



## **Bunbury City Council**

### **Notice of Meeting and Agenda 10 November 2015**



**CITY OF BUNBURY**  
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Western Australia  
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## Nature of Council's Role in Decision Making

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Review:** When Council reviews decisions made by Officers.
- Quasi-Judicial:** When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

## Bunbury City Council Notice of Meeting

The next Ordinary Meeting of the Bunbury City Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 10 November 2015 at 5.30pm.



Andrew Brien  
Chief Executive Officer  
(Date of Issue: 6 November 2015)

### Agenda

10 November 2015

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

#### Council Members:

Mayor Gary Brennan  
Deputy Mayor Brendan Kelly  
Councillor Wendy Giles  
Councillor James Hayward  
Councillor Judy Jones  
Councillor Jaysen Miguel  
Councillor Michelle Steck  
Councillor Karen Steele  
Councillor Sam Morris  
Councillor Betty McCleary  
Councillor Monique Warnock  
Councillor Joel McGuinness  
Councillor Murray Cook

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

## **2. Disclaimer**

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

## **3. Announcements from the Presiding Member**

## **4. Attendance**

### **4.1 *Apologies***

### **4.2 *Approved Leave of Absence***

Cr Giles is on approved Leave of Absence from 29 October 2015 to 12 November 2015.

Cr Cook is on approved Leave of Absence from 2 November 2015 to 11 November 2015.

## 5. Declaration of Interest

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

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

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

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

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

## 6. Public Question Time

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

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

### 6.1 Public Question Time

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

Nil

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

### **7.1 Minutes**

#### **7.1.1 Minutes – Ordinary Council Meeting**

The minutes of the Ordinary meeting of the Bunbury City Council held 27 October 2015 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the Bunbury City Council held 27 October 2015 be confirmed as a true and accurate record.

#### **7.1.2 Minutes – Council Advisory Committees and Working/Project Groups**

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various
<b>Attachments:</b>	Appendix MTBN-1 – Bunbury RoadWise Committee Minutes 07/10/2015

#### **Summary**

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

1. Title: Bunbury RoadWise Committee Minutes 07/10/2015  
Author: Rachel Griffiths, Engineering Technical Officer  
Appendix: MTBN-1
2. Title: Audit Committee Minutes 02/11/2015  
Author: David Russell, Acting Manager Governance  
Appendix: MTBN-2

#### **Council Committee Recommendation**

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

1. Bunbury RoadWise Committee Minutes 07/10/2015
2. Audit Committee Minutes 02/11/2015



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

### **8.1 *Petitions***

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

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

### **8.2 *Presentations***

### **8.3 *Deputations***

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

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

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

## 10. Reports

### 10.1 Recommendations from Advisory Committees

#### 10.1.1 Auditor's Report and Annual Financial Statements for the year ending 30 June 2015

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Audit Committee
<b>Responsible Officer:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-12: Auditor's Report and Annual Financial Statements

#### Summary

The Auditor's Report and Audited Annual Financial Statements of the City of Bunbury for the financial year ending 30 June 2015 are **attached** at Appendix CEO-2 for the information of Council.

#### Committee Recommendation

That Council accept the Auditor's Report and the Audited Annual Financial Statements of the City of Bunbury for the financial year ending 30 June 2015.

#### Background

The City's auditors, Grant Thornton have audited the 2014/15 Annual Financial Statements and have provided an Independent Auditor's Report as required under the relevant provisions of the *Local Government Act 1995* (the Act). The Auditor's Report and Annual Financial Statements were reviewed by the Audit Committee on 2 November 2015 and are now presented to Councillors for their information.

Mr Michael Hillgrove from Grant Thornton is the City's appointed Auditor and met with the Audit Committee, as required under section 7.12A(2) of the Act, on 2 November 2015 to answer any queries that Members may have had in relation to the 2014/15 financial audit of the City.

#### Council Policy Compliance

Not applicable.

#### Legislative Compliance

Section 7.9(1) of the Act requires the auditor to submit a report to the local government by 31 December each year.

Section 7.12A(2) of the Act requires a local government to meet with its Auditor at least once each year.

## Officer Comments

Council's management and internal control systems are sound. In addition to being monitored internally on a daily and monthly basis they are also strengthened by an independent assessment each year on the City's financial management systems and external audit reporting. The independent assessment reviews Council's financial position, financial management practices and compliance with the requirements of the Local Government Act, the Local Government (Financial Management) Regulations, and Accounting Standards.

There are five (5) primary financial statements:

- Statement of Comprehensive Income
- Statement of Financial Position
- Statement of Changes in Equity
- Statement of Cash Flows
- Rate Setting Statement

Statement of Comprehensive Income: The Statement of Comprehensive Income (shown on pages 4 to 6 of the Financial Statements) shows the extent to which operating expenditure has exceeded operating revenue during the financial year (i.e. operating deficit).

Key financial figures within the audited Annual Financial Report for the year ended 30 June 2015 include:

	<u>2015</u>	<u>2014</u>
Operating Revenue	\$ 52,869,639	\$ 48,109,366
Operating Expenses	\$ 53,821,631	\$ 53,556,585
Operating Deficit	\$ 951,992	\$ 5,447,219
Net Result (utilised for capital works)	\$ 4,867,534	\$ 806,674

For the year ending 30 June 2015, the operating deficit was \$952K compared to \$5.4M in 2013/14, a decrease of \$4.5M. While revenue increased by \$4.8M, expenditure only increased by \$265K. The increase of \$4.8M in revenue is mainly due to increases in Rates (\$2.1M) and Operating Grants (\$2.7M).

The Rates increase was due to residential properties increasing on average by 4.0%, while the average increase for non-residential properties was 10.5%. The 2014/15 financial year introduced a change to the rating system from 4 differential rating categories to a single rate in the dollar, and was also affected by the review of each properties Gross Rental Valuation by Landgate.

The City received more Operating Grants in 2014/15 including an advance payment of the 2015/16 General Purpose Grants from the Federal Government (\$804K). In 2013/14 no advance payment was received, however an advance payment of \$849K was received in the 2012/13 financial year for 2013/14. The City also received a grant from the South West Development Commission of \$1.0M for the Bunbury Marine Facilities funding.

When capital grants and profit/loss on disposal of assets etc. are included, the Net Result was a surplus of \$4.9M (compared to a surplus of \$807K in 2013/14). The Statement also accounts for the revaluation of non-current assets during the year of \$109.6M resulting in a Total Comprehensive Income for 2014/15 of \$114.5M.

**Statement of Financial Position:** The Statement of Financial Position (shown on page 7 of the Financial Statements) shows the assets and liabilities which make up the community equity as at the 30 June 2015.

Key financial figures within the audited Annual Financial Report for the year ended 30 June 2015 include:

	2015	2014
Current Assets	\$ 25,471,223	\$ 19,657,697
Current Liabilities	\$ 9,500,592	\$ 9,535,619
Current Assets over Current Liabilities	\$ 15,970,631	\$ 10,122,078
Non-Current Assets	\$539,742,227	\$428,231,265
Non-Current Liabilities	\$ 16,161,228	\$ 13,274,445
Total Equity	\$539,551,630	\$425,078,898

Council’s current assets exceed current liabilities by \$16.0M compared to \$10.1M in 2013/14. The total community equity as at 30 June 2015 was \$539.5M an increase of \$114.5M on 2013/14 mainly due to the revaluation of non-current assets.

