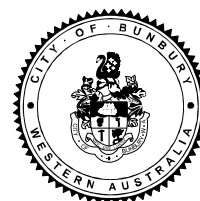


Council (Standing) Committee

Notice of Meeting & Agenda 12 October 2010

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

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



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GLOSSARY OF ABBREVIATED TERMS

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

GLOSSARY OF ABBREVIATED TERMS

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

Council (Standing) Committee Notice of Meeting

TO: Council Committee Members

The next Ordinary Meeting of the Council (Standing) Committee will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on **Tuesday, 12 October 2010** at 6.00pm.

Geoff Klem
Acting Chief Executive Officer
(Date of Issue: 07/10/2010)

Agenda 12 October 2010

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

Council Committee Members:

His Worship the Mayor, Mr D Smith - **Presiding Member**
Deputy Mayor - Councillor Brendan Kelly
Councillor Judy Jones
Councillor Wayne Major
Councillor Stephen Craddock
Councillor Alfred Leigh
Councillor Karen Steele
Councillor Helen Punch
Councillor Noel Whittle
Councillor Ross Slater
Councillor Michelle Steck
Councillor Juliet Harrop
Councillor Derek Spencer

- 1. Declaration of Opening by the Presiding Member**

- 2. Record of Attendance, Apologies and Leave of Absence**

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

- 4. Public Question Time**

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

6. Confirmation of Previous Minutes

The minutes of the Council (Standing) Committee Meeting held 14 September 2010, have been circulated.

Recommendation

The minutes of the Council (Standing) Committee Meeting held 14 September 2010, be confirmed as a true and accurate record.

7. Disclosures of Interest Under the Local Government Act 1995

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

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

9. Chief Executive Officer Reports/Discussion Topics

9.1 Request for Leave of Absence – Councillor Helen Punch

File Ref:	A00215
Applicant/Proponent:	Councillor Helen Punch
Author:	Geoff Klem, Acting Chief Executive Officer
Executive:	Geoff Klem, Acting Chief Executive Officer
Attachments:	Nil

Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Helen Punch is granted leave of absence from all Council-related business from 29 October to 5 November 2010.

Summary/Background

Councillor Helen Punch requests leave of absence from all Council-related business from 29 October to 5 November 2010.

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

9.2 Global Eco Asia-Pacific Tourism Conference 2010 – Noosa, QLD

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

Recommendation

- 1. Council endorses the attendance of Councillor Michelle Steck at the 2010 Global Eco Asia-Pacific Tourism Conference in Noosa, Queensland from 25 to 28 October 2010.**
- 2. Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Michelle Steck is granted leave of absence from all Council-related business from 25 October to 28 October 2010.**

Summary

The 2010 Global Eco Asia-Pacific Tourism Conference is being held in Noosa, Queensland from 25 to 28 October 2010. Councillor Michelle Steck is seeking approval to represent Council at the conference.

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

Background

Global Eco 2010 brings together practitioners from around the globe to discuss opportunities presented by ecotourism. This Asia-Pacific event provides a unique platform for sharing knowledge, highlighting best practice case studies and outlining new tools and techniques that will drive the future of ecotourism into the next decade. Importantly, the conference also presents the challenges and realities of building an ecotourism business.

In this the International Year of Biodiversity, there is no better time for players in ecotourism and experiential tourism to contribute to discussions and positive outcomes for this vital tourism sector.

Analysis of Financial and Budget Implications

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

Options

Option 1

As per the recommendation listed in this report.

Option 2

Council may elect not to endorse the attendance of Councillor Michelle Steck at the 2010 Global Eco Asia-Pacific Tourism Conference in Noosa, Queensland in October 2010.

9.3 Sustainable Economic Growth for Regional Australia (SEGRA) Conference 19 – 21 October 2010, Townsville QLD

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

Recommendation

- 1. Council endorses the attendance of Councillor _____ at the 2010 SEGRA Conference in Townsville, Queensland from 19 to 21 October 2010.**
- 2. Pursuant to Section 2.25 of the Local Government Act 1995, Councillor _____ is granted leave of absence from all Council-related business from 19 October to 21 October 2010.**

Summary

The 2010 Sustainable Economic Growth for Regional Australia (SEGRA) conference is being held in Townsville, Queensland from 19 to 21 October 2010.

The Mayor has requested that consideration be given that the Bunbury City Council be represented at the conference due to opportunities to meet the newly appointed Ministers and participate in the Western Australia Regional Cities Alliance meeting (Bunbury, Kalgoorlie-Boulder, Albany & Geraldton-Greenough).

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

Background

Australia has a highly urbanized population and it is often seen as City centric in its decision making. Regional Australia is relegated to nostalgia and our sense of a bush heritage.

It is sobering to note that in 2007 the Australian Bureau of Statistics identified only 18 non capital cities in Australia with populations exceeding 70,000 people; this number reaches 36 if cities over 30,000 are included. The last few years however have seen the bush thrown into a new spotlight.

In considering a big Australia and more recently a sustainable Australia, stronger relationships are now being drawn between resource growth and development and the impacts for regional communities; population growth and regionalism; northern Australia and global shipping; food security and land use.

SEGRA has been at the forefront of these issues for well over a decade. Pioneering links between policy, research and practice SEGRA offers a unique opportunity to consider these critical issues at macro and micro levels.

SEGRA 2010 will provide:

- A voice for regional Australia
- A forum to meet with leading practitioners, business, and government on the key issues for regional Australia.
- The opportunity to identify and discuss critical actions for regions in order to be apart of the emerging regional Australia vision for the future.
- A critical learning environment to consider strategies and steps to continue to promote Australia's regional communities as critical players in the next 20 years of national growth.
- Regions with the opportunity to share 'winning strategies' for building 'winning regions'

Analysis of Financial and Budget Implications

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

Options

Option 1

As per the recommendation listed in this report.

Option 2

Council may elect not to endorse the attendance of a Councillor at the 2010 SEGRA Conference in Townsville, Queensland in October 2010.

