and expiring on 30 June 2012. This will allow progress of the objectives from the South West Ballistics Report to be monitored.

Following an event on 3 October 2010, complaints were again received of pellets intruding into the airport, which lead to an inspection by the Police Firearms Licensing Branch on 6 October 2010. The Club has now been issued with an amended permit, a copy of which is circulated as a Confidential Report **under separate cover**.

**Current Lease Details**

Commencement Date:	1 July 2007
Term/Expiry Date:	30 June 2009
Rental:	\$843.58 per annum (plus GST), subject to CPI increases on an annual basis.
Permitted Use:	Club rooms, caretaker's residence and clay target shooting area.
Lease Area:	1,280 square metres.
Outgoings:	Responsibility of Lessee.
Insurance Requirements:	Lessee to hold public liability cover for claims up to \$5(M) and general insurance cover.
Special Conditions:	The Club will continue to use its best endeavours to find a suitable site to relocate no later than 30 June 2009.
Preparation of Lease:	The Lessee responsible to meet all costs associated with the extension of Lease.

**Proposed Lease Details**

Commencement Date:	1 December 2010
Term/Expiry Date:	30 June 2012
Rental:	\$843.58 per annum (plus GST), subject to CPI increases on an annual basis.
Permitted Use:	Club rooms, caretaker's residence and clay target shooting area.
Lease Area:	1,280 square metres.
Outgoings:	Responsibility of the Lessee.
Insurance Requirements:	Lessee to hold public liability cover for claims up to \$10(M) and general insurance cover.
Special Conditions:	<ul style="list-style-type: none"> <li>- The Club will continue to use its best endeavours to find a suitable site to relocate no later than 30 June 2012.</li> <li>- The Club to comply with the requirements of the permit issued by the Police Licensing Services (Firearms) Branch.</li> <li>- In the event that the Lessor requires the whole or part of the leased land for rationalisation/redevelopment of the adjacent airport, the Lessor may terminate the lease by</li> </ul>

	giving 12 months notice in writing to the Lessee of the termination of the lease.
Preparation of Lease:	The Lessee responsible to meet all costs associated with the extension of Lease.

The land is Crown Land held under Management Order by the City and therefore the approval of the Minister for Lands is required under the provisions of the *Land Administration Act 1997*.

### **Community Consultation**

The proposal has been discussed with Mr. Clayton Hyder from the Bunbury Clay Target Club and he has advised of the Club's support to the proposal.

### **Officer Comments**

The City's Executive supports the renewal of the lease up to 30 June 2012 as this will allow progress of the objectives from the South West Ballistics Report to be monitored.

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

The proposal will have no impact on the current budget.

### **Options**

#### Option 1

As per the recommendation listed in this report.

#### Option 2

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

#### Option 3

Council do not support the recommendation.

### **Outcome – Council Committee Meeting 23 November 2010**

The Mayor asked if there were any members of the public that wished to address the Committee on this issue.

Mr Clayton Hyder, President of the Bunbury Clay Target Club, addressed the Committee and spoke in favour of the recommendation. The following is a summary of his submission. He felt that he needed to address the Committee urgently in light of an incident that happened on the previous Friday. The Bunbury Clay Target Club believes that the current safety issues are paramount and they are addressing them as a matter of urgency. They have lost their licence and in order for them to get it back they need to make changes to the layouts and reorganise them. An action plan will need to be put in place and discussed with the Firearms Branch of the WA Police. They need to have the lease extended in order to have time to prepare the

reorganisation and find a site for possible relocation. With the reorganising of the layout orientation they would not be able to hold the events that they normally would do. Their members would only be able to practice. They acknowledge the issues regarding pellet intrusion onto the airport and they are doing everything they can to solve the issue. The Club has been at their current site since 1968 and has not moved a millimetre in all that time. The problem has been exacerbated by the expansion of the Bunbury Airport.

Mr Alex Karatamoglou, representing the Bunbury Airport Advisory Committee, addressed the Committee and spoke against the recommendation. The following is a summary of his submission. He stated that the main concern was safety. Council has previously accepted the Airport Structure plan and the site of the Clay Target Club is a part of the future expansion. The expansion is necessary as there is an urgent need for more hangar space. The falling pellets are not really the issue; it's more the pellets getting into the engine turbines that are of concern. The Airport Advisory Committee would like to get together with the Clay Target Club to discuss the issues and try to find a suitable solution. The Bunbury Clay Target Club are trying to do the right thing, they are just in the wrong location.

The recommendation (as printed) was moved Cr Craddock, seconded Cr Leigh with the following amendment.

Add a point 1 that reads: "Subject to the club revising the layout of the site, in consultation with the Bunbury Police and Council Officers so as to ensure the highest possible degree of safety."

Add a point 2 that reads: "The club pursuing alternative sites."

The Deputy Mayor Cr Kelly asked if the mover and seconder would agree to change the wording of the amendment. The mover and seconder agreed to the following changes:

Remove point 2 completely as it is already mentioned in the lease conditions. Join point 1 with the original recommendation to read as follows:

*"That subject to the approval of the Minister for Lands, Council agrees to grant the Bunbury Clay Target Club Inc. a Deed of Lease over portion of Reserve 670 (adjacent to the Bunbury Airport) from 1 December 2010 to 30 June 2012, on the terms and conditions as specified in this report and subject to the Club revising the layout of the site in consultation with the Bunbury Airport Advisory Committee, Specialist Enforcement Operation Licensing Enforcement Division of Western Australian Police and Council Officers so as to ensure the highest possible degree of safety."*

Cr Steele moved procedural motion 15.4 of the City of Bunbury Standing Orders, that the "motion be put". The Mayor put the procedural motion to the vote and was CARRIED 8 votes "for" / 5 votes "against".

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

### **Outcome – Council Meeting 30 November 2010**

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

Cr Craddock moved Deputy Mayor Cr Kelly seconded an amendment that reads as follows;

Add: "2. That the club be advised that no further extension of the lease will be available after the expiry of this lease on 30 June 2012." The Mayor put the amendment to the vote and was LOST 5 votes "for" / 6 votes "against"

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

#### **Council Decision 243/10**

***That subject to the approval of the Minister for Lands, Council agrees to grant the Bunbury Clay Target Club Inc. a Deed of Lease over portion of Reserve 670 (adjacent to the Bunbury Airport) from 1 December 2010 to 30 June 2012, on the terms and conditions as specified in this report and subject to the Club revising the layout of the site in consultation with the Bunbury Airport Advisory Committee, Specialist Enforcement Operation Licensing Enforcement Division of Western Australian Police and Council Officers so as to ensure the highest possible degree of safety.***

CARRIED

9 votes "for" / 2 votes "against"

It was requested that the votes be recorded as follows;

For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Craddock, Cr Steck. Cr Whittle, Cr Leigh, Cr Steele, Cr Slater, Cr Harrop  
Against: Cr Jones, Cr Major

**11.12 Proposed Rezoning Lots 73 – 81 Ward Street from Residential R15 to Special Use Zone No. 53** *(was listed as item 11.3 on the meeting agenda)*

<b>File Ref:</b>	A03927
<b>Applicant/Proponent:</b>	Thompson McRobert Edgeloe Group Pty Ltd
<b>Author:</b>	Paul Davies, Planning Consultant Thor Farnworth – Acting Manager Development Services
<b>Executive:</b>	Gary Fitzgerald, Acting Executive Manager Development Services
<b>Attachments:</b>	Report Under Separate Cover

**Committee Recommendation**

*Part 1*

Pursuant to City of Bunbury Standing Order 15.9.2 that the “motion be raised from the table”.

