



24 APRIL 2007

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Council Committee Meeting Minutes

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GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
1:100	Ratio of 'one in one hundred'
AD	Acceptable Development
ARI	100 Annual Recurrence Interval (one in 100 year flood level)
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
ARRB	ARRB Transport Research Ltd
ASCA	Australian Sister City Association
AWARE	All West Australians Reducing Emergencies (grant funding)
BBPCG	Back Beach Project Control Group
BCA	Building Code of Australia
BCEP	Bunbury Coastal Enhancement Project
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
BMWSCC	Bunbury Meals on Wheels and Senior Citizens Centre (Inc.)
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
CBDAC	CBD Advisory Committee
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
CSRU	Community Supported Residential Units
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
DEWCP	Department for Environment, Water and Catchment Protection
DLI	Department of Land Information
DoCEP	Department for Consumer and Employment Projection
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

Term	Explanation
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
ILUTS	Integrated Land Use and Transport Strategy
IP	Internet Protocol
IT	Information Technology
ITC	In Town Centre
ITLC	Former In-Town Lunch Centre (now the "In Town Centre")
LAP	Local Action Plan
LCC	Leschenault Catchment Council
LEMC	Bunbury Local Emergency Management Committee
LIA	Light Industrial Area
LN (2000)	Liveable Neighbourhoods Policy (2000)
LSNA	Local Significant Natural Area
MHDG	Marlston Hill Design Guidelines
MHS1	Marlston Hill Stage 1 Design Guidelines
MRWA	Main Roads Western Australia
NDMP	National Disaster Mitigation Program
NEEDAC	Noongar Employment & Enterprise Development Aboriginal Corp.
NEPM	National Environmental Protection Measure
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

Term	Explanation
RSL	Returned Services League
SAT	State Administrative Tribunal
SBCC	South Bunbury Cricket Club Inc.
SCADA	Supervisory Control and Data Acquisition
SGDC	Sportsgrounds Development Committee
SU7	Special Use Zone No. 7 Caravan Park
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
TSP	Total Suspended Particle Dust
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 MINUTES

Minutes of an Ordinary Meeting of the Council (Standing) Committee held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 24 April, 2007.

Minutes

24 April 2007

NOTE: The “Recommendations” contained in this document are not final and are subject to adoption, amendment (or otherwise) at the subsequent Council Meeting to be held on 1 May 2007.

1. DECLARATION OF OPENING BY THE PRESIDING MEMBER

The Presiding Member declared the meeting open at 6:02 pm.

2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Committee Members	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member:	Deputy Mayor, Councillor J Jones
Members:	Councillor A Leigh
	Councillor T Smith
	Councillor R Frisina
	Councillor McCleary
	Councillor D Wenn
	Councillor T Dillon
	Councillor S Rooney
	Councillor L Rose
	Councillor S Craddock
Councillor W Major	
Executive Management Team (Non-Voting)	
Chief Executive Officer:	Mr G Trevaskis
Executive Manager Corporate Services:	Mr K Weary
Executive Manager City Development:	Mr G Klem
Executive Manager City Services:	Mr M Scott
Executive Manager City Life:	Mr D Marzano
Council Officers (Non-Voting):	
City Accountant	Mr D Ransom
Business Development Officer	Mr T Ayers
Administration Officer Corporate Services:	Mrs E Allan
Others (Non-Voting):	
Members of the Public:	41
Members of the Press:	2

APOLOGIES AND LEAVES OF ABSENCE

Cr Lambert – Apology – 24 April 2007

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

At the Council (Standing) Committee Meeting held 20 March 2007 there were three questions asked that required further clarification. Clarification, as appeared in the Minutes of that meeting, is provided below.

Mr Kim Mortley, 16 Joel Crescent, Bunbury

Question 2: What times will construction occur on site during the week and on weekends?

Response 2: The Manager Development Services advised that the exact times construction would be allowed on site on weekends and during the week was governed by Health Regulations. He advised that he would confirm this information prior to the Council meeting.

The allowed times for construction are 7:00 am to 7:00 pm Monday through Saturday. No work is to be carried out on Sundays or Public Holidays.

Richard Moran, 14 Birch Street, Bunbury

Question 2: The Birch Street area was originally part of the Sea Links Golf Course and the Lodge is the original golf clubhouse. Has there been any consideration given to the heritage value of that building?

Response 2: The Executive Manager City Development undertook to determine whether the Lodge appeared on either the Municipal Inventory or State Heritage List and provide this information prior to the Council Meeting.

The Executive Manager City Development advises that the Lodge does not appear on either the Municipal Inventory or the State Heritage List.

Mary Vukovich, 203 Ocean Drive, Bunbury

Question 5: What are the names of the developers?

Response 5: The Deputy Mayor advised that the company name was Archologic Design Eternal Life.

Application can be made to the Australian Business Register to obtain the names of the Directors.

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

Mr Alan Smith, 139 Minninup Road, Bunbury (President of Surf Lifesaving WA)

Mr Smith introduced himself and advised that he is the President of Surf Lifesaving WA, and life member and past president of the City of Bunbury Surf Club.