**Statement of Changes in Equity:** The Statement of Changes in Equity (shown on page 8 of the Financial Statements) shows the extent to which the community equity has been increased by the net result of the year’s activities. For the year ending 30 June 2015, the Community Equity increased from \$425.1M to \$539.5M.

**Statement of Cash Flows:** The Statement of Cash Flows (shown on page 9 of the Financial Statements) shows the nature and amount of Council’s cash inflows and out flows from all activities. Council’s cash held at the end of the reporting period was \$22.8M compared to \$17.2M in 2013/14.

**Rate Setting Statement:** The Rate Setting Statement (shown on pages 10 and 11) shows the amount of rates required to be raised to fund the City’s operating during 2014/15. In 2014/15, \$32.4M in rates were raised, an increase of \$2.1M or 6.9% on 2013/14 (residential properties increased by an average of 4.0%, non-residential properties increased on average by 10.5% and a 0.28% increase in property growth).

<b><u>Financial Information by Ratio:</u></b>	<b><u>2015</u></b>	<b><u>2014</u></b>	<b><u>2013</u></b>
<b>Current Ratio</b>	1.418	1.214	1.529
<i>Current Assets as a ratio of Current Liabilities.</i>			

*(Measure of short term liquidity, i.e. the ability of Council to meet its liabilities when they fall due. A ratio of greater than 1.0 indicates Council has more current assets than current liabilities. Target is > 1.0)*

<b>Asset Sustainability Ratio</b>	0.812	0.423	1.060
<i>Capital renewal and replacement expenditure as a ratio of depreciation expense.</i>			

*(Measures the extent to which assets are being renewed/replaced compared to the amount consumed i.e. depreciation. A ratio of greater than 1.0 indicates that council is investing in asset renewal/replacement greater than current consumption)*

**Debt Service Cover Ratio** 4.167 2.852 3.167  
*Operating Surplus before Interest and Depreciation as a ratio of principal and interest expense for borrowings.*

*(Measures Council's ability to service debt out of its uncommitted or general purpose funds available for its operations. The Department of Local Government indicates that a Basic standard is achieved if  $\geq 2.0$ . An Advanced standard is  $\geq 5.0$ )*

**Operating Surplus Ratio** (0.035) (0.122) (0.112)  
*Operating Revenue minus Operating Expenditure as a ratio of own source operating revenue.*

*(A result of lower than zero indicates that the Council has an operating deficit. The Department of Local Government indicates that a Basic standard is achieved if between 0.01 and 0.15)*

**Own Source Revenue Coverage Ratio** 0.886 0.861 0.839  
*Own source operating revenue as a ratio of operating expense.*

*(Measures Council's ability to cover operating expenses from own source revenue. The higher the ratio, the more self-reliant the local government is. The Department of Local Government indicates that an Advanced standard is achieved if the ratio is greater than 0.9)*

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

There are no financial or budget implications for Council to accept the Annual Financial Statements and Auditor's Report.

#### **Community Consultation**

An abridged Annual Financial Report will be included in the City's 2014/15 Annual Report.

### 10.1.2 Asset Management Plan 2015

<b>Applicant/Proponent:</b>	Audit Committee
<b>Author:</b>	James Shepherd, Manager Assets and Projects
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix RAC-2: Draft Asset Management Plan 2014/5-23/24

#### Summary

The purpose of this report is for the Council to receive the City's draft Asset Management Plan 2014/15-2023/24 as **attached** at Appendix RAC-2.

#### Committee Recommendation

That Council:

1. Receive the draft Asset Management Plan 2015 as presented;
2. Utilises information from the Asset Management Plan 2015 as part of the development of the Long Term Financial Plan; and
3. Establish a working group comprising two elected members with relevant experience and Officers to progress appropriate service level benchmarks and asset strategy recommendations for future consideration by Council.

#### Background

As part of the Integrated Planning and Reporting Framework, the City of Bunbury is required to develop asset management plans to inform the City's long term financial planning, and in particular the development of the Long Term Financial Plan, Corporate Business Plan, and Annual Budget. Primarily, asset management plans outline the funding requirements for the lifecycle management of the City's assets, whilst taking into consideration applicable service standards.

#### Council Policy Compliance

Council Policy: Asset Management requires Council to give priority in its annual budget and long term financial plan for the maintenance, operation and renewal of existing assets where need demonstrates their retention.

#### Legislative Compliance

Section 5.56 of the *Local Government Act* and Division 3 of Part 5 of the *Local Government (Administration) Regulations* deal with local government future planning.

#### Officer Comments

The draft Asset Management Plan 2014/15-2023/24 provides information for each of the City's 12 asset classes at a network level, outlining the funding requirements to adequately maintain and renew each class of asset.

The development of the Long Term Financial Plan and Corporate Business Plan to meet the aspirations of the Strategic Community Plan requires Council to consider the findings of the Asset Management Plan when determining the City's ability to maintain and renew its asset base, whilst at the same time establishing requirements to upgrade or provide new assets to meet increasing demand and changing service level expectations.

Officers will provide the Audit Committee with a presentation to summarise the content of the draft Asset Management Plan.

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

In accordance with the Asset Management Policy, priority will be given to ensuring that budgets for maintenance, operations and asset renewal over and above the provision of new assets. Asset upgrades should be established as part of the renewal process and determined on an as needed basis. Any renewal projects identified must also demonstrate their need for retention to meet community need and Council's risk management responsibilities.

The draft Asset Management Plan identifies a total funding gap of \$58.8m; in accordance with the Asset Management Policy and Asset Management Strategy 2015/16 – 2020/21 (draft). Council should look to resolve the funding shortfall through:

1. Reducing the City's asset base to reduce lifecycle cost liabilities;
2. Change levels of service; and
3. Increase revenue to meet in whole or part the shortfall.

In all cases reviews with regard to the above should be made in line with the Strategic Community Plan and Council's Risk Management Policy, Asset Management Policy and Asset Management Strategy.

The information contained with the draft Asset Management Plan will inform the development of future iterations of the City's Long Term Financial Plan and Corporate Business Plan.

### **Councillor/Officer Consultation**

This report is presented to the Council following recommendation by the Audit Committee.

## **10.2 Chief Executive Officer Reports**

### **10.2.1 2016 Council Meeting Schedule**

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-1: Proposed Schedule of Meetings

#### **Summary**

Regulation 12(1) of the *Local Government (Administration) Regulations 1996* requires a local government to each year give local public notice of the dates on which Ordinary Council meetings are to be held for the next twelve (12) months. The purpose of this report is for Council to consider its meeting schedule for 2016.

#### **Executive Recommendation**

That Council:

1. Adopt the schedule of Ordinary Council Meetings for 2016 as **attached** at Appendix CEO-1 noting that all meetings will take place in the Council Chambers, 4 Stephen Street Bunbury commencing at 5.30pm.
2. Request that the Chief Executive Officer undertake all statutory advertising in this regard.