*Part 2*

That Council

1. In accordance with the Planning and Development Act 2005 resolve to initiate Amendment No 42 to the City of Bunbury Town Planning Scheme No 7 to rezone Lots 73 to 81 Ward Street from “Residential Zone” with a residential density code of “R15” to “Special Use Zone 53 – Mixed Use” (S.U.53) and insert appropriate provisions under Schedule 2 of the Scheme Text
2. Refer the proposed Scheme Amendment 42 documentation to the Western Australian Planning Commission (WAPC) for approval to advertise for public comment.
3. Refer the proposed Scheme Amendment 42 documentation to the Environmental Protection Authority (EPA) for approval to advertise for public comment.
4. Subject to approval of the Western Australian Planning Commission and Environmental Protection Authority, advertise the proposed Scheme Amendment 42 for a period of at least 42 days.
5. That Council write to the landowners of Castle, Ward, Higgins and Doris Streets informing the landowners that Council intends to accept the recommendation to rezone Lots 73-81 Ward Street from Residential R15 to Special Use Zone No. 53.

**Summary**

A submission was received from Thompson McRobert Edgeloe Planning Group Pty Ltd for the rezoning of Lots 73 to 81 Ward Street from “Residential Zone” with a residential density code of “R15” to a Special Use Zone in order to permit the redevelopment of the subject properties as a mixed use precinct.

The subject land encompasses nine (9) properties along Ward Street as indicated on the location plan attached at Appendix 1 in the report previously circulated **under separate cover**. The proposal includes a total of six (6) landowners who have advised of their in principle support for the rezoning. Two (2) landowners proposing the rezoning of the area own four (4) of the subject properties.

The amendment has been formulated to create a Special Use Zone that incorporates a mixture of residential and non-residential uses - including consulting rooms, medical centre, multiple dwellings (R60), lunch bar, restaurant, community purpose, small to medium sized office or showroom and other civic or commercial uses as outlined in the proposed scheme provisions.

It is intended that a Detail Area Plan (or DAP) will then be formulated and adopted by Council to provide a framework for regulating land use and guide urban design of the built form. The desired outcomes of the DAP will be the creation of a mixed use precinct with predominantly ground floor commercial uses such as showrooms, with offices and dwellings on the first and second floors in a manner that integrates similar scaled and compatible activities.

### **Background**

The proposed Special Use Zone provisions to be included under Schedule 2 of the City of Bunbury Town Planning Scheme No. 7 (TPS7) outline the land use and development requirements that are to be addressed prior to any further subdivision or development of the subject area. Appendix 2 (**under separate cover**) includes a copy of the proposed Scheme Amendment 42 documentation.

The proposed Special Use Zone provisions require that a DAP be prepared to the specifications and satisfaction of the City of Bunbury for Council's adoption in order to guide the future development and infrastructure servicing of the area prior to approval of any further subdivision/amalgamation or development within the subject area.

The proposed Special Use Zone provisions outline issues to be addressed in the DAP - including development layout, building envelopes, floor areas of uses, buffers to adjoining residential areas, traffic management, access and car parking, pedestrian movement, building height and setbacks and passive surveillance.

Prior to Council's endorsement of a finalised DAP, the applicant is also required to undertake the preparation of the following support studies/plans:

- a. Transport Assessment – is required to address capacity of the surrounding road network including vehicular traffic, pedestrians and cycles and identify any works which are necessary to ensure that the local road network is both adequately safe and efficient.
- b. Infrastructure Implementation Plan – is required to address infrastructure requirements including approved parts of the Transport Assessment Study, provision of dual use paths, construction of the rear right of way, allocation of responsibility for infrastructure provision and timing of provision of infrastructure. It is proposed that the Infrastructure Implementation Plan will



be implemented through conditions of subdivision or development approval for the subject lots.

### **Strategic Relevance**

The proposal has significant implications for not just how the subject site is developed and used, but also for how the City facilitates the implementation of activity centre and neighbourhood strategies in the redevelopment (referred to by the 2001 Commercial Strategy as 'rounding off') of any other areas of mixed use and commercial expansion. Therefore, it can reasonably be expected that in considering such proposals the involvement and support of the Department of Planning and other stakeholders will be critical – in order to ensure that the City establishes a consistent strategic direction with the development of a revised Scheme, which is recommended to incorporate a mixed use zone (refer to the advertised draft Local Planning Strategy for Activity Centres & Neighbourhoods).

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

#### *Economic*

The creation of a quality/true mixed use precinct with a good standard of urban design and amenity can expect to have positive economic impacts. Experience in other urban centres worldwide and locally has demonstrated that successful redevelopment of mixed use precincts works by properly balancing the increased availability of additional residential and non-residential land uses in a manner that integrates similar scaled and compatible activities within a walkable and attractive built environment.

#### *Social*

There are no known or expected social impacts generated by the proposal.

#### *Environmental*

There are no significant environmental impacts generated by the proposal.

#### *Heritage*

There are no impacts to heritage values generated by the proposal.

### **Officer Comments**

The proposed scheme amendment does not conflict with the City's draft Local Planning Strategy for Activity Centres & Neighbourhoods which has recently been advertised for public comment.

The subject land is identified under the draft Local Planning Strategy for commercial/mixed use style development and is identified within the Blair/Strickland Street activity corridor.

The proposal is consistent with the Western Australian Planning Commission's (WAPC) Liveable Neighbourhoods operational policy – including the overall design of

urban and neighbourhood structures, walkable neighbourhoods, transport efficiency, clustering of compatible mixed uses and active street land use interfaces.

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

As outlined above the applicant is required to prepare an Infrastructure Implementation plan for the subject area. The Infrastructure Implementation Plan will identify required infrastructure improvements, allocation of responsibility for infrastructure provision and timing for provision of the required works.

### **Community Consultation**

The proposed scheme amendment will be required to be advertised for public comment in accordance with the requirements of the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967*.

### **Options**

#### Option 1

As per recommendation

#### Option 2

Council may resolve not to initiate the proposed Scheme Amendment.

### **Outcome – Council Committee Meeting 12 October 2010**

Option 2 - Council may resolve not to initiate the proposed Scheme Amendment – was moved Cr Slater, seconded Cr Leigh.

The Mayor put the motion (option 2) to the vote and was LOST 3 votes “for” / 5 votes “against”. It was requested that the votes be recorded as follows:

For: Deputy Mayor Cr Kelly, Cr Leigh, Cr Slater  
Against: Mayor D Smith, Cr Jones, Cr Harrop, Cr Spencer, Cr Punch

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

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

It was requested that the votes be recorded as follows:

For: Mayor D Smith, Cr Jones, Cr Harrop, Cr Spencer, Cr Punch  
Against: Deputy Mayor Cr Kelly, Cr Leigh, Cr Slater

### **Outcome – Council Meeting 19 October 2010**

The Mayor asked if there was any member of the public who wished to address Council on this item.