Question 1: Is the Council aware of the impact that seven-day trading will have on our volunteer organisation, especially upon our 14 – 17 year old age groups who form the majority of our patrolling lifesavers? We constantly face the challenge of meeting the needs and expectations of the community in providing coastal safety with our goal being to reduce the number of aquatic related deaths. If seven day trading was to be introduced this would severely affect the lives of our qualified lifesavers we put on the beach and compromise our service that has been part of the Bunbury social fabric since 1915, and I'm sure there are many other sporting and community organisations on which it would have the same affect.

Response 1: The Presiding Member advised that councillors were aware of submissions that would be made and that there would be some impact made on sporting associations generally. He noted that Australind and Eaton already allowed for seven day trading and that this was probably already affecting Bunbury residents.

Mr Clive Young, Burekup (Business Owner in Bunbury)

Question 1: On the question of seven day trading, are the Mayor and councillors aware of the fact that seven day trading is an issue between the majors and the small shops?

Response 1: The Presiding Member advised that councillors were aware that introduction of seven day trading would have some impact upon the balance between the major retailers and smaller retailers. Smaller retailers, provided they employ less than thirteen people, are able to trade seven days a week already, though chose not to do so. The major retailers are able to trade at Eaton Fair and Australind on Sunday. He noted that in relation to this matter he didn't believe he had received any submissions thus far on the matter.

Mr Ian Cross, 43 Moore Street, East Bunbury (Proprietor of Business in Bunbury)

Question 1: My business actually opens on a Sunday morning and a lot of people come into the store asking for other services in the town. Has something been considered in regard to introducing a Perth-style model for the centre of town where the CBD is the only part of Bunbury allowed to have seven day trading?

Response 1: The Presiding Member advised this had not been directly considered yet, however it was one of the options which could be considered. Whether this was possible under the tourism guidelines that any application of council to further deregulate would need to be made under would require further investigation.

Mr Tony Macri, 14 Pickersgille Street, Bunbury

Question 1: In regards to an article in one of today's papers, I'm wondering how you can justify your comment (...Mr Mayor...) that seven day trading would bring economic benefit to Bunbury businesses when the majority of those businesses overwhelmingly reject seven day trading.

Response 1: The Presiding Member advised that a study was undertaken by the City Vision Committee who determined the total of retail sales in Bunbury would increase by a total of \$25M per annum if there was deregulation, there would be a reduction in the amount of retail trade that would occur in some of the outer shopping centres, particularly those in other shires, but there was still a net benefit to the retail trade overall in excess of \$8M.

Question 2: Would that gain not go to the major retailers and not the businesses of Bunbury who work, live and spend their money here?

Response 2: The Presiding Member advised that some employees of the major retailers would live in Bunbury and with some stores are in fact local franchisees. Council is interested in the welfare of all retail traders and in the size of the local economy, and therefore need to look at whether this would bring more people into Bunbury increasing the level of retail trade and of tourism, and if there are secondary benefits associated with this for the hospitality industry. The major retailers already control the major part of the retail trade, any shift in market share brought about by deregulation would be determined by the services provided and whether the smaller retail stores who are able to open, and don't, would chose to open.

Mr Paul Gardiner, 9 Strickland Street, Bunbury (President, Bunbury & Districts Cricket Association)

Question 1: Deregulation of retail trading hours would have an impact on the numbers of both juniors and seniors which would be playing. Have council thought of the overall community aspects of this in that these kids will be more than likely be the ones filling at the shops on the weekend, and when are they going to have an opportunity to let off their steam?

Response 1: The Presiding Member advised that the outcomes would probably be similar to those experienced by Harvey, Dardanup and Mandurah.

Mr Vince Macri, Olson Grove, Bunbury

Question 1: The last survey on seven day trading taken through the Chamber of Commerce showed 85-89% of retailers opposing deregulation. Currently the majority of those retailers could open on a Sunday and chose not to. If deregulation goes ahead, the majority of those traders will not open, this means that generally only the major retailers will open. What message does this send to those coming to Bunbury to shop? Is there seven day trading or is there not?

Response 1: The Presiding Member advised that it was hard to predict how many of the retailers who could open and don't currently, would open if there was seven day trading.

Mr Giles Abbot, Australind (Business Owner in Bunbury)

Question 1: Why are you (... Mr Mayor ...) interested in seven day trading, is it purely Bunbury against the surrounding shires?

Response 1: The Presiding member advised that the principle issue driving him is that when Treendale Shopping Centre (20,000m²) is built, Dalyellup Shopping Centre (20,000m²) is built, and Eaton Fair (10,000m²) extends, they will be looking for anchor tenants and seven day trading will provide incentive for businesses to move from Bunbury to the outer suburbs. This will add another 50,000m² of retail space competing with Bunbury on the outer fringes, and currently trade is already being lost to those areas and Busselton. Bunbury may lose its Regional City Centre status if this continues to happen and this raises concerns for the economy of Bunbury.

Question 2: Has there been a poll done on the retail outlets of Bunbury on those days when they have been able to trade and what positive trade, if any, may have occurred on those days? Was it a success or not?

Response 2: The Presiding Member advised that an extensive survey was undertaken in 2003 of the public, retailers and other groups. Any decision of further deregulation would ensure further consultation.