#### **Background**

Council currently operates on a fortnightly meeting schedule, alternating between Council Briefing Sessions and Ordinary Meetings pursuant to Council Decision 313/13. Council has also historically gone into recess over the Christmas/New Year period, with the last Ordinary Meeting of Council typically being in mid-December, and reconvening in mid-January.

#### **Council Policy Compliance**

Not applicable

#### **Legislative Compliance**

Regulation 12(1) of the *Local Government (Administration) Regulations 1996* requires local governments to give local public notice of the dates on which it intends to hold its Ordinary Council meetings for the ensuing twelve (12) month period.

#### **Officer Comments**

Officers have prepared a proposed schedule of meetings for 2016 based on historical precedent, pictorially depicted at Appendix CEO-1.

The last Ordinary meeting of Council for 2015 is scheduled for 8 December, and the draft schedule proposes that Council reconvene on 12 January 2016 (Council Briefing Session).



The timing of Easter and ANZAC Day have been taken into consideration when preparing the draft schedule, however these dates will not affect Council’s fortnightly meeting schedule for 2016.

The only variation from the status quo as proposed concerns the timing of Australia Day 2016, which will be a Tuesday. In this instance, it is proposed to hold a Council Briefing Session and subsequent Ordinary Council Meeting on 12 and 19 January respectively, and then skip Australia Day being the following Tuesday. The regular fortnightly cycle would then recommence on 2 February 2016. This is depicted in the proposed schedule.

**Analysis of Financial and Budget Implications**

All advertising costs can be accommodated with the 2015/16 budget.

**Community Consultation**

Not applicable

**Councillor/Officer Consultation**

Not applicable

### 10.2.2 2014/15 Annual Report and Annual Meeting of Electors

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-2: 2014/15 Annual Report

#### Summary

The purpose of this report is for Council to consider accepting the 2014/15 Annual Report for the City of Bunbury, and to confirm a date for the 2015 Annual Meeting of Electors.

#### Executive Recommendation

That Council:

1. Accept the 2014/15 Annual Report as presented;
2. Schedule the 2015 Annual Meeting of Electors for Thursday, 3 December 2015, commencing at 5:30pm in the Function Room of the Council Chambers, 4 Stephen Street Bunbury; and
3. Request the Chief Executive Officer undertake all statutory advertising in this regard.

#### Background

In accordance with the provisions of section 5.27 of the *Local Government Act 1995* (the Act), a general meeting of electors of a district is to be held once every financial year, but not more than 56 days after the local government accepts the annual report for the previous financial year.

In addition, section 5.29(1) of the Act requires a minimum 14 day notice period of the annual meeting of electors be given via local public notice.

The 2014/15 draft Annual Report includes an abridged version of the Annual Financial Statements and Audit Report.

#### Legislative Compliance

Subdivision 4 of Division 2 of Part 5 of the *Local Government Act 1995* deals with meetings of electors.

Division 5 of Part 5 of the *Local Government Act 1995* deals with Annual Reports and Planning.

#### Officer Comments

The City's 2014/15 Annual Report is **attached** at Appendix CEO-2 for the consideration of Council. The report contains an overview of the City's achievements during 2014/15, as well as all requisite statutory aspects.

Last year's Annual Meeting of Electors was held on Thursday 4 December 2014. Giving consideration to the requisite statutory timeframes (in particular the 14 day notice period) and the lead time required to lodge a notice in any of the local newspaper publications as necessary for a "local public notice", the earliest that Council could hold its 2015 Annual Meeting of Electors is Wednesday, 2 December 2015.

**Community Consultation**

N/A

**Analysis of Financial and Budget Implications**

All advertising costs can be accommodated within the 2014/15 budget.

**10.2.3 Bunbury Airport, Lot 507 (DP74949) South Western Highway, Davenport on Certificate of Title Volume LR3163 Folio 11**

<b>Applicant/Proponent:</b>	Various Applicants
<b>Responsible Officer:</b>	Felicity Anderson, Manager Major Projects
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-3: Bunbury Airport Expansion Plan Appendix CEO-4: List of Lessees

**Summary**

The City of Bunbury has recently undertaken an airport expansion which will provide an additional 19 new hangar sites. Nine (9) of the sites have been requested by Applicants. A list of current Applicants is **attached** at Appendix CEO-4 and a location plan **attached** at Appendix CEO-3.

**Executive Recommendation**

Council agrees to grant nine (9) new Airport Hangar Leases to the Applicants at the Bunbury Airport located on Lot 507 (DP74949) South Western Highway, Davenport for a term of five (5) years with a further option of five (5) years subject to the terms and conditions, and the following:

1. The applicant to pay all costs associated with the lease application including document preparation.
2. Advertising in accordance with the provisions of Section 3.58 of the *Local Government Act 1995*.
3. The Approval of the Minister for Lands.

**Background**

It is envisaged that the new hangar leases will significantly contribute towards the financial viability of the Bunbury Airport while providing increased aviation services to the area such as light aeroplane and helicopter repairs. The new hangar sites will also provide increased capacity for larger twin engine aircraft.

The Bunbury Airport is comprised within Reserve 27686, Lot 507 (DP74949) South Western Highway, Davenport and is held by the City of Bunbury under Management Order 3040/1963 Crown Land Record Volume LR3163 Folio 11 for the purpose of "Airport" with the power to lease subject to the consent of the Minister for Lands.

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

New Lease Details

Commencement:	31/12/2015
Term:	Five (5) years with a further option of five (5) years
Expiry Date:	30/12/2020
Rental:	\$5.00m <sup>2</sup> per annum exclusive of GST
Rent Review:	Every Anniversary from the date of commencement, determined by CPI and market rental every 3 <sup>rd</sup> anniversary.
Outgoings:	Responsibility of the Lessee including Council Rates
Insurance:	The Lessee to maintain Public Risk and General Insurance Policies over the premises with Public Liability to be set at \$10(M).
Special Conditions:	Lessee responsible for maintaining and upkeep of the demised premises. The applicant to pay all costs associated with the lease application including document preparation.

**Council Policy Compliance**

Not Applicable.

**Legislative Compliance**

Section 3.58 of the Local Government Act 1995.

**Officer Comments**

Hangar sites at the Bunbury Airport are eagerly sought after and for quite some time available hangar space has been at a premium. There have been many requests for hangar space with most applicants having to find alternative arrangements elsewhere and others joining a waiting list. The majority of hangar leases are renewed every five (5) to ten (10) years and rarely become available. As a result of the recent expansion the City of Bunbury has the opportunity to offer a significant number of new hangar leases which has attracted great interest. The new leases will increase airport revenue quite significantly (in the long term) and with the recent announcement of the second RAC Rescue Helicopter to be based in Bunbury the new Expansion will create a vibrant hub for light aircraft within the region.