Mr Scott Rowe, owner of 11 Castle Street Bunbury, addressed the Council and a summary of the discussion is as follows. He stated that he was against the rezoning of Ward Street. He believed that there was no other residential area in Bunbury that 'butt' onto *Special Use Zones*. He believes that the boundary at the rear of the properties in Ward Street and Castle Street is a poor boundary. He felt that if this was to happen in Ward Street then the *Special Use Zone* should apply to Castle Street also. There have always been security issues associated with the boundary and does not believe that the problems will be fixed with having businesses also utilising the laneway.

In accordance with procedural motion 15.9 of the City of Bunbury Standing Orders Cr Steele moved, Cr Steck seconded that the 'motion lie on the table' until the next Committee meeting, 2 November 2010 in order for the Councillors to consider the new material/information that was provided.

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

*Council Decision 211/10*

*Pursuant to City of Bunbury Standing Order 15.9 that the motion "lie on the table" until the Council (Standing) Committee meeting 2 November 2010.*

**Outcome – Council Committee Meeting 23 November 2010**

The Mayor asked if there were any members of the public that wished to address the Committee.

Mr Stuart Thompson from TME Group addressed the Committee and spoke in favour of the recommendation. The following is a summary of his submission. He stated that he is in support of the recommendation and that the rezoning of the area would allow for development on the site which will allow for the creation of a framework for residential to the west.

The recommendation (as printed) was moved Cr Steck, seconded Deputy Mayor Cr Kelly with the following amendment:

*Add a point 5 – "That Council write to landowners of Castle, Ward, Higgins and Doris Streets informing the landowners that Council intends to accept the recommendation to rezone Lots 73-81 Ward Street from Residential R15 to Special Use Zone No. 53."*

During the discussion, Cr Whittle moved procedural motion 15.4 of the City of Bunbury Standing Orders that the "motion now be put". The Mayor put the procedural motion to the vote and was LOST 6 votes "for" / 7 votes "against". The discussion continued.

The Mayor put the motion (as amended) to the vote and was adopted to become the Committee's recommendation on this matter.

**Outcome – Council Meeting 30 November 2010**

The Committee recommendation (as printed) was moved Cr Steck seconded Deputy Mayor Cr Kelly.

It was requested that the mover and seconder agree to the following amendment;

Add: "6 That Council seek to expedite an overall structure plan for the rest of the area bounded by Blair Street, Strickland Street and Forrest Avenue." This was agreed to by the mover and seconder.

Cr Jones requested that members of the public be allowed to address the Council. The Mayor put this to the vote and was CARRIED 11 votes "for" / Nil votes "against".

The Mayor asked if there were any members of the public that wished to speak to the item.

Ms Monika Macoun, 7 Greendale Crescent, Gelorup (owner of 7 Doris Street), addressed the Council and spoke in favour of the recommendation. The summary of her submission to Council is as follows. She is in favour of the rezoning as that area already abuts commercial properties and is predominately vacant land which makes the area look untidy. She believes it makes sense to incorporate the restructuring of the other areas as well.

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

#### **Council Decision 244/10**

##### ***Part 1***

***Pursuant to City of Bunbury Standing Order 15.9.2 that the "motion be raised from the table".***

##### ***Part 2***

##### ***That Council***

- 1. In accordance with the Planning and Development Act 2005 resolve to initiate Amendment No 42 to the City of Bunbury Town Planning Scheme No 7 to rezone Lots 73 to 81 Ward Street from "Residential Zone" with a residential density code of "R15" to "Special Use Zone 53 – Mixed Use" (S.U.53) and insert appropriate provisions under Schedule 2 of the Scheme Text***
- 2. Refer the proposed Scheme Amendment 42 documentation to the Western Australian Planning Commission (WAPC) for approval to advertise for public comment.***
- 3. Refer the proposed Scheme Amendment 42 documentation to the Environmental Protection Authority (EPA) for approval to advertise for public comment.***
- 4. Subject to approval of the Western Australian Planning Commission and Environmental Protection Authority, advertise the proposed Scheme Amendment 42 for a period of at least 42 days.***

- 5. That Council write to the landowners of Castle, Ward, Higgins and Doris Streets informing the landowners that Council intends to accept the recommendation to rezone Lots 73-81 Ward Street from Residential R15 to Special Use Zone No. 53.**

CARRIED

8 votes "for" / 3 votes "against"

It was requested that the votes be recorded as follows;

For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Jones, Cr Craddock, Cr Steck, Cr Whittle, Cr Harrop, Cr Major

Against: Cr Leigh, Cr Steele, Cr Slater

**11.13 Proposed Scheme Amendment 33 to Town Planning Scheme No. 7 (Car Parking) and Draft Local Planning Policy Access & Parking for Pedestrian, Bicycles and Vehicles** *(was listed as item 11.4 on the meeting agenda)*

<b>File Ref:</b>	A03762 & A00472
<b>Applicant/Proponent:</b>	City of Bunbury
<b>Author:</b>	Thor Farnworth, Coordinator Strategic & Environmental Planning
<b>Executive:</b>	Gary Fitzgerald, Acting Executive Manager City Development
<b>Attachments:</b>	Report Under Separate Cover

**Committee Recommendation**

Refer the amendment back to Council's Parking Committee for further consideration of the matters raised in the verbal and written submissions.

**Summary**

This proposal represents the scheme revision and final review of local planning policies dealing with vehicle access and parking within the City. The proposal seeks to provide:

- (a) A revision of the Scheme with respect to "Table No. 2 Car Parking Guidelines" (herein referred to as the "Car Parking Table") and supporting provisions, in order to ensure both:
  - i. equivalent levels of provision for car parking for all use classes comparable to other local governments, and
  - ii. compatibility between the Car Parking Table and "Table No. 1 Zoning Table" (herein referred to as the "Zoning Table") by ensuring that the Car Parking Table is set out in the same manner as the Zoning Table by listing a level of car parking required for each use class.
- (b) A consolidated Local Planning Policy: Access & Parking for Pedestrian, Bicycles and Vehicles, which incorporates all development controls regulating the provision, design, construction, and management of public and private parking infrastructure across the City, with a focus on Bunbury's Central Business District (CBD).

Details of the proposal in relation to the following matters are all contained in the report of agenda item 11.2 to Council's ordinary meeting held on 8 September 2009:

- Strategic and/or regional outcomes;
- Community consultation;
- Councillor/officer consultation;
- Economic, social, environmental and heritage issues;
- Council policy compliance;
- Legislative compliance;

- Delegation of authority; and
- Relevant precedents.

In accordance with regulation 17 and subject to regulation 20, of the *Town Planning and Development Regulations 1967* the proposed Scheme Amendment 33 is considered to be both technically feasible and acceptable in this regard, and is now ready for final adoption.