10. Reception of Formal Petitions and Memorials

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

11.1 Advertising Sign Change of Graphics - Lot 100 (Street Address 121) King Road, Bunbury

File Ref:	A02034-32 / 571972
Applicant/Proponent:	Greg Rowe & Associates
Author:	Gary Bruhn, Building Coordinator
Executive:	Gary Fitzgerald, Acting Executive Manager City Development
Attachments:	Appendix 1 & 2

Recommendation

That Council:

1. **Approve the application for a sign licence to change the graphics displayed on the advertising sign, as constructed, subject to standard conditions to the satisfaction of the Manager of Development Services, including the following:**
 - a) **This approval is valid for a period of one (1) year from the date of issue, or within any extended period for which the Local Government has granted written consent. During that time no further graphic change will be permitted from the date of issue or within any extended period for which the Local Government has granted written consent. An application for such consent shall be received within one (1) month prior to the expiration of this approval.**

Summary

On 3 September 2010, the City received an application to change the graphic component on an existing billboard sign located on Lot 100 (street address # 121) King Road, Bunbury. The application was submitted by the private consultancy firm Greg Rowe & Associates on behalf of the landowner.

The proposal is to change the graphics currently incorporating community advertising as part of a road safety campaign (refer to **attached** Appendix 1 to a proposal for promotional signage for Edith Cowan University (ECU) (refer to **attached** Appendix 2). Although the City has delegated authority to determine this application, it has been referred to Council for determination due to a previous Council resolution (Council Decision 186/10) to approve a Dolphin Discovery Centre promotional billboard sign located on Lot 19 Australind Bypass.

It is considered by Development Services that the change of graphics is generally in keeping with the intent of Council's previous approvals, as the sign's graphical

content remains in principle for community purposes and does not change the level of impact to surrounding residences.

Background

Council resolved at its ordinary meeting on 17 December 2009 to refuse the original application for the erection of two relatively large billboard signs on vacant residential zoned land at 121 King Road, Bunbury. Council's grounds for refusal were in relation to:

- the size and number of billboards and the inclusion of commercial third party advertising ;and
- community objections.

On 29 March 2010 a revised application for a single relatively large billboard sign was received by the City, which was considered by Council at its ordinary meeting on 27 April 2010. At that meeting Council resolved to approve the billboard structure and graphics (Council Decision 57/10), based upon the premise that it related to community based third party advertisements.

Proposal

The current application submitted by Greg Rowe & Associates on behalf of the landowner is for a proposed change of advertising sign graphics displayed on the elevation that faces the intersection of King and Sandridge Roads from a road safety message to the promotion of Edith Cowan University (ECU), which has a locally based campus at College Grove.

Community Consultation

Given that the proposal is not for the erection of a new billboard, but is for a change to the graphics displayed on an existing sign (and that such changes can be expected from time to time) - the undertaking of community consultation was not considered necessary in this case based upon a consideration of the costs/benefits to the ratepayer and applicant.

Officer Comments

The proposal is for a change to the graphic content of the sign only, and does not:

- increase the number of billboard signs in the City; or
- relate to any previously raised concerns by Council or residents made at the time of the initial application for an advertising sign; and
- affect the approval granted prior to the erection of the existing billboard.

This approval is valid only for a period of one year from the date of issue, or within any extended period for which Council has granted written consent. All other conditions as stated on the previously approved sign licence remain the same.

Council Policy Compliance

The billboard sign is currently approved on the subject site by the use of discretionary powers contained within the:

- City of Bunbury Advertising Devices Policy;
- City of Bunbury Local Law Relating to Advertising Devices; and
- Council's previous resolution (Council Decision 57/10) to grant approval for a sign licence on Lot 100 (street address # 121) King Road, Bunbury.

As such, section 2.10 of the City of Bunbury Advertising Devices Policy gives Council the power to refuse or grant discretionary approval to change the graphical content of advertising signage or device.

Delegation of Authority

Although the City has delegated authority to determine the application currently before Council, the proposal has been referred to Council for its determination due to Council's previous relevant decisions regarding the approval of billboard signage.

Analysis of Financial and Budget Implications

There are no know financial or budgetary implications associated with this item.

Options

Option 1

Approval as per the recommendation given in this report.

Option 2

Council determine to refuse the application for a licence to alter the graphic content due to the nature of a previous resolution and that the type of third party advertising being unsuited for the location on which it is proposed.

11.2 The Peron Naturaliste Partnership

File Ref:	A04150
Applicant/Proponent:	Internal Report
Author:	Rachael Reed, Environmental Officer
Executive:	Gary Fitzgerald, (Acting) Executive Manager City Development
Attachments:	Appendix 3

Recommendation

That Council resolves to participate in the Peron Naturaliste Partnership with the view to exploring opportunities for collaborative work with the surrounding local governments in respect to Climate Change.

Summary

The Peron Naturaliste Partnership is a proposed collective of coastal local governments between Point Peron and Cape Naturaliste that intend to investigate options for collaborative action on Climate Change. The initial focus of the Partnership is a coastal vulnerability and risk assessment. Council support is sought to formalise the City of Bunbury's participation in the Peron Naturaliste Partnership.

Background

The latest scientific evidence suggests that Climate Change is real and happening now. The Intergovernmental Panel on Climate Change predicts that Climate Change may have far reaching implications for society and the natural environment in the future.

There are two recognised approaches to address Climate Change including mitigation of carbon emissions, and adaptation to predicted Climate Change impacts. It is understood that there can be a lag between the time carbon emissions are released to when Climate Change impacts are felt. Scientists therefore suggest that adaptation is required now to protect against forecast impacts not yet manifest but in-train due to historical emissions.

Local government authorities may experience many Climate Change impacts in future including direct physical impacts on assets and infrastructure, and also indirect impacts upon the local environment, society and the economy. As a result of these impacts, local government may face significant legal liabilities in the future.

It appears that the State and Federal governments expect local government to be a key actor in responding to Climate Change. However there is no clear direction from either level of government at present on the role local government will play. Other challenges for local government include, but are not limited to, a lack of funding, as well as the knowledge gaps associated with the complexity of the Climate Change issue.

Coastal vulnerability is a tangible Climate Change impact that has received considerable national attention to date. A recent national assessment of coastal

vulnerability across Australia (*Climate Change Risk to Australia's Coast: A First Pass National Assessment*, 2009) has identified the City of Bunbury as one of the most at-risk local government authorities in Australia. The City of Bunbury is at risk because of its proximity to the coast, low lying nature, and situation at the confluence of several major rivers.

In light of the coastal vulnerability issue, the City of Bunbury has undertaken a range of investigations to better understand the matter to date, as summarised in Appendix 3 (**attached**). Based upon the City of Bunbury's investigations, it is understood that:

- Coastal vulnerability and risk assessments are a standard approach for coastal vulnerability planning internationally and nationally;
- Coastal vulnerability and risk assessments determine the likelihood of inundation in certain areas under specific conditions and assist in determining potential impacts on coastal assets;
- There are benefits to undertaking such assessments on a regional basis (i.e. with other local governments), such as the potential to share resources and to plan for cross-jurisdictional issues; and
- A coastal vulnerability and risk assessment may be a valuable tool in assisting the City of Bunbury to manage risks through better informed decision making.