**Analysis of Financial and Budget Implications**

The lease rental calculated is based upon a report provided by the Valuer General following the Valuer General's extensive review of similar airports throughout Western Australia. A copy of the lease rental cost per m<sup>2</sup> is attached at Appendix CEO-4

#### 10.2.4 Proposed Deed of Lease over portion of the Ocean Drive Road Reserve adjacent to Lot 1, 205 Ocean Drive, South Bunbury

<b>File Ref:</b>	L246
<b>Applicant/Proponent:</b>	Eternal Life Pty Ltd
<b>Author:</b>	Felicity Anderson – Manager Major Projects and Property
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-5: Location Plan Appendix CEO-6: Constructed parking, landscaping, traffic <b>Confidential Appendix CRUSC-1: Landgate Valuation</b>

#### Summary

The City of Bunbury has received an application form Eternal Life Pty Ltd (the “Applicant”) to lease a portion of the road reserve adjoining Lot 1, 205 Ocean Drive, South Bunbury (the “Site”).

The Applicant requires tenure over the land to satisfy a planning approval condition relating to car parking and traffic circulation to meet the requirements of development, a location plan is **attached** at CEO-5.

#### Executive Recommendation

That Council agrees to grant a new Deed of Lease to Eternal Life Pty Ltd for a period of ten (10) years with a further option of ten (10) years, subject to the terms and conditions specified in this report and the following:

1. Advertising in accordance with Section 3.58 of the Local Government Act 1995; and
2. The Applicant to pay all costs associated with the preparation of the Deed of Lease.

#### Background

The Applicant is the owner and developer of Lot 1, 205 Ocean Drive, South Bunbury and currently undergoing finalisation of all works as required by Planning Approval granted 30 March 2007; more commonly referred to as the ‘Bunbury Seaview Apartments’ (the “Development”).

The Planning Approval contains a condition that refers to the applicant to enter into a Deed of Lease over the road reserve, as follows:

##### *Clause 1.1.10*

*In respect of the fact that the applicant is proposing to reconstruct the existing driveway in the verge area, Council requires that the applicant enter into a Deed of Licence between the developer and the City, and that the terms of such agreement are to include a provision whereby the developer will be given exclusive use of the verge area as proposed and in return the City will require the developer to construct the driveway and all related works to the City’s satisfaction, to pay to the City an agreed annual licence fee, to maintain the facility, to take responsibility for the reinstatement of all existing services on the verge area, to allow any future required public services on the land, to construct at no cost to Council a pathway (to the satisfaction of the City Engineer) along the eastern frontage of the development site, and the provision of a pedestrian crossover to the beach along with any necessary steps down to beach level (to the satisfaction of the City*

*Engineer, and on the basis that the Traffic Management Study supports the proposal to construct a pedestrian crossover at this point). The City retains the right to modify/terminate the licence at any point in time in the future.*

An application was submitted for the construction of access, parking and landscaping within a 1,662m<sup>2</sup> portion of the Ocean Drive Road Reserve (the “Leased Premises”) to enable access and egress; the use; and finalisation of works associated with the development. Photos of the constructed parking, landscaping and traffic ingress and egress are **attached** at Appendix CEO-6.

In December 2014, a Memorandum of Understanding was entered into that formed the basis of a framework in which the City and the applicant (the “Parties”), would cooperate to facilitate the completion of all conditions of the Planning Approval.

To ensure the conditions are met, a Deed of Lease has been prepared and agreed to by the Parties.

*Proposed New Lease Details*

Lessee:	Eternal Life Pty Ltd
Commencement:	1 November 2015
Term:	Ten (10) years with a further ten (10) year option
Expiry Date:	31 October 2025
Rental:	\$8,000.00 ex GST payable per annum
Outgoings:	Responsibility of the Lessee
Insurance:	Lessee to maintain Public Risk and General Insurance cover over the Premises with Public Liability to be set at \$10 million
Special Conditions:	The Redevelopment Clause has been included. Compliance with all Planning Approvals and/or permits.

**Council Policy Compliance**

None

**Legislative Compliance**

Advertising in accordance with Section 3.58 of the Local Government Act 1995 will be undertaken, subject to Council endorsement of the proposed Deed of Lease.

Public submissions will be sought for a period of not less than fourteen (14) days, with any submissions being received referred back to Council for consideration.

**Officer Comments**

The Applicant must enter into the proposed Deed of Lease in order to fulfil the conditions of the Planning Approval.

Approval of the proposed Deed of Lease will ensure access and egress, car parking and landscaping to the Bunbury Seaview Apartments and ensure that the Leased Premises is maintained.

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

The market rental valuation was procured through Landgate Valuation Services in January 2015 is **attached** at Confidential Appendix CRUSC-1.

The value of the land is based on an 'unimproved' value which will generate \$8,000 ex-GST per annum for the City in additional revenue.

The applicant is required to meet the full cost of annual valuation with the amount increased based on the Consumer Price Index (CPI) annually, with a market rent review to be conducted every third year.

### **Community Consultation**

Submissions will be invited from members of the public in accordance with Section 3.58 of the Local Government Act 1995.

Extensive community consultation has already been undertaken through the Planning Approval process and through the public forum on dune and footpath and bus stop upgrades in the immediate vicinity.

### **Councillor/Officer Consultation**

Extensive consultation between all relevant City Departments has been undertaken over considerable time. The Planning, Development and Regulatory Services Director and staff have assisted the Property Department in the creation of the Memorandum of Understanding currently in place and with the terms and conditions contained within the proposed Deed of Lease.



### 10.2.5 Lot 500 Stephen Street being the Old Bunbury Post Office Building, Bunbury

<b>Applicant/Proponent:</b>	National Trust
<b>Responsible Officer:</b>	Felicity Anderson, Manager Major Projects
<b>Executive:</b>	Andrew Brien, Chief Executive officer
<b>Attachments:</b>	Appendix CEO-7: Location Plan Appendix CEO-8: Letter from National Trust Appendix CEO-9: Valuation email

#### Summary

The National Trust advised the City of Bunbury in December 2013 that Lot 500 was being returned to the State for disposal (**attached** at Appendix CEO-8). A site map **attached** at Appendix CEO-7.

Since that time discussion has taken place with Officers at the Department of Lands to seek clarity around the potential disposal in May 2015 and most recently the 14 and 15 October 2015.

#### Executive Recommendation

That Council request the Chief Executive Officer undertake an investigation into options for the acquisition of Lot 500 Stephen Street, Bunbury with a further report to be provided prior to any offer being made.

#### Background

The City received correspondence in December of 2013 from the National Trust advising that Lot 500 Stephen Street was being returned to the State for disposal as part of a commitment to rationalise State heritage assets under its control.

#### Officer Comments

Officers had discussions with the Department of Lands (DoL) in May 2015 seeking clarification over the proposed disposal. It was confirmed at this time by the Department that in accordance with requirements the land would be offered to government agencies and local government authorities in the first instance, prior to being offered to the open market.

The Department of Lands contacted the City on the 14 October 2015 seeking to determine if the City of Bunbury were interested in acquisition as DoL were preparing the Lot for disposal. Once ready for disposal a valuation will be sought to advise interested parties. There is no “current value” of the site available for Council consideration.

The Department of Lands have advised the last valuation on the property was dated 2009 and that this indicated an “unencumbered” value of \$600,000 however with the Heritage listing of the building, was amended to \$480,000. Refer to email **attached** at Appendix CEO-9.