5. QUESTIONS ON NOTICE FROM MEMBERS OF THE COMMITTEE (WITHOUT DISCUSSION)

Nil.

6. CONFIRMATION OF PREVIOUS MINUTES

COMMITTEE DECISION

Moved Cr Major
Seconded Cr Craddock

The minutes of the Council (Standing) Committee Meeting held 20 March 2007, be confirmed as a true and accurate record.

CARRIED

12 Votes "For"/Nil Votes "Against"

7. DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995

Cr Rose disclosed an Impartiality Interest in the item titled "11.1 (previously item 11.2): Second Reconsideration– Proposed Rezoning of Lot 71 Bunning Boulevard from "Residential R15" to "Mixed Business and Residential R40" and of Adjacent Land (Corner Sandridge/Picton Road) from "Road Reserve (District Distributor)" to "Mixed Business" Zone and Proposed Closure of a Portion of Sandridge Road and a Portion of Picton Road and the Amalgamation of Both Portions into Lot 71 Bunning Boulevard" as she lives in the area. She advised that the interest declared was not likely to affect her decision and advised that she would not be leaving the meeting during discussion and vote on the item.

Cr Frisina disclosed a Proximity Interest in the item titled "11.8: CBD Advisory Committee Recommendation – Stephen Street" as he owns a property in Stephen Street which is in close proximity to the precinct. He advised that he had an interest in common with other CBD owners which was not likely to affect his decision and advised that he would not be leaving the meeting during discussion and vote on the item.

Cr Craddock disclosed a Proximity Interest in the item titled "11.8: CBD Advisory Committee Recommendation – Stephen Street" as he owns a business in Stephen Street which is in close proximity to the precinct. He advised that he had an interest in common with other CBD owners which was not likely to affect his decision and advised that he would not be leaving the meeting during discussion and vote on the item.

His Worship the Mayor disclosed a Financial and an Impartiality Interest in the item titled “11.10: *Application by Aqwest (Bunbury Water Board) to Purchase City of Bunbury-Owned Freehold Land Currently Leased to Aqwest*” as he is on the Aqwest Board. He advised that while there is a statutory exemption in this instance, in view of the views of Councillors he would leave the meeting.

His Worship the Mayor disclosed an Impartiality Interest in the item titled “11.11: *Bunbury Port Authority Dust Monitoring – Renewal of Licence Agreement over Part Reserve 6962 (Lot 729) Stirling Street*” as he is on the Port Authority Board. He stated that there is a statutory exemption and that this interest was not likely to affect his decision, and advised that he would not be leaving the meeting during discussion and vote on the item.

Cr Rose disclosed a Proximity Interest in the item titled “11.12: *Paisley Centre – Proposed New Lease Agreement* ” as her family runs and owns the restaurant situated in the Paisley Centre.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

There were no Mayoral Announcements.

9. CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS

9.1 REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR STEPHEN CRADDOCK

File Ref:	A00215
Applicant/Proponent:	Councillor Craddock
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary/Background

Councillor Craddock has requested leave of absence from all Council-related business from 28 May 2007 to 4 July 2007 (inclusive).

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

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

The Recommendation was moved Cr Dillon, seconded Cr Major.

The Presiding Member put the Recommendation to the vote and it became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Dillon
Seconded Cr Major

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Craddock is granted leave of absence from all Council-related business from 28 May 2007 to 4 July 2007 (inclusive).

CARRIED

12 Votes “For”/Nil Votes “Against”

10. **RECEPTION OF FORMAL PETITIONS AND MEMORIALS**

10.1 **PETITION – PETITION FROM RESIDENTS OF ST JOHNS MEWS, COLLEGE GROVE**

File Ref:	R00575
Applicant/Proponent:	St Johns Mews Residents
Author:	Beatrice Plant, Senior Engineer – Program & Asset Management
Executive:	Michael Scott – Executive Manager City Services

Background

A petition containing six signatures has been received, requesting Council to “*seriously consider*” action to resolve the problem that they currently have at the cul-de-sac/dead end part of St Johns Mews. A copy of the petition is **attached** at Appendix 1.

In support of the petition, the petitioners make the following statement:

"We have arranged for this petition to be signed and sent to you in regards to the problem that we have in our Street and in so doing we hope that the council will seriously consider action to resolve this issue.

St John Mews – College Grove Bunbury is a very unusual shaped Street, it is part cul-de-sac and part no entry/dead end street – it is the only cul-de-sac where the turn around area is half way up the street – therefore causing misguided traffic to turn around on our driveways and over our gardens – this causes broken pathways, damaged plants and lights in our windows at all hours of the night – disturbing sleep etc when our driveways are used to turn around on. There is also a huge problem with cars becoming bogged in the verge opposite our homes on land that belongs to the Water Authority.

I have many times been called to assist towing these cars out. Our end of the street is marked with a sign marking ‘No Through Road’ but is very narrow and needs a better solution.

Maybe as the street has been extended then the turnaround area needs to be relocated to the ‘new’ end of our street.