In light of this work, His Worship the Mayor hosted meetings in early 2010 to canvass opportunities for collaboration with the following surrounding coastal local governments:

- The City of Rockingham;
- The City of Mandurah;
- The Shire of Waroona;
- The Shire of Harvey;
- The Shire of Capel; and
- The Shire of Busselton.

These meetings resulted in a collaborative federal funding submission which was unfortunately unsuccessful.

Following the collaborative funding submission, the City of Bunbury hosted a meeting of these local governments in July 2010 to discuss opportunities for further collaboration. Unanimous support for the 'Peron Naturaliste Partnership' to undertake a regional coastal vulnerability and risk assessment was given by those in attendance.

Other benefits associated with the Peron Naturaliste Partnership were perceived at the meeting to potentially include:

- Ability to attract additional resources (grants etc);
- Effective management of data and information on a shared basis;
- Advocating the role of local government in Climate Change to stakeholders (e.g. State and Federal governments);
- Consistent communications across local governments; and

- Ability to explore additional collaborative opportunities in respect to Climate Change in the future.

It is intended that the Peron Naturaliste Partnership be underpinned by a voluntary and non-binding agreement between the participating local governments that does not seek to dictate to or affect the activities of individual local governments.

On the basis of the likely benefits for Council and community, it is recommended that Council resolves to participate in the Peron Naturaliste Partnership with the view to exploring opportunities for collaborative work with surrounding local governments with respect to Climate Change.

Officer Comments

It is understood that the City of Bunbury may be vulnerable to coastal impacts due to Climate Change in the future.

It is considered that a coastal vulnerability and risk assessment will assist Council to manage these potential impacts through better informed decision making.

The Peron Naturaliste Partnership may provide an effective mechanism for the preparation of a regional coastal vulnerability and risk assessment. It may also facilitate the exploration of additional collaborative opportunities in respect to Climate Change in the future.

It is intended that the Peron Naturaliste Partnership be underpinned by a voluntary and non-binding agreement between the participating local governments that does not seek to dictate to or affect the activities of individual local governments.

Should Council be supportive of the recommendation listed in this report, the following actions are planned to occur:

- Liaison with participating local governments to progress the Peron Naturaliste Partnership by finalising an agreement;
- Council representatives (e.g. Mayor and/or CEO) sign the agreement on behalf of Council; and
- Participating local governments meet to scope and develop the coastal vulnerability and risk assessment.

Council will be kept abreast of the progress with the Peron Naturaliste Partnership through regular updates.

Analysis of Financial and Budget Implications

In-kind support will be provided by City of Bunbury staff to the Peron Naturaliste Partnership, with no additional implications for the current budget.

Future budget requirements associated with the Peron Naturaliste Partnership will be referred to Council as part of the 5 year financial planning/budgeting process.

It is anticipated that the Peron Naturaliste Partnership will attract additional funding through external sources in future (e.g. State and Federal funding).

Councillor/Officer Consultation

His Worship the Mayor David Smith, Cr Stephen Craddock, Cr Juliet Harrop, Cr Brendan Kelly, the (then) Executive Manager of City Development, Geoff Klem, and officers from the planning, building and engineering departments attended the first Peron Naturaliste Partnership meeting held in July 2010.

The Peron Naturaliste Partnership proposal was referred to Council's Bunbury Environment and Sustainability Advisory Committee (BESAC) for consideration on 9 September 2010. BESAC subsequently made the following recommendation to Council:

"That Council resolves to participate in the Peron Naturaliste Partnership with the view to exploring opportunities for collaborative work with the surrounding local governments in respect to Climate Change."

Options

Option 1

As per the recommendation in this report.

Option 2

That Council resolves to not participate in the Peron Naturaliste Partnership.

11.3 Proposed Rezoning Lots 73 – 81 Ward Street from Residential R15 to Special Use Zone No. 53.

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

Recommendation

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.

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 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.

11.4 Community Sport and Recreation Facilities Fund ("CSRFF") Annual and Forward Planning Applications September Round – City of Bunbury and Bunbury and Districts Hockey Stadium Inc.

File Ref:	A04062
Applicant/Proponent:	Internal Report
Author:	Elizabeth Watkins, Community Recreation Liaison Officer
Executive:	Domenic Marzano, City Life
Attachments:	Appendix 4 & 5

Recommendation

Part A

City of Bunbury – Multi Sports Pavilion Hay Park South

1. Council approves the CSRFF application from the City of Bunbury.
2. Council ranks the City of Bunbury application as Priority 1.
3. Council applies to the Australian Government for \$1,300,000 towards the project when regional funding programmes are announced.
4. Council's contribution to the project be \$1,300,000
5. Council considers a further \$250,000 in the 2012/2013 budget to undertake landscaping, access road, parking and footpaths which are not eligible for funding under the CSRFF programme.

Part B

Bunbury and Districts Hockey Stadium – Replacement of Turf No. 2 and shock pad and renovations to pitch surrounds

1. Council approves the CSRFF application from the Bunbury and Districts Hockey Stadium.
2. Council ranks the Bunbury and Districts Hockey Stadium application as Priority 2.
3. Council provides \$100,000 towards the project.

Summary

Council has received one (1) internal Community Sport and Recreation Facilities Fund ("CSRFF") forward planning grant application:

- Construction of a Multi Sports Pavilion on Hay Park South Sports Grounds.

Council has received one (1) external annual CSRFF grant application from the Bunbury and Districts Hockey Stadium requiring support for:

- Replacement of the shock pad and surface on Turf No.2 synthetic hockey pitch with a lower water use synthetic surface plus repairs and redesign of pitch surrounds.

Background

The Department of Sport and Recreation ("DSR") administers the CSRFF grant funding program for small, annual and forward-planning grants. Priority is given to projects that lead to facility sharing and rationalisation. Multi-purpose facilities reduce infrastructure required to meet similar needs and increase sustainability.

The CSRFF Program operates on a reimbursement system. Grantees are required to demonstrate that the project is complete and they have expended the funds equivalent to the full cost of the project before CSRFF grants can be paid in full. CSRFF grants are paid to the grantee only. Applicants will need to ensure they are able to carry the full cost of the project for the period between project completion and CSRFF grant payment.