## **Background**

### Scheme Amendment

Scheme Amendment 33 to City of Bunbury Town Planning Scheme No. 7 (TPS7) was initiated in accordance with Council Decision 174/09 made at its ordinary meeting held on 8 September 2009.

The Western Australian Planning Commission (WAPC) gave conditional assent to advertise the proposed Scheme Amendment in its correspondence to the City dated 2 February 2010. Following receipt of this advice and in accordance with both the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*, the proposed Scheme Amendment was referred to all relevant state government agencies and publicly advertised for comment over the period 27 January 2010 up to and including 29 March 2010.

At the close of the advertising period a total of four submissions were received from three signatories, with no submissions made by government agencies. A full Schedule of Submissions, with corresponding officer comments, is provided in the report circulated **under separate cover** (Attachment 3) to this report.

### Local Planning Policy

The procedure for making or amending a Local Planning Policy was initiated in relation to the draft Local Planning Policy: Access & Parking for Pedestrians, Bicycles and Vehicles in accordance with Council Decision 174/09 made at its ordinary meeting held on 8 September 2009.

The draft Local Planning Policy was referred to all relevant state government agencies and publicly advertised for comment concurrently with the proposed Scheme Amendment during the period 27 January 2010 up to and including 29 March 2010.

At the close of the advertising period no submissions were received specifically in relation to the draft Local Planning Policy.

Should Council resolve to adopt the new Local Planning Policy, then pursuant to section 2.4 of the Scheme, the following obsolete Local Planning Policies will be revoked:

- (a) Central Business District Parking (formerly part of No. 5);
- (b) Car Park Development on Road Verges (No. 38);
- (c) Medical Centres Car Parking Analysis (No. 49); and

- (d) Vehicle Crossovers (No. 65).

### **Officer Comments**

#### Scheme Amendment

Prior to advertising the proposed amendment, the documentation was referred to the WAPC for comment. A number of minor modifications were requested by the WAPC to which an itemised summary of responses is given in the report **under separate cover** at Attachment 4 to this report. In the main the requested modifications were relatively inconsequential in nature, and could be made without implications for the operation of the scheme amendment.

As detailed in the Schedule of Submissions, public comments covered a broad range of issues to varying levels of detail, some of which either went beyond or were outside of land use planning and development matters. In considering the comments made in the submissions (of which there were two objectors), further investigation was undertaken and advice sought from other local government authorities coupled with a peer review of the proposed amendment.

Based on this investigation, a limited number of recommended modifications of a minor nature have been identified. The proposed changes are to parking requirements of certain use classes contained in the revised Car Parking Table (Table 2) and to miscellaneous provisions in order to maintain consistency of expression and so as to accord with WAPC requirements. It is considered that the proposed modifications outlined in the Scheme Amendment documentation in report **under separate cover** at Attachment 1 to this report are of a minor nature, and hence, do not require readvertising for public comment prior to Council's final adoption.

#### Local Planning Policy

A number of minor modifications are proposed to the final draft Local Planning Policy - primarily in relation to presentation of the text and do not substantively change the intent or desired outcomes of the policy. These minor modifications are considered justifiable due to:

- an assessment of internal comments made during the public advertising period (i.e. based upon experience gained through road testing the policy through the development assessment process);
- lessons learnt from the assessment of applications for planning approval for development involving on-site car parking lodged during the public advertising period; and
- observations made of State Administrative Tribunal (SAT) decisions involving the consideration/application of local planning policies generally.

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

With the exception of public advertising costs, the recommendation is not expected to impact on the existing Annual Budget. Adoption of the draft Local Planning Policy can expect to have positive financial implications for the administration of the Scheme by limiting the number/time/nature of potential appeals against the decision



of the Local Government in granting planning refusal or approval with conditions with respect to car parking.

### **Options**

#### Option 1

As per the recommendation.

#### Option 2

As per the recommendation with modifications.

#### Option 3

Council may resolve not to proceed with either or both the proposed Scheme Amendment 33 and the draft Local Planning Policy: Access & Parking for Pedestrian, Bicycles and Vehicles. A resolution not to proceed with the proposed amendment would still require the amendment documents to be forwarded to the Commission together with a summary of the reasons for not wishing to proceed with the amendment, in accordance with the requirements of regulation 18 of the *Town Planning Regulations 1967*. In such circumstances the Minister would still determine the outcome of the proposed amendment.

### **Outcome – Council Committee Meeting 23 November 2010**

The Mayor asked if there were any members of the public who wished to address the Committee.

Mr Geoff Prosser, 10C/42 Strickland Street Bunbury, addressed the Committee and spoke against the recommendation. The following is a summary of his submission. He stated that there has never been a parking problem outside the CBD under Scheme 6 and 7. The amendment only needed to provide clarity over the 200m<sup>2</sup> rule which only applies to the CBD. He wished to make corrections to a couple of items that were mentioned in the amendment in regards to Nursery's. Garden Centres such as Big W, Bunnings etc are not nursery's and should not be treated the same. Nursery's come under the Environmental Protection Act. The City will need to correct that. The amendment refers to service stations and Mr Prosser stated that you would not find a service station anymore they are more petrol filling stations. This will need to be addressed. The remainder of his submission was clarifying to the Councillors the points raised in his public submission attached at Appendix 3 in the report issued **under separate cover**.

Mr Robert Nicholson, 2 Withers Crescent Bunbury, addressed the Committee and spoke against the recommendation. The following is a summary of his submission. This amendment does not only affect carparking and does not make the carparking any easier to understand. He believes that the proposed amendment needs to be looked at by Lawyers as there are instances of misused words on a legal document which could open the City to court cases. The document should only be citing the standard. The Planning Department should consult with Architects, Building Consultants and Developers before more amendments are to take place. A dedicated planning committee needs to be implemented. The idea of the cash-in-lieu

payment for parking would not be utilised by too many people as it is too expensive and wondered if there was a cash-in-lieu payment file kept.

The recommendation (as printed) was moved Deputy Mayor Cr Kelly, seconded Cr Major.

During the discussion Cr Leigh moved procedural motion 14.1(k) of the City of Bunbury Standing Orders that the motion be referred back to a committee. The Mayor put the procedural motion to the vote and was LOST 5 votes "for" / 8 votes "against". The discussion continued.

The Mayor put the motion (Kelly/Major) to the vote and was LOST 5 votes "for" / 8 votes "against". It was requested that the votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Major, Cr Leigh, Cr Steele,  
Against: Cr Jones, Cr Craddock, Cr Steck, Cr Whittle, Cr Slater, Cr Harrop, Cr Spencer, Cr Punch

Cr Slater moved, Cr Steck seconded Option 3 with the amendment of removing all the words after "... Bicycles and Vehicles. ..." for the motion to now read:

*"Council resolves not to proceed with either or both the proposed Scheme Amendment 33 and the draft Local Planning Policy: Access & Parking for Pedestrian, Bicycles and Vehicles."*

The Mayor put the motion (Slater/Steck) to the vote and was LOST 2 votes "for" / 11 votes "against".