It is noted that this building is Heritage listed and that any consideration for possible development and use of the building will need to meet Heritage conditions.

The site is currently zoned “City Centre” and falls within the Civic Cultural Precinct.

It was suggested that should the City of Bunbury be interested in acquiring the property then formal advice should be sent to the DoL stating the City's interest subject to valuation.

A new valuation is required prior to any agreement to dispose the property.

**Council Policy Compliance**

Not applicable.

**Legislative Compliance**

Not applicable.

**Analysis of Financial and Budget Implications**

At present there is no "current" value for the property. Should Council determine they are interested in acquiring the land and are able to negotiate a purchase, Council will need to allocate the appropriate funds.

Given the estimated value in 2009 was \$480,000 it is anticipated that any acquisition may be at a greater value with consideration to the variation in property prices over the past six (6) years.

Future maintenance and preservation costs (unknown) should be considered in relation to the building given Heritage listing. This will become the responsibility of the City should the Council choose to acquire the site.

**Community Consultation**

Nil

### 10.2.6 Councillor Discretionary Funds Quarterly Report

<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	Katie-Rose Merwood, Executive Assistant to the Mayor
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

#### Summary

In accordance with Council Policy '*Councillor Discretionary Funds*', Council is to be provided with a quarterly report outlining details of all Councillor Discretionary Fund (CDF) payments . This report satisfies the requirements of this policy for the period 1 July 2015 to 30 September 2015

#### Executive Recommendation

That Council receives the report for the period 1 July 2015 to 30 September 2015 relating to Councillor and Mayoral Discretionary Fund expenditure.

#### Background

At the Council meeting held 18 March 2014, Council adopted a Policy relating to Councillor Discretionary Funds. The policy requires officers to provide quarterly reports to Council outlining the relevant details of CDF expenditure as follows:

- i) The name of the community group;
- ii) The purpose for which the funds were delivered; and
- iii) The amount of funds provided

#### Council Policy Compliance

This matter is in line with the Councillor Discretionary fund Policy requirements.

#### Legislative Compliance

There is no legislative compliance applicable to this matter.

#### Officer Comments

The following table outlines the Councillor Discretionary Fund payments made for the period 1 July 2015 to 30 September 2015:

<b>Councillor</b>	<b>Recipient</b>	<b>Purpose</b>	<b>Value</b>
Cr Kelly	Friends of Des Ugle Park	To assist funding with Christmas party	\$400.00
Cr Kelly	Australian Breastfeeding Association	To assist funding with attending ABA Conference	\$250.00
Cr Kelly	Staples	To assist funding with a new pin up board at bus stop	\$176.00
Cr Kelly	Sprints to Cure Little Hearts	To assist funding with Sprint to Cure Little Hearts Fun Day	\$300.00
Cr Kelly	Seniors Council WA Inc.	To assist funding with Have A Go Seniors Day	\$100.00
Cr McCleary	Friends of Des Ugle Park	To assist funding with Christmas party	\$200.00
Cr McCleary	Kaiella Taylor	To assist funding with attending the European Sailing Championships in Italy	\$200.00
Cr McCleary	Seniors Council WA Inc.	To assist funding with Have A Go Seniors Day	\$600.00
Cr McCleary	RoadWise Committee	To assist funding with 2015 M8 the call can W8 campaign	\$493.00
Cr Giles	South West Women's Health and Information Centre	To assist funding with 20 <sup>th</sup> Anniversary	\$2000.00
Cr Miguel	Seniors Council WA Inc.	To assist funding with Have a Go Seniors Day	\$500.00
Cr Hayward	Naked Villainy Theatre	to assist funding with Theatre support for Hogfather at BREC	\$250.00
Cr Morris	Festival Brass	To assist funding with expanding musical activities in Bunbury	\$150.00
Cr Cook	South West Refuge	To assist funding with 2015/2016 Programme	\$243.00
Cr Cook	Andrew Frazer	To assist funding with Programme of Re Discover 2015	\$250.00
Cr Cook	RoadWise Committee	To assist funding with 2015 M8 the call can W8 campaign	\$1000.00
Cr McNeill	Festival Brass	To assist funding with expanding musical activities in Bunbury	\$250.00
Cr Prosser	Bunbury Rowing Club	To assist funding with the installation of a disabled access lift.	\$1293.00
Cr Prosser	Festival Brass	To assist funding with expanding musical activities in Bunbury	\$200.00
Mayor Brennan	Seniors Recreation Council of WA Inc.	To assist with funding for Have a Go Seniors Day	\$500.00
Mayor Brennan	Newton Moore Senior High School	To assist with funding for Male Student of the Year Award	\$100.00
Mayor Brennan	Newton Moore Senior High School	To assist with funding for Certificate II Sport & Recreation Award	\$80.00
Mayor Brennan	National Underwater Hockey	To assist with funding the National Underwater Hockey Championships	\$300.00

The total amount of discretionary funds for the three month period is: \$9835.00

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

There are no financial or budget implications as the money allocated has been included in the 2015/2016 budget.

**Community Consultation**

There is no community consultation required for this item.

**Councillor/Officer Consultation**

There is no councillor/officer consultation required for this item.

### 10.2.7 Quarterly Report – Power to Accept Tenders - Delegation DAG01

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Acting David Russell, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

#### Summary

In accordance with Delegation DAG01 (Power to Accept Tenders), the Chief Executive Officer is to provide a report to Council on all tenders accepted up to \$250,000 excluding GST. This agenda item complies with that delegation.

A summary of tenders accepted under this delegation for the three month period from 1 July 2015 to 30 September 2015 is detailed below:

<i>Date</i>	<i>Tender Details</i>	<i>Contractor</i>	<i>Amount (excl. GST)</i>
05/08/2015	RFT1415-00021 Air-conditioning Preventative Maintenance – 1+1+1 year contract. Approved by Acting CEO Phil Harris.	Trilogy Building Services	\$79,387.13
14/08/2015	RFT1415-00020 Revenue Collection Services. 1+1+1 year contract. Approved by Acting CEO Phil Harris.	ASP Security	\$179,340

#### Executive Recommendation

That Council note the tenders accepted under delegation for the three month period from 1 July 2015 to 30 September 2015.

#### Background

Pursuant to Section 3.57 of the *Local Government Act 1995* and Regulations 11 to 24 of the *Local Government (Functions and General) Regulations 1996* ('the Regulations'), Council has delegated its authority to the Chief Executive Officer to accept tenders up to \$250,000, and up to \$500,000 (Council Decision 186/11) where a tender for the supply of products or services is procured through the Western Australian Local Government Association (WALGA), State or Commonwealth Governments, or any State or Commonwealth agencies that provide preferred supplier contracts or agreements.

The Chief Executive Officer is also has delegated authority to undertake negotiations pursuant to regulation 20 of the Regulations with the person who in his opinion submitted the most advantageous tender, with the purpose of variation in respect of the required works or goods.

#### Conditions:

- \* The Chief Executive Officer is to provide quarterly advice on all tenders accepted under \$250,000 excluding GST.
- \* Where the goods or services so procured contain options to extend the contract for a further period(s), the delegated amounts shall be applied per annum to a maximum value not exceeding \$750, 000 excluding GST.