The maximum CSRFF grant approved by the State Government will be no greater than one-third of the total estimated cost of the applicant's project and must be matched by the applicant's own cash or in-kind contribution. Furthermore the balances of one-third funds required are to be sourced by the applicant. A development bonus can be requested by applicants who meet certain criteria which enable CSRFF grants to cover up to 50% of the total project costs.

Applicants must be either a local government authority, not for profit sport, recreation or community organisation and incorporated under the WA Associations Incorporation Act 1987. Clubs must demonstrate equitable access to the public on a short-term and casual basis. The types of projects which will be considered for funding include:

- Upgrade and addition to existing facilities where they will lead to an increase in physical activity or more rational use of facilities.
- Construction of new facilities to meet sport and recreation needs.
- New or replacement of synthetic surfaces. Where an application is made for a new or synthetic surface, evidence of long-term planning for all nearby facilities is required.

It is a requirement that applicants first discuss their proposal with the DSR's Regional Manager to be able to receive the formal application CSRFF form. The DSR will also identify any shortcomings and offer assistance to bring an application up to an acceptable standard.

CSRFF applications for the September 2010 round closed at the end of September 2010 with Local Government Authorities, who are then required to assess applications, allocate priorities and rank applications prior to making submissions to the DSR South West Regional Manager by October 31 2010. Successful applicants are expected to be advised in March 2011.

The table below identifies the cost (excluding GST) of each project together with required/requested Council contribution:

Funding Source	City of Bunbury \$	Bunbury and Districts Hockey Stadium Inc. \$
Council Contribution	1,300,000	100,000
Applicant's Cash	As above	140,000
Voluntary Labour	0	10,000
Donated Materials	0	0
Corporate Sponsorship & Club cash SW Phoenix Soccer, SW Warriors Rugby League	180,963	0
Other state or federal funding	1,300,000	
CSRFF Grant Requested	1,300,000	150,000
Development Bonus Requested	n/a	50,000
Total Cost of Project	4,080,963 (excluding landscaping, roads, car parking)	450,000

The Department of Sport and Recreation requires projects to be rated and ranked by Council using the following criteria:

Project Rating

- Well planned and needed by the municipality
- Well planned and needed by the applicant
- Needed by the municipality - more planning required
- Needed by the applicant – more planning required
- Idea has merit – more preliminary work needed
- Not recommended

Priority Ranking

Each proposal is to be listed as a 1, 2 or 3 priority.

A summary of the applications received together with the proposed project rating and priority ranking is provided in the next table.

Council has the opportunity to amend the project rating and re-prioritise the proposed ranking.

Applicant	Project Summary	Council Funds Required and Budgeted?	Proposed Project Rating	Proposed Priority Ranking
City of Bunbury	Construct a multi sports pavilion on Hay Park South	Total funding required by Council \$1,550,000. Current budget and current 5 year financial plan \$1,300,000 Further allocation of funds required in 2012/2013 budget \$250,000 for landscaping, road, car parking etc.	Well planned and needed by the municipality and needed by the Greater Bunbury and SW Region	1
Bunbury and Districts Hockey Stadium	Replacement of shock pad and surface on second pitch with a lower water use surface plus repairs and redesign of pitch surrounds	\$100,000 required and budgeted in current budget	Well planned and needed by the municipality and the Greater Bunbury Region	2

Officer Comments

City of Bunbury Multi Sports Pavilion Hay Park South

Bunbury, Greater Bunbury and the South West (SW) Region of WA are among the fastest growing areas of Australia. Currently more than 157,000 people are residents of the South West. By 2027 it is anticipated about 216,000 people will reside in the region, placing more stress and load on existing sport and recreation facilities.

The Greater Bunbury Region has a growth rate of 4.3%. According to ABS 2006 data, Bunbury (up 5.1%) and Mandurah (up 4.9%), along with Queensland's Hervey Bay (also up 4.9%), were the fastest growing regions outside capital cities.

Surrounding Shires are still required and expected to provide local and even district level facilities for sport and recreation and as such are unable to provide support funding to the City of Bunbury.

The City of Bunbury through Hay Park and other sporting venues provides local, district and regional level competition and facilities to Bunbury, Greater Bunbury and indeed the SW Region. Bunbury itself has a relatively small rate base of approximately 34,000. Without adequate levels of WA and Australian Government funding it is impossible to provide regional level facilities.

Why provide sports facilities?

“A review of current literature indicates that people who participate in sports clubs and organised recreational activity enjoy better mental health, are more alert, and more resilient against the stresses of modern living. Participation in recreational groups and socially supported physical activity is shown to reduce stress, anxiety and depression, and reduce symptoms of Alzheimer’s disease. Violent crime also decreases significantly when participation in community activities increases.¹ More people undertake voluntary work for sports and physical recreation organisations in Australia (1.1 million) to support participation in sport and recreation activity, than are employed in the industry” *DSR Website*

The Crawford report into the Future of Sport in Australia 2009 recommends (6.3) “The Australian Government in consultation with the State Governments develop a strategic national facilities initiative for the funding and development of Australia’s community sport and recreation facilities over the next decade” pg 35.

Regional sporting events such as those held in Bunbury bring visitors to the area who then spend on accommodation, food and fuel. These events bring a significant benefit to the local economy and are often held out of peak periods when the tourism industry may be slow.

Planning

Since 2006 the City of Bunbury has undertaken two major studies into the future development of sport and recreation facilities:

- City of Bunbury Recreation Plan 2006
- Hay Park Feasibility Study 2009

Existing facilities range in age from the 1960’s to 1980’s, many of the facilities do not have female toilets or a disabled access toilet. Of the facilities at Hay Park only the Myles Pavilion (Hay Park Central) is meeting the needs of users with regards to toilets and change rooms.

Both plans recommend the construction of three multi-sports pavilions at Hay Park:

- Hay Park South (Soccer, Rugby League, Cricket, BMX)
- Hay Park Central (Athletics, Netball/Basketball, Soccer)
- Hay Park North (Cricket, Junior Football, Rugby Union, Dog Club)

These three ‘multi sports’ pavilions will provide:

- Male/female toilets and change rooms for home and away teams
- Public toilets
- Umpire room
- Office space x 2
- Meeting/Function area for Coaching clinics etc including bar and kitchen for up to 250 people
- Club memorabilia space

- Storage
- First Aid Room

Why Hay Park South First?

Hay Park South is a winter rectangle pitch area for Hockey, Soccer and Rugby. The installation of three hard wickets between pitches will enable junior cricket to use the area in the summer season.