Cr Craddock moved, Cr Whittle seconded a foreshadowed motion which reads as follows:

*"Refer the amendment back to Council's Parking Committee for further consideration of the matters raised in the verbal and written submissions."*

During the discussion Cr Steele moved procedural motion 15.4 of the City of Bunbury Standing Orders that the "motion be now put". The Mayor put the procedural motion to the vote and was CARRIED 12 votes "for" / 1 vote "against".

The Mayor put the foreshadowed motion (Craddock/Whittle) to the vote and was adopted to become the Committee's recommendation on the matter.

### **Outcome – Council Meeting 30 November 2010**

Cr Steck disclosed an impartiality interest in this item (see section 7) and left the Chambers at 8.45pm. She did not participate in the discussion and did not vote on the matter.

Cr Craddock disclosed an impartiality interest in this item (see section 7) he will stay, participate in discussion and vote on the matter.

The Committee recommendation (as printed) was moved Cr Slater seconded Cr Craddock.

The Mayor put the motion to the vote - 5 votes "for" / 5 "against" the Mayor used his casting vote against the motion and therefore the motion was LOST.

Deputy Mayor Cr Kelly moved Cr Major seconded the original recommendation with amendments. The amendments are as follows;

Add: "4 The response to the submissions made by Mr Prosser and Mr Nicholson be appended to the minutes of this meeting and be forwarded to them."

Add: "5 That an information session on the Scheme Amendment be organised in consultation with the Bunbury Chambers of Commerce and Industry (BCCI) and that they be advised that a further opportunity to have input into the provisions of the new Scheme No 8 which relate to parking and which will include Scheme Amendment 33 will be afforded to them in 2011."

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

**Council Decision 245/10**

- 1. Pursuant to section 75 of the Planning and Development Act 2005 (as amended), Council resolves to finally adopt Scheme Amendment 33 to the City of Bunbury Town Planning Scheme No. 7 in accordance with the modified Scheme Amendment 33 documentation (under separate cover – Attachment 1 – to this report).**
- 2. Refer the modified Scheme Amendment 33 documentation to the Western Australian Planning Commission for final approval in accordance with the provisions of the Town Planning Regulations 1967.**
- 3. Pursuant to section 2.3 of the City of Bunbury Town Planning Scheme No. 7 (as amended), Council resolves to adopt the final draft Local Planning Policy: Access & Parking for Pedestrians, Bicycles and Vehicles (under separate cover – Attachment 2 – to this report).**
- 4. The response to the submissions made by Mr Prosser and Mr Nicholson be appended to the minutes of this meeting and be forwarded to them.**
- 5. That an information session on the Scheme Amendment be organised in consultation with the Bunbury Chambers of Commerce and Industry (BCCI) and that they be advised that a further opportunity to have input into the provisions of the new Scheme No 8 which relate to parking and which will include Scheme Amendment 33 will be afforded to them in 2011.**

CARRIED

6 votes "for" / 4 votes "against"

It was requested that the votes be recorded as follows;

For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Craddock, Cr Leigh, Cr Harrop. Cr Major

Against: Cr Jones, Cr Whittle, Cr Steele, Cr Slater

### 11.14 Community Funding Allocations *(was listed as item 11.6 on the meeting agenda)*

<b>File Ref:</b>	A00374-32
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Felicity Anderson, Economic & Social Development
<b>Executive:</b>	Domenic Marzano, Executive Manager City Life
<b>Attachments:</b>	Appendix 1 & 2

#### **Committee Recommendation**

Council allocate funds under the Community Funding Policy as recommended by the Community Funding Assessment Panel. These recommendations are attached at Appendix 1.

#### **Summary**

The Community Funding Assessment Panel met on the 1 November 2010 to assess the applications received for the September round of funding. A copy of the Panel's recommendations is attached at Appendix 1 for Council's endorsement. The Panel also recommends the amount of \$4,145 be carried forward to the March round as the total allocated to the September round was not fully expended.

#### **Background**

Following adoption of the Community Funding Policy, Council allocated funds to community groups in two rounds in 2009 based on the recommendations from the Community Funding Assessment Panel.

A copy of the current Community Funding Policy is attached at Appendix 2.

In the September round of the Community Funding Policy, fourteen applications were received, totalling \$73,912.00 worth of requests. Of the total amount of \$345,000 which was allocated to the Community Funding process in 2010/11, \$318,473 was committed to applicants in the March round, leaving \$26,527 to be allocated to applicants in the September round.

The Community Funding Assessment Panel has allocated a total of \$22,382 to applicants of the September round. This leaves an amount of \$4,145 which has not been allocated. The reason for this surplus is that a number of requests were deemed ineligible, or do not benefit a broad range of people in the community. The Panel recommends that the amount of \$4,145 be carried forward to the March 2011 round of funding.

#### **Officer Comments**

Internal officer reports have been prepared for each of the applications, and these reports formed part of the assessment process.

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

A total amount of \$345,000 is available for 2010/11 Community Funding applications. In the March round \$318,473 was allocated, leaving \$26,527 for the September round.

#### **Options**

##### Option 1

As per the recommendation.

##### Option 2

As per the recommendation, with amendments.

##### Option 3

Council do not support the recommendation.

#### **Outcome – Council Committee Meeting 23 November 2010**

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

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

#### **Outcome – Council Meeting 30 November 2010**

Cr Steck returned to the Chambers at 10.25pm and was present for the discussion and the vote on the remaining items on the agenda.

The Committee recommendation (as printed) was moved Cr Steck seconded Deputy Mayor Cr Kelly.

It was requested that the mover and seconder agree to the following amendment;

Change: "Council allocate funds under the Community Funding Policy as recommended by the Community Funding Assessment Panel" to read "Council allocate funds under the Community Funding Policy as recommended by the Community Funding Assessment Panel plus an extra \$2000 Agricultural Society and \$2000 to the Cancer Council." This was agreed to by the mover and seconder.

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

**Council Decision 246/10**

***Council allocate funds under the Community Funding Policy as recommended by the Community Funding Assessment Panel plus an extra \$2000 being allocated to the Agricultural Society and \$2000 to the Cancer Council. These recommendations are attached at Appendix 1.***

CARRIED

11 votes "for" / Nil votes "against"

**11.15 Groovin' the Moo 2011** *(was listed as item 11.7 on the meeting agenda)*

<b>File Ref:</b>	A03619
<b>Applicant/Proponent:</b>	Sunset Events
<b>Author:</b>	Felicity Anderson, Manager Economic & Social Development
<b>Executive:</b>	Domenic Marzano, Executive Manager City Life
<b>Attachments:</b>	Report Under Separate Cover

**Committee Recommendation**

1. Council accept the proposal from Sunset Events to hold a Groovin' the Moo (GTM) concert in Bunbury on 14 May 2011;
2. Council contribute \$120,000 towards the cost of holding the GTM concert in 2011. The City will be repaid a portion of the sponsorship amount (\$20 per patron from 12,001 attendees to a maximum of \$60,000 for 5,000 attendees).

**Summary**

The City has been invited by Sunset Events to consider a proposal to hold a Groovin' the Moo (GTM) concert in Bunbury in May 2011 and to contribute financially towards the cost of the event.