- \* Each delegated officer's capacity to approve a variation is set as per delegation DAG03 – Contract Price Variation

**Council Policy Compliance**

N/A

**Legislative Compliance**

Section 3.57 *Local Government Act 1995*

The recommendations accord with the provisions of the *Local Government (Functions and General) Regulations 1996*

**Officer Comments**

Where the delegation permits, the CEO may approve the acceptance of tenders. When the CEO approves tenders under delegation, internal and external reporting and compliance requirements regarding procurement remain the same as if Council had approved the tender.

Any tenders over the delegated threshold are presented to Council for endorsement.

**Analysis of Financial and Budget Implications**

Any tenders approved under the Power to Accept Tenders Delegation have budget funds approved and secured prior to the procurement process commencing.

**Community Consultation**

N/A

**Councillor/Officer Consultation**

N/A

### 10.2.8 Representation on Council Working Groups

<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	Leanne French, Senior Governance and Risk Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil.

#### Summary

Local Government elections were held on Saturday 17 October 2015 to fill six (6) Councillor vacancies. Section 5.11 of the *Local Government Act 1995* (the Act) stipulates that positions on Council Committees become vacant at each ordinary election day.

Although Working Groups are not constituted under the Act like Committees, they still play an important role in the operations of the City.

The purpose of this report is for Council to consider making appointments to Council Working Groups.

#### Executive Recommendation

That Council:

1. Appoint Councillors \_\_\_\_\_ and \_\_\_\_\_ as Council representatives on the Heritage Advisory Group.
2. Increase the Councillor representation on the Bunbury Event Coordination Group (BECG) from one (1) to three (3).
3. Appoint Councillors \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ as Council representatives on the Bunbury Event Coordination Group.
4. Endorse the ongoing appointment of the present BECG community members until the next Ordinary Election Day, 19 October 2017.
5. Request the CEO to advertise the vacant community place left on the BECG by Councillor Warnock's recent election to Council.

#### Background

The City of Bunbury currently has two (2) Working Groups which include Elected Member representation; the Bunbury Event Coordination Group (BECG) and the Heritage Advisory Group (HAG).

#### Council Policy Compliance

There is no Council policy relevant to this report.



### **Legislative Compliance**

There is no legislative compliance relevant to this report.

### **Officer Comments**

#### *Heritage Advisory Group*

This Working Group has been operating for ten (10) years. It provides a community and Elected Member viewpoint on all matters relating to heritage. The Working Group considers and makes recommendations on heritage matters that are not consistent with the Local Planning Policies. If the Working Group recommends a proposal which is not consistent with policy or officer's advice, the matter is referred to Council.

Members of the Working Group also form the judging panel for the annual City of Bunbury Heritage Awards.

Membership of the Working Group comprises two (2) Councillor representatives (previously Councillors Kelly and Giles) and five (5) community members. The current community members were appointed on 26 November 2013 and are Morris Johnston, Peter Suckling, Bernhard Bischoff, and Richard Sergeant. One position is vacant.

The community members have expressed their desire to remain on the Working Group. Unlike Council Committees it is not necessary for a working group to spill due to a Council election. The membership structure and terms of reference will be reviewed at a strategic planning workshop to be held on 9 December 2015. It is recommended that the current community representation be retained status quo until the planning session has been undertaken.

#### *Bunbury Event Coordination Group (BECG)*

This Working Group was established in February 2014 with the aim to attract, support and promote events with the outcome of bringing community and economic benefits and adding vibrancy into Bunbury.

It comprises the following representatives:

- \* One (1) City of Bunbury Councillor (previously Councillor Morris)
- \* Two (2) City of Bunbury staff members (non-voting)
- \* One (1) Bunbury Chamber of Commerce Industry (BCCI) representative
- \* One (1) Tourism industry representative
- \* One (1) X2Y representative
- \* One (1) Bunbury Regional Entertainment Centre (BREC) representative
- \* Five (5) Community members

The five (5) community members were previously endorsed by Council on 31 March 2015 to serve the group until April 2016. Representatives from the BREC, X2Y and BCCI are endorsed by their individual organisations.

On advice from the Director of Corporate and Community Services it is recommended to increase Councillor representation on the Working Group to from one (1) to three (3) in light of the fact that two (2) existing members have just been elected to Council but still have an active interest, and

adjust the term of service for community members in line with the ordinary election cycle as is the case for Council Committees.

**Analysis of Financial and Budget Implications**

There are no financial or budget implications relevant to this report.

**Community Consultation**

There is no community consultation relevant to this report.

**Councillor/Officer Consultation**

Consultation with Council officers from the Planning, Development and Regulatory Services and the Corporate and Community Services departments has been undertaken.

### 10.2.9 Lot 21, 89 Beach Road, Bunbury Scheme Amendment

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Felicity Anderson, Manager Major Projects
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-10: Schedule of Submissions Appendix CEO-11: Scheme Amendment Report 82

#### Summary

In addressing Council Decision 171/15 the final matter in relation to the proposed scheme amendment to consider rezoning #89 Lot 21 Beach Road from Parks and Recreation to R15 being:

*“7. Further consider the proposal together with any public submissions lodged with the City of Bunbury following the conclusion of the statutory public advertising period.*

is to be considered by Council. A Schedule of submissions is **attached** at Appendix CEO-10.

#### Executive Recommendation

That Council:

1. In accordance with the *Planning and Development Act 2005*, resolves to support Scheme Amendment 82 to the City of Bunbury Town Planning Scheme No. 7 by amending the Scheme Map by rezoning Lot 21 #89 Beach Road, South Bunbury from “Parks and Recreation Reserve” to “Residential Zone” with an R-Code density of ‘R15’ in accordance with the Local Planning Scheme Amendment Report 82 (**attached** at Appendix CEO-11).
2. Refers the Scheme Amendment 82 documentation to the Western Australian Planning Commission for final approval in accordance with the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. Notify the Western Australian Planning Commission of Council’s resolution in accordance with relevant provisions of the City of Bunbury Town Planning Scheme No. 7.
4. Informs submitters of the Council resolution.

#### Background

Lot 21, 89 Beach Road was transferred to the City in December 1970 from Mr John and Mary Wood. The City owns the land in freehold.

Under the town planning of the time and during the development of Tuart Street, the lot was determined to be an unacceptable size for development and subdivision and it was zoned “Parks and Recreation Reserve”

Over time expectations of developable land size have changed and this land is now considered acceptable for development. Subject to rezoning of the lot, although narrow, this would not preclude future residential development in accordance with the requirements of the R-Codes.

On Wednesday 3 December 2014 Councillors undertook a tour of specific lots being land owned in freehold by the City of Bunbury. Council identified several lots for potential land rationalisation, inclusive of Lot 21, 89 Beach Road which is currently zoned a “Parks and Recreation Reserve” it was identified that process can be undertaken to rezone to this lot to “Residential Zone”.