The growth of rectangle pitch sports such as soccer is well documented. Soccer has the highest participation rate of all winter 'ball' sports and is strong for both male and female participation.

The SW Phoenix Soccer Club (T/as Bunbury Forum Force) finished second in Division one and is seeking promotion to the Premier League in 2011.

Soccer in the SW region is seeking a 'home' which will enable the sport to coordinate and move forward into the future.

While rugby league is a new sport to the SW of WA it is forecast to grow rapidly and the SW Warriors team performed very well in their first year of the WA League competition.

Both winter users draw their membership from across the SW Region and are playing in the State League which requires their built facilities to be more than a shared toilet/change room and a veranda.

Cricket in the region is also growing fast and access to further junior hard wickets and clubrooms is essential. Cricket in Australia is ranked third in all sports for level of participation.

The facility will provide for nearly 2000 users each year across the two seasons and including carnivals and events.

Proposed users of the facility

Winter:

- SW Phoenix Soccer Club (regional club which plays in the State league)
- SW Warriors Rugby League Club (regional club which plays in the State league)
- Town Souths Hockey Club (for functions)

Summer:

- South West Soccer Association – to run summer soccer
- SW Warriors Rugby League Club – touch rugby
- Bunbury Districts Cricket Association (functions and season if junior wickets are installed)

All Year:

- Bunbury BMX club - functions/events

- SW Phoenix – clinics and pre-training
- Football Federation South West and SW Soccer Association – offices and functions
- SW Warriors Rugby League – office space/touch rugby

Management

The management plan for the facility proposes that the City of Bunbury manage the bookings, maintenance and 'use' of the building, this ensures that clubs are not burdened with the financial cost of management and the community has access to the building through a formal bookings process.

The permanent user groups (soccer, rugby, cricket) would be given a seasonal tenancy of the facility, while casual club users (BMX, summer soccer, touch rugby) and hirers (weddings, parties etc) will be able to access the building when the schedule allows.

Which clubs and state sporting bodies are supporting this project?

- Football West (Soccer)
- West Australian Rugby League
- SW Football Federation (Soccer)
- SW Warriors Rugby League
- SW Phoenix Soccer Club
- Country Coastal Junior Soccer Association
- SW Soccer Association
- Bunbury and Districts Cricket Association
- Bunbury BMX Club

Project assessment sheet and plans are **attached** at Appendix 4

It is proposed that:

- Council approves the CSRFF application from the City of Bunbury.
- Council ranks the City of Bunbury application as Priority 1.
- Council applies to the Australian Government for \$1,300,000 towards the project when regional funding programmes are announced.
- Council's contribution to the project be \$1,300,000 to the project
- Council considers a further \$250,000 in the 2012/2013 budget to undertake landscaping, access road, parking and footpaths which are not eligible for funding under the CSRFF programme.

Bunbury and Districts Hockey Stadium Replacement of Synthetic Turf No. 2

The Bunbury and Districts Hockey Stadium provide a local, regional and national hockey facility for over one thousand (1000) members.

Turf No. 2 is water based (requiring water sprayed onto it before use) synthetic surface which passed its use by date three years ago. The turf is now 10 years old and is disintegrating.

The stadium proposes to replace it with a water efficient hybrid turf which is made of mono-filament polyethylene sports yarn for optimum performance, playability, appearance and durability. The shock pad which is underneath the turf is made from recycled granulated rubber (1-4mm) bound with a polyurethane binder. The life of the turf is approximately 7 years, however, depending on level of use it may last up to 10 years.

Turf No.1 was installed in 2008 with funding provided through CSRFF, the stadium and the City of Bunbury through a self supporting loan. To meet current and future needs two synthetic turfs are required.

During the main winter season the stadium is used over 40 hours per week for Regional competition and is also home to National and State level competition. The stadium also hosts international games such as the Australia vs. Netherlands match which was held in January this year.

In addition to the winter season, the stadium is used by the South West Academy of Sport both summer and winter and there is a summer hockey competition held from November to March. Touch Rugby use the facility for their summer competition.

The stadium provides a 'home ground' for five hockey clubs and provides valuable social opportunities for the community.

Major events are held at the facility at least twice per year and generate significant income for Bunbury.

The club is contributing over 1/3 to the cost of the project and are seeking less than 1/3 from Council and 1/3 from CSRFF plus a \$50,000 development bonus. An overall project assessment sheet is **attached** at Appendix 5.

It is proposed that:

- Council approve the CSRFF application submitted by the Bunbury and Districts Hockey Stadium and rank it 2 of 2
- Provides \$100,000 contribution to the project

Analysis of Financial and Budget Implications

Multi Sports Pavilion

The City of Bunbury Multi Sports pavilion project requires Council funding of approximately \$1,550,000 which includes the project as listed in the CSRFF budget plus a further allocation for car parking, landscaping, paths and access roads.

Current budget and 5 year financial plan \$1,300,000 with a further \$250,000 to be considered in the 2012/2013 budget for landscaping, access roads etc.

The current budget and cost is provided through a quantity survey with appropriate project fees and contingencies. The tender process will provide firm and final costings for the project.

Hockey Stadium Turf Replacement

The \$100,000 Council contribution for the Bunbury and Districts Hockey Stadium turf replacement project is available in the 'Hockey Stadium Turf Replacement'.

Strategic Relevance

Both applications are consistent with Council's *Recreation Plan and Recreation Implementation Plan 2007-12 Strategic Theme 6: Facility Development*.

2006 Recreation Plan recommended:

- The construction of a multi sports pavilion on Hay Park South in 2006-2010
- The replacement of Hockey Stadium water based turf 2 in 2011-2015

Community Consultation

Proponents are required to describe the consultation processes undertaken in relation to their project.

The City of Bunbury has undertaken two studies assessing current and future sport and recreation facilities and both have identified the need for multi sports pavilions at Hay Park:

- 2006 Recreation Plan
- 2009 Hay Park Feasibility study.

Bunbury and Districts Hockey Stadium: The committee has consulted with their members and the Department of Sport and Recreation and Hockey WA and established the need for the replacement of their second turf.

Councillor/Officer Consultation

The Bunbury and Districts Hockey Stadium have met and discussed their application with Council's Community Recreation Liaison Officer.

Life-cycle Maintenance Costs (Capital Works Projects Only)

As part of the CSRFF annual and forward planning grants application Clubs are required to provide evidence of management planning and how they will support ongoing maintenance costs. The City of Bunbury budgets for asset replacement and annual maintenance of sports facilities.