The event will be held on 14 May, 2011, and a contribution of \$120,000 towards the cost of holding the GTM concert in 2011 is required. The City will be repaid a portion of the sponsorship amount being - \$20 per patron from 12,001 attendees to a maximum of \$60,000 for 15,000 attendees.

**Background**

GTM concerts have been established as regional music festivals in NSW and Queensland with considerable success. The 2010 Bunbury GTM concert was a success with tickets selling out in advance of the event.

GTM concerts aim to host Australia's premier artists along with high profile international artists. Through GTM's national media coverage on Triple J each event is promoted across Australia. The GTM initiative is a tool that assists in profile building for each regional centre and significant economic benefit.

The event organiser, Sunset Events, has a significant track record in delivering musical events e.g. the Southbound Festival in Busselton and the 2010 Bunbury GTM.

Sunset Events propose to hold this event on 14 May, 2011 at Hay Park Bunbury. The target market is 16 to 28 year olds.

The economic and social benefit report indicated that:

- The event delivered an economic benefit in excess of \$1.3million.
- Local sporting clubs were able to raise funds.

- Local business was used to provide event supplies (\$9,047).
- 16,015 patrons attended the concert.
- 67% (10,688) of attendees were from outside the region.
- Six local DJ's and five local bands were showcased.
- Local youth and volunteers were engaged delivering music, art and environmental programs.

At the Council briefing held on 26 October, 2011, Sunset Events indicated the need to begin booking acts by early December. As a result, Council must decide whether the proposal to proceed is supported.

Attached in a report circulated **under separate cover** for Councillors information are the following documents:

- Draft license agreement
- Economic and social benefit report
- GTM Sponsorship report

Sunset Events are looking for a financial contribution to the Bunbury GTM event from a range of sources including local and state government and business. The South West Development Commission (SWDC) is considering a proposal to contribute \$30,000 towards the event.

### **Officer Comments**

The event has been discussed with relevant officers including the Marketing Officer, the Events Officer, the Events Scheduling Officer and the Manager Environmental Health. Working group meetings as held for the 2010 event are expected to commence if Council approval to proceed is given.

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

\$20,000 was allocated in the 2010/11 budget for GTM; however a further \$100,000 is being sought from Council. The City will have the opportunity to recoup up to \$60,000 of the total \$120,000 if 15,000 people attend the event.

### **Options**

#### Option 1

1. Council accept the proposal from Sunset Events to hold a Groovin' the Moo concert in Bunbury on 14 May 2011;
2. Council contribute \$120,000 towards the cost of holding the GTM concert in 2011. The City will be repaid a portion of the sponsorship amount (\$20 per patron from 12,001 attendees to a maximum of \$60,000 for 15,000 attendees).

#### Option 2

Proceed as per the recommendation with amendments.



Option 3

Not to proceed with the proposal from Sunset Events to hold a GTM concert in Bunbury in May 2011

**Outcome – Council Committee Meeting 23 November 2010**

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

It was requested that the vote on the motion be taken in separate parts.

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

Point 1: 13 votes "for" / Nil votes "against" CARRIED

Point 2: 9 votes "for" / 4 votes "against" CARRIED

**Outcome – Council Meeting 30 November 2010**

The Committee recommendation (as printed) was moved Deputy Mayor Cr Kelly seconded Cr Jones.

It was requested that the vote on the motion be taken in separate parts.

The Mayor put the motion to the vote in separate parts and was adopted to become the Council's decision on this matter.

Point 1: 11 votes "for" / Nil votes "against" CARRIED

Point 2: 7 votes "for" / 4 votes "against" CARRIED. It was requested that the votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Craddock, Cr Major, Cr Jones, Cr Whittle, Cr Steck.

Against: Cr Steele, Cr Slater, Cr Leigh, Cr Harrop

**Council Decision 247/10**

- 1. Council accept the proposal from Sunset Events to hold a Groovin' the Moo (GTM) concert in Bunbury on 14 May 2011;**
- 2. Council contribute \$120,000 towards the cost of holding the GTM concert in 2011. The City will be repaid a portion of the sponsorship amount (\$20 per patron from 12,000 attendees to a maximum of \$60,000 for 15,000 attendees).**

**11.16 Community Engagement Strategy & Operational Guidelines** (was listed as item 11.8 on the meeting agenda)

<b>File Ref:</b>	A03099
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Domenic Marzano, Executive Manager City Life
<b>Executive:</b>	Domenic Marzano, Executive Manager City Life
<b>Attachments:</b>	Report Under Separate Cover

**Committee Recommendation**

Council endorse the Community Engagement Strategy and Operational Guidelines.

**Summary**

The purpose of the Community Engagement Strategy is to ensure a coordinated and consistent approach to community engagement by the City of Bunbury. The strategy will assist with building strong and healthy connections with stakeholders - creating leverage for community ideas, skills and knowledge. It will also enhance Council's problem solving and decision making capacity. This will be achieved by providing a mechanism with which the incorporation of community aspirations, expectations, views and needs can be addressed.

**Background**

The primary purpose of this strategy is to provide a model framework for planning and implementing community engagement processes for large and small Council projects (plans, policies, issues, programs and services).

The Community Engagement Strategy was prepared using information gathered through:

1. A review of the literature on good practice in community engagement;
2. An examination of policies and approaches to community engagement by other local governments in Australia and overseas; and
3. Workshops and discussions conducted with elected members, senior management, the City's Communications working group, and representatives from a cross-section of community groups.

A copy of the Community Engagement Strategy is circulated as a report **under separate cover**.

**Officer Comments**

The Community Engagement Strategy is a deliverable listed under *Strategy 6.2: "Community participation, partnership and support"* of the current City of Bunbury Corporate Strategic Plan.

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

The Executive do not support the employment of a dedicated Community Engagement Officer and therefore there are no budget implications. There is an existing budget for community engagement/consultant of \$20,000 which is renewed each year. If any additional funds are required for specific projects/programs, then the money is sourced from the project/program budget.

### **Options**

#### Option 1

As per the recommendation.

#### Option 2

As per the recommendation with amendments.

#### Option 3

Council do not support the recommendation.

### **Outcome – Council Committee Meeting 23 November 2010**

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

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

### **Outcome – Council Meeting 30 November 2010**

The Committee recommendation (as printed) was moved Cr Steck seconded Cr Steele.

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

### **Council Decision 248/10**

***Council endorse the Community Engagement Strategy and Operational Guidelines.***

CARRIED

10 votes "for" / 1 vote "against"

**11.17 Western Australian Regional Cities Alliance (WARCA) – Commitment of Funding** *(was listed as item 11.15 on the meeting agenda)*

<b>File Ref:</b>	A03932
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jack Dyson, Senior Administration Officer
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services
<b>Attachments:</b>	Appendix 6

**Committee Recommendation**

Pursuant to the City of Bunbury Standing Orders 15.2 the motion is adjourned until the Council Meeting 30 November 2010.

**Summary**

WARCA is proposing to enter into a five (5) year research partnership with (UWA) and each member council is being requested to commit to funding the project over this term.

In this initial year, the project will require a commitment from council of approximately \$50,000.00.