Following a report to Council at the 17 February 2015 Ordinary meeting Council Decided (52/15):

- “1. Council authorise the Chief Executive Officer to consult with the residents and property owners immediately surrounding the land.*
- 2. Subject to outcomes of the consultation the Chief Executive Officer to Commence the process to rezone Lot 21, 89 Beach Road from “Parks and Recreation Reserve” to “Residential Zone” and to undertake all steps necessary to dispose of Lot 21, 89 Beach Road Bunbury in accordance with Section 3.58 of the Local Government Act.”*

To action consultation with immediate residents and property owners, notification was provided via mail out and letterbox drop advising of a public meeting to take place on Thursday 9 April 2015, with a request for any written submissions to be provided to the City by Friday 17 April 2015. Nineteen (19) people were in attendance at the public meeting and twenty-nine (29) written submissions were received.

A summary and copy of the submissions were provided to Council. Some concerns raised by residents were increased density, public safety and traffic concerns in relation to a proposed zoning of R40 which would have allowed multiple dwellings (approx. 5) on the site. It was identified that zoning to R15 is a considerably lower density than R40. Under R15 two lots would be possible. Lot 21, 89 Beach Road is 1456.86m<sup>2</sup> and R15 would enable two lots being approx. 728m<sup>2</sup>each.

It was noted the adjacent and majority of surrounding land is zoned at a higher density being R20/R30/R40.

Other concerns were raised in relation to the wildlife and their habitat along with trees on the site. The City’s environmental staff advised that the lot is cleared, with planted vegetation, there is no or very limited habitat value with the wildlife very unlikely to be solely reliant on this site as they are likely to use terrestrial Regional Open Space (ROS) areas, e.g. other parts of Big Swamp Precinct, Big Swamp islands and private gardens.

At its Meeting held 26 May 2015 Council Decided (171/15):

*“That Council:*

- 1. Acknowledges comment made through submissions provided by the residents and land owners in the immediate area;*
- 2. In accordance with the Planning and Development Act 2005, resolves to initiate a scheme amendment to the City of Bunbury Town Planning Scheme No. 7 by amending the Scheme Map by rezoning Lot 21 #89 Beach Road Bunbury, from ‘Parks and Recreation Reserve’ to ‘Residential Zone’ with an R-Code density of ‘R15’, in accordance with the draft Amending Pages and Amendment Map attached at Appendices CEO-5 and CEO-6.*
- 3. Instructs City of Bunbury officers to prepare scheme amending documentation to accompany the proposal;*
- 4. Advise the Western Australian Planning Commission (WAPC) of Council’s decision to Initiate the proposed scheme amendment and provide the Commission with a copy of the scheme amending documentation prior to proceeding to public advertising;*

5. *Refer a copy of the proposed scheme amendment documentation to the Environmental Protection Authority (EPA) and any other relevant public authority, for consideration and comment;*
6. *Subject to formal assessment not being required by the EPA and no objection received from the WAPC, proceed to advertise the proposed scheme amendment for public comment with a submission period of not less than forty two (42) days;*
7. *Further consider the proposal together with any public submissions lodged with the City of Bunbury following the conclusion of the statutory public advertising period.”*

Council officers have proceeded to address the scheme amendment as directed by this decision and the final schedule of submissions has been collated for Council review and consideration.

### **Council Policy Compliance**

Council Policy – Land Rationalisation and Property

### **Legislative Compliance**

Section 3.58 of the *Local Government Act 1995* (“the Act”) deals this with the matter of disposing of property.

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

There is no direct cost or implication to budget at present. The land is valued at \$500,000. It has the potential to provide an initial capital income upon sale and then provide recurring revenue through rates.

Should the City choose to undertake development of the Lot there would be some costs incurred that would be offset from the sale of the lots.

### **Community Consultation**

There has been ongoing community consultation in relation to #89 Lot 21 Beach Road.

Initially letters seeking comment (written submissions) and advising of a public meeting were sent to all immediate land owners. A letter drop was also undertaken to ensure all residents had the same opportunity to attend the meeting and provide submissions. (Details were previously provides to Council).

Consultation with immediate residents and land owners was undertaken in the form of a public meeting, held Thursday 9 April 2015 at the Bunbury Wildlife Park with the immediately surrounding property owners and residents to determine the community feedback on this proposal. Nineteen (19) people attended the meeting that was facilitated by the Chief Executive Officer. Notes from the meeting were taken and a copy provided to all attendees that provided contact details at that meeting and Council.

Written submission were also sought as part of the consultation process. At the closure date being 17 April 2015, twenty-nine (29) submissions were received and a copy of all submissions were provided to Council.

Following Council decision 171/15 in relation to the scheme amendment the process was publically advertised by way of signage on land for the period 12/8 – 23/9/2015; City of Bunbury website; City Focus newspaper column 12/8, 19/8, 2/9, 9/9, 16/9/2015 and letters sent to the immediate adjoining land owners. (Being the same as identified in the March/April consultation process).

As required the matter was referred to the EPA and WAPC on the 23 July 2015. Other government agencies were also consulted on 11 August 2015, those being Aqwest, ATCO Gas, Western Power, DPaW, Main Roads and the Water Corporation.

Only DPaW raised any concerns that there may be endemic trees that provide habitat for the Western Ringtail Possum and Black Cockatoo, however this has been investigated and Council Environmental officers advise (as documented in the schedule of submissions) that it appears that the majority of trees onsite are introduced. Two native WA peppermint trees were observed, however these are young trees less than four metres in height. The likelihood is that these trees have been planted onsite over the past five years. The clearing of this vegetation is unlikely to trigger the EPBC Act's significant impact thresholds for either Western Ringtail Possums or black cockatoos given its type (i.e. predominately introduced species) and small scale. It is also unlikely that a clearing permit would be needed to clear the vegetation under the WA Environmental Protection Act 1986.

In view of these considerations, the City is likely to be at liberty to choose whether or not any trees should be retained.

#### **Councillor/Officer Consultation**

Following Planning, Development and Regulatory Services collation of the submissions received, the submissions were then reviewed by the City of Bunbury's Development Coordination Unit (DCU) to discuss matters and responses directly relating to each of the submissions received. This enabled Planning and Development Services to liaise widely internally and to finalise the schedule of submissions before Council.

Officers including the Urban Planning Officer, Team Leader Strategic Planning and Urban Design and Team Leader Sustainability and Environmental Planning have been consulted as well as multiple Officers that participate as part of the Development Coordination Unit (DCU).

### 10.2.10 Submission Received – Disposal of Lot 361 Geographe Way, Withers

<b>Applicant/Proponent:</b>	Southern Districts Estate Agency
<b>Responsible Officer:</b>	Felicity Anderson, Manager Major Projects and Property
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-12: Submission Received Appendix CEO-13: Advertisement

#### Summary

At the Council Meeting held 29 September 2015 Council Decided to dispose of Lot 361 Geographe Way, Withers (the “Property”) to Mr Bakhos for the sum of \$145,000 subject to compliance with Section 3.58 of the Local Government Act 1995.

Advertising placed in the City Focus section of the Bunbury Mail and on the City’s websites and notice boards, called for submissions from the public. Submissions closed on Thursday 29 October and one (1) submission was received.