The Bunbury and Districts Hockey Stadium have funds reserved to pay for the replacement of its second turf up to \$140,000.

Economic, Social, Environmental and Heritage Issues

Economic

Both the multi sports pavilion and the hockey stadium provide the required infrastructure for holding local, Regional, State, National and International events. The flow on for the local economy is significant in terms of tourism, accommodation, fuel, groceries etc.

Options

Option 1

Per the recommendations listed in this report.

Option 2

Council supports both the CSRFF applications submitted by the City of Bunbury and the Bunbury and Districts Hockey Stadium with amendments to the ranking of the applications.

Option 3

Council does not support the CSRFF applications submitted by the City of Bunbury and the Bunbury and Districts Hockey Stadium.

11.5 Extinguishment of Subsoil Drainage Easement over Lot 268 (No. 8) Sherlock Way Davenport

File Ref:	P13363
Applicant/Proponent:	Complex Land Solutions Pty Ltd
Author:	Garry Nolan, Engineering Technical Officer
Executive:	Michael Scott, Executive Manager City Services
Attachments:	Appendix 6

Recommendation

That the City of Bunbury extinguish the drainage Easement over Lot 268 (No. 8) Sherlock Way Davenport.

Summary

Complex Land Solutions on behalf of Joe Scurria Pty. Ltd. request that the drainage easement over Lot 268 (No. 8) Sherlock Way Davenport be extinguished from the certificate of title because there is no reason for it to be there.

Background

On behalf of Joe Scurria Pty. Ltd. of Unit 3 / 32 Stirling Street Bunbury an investigation was undertaken by Civil and Structural Engineers at Lot 268 (No. 8) Sherlock Way Davenport to determine if drainage existed within the 3m wide City of Bunbury easement located across the rear the property. Following the investigation by Civil & Structural Engineers (which included excavation) a report was presented to the City of Bunbury City Services demonstrating that drainage does not exist within the easement. City Services analysed the report (which including original drawings and photos) and concluded from all the information provided that it is evident that subsoil drainage does not exist within the Council's drainage easement. City Services consider that there is sufficient drainage in the catchment and that the easement is not required for any future drainage works.

A copy of the site plan is **attached** at Appendix 6.

Officer Comments

The issue of extinguishment for Lot 268 (No. 8) Sherlock Way Davenport has been discussed within City Services including the City Engineer who have concluded that the City of Bunbury Drainage Easement is not required.

Justification

After analysing all information provided by Civil and Structural Engineers and investigation by City Services staff it is evident that there is no drainage located within the existing drainage easement at Lot 268 (No. 8) Sherlock Way Davenport. Existing drainage services the catchment and is sufficient for current and future needs.

Analysis of Financial and Budget Implications

There are no financial implications for the City of Bunbury with this proposal.

Options

Option 1

That the City of Bunbury extinguish the subsoil drainage easement over Lot 268 (No. 8) Sherlock Way Davenport.

11.6 Tender RFT 2010 2011- 04 Supply of One (1) 4x4 Backhoe Loader

File Ref:	A04189
Applicant/Proponent:	Internal
Author:	Mark Robson, Contract Co-ordinator
Executive:	Michael Scott, Executive Manager City Services
Attachments:	Confidential Report Under Separate Cover

Recommendation

With respect to Tender RFT 2010 2011-04 for the supply and delivery of one 4x4 Backhoe Loader, the Council resolves to:

- 1. Accept the tendered lump sum fee submitted by WesTrac Pty Ltd (ABN 63 009 342 572)**
- 2. Record details of the successful tender in the City of Bunbury Tender Register.**

Summary

The City's 2010/2011 Plant Replacement Program is scheduled to replace the City's Backhoe Loader this financial year. This vehicle is a 1999 model and is used for Councils general road construction, drainage works and maintenance services by the Operations Department.

Background

In October 2008 Western Australia Local Government Association (WALGA) introduced Preferred Supplier Contracts. This service permits members to procure products and services without having to undertake the timely and costly exercise of the tendering processes. This is due to the exemption provided to the Preferred Supplier Contracts under the *Local Government (Functions and General) Regulations 1996*.

The Preferred Suppliers Contract (Contract No TPS0814) was utilised to obtain written quotations from the pre approved suppliers for the supply and delivery of one 4x4 Backhoe Loader.

The City's Operational staff and supervisors have inspected and test driven various vehicles and concur the vehicle being offered by Westrac Pty Ltd is the superior and most suitable vehicle for council operations.

Price

Evaluation of the responses has been assessed but because the results are "Commercial in Confidence" details are listed in a Confidential Report that has been circulated to members **under separate cover**.

Officer's Comments

Based on the panel's evaluation of the offers submitted by the respondents, the recommended tenderer is WesTrac Pty Ltd (ABN 63 009 342 572) as this company has provided the City with a competitive offer, demonstrated its ability to provide quality products and services, is within the available budget and this offer is considered to be the most advantageous offer to the City.

Analysis of Financial and Budget Implications

Funding for this purchase is provided by Councils 2010/2011 Plant Replacement Program.

Council Policy Compliance

The tender process complies with the requirements of the City's Work Procedure WP4.12 "*Tender Procedure and Associated Legislation*" and the *Local Government (Function and General) Regulations 1966*.

Council's CD2 "*Purchasing - Local Preference Policy*" was applied during evaluation of the tenders.

Legislative Compliance

Processing of tenders was conducted in accordance with the *Local Government (Function and General) Regulations 1996, Part 4 "Tenders for Providing Goods or Services"*.

Delegation of Authority

The total costs of this contract exceeds \$100,000 Therefore it has been dealt with in accordance with *Local Government (Functions and General) Regulations 1996 (Part 4 - Tenders for Providing Goods or Services)*.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Reject all tenders

Comment: This is NOT supported by the Tender Evaluation Panel.

11.7 Tender RFT 2010 2011- 03 Landscape Maintenance Tender Marlston Hill Precinct

File Ref:	A04190
Applicant/Proponent:	Internal Report
Author:	Mark Robson, Contract Co-ordinator
Executive:	Michael Scott, Executive Manager City Services
Attachments:	Confidential Report Under Separate Cover

Recommendation

With respect to Tender RFT 2010 2011-03 for the provision of a Landscape Maintenance Service to the Marlston Hill precinct, the Council resolves to:

1. **Accept the tendered lump sum fee submitted by Landscape Development and awards the Landscape Maintenance Services contract to Landscape Development for a period of 12 months with an option to extend for a further 12 months.**
2. **Record details of the successful tender in the City of Bunbury Tender Register.**

Summary

Council has advertised for suitably qualified and experienced contractors to undertake a Landscape Maintenance Service to the Marlston Hill Precinct as the current contract expires in November 2010.