**Background**

At its meeting held 9 February 2010, Council resolved the following:

*“Council Decision 22/10”*

*Council accept the draft report and agree to the establishment of the “Regional Cities Alliance” and endorse the eventual sign off of the proposed Memorandum of Understanding by His Worship the Mayor and the Chief Executive Officer.”*

**Officer Comments**

Since its inception earlier in 2010, WARCA has met on several occasions and has identified an opportunity to develop a research partnership with the University of Western Australia (UWA).

The proposed research program is intended to build on UWA’s capacity in regional development, urban planning and spatial analysis, with the aim of providing an explicit focus on the needs of WARCA. It is suggested that these needs be concentrated on:

1. Economic, demographic and social analysis.
2. Service and infrastructure planning and delivery.
3. Strategic urban and regional planning; and
4. Governance.

A concept brief has been prepared by UWA and is **attached** at Appendix 6 for the information of councillors.

It is intended at this stage that WARCA will again meet in early December 2010, with a view to signing off on this proposal with UWA. This will require a commitment of funding from all the participating local authorities in this financial year.

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

Council has initially allocated the sum of \$10,000.00 in this year's budget primarily for meeting expenses in attending meetings of the alliance.

Now that WARCA have identified this potential opportunity, and given that its primary purpose is to act as a foundation for strategic dialogue on state planning processes for major regional cities it is considered that an ongoing commitment of funding needs to be identified.

Should Council wish to participate the City of Bunbury is requested to allocate an amount of \$40,000.00 this year to commence facilitation of some of these significant regional issues which are being identified.

### **Options**

#### Option 1

As per the recommendation.

#### Option 2

As per the recommendation with amendment.

#### Option 3

Council not support the recommendation.

### **Outcome – Council Committee Meeting 23 November 2010**

Cr Craddock moved, Cr Major seconded procedural motion 15.2 of the City of Bunbury Standing Orders that the "motion be adjourned" until the Council Meeting 30 November 2010.

The Mayor put the procedural motion to the vote and was adopted as the Committee's recommendation on this matter.

### **Outcome – Council Meeting 30 November 2010**

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

Cr Steck moved a procedural motion under Section 15.4 of City of Bunbury's Standing Orders that the motion now be put. The Mayor put the procedural motion to the vote and was LOST 3 votes "for" / 8 votes "against".

The Mayor put the motion to the vote and was lost.

**Council Decision 249/10**

- 1. That Council commit an additional \$40,000.00 for this financial year to facilitate the (WARCA) identified project of entering into a research partnership with the University of Western Australia (UWA) and refer to the March 2011 Budget Review to identify a source of funds.**
- 2. Council make provision in its future 5 year finance plan to fund its continued participation in WARCA and to support ongoing identified projects.**

LOST

5 votes "for" / 6 votes "against"

**11.18 Implementation of a Community Radio Station Service** *(was listed as item 11.16 on the meeting agenda)*

<b>File Ref:</b>	A00217
<b>Applicant/Proponent:</b>	Cr Wayne Major
<b>Author:</b>	Mike Fletcher, Manager Information Services Ken Weary, Executive Manager Corporate Services
<b>Executive:</b>	Domenic Marzano, Executive Manager City Life
<b>Attachments:</b>	Nil

**Committee Recommendation**

Pursuant to the City of Bunbury Standing Orders 15.2 the motion is adjourned until the Council Meeting 30 November 2010.

Cr Major submitted the following motion for the Council Meeting on 19 October 2010:

**Motion on Notice**

*"It is asked of this Council to call a tender for the scoping and implementation of a community radio station service. As part of the process research would be conducted to establish a potential studio location; its staffing requirements; operational funding needs; available grants; relocation of existing communication infrastructure; the purchase of new equipment and the availability and the purchase of AM/FM licences."*

**Comments - Cr Major**

In support of his motion, Cr Major states that, *"It is felt by the author that the success of the Harvey public broadcast service which is staffed by locals with little or no experience at announcing has been a great success to its surrounds and indeed to its listeners. It is also proving to be a good source of information to the rate payers of the area by way of entertainment and local events. It is hoped that the same formula could be replicated providing the costs and other unforeseen hurdles can be overcome."*

**Previous Council Resolution**

Council resolved at its meeting of 19 October 2010 that *"Pursuant to City of Bunbury Standing Order 15.11 that the motion be referred back to the Council (Standing) Committee meeting 2 November 2010 in order for a report to be made available"*.

**Executive Comments and Report**

There are three community radio services operating in the South West region; Harvey 96.5 FM, Collie 1089 AM and Augusta 97.1 FM.

Harvey Community Radio was the first to transmit its programs in 1997. Mr David Marshall a founding member and Chairman of the radio committee sought the Harvey Shire Council's assistance in finding a suitable location close to the CBD.

With the aid of other community members they raised sufficient funds to refurbish and equip the building.

Harvey 96.5 FM is located in Young Street, Harvey, in an old weatherboard building. It has two studios both fitted out with multiple microphones, a computer with the pre-programmed music list, a tape deck and a turn table for the use of vinyl records. A third room holds several computers that are used to transcribe old cassette tapes, a part of the Harvey History Online oral archives, to a digital format. It has also been used by other communities for the same purpose. A fourth room has a small tea making facility and connects to the Main entrance/Meeting room. The operation is compact but very efficient.

The station operates 24x7 with a mixture of live to air and pre-programmed music. From midnight to 6.00 a.m. content from other States is simultaneously downloaded and broadcast to the Harvey community. Members of the community contribute time to running the station as well as developing content, such as, jazz, rock and other forms of musical tastes.

There are at least three community members with disabilities that also present regular shows.

Mr David Marshall of Harvey 96.5 FM provided advice and assistance to the Collie and Augusta communities in setting up their stations and in building their content to be broadcast to their respective communities.

David has indicated that he is willing to mentor Bunbury should it wish to setup and operate its own community radio. As part of the discussion David identified there could be an opportunity for both parties to resource share. Non specific content from Bunbury and Harvey could be swapped thus allowing more content to be broadcast from each station.

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

Research has identified the indicative costs to establish and operate a Community Radio Station would be as follows:

- |                                      |                      |
|--------------------------------------|----------------------|
| - Capital Establishment Set up Costs | \$30,000 to \$45,000 |
| - Building Lease (if necessary)      | \$15,000 per annum   |
| - Ongoing Operating costs            | \$30,000 per annum   |

The Community Radio Station would be manned by voluntary labour.

### **Options**

#### Option 1

As per Cr Major's Motion on Notice.

**Note: If Cr major's Motion of Notice is approved, the following Executive Recommendation is proposed.**



### **Recommendation**

1. Funding for the establishment and operating of a Community Radio Station service be referred for consideration in the 2011/2012 Budget to undertake the following:
  - a) A tender be called for a Consultant Radio Engineer to assist with the scoping and implementation of a Community Radio Station.
  - b) The Scope for Tender to include:
    - (i) Liaise with the Australian Communications and Media Authority (ACMA) to identify an available licensed frequency in the AM/FM range that could be used for Bunbury community radio.
    - (ii) Identify the appropriate equipment and associated costs needed to deliver a community radio service including studio equipment, transmitter, computers and software for programming music etc.
  