The Residents of St Johns Mews Bunbury WA"

Executive Comments

There are currently two (2) road signs located at the end of the St Johns Mews cul-de-sac advising vehicles that this is a “No Through Road”. There are currently four (4) properties that gain access along this narrow length of road that is past the end of the cul-de-sac. There are no plans in the City’s Five Year Plan of Works for this cul-de-sac bulb to be extended to the end of St Johns Mews. Given the width of the existing road reserve an extension of this

road and associated cul-de-sac works would involve the resumption of a reasonable portion of land from the Water Authority which would be at a considerable cost to the City.

Options

When in receipt of a petition, the Council has a number of options to consider under Section 9.4 of the City's Standing Orders. These options are:

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

RECOMMENDATION

For Council consideration

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

Option (c) was moved Cr Major, seconded Cr Dillon.

The Presiding Member put Option (c) to the vote and it became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Major
Seconded Cr Dillon

The petition be accepted and referred to a committee for consideration and report.

CARRIED

12 Votes "For"/Nil Votes "Against"

11. RECEPTION OF REPORTS AND RECOMMENDATIONS FROM OFFICERS & ADVISORY COMMITTEES

11.1 SECOND RECONSIDERATION- PROPOSED REZONING OF LOT 71 BUNNING BOULEVARD FROM “RESIDENTIAL R15” TO “MIXED BUSINESS AND RESIDENTIAL R40” AND OF ADJACENT LAND (CORNER SANDRIDGE/PICTON ROAD) FROM “ROAD RESERVE (DISTRICT DISTRIBUTOR)” TO “MIXED BUSINESS” ZONE AND PROPOSED CLOSURE OF A PORTION OF SANDRIDGE ROAD AND A PORTION OF PICTON ROAD AND THE AMALGAMATION OF BOTH PORTIONS INTO LOT 71 BUNNING BOULEVARD (THIS ITEM WAS LISTED AS ITEM 11.2 ON THE MEETING AGENDA)

File Ref:	A02416
Applicant/Proponent:	Graham Houghton (Town Planning Consultant) on behalf of CityGate Properties Pty Ltd and Hornell Nominees Pty Ltd (<i>refer to confidential report for directors' names</i>)
Author:	Teshome Tadesse, Planning Officer
Executive:	Geoff Klem, Executive Manager City Development

Summary

The City has received a letter from the Western Australian Planning Commission dated 9 February 2007 in relation to Council's decision on Amendment 11. The letter outlines that Council's decision which requests the Hon. Minister for Planning and Infrastructure to defer consideration of the proposed Amendment 11 as it is inconsistent with the Town Planning Regulations 1967. It goes on to say that in accordance with regulation 21 (1) (a)(b)(c) of the Town Planning Regulations 1967, the Hon Minister may either grant approval, refuse or request modifications but is not empowered to defer a decision as recommended by Council.

In the consideration of the advice provided from the Western Australian Planning Commission on Amendment 11, it is therefore recommended that Council rescind Council Decision 208/05 and substitute the original decision with a new decision not to support Amendment 11.

Background

On 6 September 2005, Council considered the matter of Amendment 11 for Lot 71 Bunning Boulevard from “Residential R15” to “Mixed Business and Residential R40” and of adjacent land (corner Sandridge Road/Picton Road) from “Road Reserve (District Distributor)” to “Mixed Business” zone and Decided (208/05):

Council's decision verbatim reads as follows:

Council Decision 208/05

“Council, under and by virtue of the powers conferred upon it in that behalf of the Town Planning and Development Act 1928 (as amended), hereby resolves to:

1. *Note the submissions received.*
2. *Request that the Minister defers consideration of proposed Amendment 11 and the associated Local Planning Policy for the principal reason that Council is currently engaged in the City Vision process and that any consideration to support the proposed rezoning at this point in time would be premature.*
3. *Advise the applicant and submitters of Council's decision, and to request that the applicant consider resubmitting this application after the current City Vision process is completed and after Draft Commercial Strategy is finalised should the Minister acquiesce in this regard."*

The WAPC has formally requested Council to reconsider its decision on Amendment 11 as: as mentioned above, the Hon Minister has no power to defer a decision as recommended by Council; and Amendment 11 has been delayed in connection to the progression of the City Vision Strategy and that in the Commission's view the City Vision Strategy is now at the stage where Council can consider the proposed amendment. The WAPC, however, acknowledges that there is a fundamental difference between the original City Vision Strategy that specifies guidance and details on specific land uses to that of the adopted revised City Vision Strategy which is more of a broader Policy-based document.

In total, the Commission has requested the following:

- * The matter of Amendment 11 be referred back to Council;
- * Council to reconsider the amendment based on strategic planning grounds that have been undertaken in the interim period.
- * Council to provide a decision in line with Town Planning Regulations 1967 (approval or refusal).

Attached at Appendix 8 is the Commission's letter to the City dated 9 February 2007.

On the basis of the advice outlined above, reconsideration of Council's decision on Amendment 11 has been presented for further discussions and determination, as required.