Background

Tender documents were prepared and advertised in *The West Australian* on 8 September 2010 and the *South Western Times* on 9 September 2010. Tenders closed at 3:00pm on Thursday, 23 September 2010. The City's Contract Co-ordinator and Customer Service Officer opened the tender box.

A total of eight (8) interested companies had requested and received the tender documents. By closing, two tenders had been received, as follows.

- Dirt Design Landscaping, PO Box 411 Capel, WA 6271
- Landscape Development, 7 Mason Street, Bunbury WA 6230

An evaluation panel comprising the City's Contract Co-ordinator and Parks and Gardens Co-ordinator assessed the responses on the 24 and 30 September 2010. The tenders were evaluated using the following criteria:

- Compliance
- Qualitative
- Price

Price

Evaluation of the tender prices has been assessed but because the results are "Commercial in Confidence" details are listed in a Confidential Report that has been circulated to members under separate cover.

Officer's Comments

Based on the panel's evaluation of the tender documents submitted by both respondents the recommended tenderer is Landscape Development (ABN 62 052 314 682) as this company has provided the City with competitive prices, demonstrated its ability to provide quality products and services, has a proven track record with the City, is within the available budget and this tender is considered to be the most advantageous tender to the City.

Analysis of Financial and Budget Implications

Funding for this tender is provided by Councils "Formal Gardens" budget.

Council Policy Compliance

The tender process complies with the requirements of the City's Work Procedure WP4.12 "*Tender Procedure and Associated Legislation*."

Council's CD2 "*Purchasing - Local Preference Policy*" was applied during evaluation of the tenders but did not affect the outcome.

Legislative Compliance

Advertising and processing of tenders was conducted in accordance with the *Local Government (Function and General) Regulations 1996, Part 4 "Tenders for Providing Goods or Services"*.

Delegation of Authority

The total cost of this contract will exceed \$100,000 over the term of the contract. Therefore it has been dealt with in accordance with *Local Government (Functions and General) Regulations 1996 (Part 4 - Tenders for Providing Goods or Services)*.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Reject all tenders

Comment: This is NOT supported by the Tender Evaluation Panel.

11.8 Bunbury Regional Arts Management Board Inc. – Deed of Management

File Ref:	A02640
Applicant/Proponent:	Internal Report
Author:	Ron Boardley, Property & Rating Coordinator
Executive:	Ken Weary, Executive Manager Corporate Services
Attachments:	Report Under Separate Cover

Recommendation

That Council:-

1. **Endorses the draft Deed of Management between the City of Bunbury and the Bunbury Regional Arts Management Board Inc. for management of the Bunbury Regional Art Galleries; and**
2. **The term of the Deed be for five (5) years commencing on 1 November 2010 and expiring on 31 October 2015.**

Summary

This report relates to the proposed Deed of Management for the Bunbury Regional Art Galleries, which defines the respective rights and obligations of the City of Bunbury and the Bunbury Regional Arts Management Board Inc. (BRAMB).

The proposed Deed of Management was endorsed by BRAMB at its meeting held on 16 August 2010.

Background

From 1 July 2004 to 30 June 2006 there was a Service Level Agreement in place which detailed responsibilities and obligations of the City and the Bunbury Regional Arts Management Board in regard to the operations of the Bunbury Regional Art Galleries. This agreement was extended to 30 September 2006 to facilitate a review of the operations with a view to entering into a further Service Level Agreement, however no such agreement was finalised at that time.

In February 2007, the Bunbury Regional Arts Galleries received a proposal from Northlight Building Design for occupancy of a portion of the upper level of the Gallery Building.

During subsequent discussions relating to the proposal, it was ascertained that there is no Deed of Management in place for the Art Galleries as exists for the Bunbury Regional Entertainment Centre and the City's Executive believed that a Deed of Management should be entered into for the Art Galleries.

A draft Deed of Management was then prepared for consideration and discussion between the City's Executive and representatives of the Art Galleries Board. The revised Deed of Management was considered by the Bunbury Regional Arts

Management Board Inc. (BRAMB) at its meeting on 16 August 2010, when the following resolution was passed:

“BRAMB endorses the final draft of the Deed of Management as presented by the City of Bunbury”.

The Deed of Management is for a term of five (5) years and it is suggested that the term commence on 1 November 2010 and expire on 31 October 2015.

A copy of the draft Deed of Management has been circulated **under separate cover** for consideration and endorsement by Council.

Officer Comments

It is considered that Council should endorse the draft Deed of Management for the Bunbury Regional Art Galleries as this document defines the respective rights and obligations of the City of Bunbury and the Bunbury Regional Arts Management Board Inc.

Analysis of Financial and Budget Implications

Endorsement of the Deed of Management will not result in any additional financial contributions towards the operations of the Bunbury Regional Art Galleries.

Options

Option 1

Per the recommendation listed in this report.

Option 2

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

Option 3

Council do not support the recommendation.

11.9 Annual Meeting of Electors and Annual Report 2009/2010

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

Recommendation

- 1. The 2009/2010 Annual Report be accepted; and**
- 2. The Annual General Meeting of Electors be conducted on Thursday 25 November 2010, commencing at 7.00pm in the Function Room of the Council Chamber, 4 Stephen Street, Bunbury.**

Summary

Council is required to accept its Annual Report for the 2009/2010 financial year and confirm a date for the Annual Meeting of Electors.

Background

In accordance with the provisions of Section 5.27(1) of the Local Government Act 1995, a general meeting of electors of a district is to be held once every financial year.

The 2009/2010 Draft Annual Report (copy previously issued) includes an abridged version of the Annual Financial Statements and Audit Report.

Council is now in a position to accept the report, arrange printing of the document and confirm a date for the Annual Meeting of Electors. The agenda for the Annual Meeting of Electors will be:

- 1. To receive the Annual Report of the City of Bunbury for the year ended 30 June 2010;and**
- 2. General Business**

Officer Comments

Public Notice of the Annual Meeting of Electors will be advertised, giving the statutory fourteen (14) days notice of the meeting and advising that the Draft Annual Report is available for inspection at the Council Office.

Councillors were issued with a draft copy of the Annual Report under memorandum dated 30 September 2010 and asked for comment. All managers and officers have assisted in the preparation of the report.

Suggested amendments and or alteration will be incorporated within the final report, were necessary.