2. In addition to calling for a tender for a Consultant Radio Engineer to assist with the scoping and implementation of a Community Radio Station, Council undertake the following:
  - a) Identify a management team and structure that would take ownership and responsibility for the daily operations and report to Council.
  - b) Identify possible funding streams such as State and Federal Government grants, Lotteries West and Local Businesses.
  - c) Make application to the ACMA by the Management group for the appropriate licence.
  - d) Identify a location suitable to host a studio and relevant equipment.
  - e) Prepare a capital establishment costs and annual budget for the ongoing operation.

### Option 2

Council not support Cr Major's Motion on Notice.

### **Outcome – Council Committee Meeting 23 November 2010**

Cr Craddock moved, Cr Major seconded procedural motion 15.2 of the City of Bunbury Standing Orders that the "motion be adjourned" until the Council Meeting 30 November 2010.

The Mayor put the procedural motion to the vote and was adopted as the Committee's recommendation on this matter.

### **Outcome – Council Meeting 30 November 2010**

The Motion on Notice from Cr Major (as printed) was moved Cr Major seconded Cr Steck to become the motion under discussion.

The Mayor put the motion to the vote and was CARRIED 10 votes "for" / 1 vote "against".

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

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

**Council Decision 250/10**

***It is asked of this Council to call a tender for the scoping and implementation of a community radio station service. As part of the process research would be conducted to establish a potential studio location; its staffing requirements; operational funding needs; available grants; relocation of existing communication infrastructure; the purchase of new equipment and the availability and the purchase of AM/FM licences.***

**Council Decision 251/10**

- 1. Funding for the establishment and operating of a Community Radio Station service be referred for consideration in the 2011/2012 Budget to undertake the following:**
  - a) A tender be called for a Consultant Radio Engineer to assist with the scoping and implementation of a Community Radio Station.**
  - b) The Scope for Tender to include:**
    - (i) Liaise with the Australian Communications and Media Authority (ACMA) to identify an available licensed frequency in the AM/FM range that could be used for Bunbury community radio.**
    - (ii) Identify the appropriate equipment and associated costs needed to deliver a community radio service including studio equipment, transmitter, computers and software for programming music etc.**
- 2. In addition to calling for a tender for a Consultant Radio Engineer to assist with the scoping and implementation of a Community Radio Station, Council undertake the following:**
  - a) Identify a management team and structure that would take ownership and responsibility for the daily operations and report to Council.**
  - b) Identify possible funding streams such as State and Federal Government grants, Lotteries West and Local Businesses.**
  - c) Make application to the ACMA by the Management group for the appropriate licence.**
  - d) Identify a location suitable to host a studio and relevant equipment.**

- e) ***Prepare a capital establishment costs and annual budget for the ongoing operation.***

CARRIED

11 votes "for" / Nil votes "against"

## 12. Motions on Notice

### 12.1 Motion on Notice – Request for New Road Signs showing the way to the Bunbury Airport

<b>File Ref:</b>	A00217
<b>Applicant/Proponent:</b>	Councillor Wayne Major
<b>Author:</b>	Councillor Wayne Major
<b>Executive:</b>	If adopted by Council refer to: Michael Scott, Executive Manager City Services
<b>Attachments:</b>	Nil

Cr Major submitted the following motion for the Council Meeting on 30 November 2010:

*"That this Council ask the Main Roads Department to erect, place or add on to Main Roads standards, a sign that denotes the direction of the Bunbury Airport at or near Robertson Drive / South West Highway as well as near the approach to the airport."*

#### Comments - Cr Major

In support of his motion, Cr Major states that, *"It is felt by the full Bunbury Airport Advisory Committee that the existing signage, if any, is poor and of little help. The Airport is in the process of building an entry statement due to increased activity at the airport and an overall addressing of technical matters to make the airport the best that it can be. The Committee feels the need to address the issues stated."*

#### Executive Comments

For Council's consideration.

#### Cr Major's Motion

That this Council ask the Main Roads Department to erect, place or add on to Main Roads standards, a sign that denotes the direction of the Bunbury Airport at or near Robertson Drive / South West Highway as well as near the approach to the airport.

#### Outcome – Council Meeting 30 November 2010

The Motion on Notice (as printed) was moved Cr Major seconded Cr Steck to become the motion under discussion.

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

*(Council Decision shown overleaf)*

**Council Decision 252/10**

***That this Council ask the Main Roads Department to erect, place or add on to Main Roads standards, a sign that denotes the direction of the Bunbury Airport at or near Robertson Drive / South West Highway as well as near the approach to the airport.***

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)*

**13.1 Petition – Request for the installation of a Pedestrian Overpass/Underpass on either Bussell Highway or Robertson Drive Bunbury**

<b>File Ref:</b>	R00066-04
<b>Applicant/Proponent:</b>	Sigari Luckwell
<b>Author:</b>	Councillor Helen Punch
<b>Executive:</b>	<i>If petitions adopted by Council refer to: Michael Scott, Executive Manager City Services</i>
<b>Attachments:</b>	Appendix 7

**Committee Recommendation**

In accordance with City of Bunbury Standing Orders 9.4(c), the petition and letters received from Sigari Luckwell on behalf of the College Grove residents, students of TAFE, Manea College and ECU and the workers of the South West Health Campus requesting the installation of a Pedestrian Overpass / Underpass on either Bussell Highway or Robertson Drive Bunbury be accepted and referred to a committee for consideration and report.

A letter and petition have been received from Sigari Luckwell on behalf of the Residents of College Grove, the Students of TAFE, Manea College and ECU and workers of the South West Health Campus in regards to requesting the installation of a Pedestrian Overpass / Underpass on either Bussell Highway or Robertson Drive Bunbury.

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 23 November 2010**

Cr Punch tabled a petition and letters from Sigari Luckwell. The petition contains 140 plus signatures from Bunbury residents and others from the South West Region.

The petition and letters are **attached** at Appendix 7

In accordance with City of Bunbury Standing Order 9.4(c), Cr Punch moved, Cr Major seconded that the petition be accepted and referred to a committee for consideration and report.

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

**Outcome – Council Meeting 30 November 2010**

The Committee Recommendation (as printed) was moved Cr Steck seconded Cr Harrop.

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

**Council Decision 252/10**

*In accordance with City of Bunbury Standing Orders 9.4(c), the petition and letters received from Sigari Luckwell on behalf of the College Grove residents, students of TAFE, Manea College and ECU and the workers of the South West Health Campus requesting the installation of a Pedestrian Overpass / Underpass on either Bussell Highway or Robertson Drive Bunbury be accepted and referred to a committee for consideration and report.*

CARRIED

11 votes "for" / Nil votes "against"

## **13.2 Appointment of the New Chief Executive Officer**

The Mayor requested Councillors move behind closed doors to enter into discussions relating to the appointment of the new Chief Executive Officer. No formal recommendations were made at this point.

**14. Items to be Noted or Endorsed**

Nil

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

Nil

**16. Close of Meeting**

The meeting was declared closed to the public at 11.45pm.