Proposal

Amendment 11 to TPS 7 is a proposal to rezone Lot 71 Bunning Boulevard from "Residential R15" to "Mixed Business and Residential R40" and of adjacent land (corner Sandridge/Picton Road) from "Road Reserve (District Distributor)" to "Mixed Business" zone. The proposal has the following main components:

- * It proposes to rezone Lot 71 Bunning Boulevard (the parent lot) from "Residential R15" and "Development Investigation Policy Area" to "Mixed Business" and "Residential R40". The "Mixed Business" zone will be occupying mainly the North West portion of the subject land while the proposed "Residential R40" zone will cover predominantly the eastern portion of the subject land. It is considered that the nomination of these sites to their respective zones has considered best exposure to

the commercial part of the proposal while it attempts to locate the residential component to interface with the existing residential development towards the east.

- * The proposal includes rezoning of the land adjacent to Lot 71 from “Road Reserve (District Distributor)” to “Mixed Business” zone. This part of the proposal includes road closure and amalgamation of that portion of land to the parent lot (Lot 71). This undertaking will increase the area of the parent lot and will make it viable to the ultimate intended use of the land for commercial purpose and residential use.

Applicant’s Justifications on Amendment 11

Applicant’s justifications mainly refer to Section 11 of City’s Local Planning Policy - Commercial Strategy and public consultation conducted by the applicant. The applicant listed criteria as specified under Section 11 of the Policy and provided comments on each criterion. In the applicant’s view, all criteria for additional commercial development that cannot be accommodated in the existing “Mixed Business” zone have been satisfied under the proposed Amendment 11.

The applicant has approached six (6) local residents in relation to the proposed Amendment and the outcome of the consultation reported in summary that no person objected to the proposed Amendment, but there were some suggestions in the areas of the built form and landscaping matters.

Attached at Appendix 9 is a Scheme Amendment Map

Public consultation

During the advertisement period, at that time, twelve (12) submissions were received, and a summary of the main issues raised by submitters were as follows:

- * The proposed amendment is inconsistent with the existing “Residential R15”. One of the submitters states that the Amendment “*leapfrogs’ the spread of Mixed Business to the eastern side of Picton Road...*”.
- * That the Amendment is neither in the Bunbury Regional Centre nor in a “possible future rounding off Mixed Business Area”.
- * The proposal may undermine the precinct plans currently being prepared for the Central Business District and Regional Centre under the City Vision process (at the time of the original City Vision Strategy in progress).
- * That three out of four road frontages to the site adjoin residential sites and that the proposed showroom will face and potentially impact on the surrounding residential development.
- * That the criteria listed in Section 11 of the Commercial Strategy does not include the site considered under Amendment 11.

- * One objector specifically questioned whether or not the City referred the proposal to the Western Australian Planning Commission (WAPC). The proposal was referred to the WAPC and the advised received, in summary, reads that it is premature to consider Amendment 11 for approval for the principal reason that there is a limited strategic justification.
- * Potential traffic impact as a result of commercial development near the residential site.

The proposal has been analysed in light of the relevant statutory and long-term planning documents with a view to providing background information for decision making by Council.

Bunbury Wellington Region Plan 1995

The Bunbury Wellington Region Plan 1995 identifies the subject land within the site where it says “*Encourage a further extension of the range and density of housing especially in the area adjacent to the CBD*”. It is acknowledged that this long-term planning document is twelve (12) years old, but in the absence of an alternative regional planning framework, it can be considered as a guide for decision-making.

It appears that the regional document does not refer to commercial interest within Planning Unit BU3: Bunbury East. Flexibility of the regional document can be justified in the consideration of the time since the release of the Plan and current circumstances. As it stands the regional plan refers to encouragement of a further extension of the range of density of housing especially in area adjacent to the CBD. It is noted that the site is not adjacent to the CBD however the Region Plan does not nominate the subject site as part of commercial interest site.

Town Planning Scheme No.7

The subject land is located on the periphery of the “Mixed Business” zone and at the edge of the “Residential R15” site to the east of King Road/Picton Road. Under the current Scheme, the subject land is zoned “Residential R15”. The Scheme also identifies the subject land as a “Development Investigation Policy Area”. The designation of the land as a Development Investigation Policy Area has provided it with an additional benefit in that in addition to residential use the site can be considered for alternative uses. However, given that the “Mixed Use/Commercial” designation of the site under the original City Vision Strategy is no more the case under the adopted City Vision Strategy format, one can argue that there is no basis, if at all, to consider the subject land other than its current residential use and as such no plausible justifications can be provided to push forward the rezoning proposal from residential to mixed business as it was the case in the original recommendation to Council. To do otherwise is to encourage encroachment of non-residential uses in the locality, the future development of which is to remain residential.

In addition, the long held view that King Road forms a basis for demarcation between the commercial “Mixed Business” site in the west and Residential development in the east is a point worthy of consideration. Previously, Amendment 100 to the then Town Planning Scheme No. 6 used this line of argument and ultimately the rezoning proposal to rezone the

subject land to “Special Use – Car Sales with Ancillary Offices and Repair Facilities” was refused.