Analysis of Financial and Budget Implications

The expenditure incurred in the preparation and printing of the Annual Report has been provided for in the current Council Budget.

Options

Option 1

As per the recommendation.

Option 2

As per the recommendation with amendment.

11.10 Local Government Biennial Election – 15 October 2011

File Ref:	A00230
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Ken Weary, Executive Manager Corporate Services
Attachments:	Nil

Recommendation

- Pursuant to Section 4.20(4) of the Local Government Act 1995, the Bunbury City Council declares that the Western Australian Electoral Commissioner be responsible for the conduct of the 15 October 2011 Local Government Ordinary Election in Bunbury, (together with any other elections or polls which may also required in the City of Bunbury) and that the Electoral Commissioner appoint an appropriate Returning Officer; and**
- Pursuant to Section 4.61(2) of the Local Government Act 1995, the election to be a postal election.**

NOTE: An absolute majority vote will be required at the Ordinary Council Meeting.

Summary

The City of Bunbury (with the exception of recent extraordinary elections) has conducted postal elections since 1997. In order to continue doing so, it is necessary to appoint the Western Australian Electoral Commissioner as being responsible for the conduct of the election and that the method shall be by postal vote.

Background

Correspondence has been received from the WA Electoral Commission seeking a Council decision on the following:

- The WA Electoral Commissioner be responsible for the conduct of the 2011 Local Government Election in Bunbury; and
- The election to be conducted as a “postal” election.

The Bunbury City Council first decided to engage the WA Electoral Commission to conduct a postal vote for the May 1997 election, to coincide with the introduction of biennial elections in Western Australia.

Council has subsequently authorised the Electoral Commission to conduct postal voting in past biennial elections in May 1999, 2001, 2003, 2005, 2007 and 2009.

Officer Comments

Since its introduction to legislation in 1995, the postal ballot has become increasingly popular with Local Governments throughout the State, largely due to its effect on

voter turnout or participation figures. For example, at the May 2005 election in Bunbury voter participation was 43.2%. In 2009 the participation rate was 35.05% for the Councillor election, compared to the pre 1997 in person voting system which produced a voter participation rate of approximately 11% or 12% accordingly.

In the 2006 and 2008 Extraordinary Elections which were conducted as in person elections, voter turnout was 1.76% and 2.3% respectively.

Postal voting has been used in Bunbury for the past several biennial elections with evidence of little complaint from members of the public and a marked increase in voter participation.

The postal vote is more user-friendly than the polling booth method in that electors receive their ballot some time before Election Day, which allows voters not to have to travel to a polling place on a Saturday morning – of great benefit to those who work on Saturdays as well as the elderly and disabled.

Analysis of Financial and Budget Implications

The total cost of the October 2009 postal election, including the cost of non-statutory advertising was \$63,000.00.

The October 2011 election contest will involve the election of six (6) Councillor positions.

The cost charged per elector in the 2009 Mayoral/Councillor election was approximately \$2.90 including postage whilst the cost for the 2007 election was approximately \$3.46 per elector.

The Electoral Commissioner has advised the estimated preliminary cost to conduct the October 2011 election for six councillors is in the vicinity of \$66,000.00, or \$2.90 per elector. This does not include the cost of supplementary advertising, legal expenses other than those that are determined to be borne by the Commission in a court of disputed returns, promotion and staff wages etc.

Options

Option 1

As per the recommendation above.

Option 2

As per the recommendation above with amendments.

Option 3

Council not support the recommendation.

11.11 Financial Statements – August and September 2010

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

Recommendation

The Financial Statements for the periods ending 31 August and 30 September 2010, be received.

Summary/Background

Financial Statements for the period ending 30 September 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

Financial statements for the month of August 2010 will be tabled at the meeting for the information of members.

11.12 Advisory Committee and/or Project Control Group Minutes to be Noted at the Council Committee Meeting

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

Recommendation

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

1. **Title:** Minutes – Bunbury Environment & Sustainability Advisory Committee (09/09/2010)
 Author: Ben Deeley, Environmental Officer
 File: A02445
2. **Title:** Minutes – Asset Management Project Control Group (20/04/2010)
 Author: Stewart Parkinson, Asset Management Coordinator
 File: A02590
3. **Title:** Minutes – Land Rationalisation & Acquisitions Committee (16/09/2010)
 Author: Paul Davies, Town Planner
 File: A03518

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

12. Motions on Notice

12.1 Motion on Notice – Iconic Australian Pavilion – Shanghai World Expo

File Ref:	
Applicant/Proponent:	Councillor Ross Slater
Author:	Councillor Ross Slater
Executive:	If adopted by Council refer to: Chief Executive Officer
Attachments:	Appendix 7

Cr Slater submitted the following motion for the Council Committee Meeting on 12 October 2010:

"Council obtain particulars of the iconic Australian Pavilion from this years Shanghai Word Expo (which is being marketed by the Australian Department of Foreign Affairs and Trade) to determine whether Council should seek Government Funding to have the building relocated to Bunbury to accommodate Bunbury's proposed Regional Museum."

Comments - Cr Slater

In support of his motion, Cr Slater states that,

*"This building was built in Shanghai as the iconic Australian Pavilion erected for this years Shanghai World Expo. A copy of the press release extracted from the Sunday Times 3 October 2010 is **attached** at Appendix 7.*

The Building is maintenance free for 50 years, and was constructed knowing that it would have to be dismantled and relocated at the close of the World Expo.

The State Government Opposition is spearheading a campaign to have the Building relocated to Perth to be used as a Museum.

I suggest Council consider my proposal to obtain particulars of the building to determine whether Council should seek State Government Funding to have the building dismantled and relocated to Bunbury for use as the proposed Regional Museum."

Executive Comment

Cr Slater will address Councillors on his proposal.

Cr Slater's Motion

"Council obtain particulars of the iconic Australian Pavilion from this years Shanghai Word Expo (which is being marketed by the Australian Department of Foreign Affairs and Trade) to determine whether Council should seek Government Funding to have the building relocated to Bunbury to accommodate Bunbury's proposed Regional Museum."

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

14. Items to be Noted or Endorsed

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

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

Recommendation

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

1. **Title:** **Building Application/Development Approvals – July & August 2010**
 Author: **Gary Fitzgerald, Manager Development Services**
 File: **A00088-02**

2. **Title:** **Schedule of Accounts Paid for the Period of 1 to 30 September 2010**
 Author: **David Ransom, City Accountant**
 File: **A00083**

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

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

There are no items recommended for endorsement.

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

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

16. Close of Meeting