The matter is now referred to Council to consider the submission received, a copy of which is **attached** at Appendix CEO-12.

#### Executive Recommendation

That Council acknowledge the submission made by Mr David Smith and having given consideration to Mr Smith’s submission, proceed with the disposal of Lot 361 Geographe Way, Withers to Mr Bakhos for the sum of \$145,000.

#### Background

The City received an initial offer to purchase the Property for \$120,000 through its sales agent at Southern Districts Estate Agency (the “Agent”) which was considerably lower than the budgeted sale price of \$179,000.

In response to the offer received 3 August 2015, at its meeting held 24 August 2015 Council Decided (285/15):

*“That Council:*

1. *Note the offer to purchase*
2. *Authorise the Chief Executive Officer to negotiate further on the purchase to obtain a price closer to the last valuation*
3. *Provide agreement to the proposed conditions of the contract*
4. *Authorise the Chief Executive Officer to commence the disposal of the site in accordance with the Local Government Act.”*

Following negotiations between the City and the purchaser, an offer was received to purchase the Property for the sum of \$145,000.

In response to the offer received for \$145,000, at its meeting held 29 September 2015, Council Decided (349/15):

*That Council accept the offer of \$145,000 with the City to remove vegetation prior to settlement and subject to the required advertising and compliance with s3.58 of the Local Government Act 1995.*

In accordance with Section 3.58 of the Local Government Act 1995, advertising was placed in the City Focus section of the Bunbury Mail and on the City's websites and notice boards for a period of fourteen (14) days, calling for submissions from the public. A copy of the advertisement is **attached** at Appendix CEO-13.

In response to the advertising, a submission was received by Mr David Smith objecting to the disposal of the Property and Council's consideration of Mr Smith's submission is now requested.

### **Council Policy Compliance**

Council Policy: Land Rationalisation and Acquisitions.

### **Legislative Compliance**

Section 3.58 of the *Local Government Act 1995*.

### **Officer Comments**

The City has ensured that all statutory obligations have been met and are satisfied with the outcome of the sale of the Property.

A copy of the Landgate valuation and advice relating to the sale price were distributed to all Councillors and were considered prior to a decision having been made.

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

Sale of the Property will generate \$145,000 of income for the City and the estimated budgeted income of \$179,000 will be amended at the February budget review.

### **Community Consultation**

The Property has been publicly advertised through the City's Agent, including a 'for sale' sign located on the Property and advertising and marketing through real estate websites and newspaper advertising.

Advertising in accordance with Section 3.58 of the Local Government Act 1995 was undertaken, by way of advertising in a locally distributed newspaper, notifications on the City's website and public notice boards, for a period of fourteen (14) days, with one (1) submission received.

### **Councillor/Officer Consultation**

Council Decided to dispose of the Property at its Meeting held 29 September 2015.



**10.3 Director Corporate and Community Services**

Nil

**10.4 Director Planning, Development and Regulatory Services Reports**

Nil

## **10.5 Director Works and Services Reports**

### **10.5.1 Prince of Wales Hotel – Outdoor Eating Area**

<b>File Ref:</b>	SF/2824
<b>Applicant/Proponent:</b>	Prince of Wales Hotel
<b>Author:</b>	Nigel Archibald, Acting Manager Engineering
<b>Executive:</b>	Greg Golinski, Acting Director Works and Services
<b>Attachments:</b>	Appendix DWS-1: Outdoor Eating Area Elevations Appendix DWS-2: Outdoor Eating Area Design

#### **Summary**

The Prince of Wales Hotel has submitted an application to develop an outdoor eating area on Stephen Street, and have requested permission to utilise three (3) street parking bays, which exceeds the amount permitted by Council Policy.

This report seeks Council approval to relax the “two (2) car parking bay” provision of the *Use of Car Parking Bays for Outdoor Eating Areas in the CBD*, to facilitate the development of the outdoor eating area at the Prince of Wales Hotel.

#### **Executive Recommendation**

That Council:

1. Notes the application by the Prince of Wales Hotel to construct an outdoor eating area along Stephen Street.
2. Approves the use of three (3) street parking bays in Stephen Street immediately in front of the Prince of Wales Hotel for use as an outdoor eating area.

#### **Background**

The Prince of Wales Hotel has applied to develop an outdoor eating area on Stephen Street, the design for which requires the use of three parking bays directly in front of the hotel (attached at Appendix DWS-1 and DWS-2 are the elevations and design).

Council Policy: Use of Car Parking Bays for Outdoor Eating Areas in the CBD states:

*The maximum number of on road car parking bays that may be replaced shall not exceed two (2) spaces and only the spaces directly in front of the business premises of the applicant may be proposed for replacement.*

#### **Council Policy Compliance**

Council Policy: Use of Car Parking Bays for Outdoor Eating Areas in the CBD applies.

### **Legislative Compliance**

The applicant has been made aware that an Outdoor Eating Area Licence will need to be obtained prior to the commencement of construction, and that alcohol will not be able to be served until approval has been granted by the Department of Racing Gaming and Liquor.

### **Officer Comments**

Outdoor eating areas can create an attractive casual dining atmosphere, which attracts patronage to the CBD.

Two existing street trees exist at this location and the applicant has been advised that they are to be retained. The relationship between the street tree canopy and the proposed umbrellas shown in the elevations attached at Appendix DWS-1 is still subject to further refinement.

The State Heritage Office has been consulted and has indicated no objections since the design is reversible, and will not obstruct views of the main façade.

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

The cost of design, construction and maintenance of the outdoor eating area will be the responsibility of the Prince of Wales Hotel. The Prince of Wales Hotel will also be responsible for the cost of relocating a Council ticket machine and parking signage.

The outdoor eating area will be subject to an annual Outdoor Eating Area Licence and payment to Council of the applicable fees and charges.

### **Community Consultation**

No community consultation has occurred.

### **Councillor/Officer Consultation**

The proposal was discussed at the Executive Leadership Team meeting held 21 October, where the proposal was supported pending Council approval regarding the three (3) parking bays.

The Team Leader Parking has been consulted and has indicated no objection to the use of the three parking bays as an outdoor eating area.

The Manager Environmental Health has also been consulted and has indicated no objection to the proposal provided the applicant obtains an Outdoor Eating Area Licence prior to the commencement of construction.

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

### **12.1 Request for Leave of Absence – Cr McGuinness**

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

#### **Summary/Background**

Cr McGuinness requests leave of absence from all Council-related business from 17 November 2015 to 17 November 2015 inclusive.

Section 2.25 of the *Local Government Act 1995*, allows a council to grant leave of absence to one of its members provided that the period of leave does not exceed six (6) consecutive ordinary meetings of the Council.

#### **Executive Recommendation**

Pursuant to Section 2.25 of the *Local Government Act 1995*, Cr McGuinness is granted leave of absence from all Council-related business from 17 November 2015 to 17 November 2015 inclusive.

## **12. Motions on Notice**

No Motions on Notice had been received at the time of printing.

## **13. Questions on Notice**

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

Nil.

### ***13.2 Questions from Members***

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

## **15. Meeting Closed to Public**

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

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

## **16. Closure**