Local Planning Policy - Commercial Strategy

In the absence of a Commercial Strategy formally endorsed by the Western Australian Planning Commission, the alternative is to get the best out of what we have at hand i.e. City’s Local Planning Policy – Commercial Strategy. This Strategy identifies “Bunbury Regional Centre” and “possible future rounding off Mixed Business Area”. As claimed by the applicant, although some of the criteria mentioned under Section 11 of the Commercial Strategy have been satisfied, principally the subject site is outside the possible future rounding off the Mixed Business Area. One can possibly argue that the nominated criteria apply for sites identified as possible future rounding off Mixed Business Area. The subject land is outside this area.

Originally, the proposal was supported with the understanding that it is contiguous to the existing commercial sites and the original City Vision Strategy in its draft form marked the site for “Mixed Use/Commercial site”. It is not the case any more and the Sandridge Park area is to have the residential character and amenity reinforced. Again, there is no ground to support the proposed rezoning.

Past Council decisions on Amendment 11

In the past, Amendment 11 was presented to several Committee and Council meetings. One of the principal reasons was the applicant’s objection to the Committee’s recommendation to defer Amendment 11. The objection by the applicant reads as follows:

“Council resolved in favour of Option 3. My understanding, which I checked this morning, that this option is not operative because it is contrary to Sec. 7(2)(b) of the TPD Act (see Planning legislation amendment Act (No.2) 1994. After agreeing to advertise an Amendment Council can adopt or refuse but must submit the Amendment to the Minister. Deferment is not an option. However, Council can recommend to the Minister that she defer a decision until after the City Vision process is completed and after the Commercial Strategy is completed. Only the Minister has the power to defer.”

In line with the above advice, an explanatory note with alternative options (options 2 & 3) were presented for Council consideration i.e. Option 2 not to proceed with the Amendment and Option 3- request the Hon. Minister to defer the Amendment and at its meeting of 6 September 2005 Council Decided (208/05) to request the Minister to defer Amendment 11.

As pointed out by the WAPC, pursuant to Regulation 21(1) (a)(b)(c), the Minister is not empowered to defer the decision as resolved by Council. Therefore, Council is required to reconsider its decision and recommend either approval or refusal.

Strategic Outcomes

Council’s 2002 – 2007 Strategic Plan states that Bunbury City Council has a goal to *“Have a built environment which is safe, accessible, functional, attractive and sympathetic with the*

natural environment.” To achieve this goal, developing the Town Planning Scheme so as to ensure functional and sustainable built environment is one of the strategies specified under the Council’s 2002 – 2007 Strategic Plan.

Community Consultation

In the presentation of this second reconsideration of Amendment 11, no community consultation has been undertaken. However, prior to the presentation to Council for final determination of the proposal in July 2005, the proposal was advertised in accordance with the then Town Planning and Development Act 1928 (as amended).

Councillor/Officer Consultation

Discussions have been undertaken with Technical Officers within Development Services in relation to the proposed Scheme Amendment.

Analysis of Financial and Budget Implications

The Recommendation will not impact on the existing Annual Budget nor are there any expenses associated with the requests from a Council perspective.

Economic, Social, Environmental and Heritage Issues

Economic Issues

Economic benefit can be realised from the new development site in terms of commercial activity (Showroom) and new residential development onsite.

Social Issues

There are no known social issues relating to this proposal.

Environmental Issues

There are no known environmental issues relating to this proposal.

Heritage Issues

There are no known heritage issues relating to this proposal.

Council Policy Compliance

The proposal complies with City’s Local Planning Policies under TPS No 7. *“Scheme Amendments: Application Requirements and Documentation for Purposes of Advertising”*.

The proposal has provided some justifications in addressing the criteria outlined under Section 11 of the City’s Local Planning Policy – Commercial Strategy. However,

categorically, the site is outside what has been designated as Bunbury Regional Centre and the subject land is not within the future rounding off the Mixed Business Area.

Legislative Compliance

In accordance with the provisions of the Planning and Development Act 2005, upon completion of advertising, the amendment documentation is referred back to Council for consideration. Should Council then resolve to adopt the amendment, the documentation is referred to the WAPC for assessment and endorsement and for referral to the Hon. Minister for Planning and Infrastructure for final approval.

The WAPC has requested Council reconsider its decision on Amendment 11 in that Council's decision, which requests the Minister to defer Amendment 11, is inconsistent with the Town Planning Regulations 1967.

Delegation of Authority

The adoption of a Scheme Amendment is by decision of Council.

Relevant Precedents

This is a unique situation. No Scheme Amendment has been returned in similar circumstances to be reconsidered by Council.

Possible Options

Option 1: Per the Recommendation.

Option 2: Council Support Amendment 11. Should Council resolve to proceed with this option, the suggested format is as follows:

PART A - REZONING

Council, under and by virtue of the powers conferred upon it in that behalf of Town Planning and Development Act 2005, hereby resolves to:

1. *Note the submission received.*
2. *Adopt Town Planning Scheme No.7 and the associated Policy for final approval as per the following:*
 - 2.1 *Rezoning of Lot 71 Bunning Boulevard from 'Residential R15' to "Mixed Business and Residential R40" and of adjacent land (corner Sandridge/Picton Road) from "Road Reserve (District Distributor) " to "Mixed Business" zone as shown in the attached plan at Appendix 13.*

- 2.2 *Endorse the Local Planning Policy – Lot 71 and Closed Road Reserve, Corner Sandridge and Picton Roads – Land Use and Development Guidelines as advertised.*
- 2.3 *Adopt the proposed Policy as a Local Planning Policy under Town Planning Scheme No.7.*
- 2.4 *Publish the Notice of adoption in accordance with Clause 2.3.3 of City’s Town Planning Scheme No.7.*
3. *Require the applicant to submit a traffic planning study prepared by an independent qualified professional engineer to a brief approved by the City Engineer, which shall include:*
 - 3.1 *Traffic volumes including pre-development and post-development traffic volumes to and from access to the development and on surrounding streets.*
 - 3.2 *Impact of the development on the surrounding streets and intersections including level of service at pre and post development.*
 - 3.3 *Recommendations for measures to address impacts and maintain satisfactory levels of service of the affected streets.*
 - 3.4 *Traffic safety audit and recommendations to address any safety issues.*
 - 3.5 *Assessment of pedestrian access to and from the site including proposed pedestrian routes, road crossings and an access audit.*
 - 3.6 *Assessment of public transport access to and from the site including pedestrian access to the nearest bus stop.*
4. *Advise the submitters of Council’s decision.*

PART – ROAD CLOSURE

Pursuant to the provisions of Section 58 of the Department of Land Administration Act 1997, and having given the prescribed notice and consideration of submissions, Council consents to the following:

1. *Closure of a portion of Sandridge and a portion of Picton Road*
2. *Amalgamation of both portions into Lot 71 Bunning Boulevard*
3. *The Department of Planning and Infrastructure to be granted indemnity against any costs associated with the closure of amalgamation.*

Conclusion

The Western Australian Planning Commission has advised that Council's decision in requesting the Minister to defer Amendment 11 has no determination status. Therefore it is recommended that Council rescind its original decision and resolve not to further support the proposed Amendment 11.

RECOMMENDATION

Council, under and by virtue of the powers conferred upon it in that behalf of the Planning and Development Act 2005 hereby resolves to:

1. Rescind Council Decision 208/05 in respect of Amendment 11.
2. Not further support Town Planning Scheme No.7 Amendment 11 for the following reasons:
 1. *The proposed Amendment is inconsistent with the long-term planning objectives of the site, as described under the Bunbury-Wellington Region Plan 1995 which nominates the site for residential development and Council's City Vision Strategy.*
 2. *The subject land is neither in the Bunbury Regional Centre nor is it located within a "possible future rounding off Mixed Business Area" in the Draft Commercial Strategy.*
3. Advise the Western Australian Planning Commission, applicant and submitters of Council's revised decision on Amendment 11.

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

Cr Rose disclosed an Impartiality Interest as she lives in the area. As the interest declared was not likely to affect her decision she chose to remain in the meeting during discussion and vote on the item.

A Memorandum had been distributed to councillors prior to the commencement of the meeting advising the proponent wished to withdraw the item from the Agenda.

Mr Prosser addressed the meeting with regard to the withdrawal of the item.

24 April 2007
Minutes - Council Committee Meeting

At the meeting the Mayor advised that item was being withdrawn from the Agenda. Accordingly the item was withdrawn. This item may be referred back to the Committee at a timeframe suitable to both staff and the proponent.

As a result of statements made in chambers on this item, Appendix CO1 (to the Committee Minutes) provides evidence of correspondence between City of Bunbury Officers and representatives of CityGate Properties and Hornell Nominees Pty Ltd.

11.2 RITE PRICE SUPERMARKET – PETITION *(THIS ITEM WAS LISTED AS ITEM 11.4 ON THE MEETING AGENDA)*

File Ref:	P07756
Applicant/Proponent:	Internal Report
Author:	Gary Fitzgerald, Manager Development Services
Executive:	Geoff Klem, Executive Manager City Development

Summary

This report is in response to Council decision 31/07 dated 6 March 2007 that requested the matter of the operation of the Rite Price clearance outlet and electrical store located in the Station Complex mixed business zone at Lot 4 Picton Road Picton, be referred to Committee for consideration.

Background

The operation of the Rite Price clearance outlet and electrical store came to the attention of the City on 29 November 2006, prior to it's opening when the proprietor applied for the erection of advertising signage.

In light of the fact that the operation of a shop in a mixed business zone is an 'x' use under TPS7, contact was made with the proprietor to discuss the proposed operation. The owner advised that the business would be dealing with seconds and discontinued lines of both electrical and food items. The Proprietor advised that the electrical goods would include fridges, freezers and air conditioners and the grocery items would include smaller items such as carbonated drinks and other packaged foods.

The proprietor was advised that the operation of a shop was a non-permitted use within a mixed business zone, and that the options available to resolve the issue were to change the use so that it complied with the zoning, relocate the business to a suitable site or consider applying for a rezoning of the site to accommodate a shop use.

An application for a shop was received on 13 December 2006. Following its assessment, the application was refused for the following reasons.

1. The application for Electrical Appliance store and Clearance outlet does not reflect the existing business on the site which includes predominantly sale of grocery items which is considered to be a "shop" use which is not permitted in the Mixed Business Zone.
2. The sale of grocery items which is considered to be a "Shop" use under the City of Bunbury Town Planning Scheme No 7 is inconsistent with Cause 10.2.1 sections (a), (b), (i) and (p) of the City of Bunbury, Town Planning Scheme No 7.

3. The sale of grocery items is inconsistent with Table 1, Zoning Table of the City of Bunbury which identifies “Shop” as an x use (not permitted) in the Mixed Business Zone.
4. The sale of grocery items is inconsistent with the objective of the Mixed Business Zone identified in Clause 4.2.1.4 under the City of Bunbury, Town Planning Scheme No 7.

Subsequent to the refusal of the application, the City received correspondence from the proprietor expressing concern about the refusal of the application and requesting the support of Council. The City then received a petition from supporters of the business expressing support for the business to be presented to Council. This information was presented to Council and then referred on to Committee for consideration.

On 29 March 2007 the Manager of Development Services attended the Rite Price grocery outlet to discuss the Proprietor’s options in relation to the provisions of the Scheme. The owner was advised that in light of the fact that the matter was likely to be considered by Council in the near future that the City while encouraging the owner to resolve the situation in accordance with the provisions of TPS 7 would not instigate any further action until the matter had been considered by Council.

Strategic and/or Regional Outcomes

Council’s 2002 – 2007 Strategic Plan states that the City of Bunbury has a goal to “*Have a built environment which is safe, accessible functional attractive and sympathetic with the natural environment*”. To achieve this goal, Council is guided by its strategy to “*Undertake assessment and approvals of all development proposals within the context of the Town Planning Scheme*”. In this case, the proposal has been considered in the context of its compliance with current Scheme and has been assessed against the associated planning policies.

Community Consultation

This matter does not require community consultation.

Councillor/Officer Consultation

Extensive consultation has occurred within Development Services regarding this matter.

Analysis of Financial and Budget Implications

There are no financial or budget implications associated with this proposal.

Economic, Social, Environmental and Heritage Issues

Economic Issues

There are no economic issues associated with this proposal.

Social Issues

There are no social issues associated with this proposal.

Environmental Issues

There are no environmental issues associated with this proposal.

Heritage Issues

There are no heritage issues associated with this proposal.

Council Policy Compliance

The City does not have any policies relating to this matter.

Legislative Compliance

The City is required to ensure compliance with the provisions of its Town Planning Scheme Number 7.

Delegation of Authority

The proposed use is inconsistent with the Town Planning Scheme Provisions and therefore is referred to Council for consideration.

Relevant Precedents

Other proposals inconsistent with the scheme have been referred to Council.

Options

Option 1: Per the Recommendation

Option 2: ~~Council Decide to approve a shop use on the site.~~

Please note that due to an editing error this option was included, however Council does not have discretion to approve a shop use in this zone. Accordingly this cannot be considered an option.

Conclusion

The operation of the Rite Price grocery clearance outlet and electrical store as it is currently operating is contrary to the provisions of the City's Town Planning Scheme No. 7. Development Services consider that the options available to the proprietor of the business are to change the operation of the business to comply with the Scheme, relocate to a suitable site or apply for a rezoning of the land. Notwithstanding that the site could be rezoned to accommodate the current shop the rezoning of the site is not however considered appropriate and the current shop use is considered inappropriate in this locality in view of location constraints, accessibility, potential for traffic and pedestrian conflicts and shortfall in car parking.

The site is located adjacent to a significant local distributor road and is separated from adjoining residential areas by the local distributor road to the north and the railway line to the south. The site also adjoins the railway station and access to the site links through the railway station access.

This creates potential for traffic conflicts with vehicle and pedestrians accessing the site. The expansion of commercial ribbon development along a significant local distributor road is considered inappropriate in view of increased potential for traffic conflict along the road.

The subject site is located approximately 300 metres from the existing Wollaston Shopping Centre that is identified under the City of Bunbury, Local Planning Policy, Commercial Strategy as the local shopping centre for this locality. The Wollaston Shopping Centre has some potential for future expansion.

The Station Complex at Lot 4 Picton Road was approved as Showroom/Warehouse use that requires significantly less car parking than that of a shop use. The existing Showroom/Warehouse development has a total floor area of 1063m² which requires the provision of 13 bays (based on 4 bays for the first 200m² and 1 bay per 100m² thereafter). The Station Complex has 15 bays provided.

It should be noted that should the same floor area be for a shop use it would require the provision of 53 car parking bays, hence there is a significant shortfall in car parking provision. As the Station Complex is unable to support the required provision of car parking, the proponent could provide a cash-in-lieu contribution to address the shortfall.

As the last option is not considered by Development Services to be an acceptable solution, the options available to the proprietor would be to change the operation of the business or relocate to a suitable zone.

RECOMMENDATION

1. Council note the petition received.
2. Council advise the proprietor that he may consider the following options:
 - 2.1 Ensure that the operation of the business complies with the provisions of the Scheme, and that the applicant submit a Development Application.
 - 2.2 Relocate to an alternative premises that is appropriately zoned, that is a City Centre or Shopping Centre Zone.

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

A Memorandum had been distributed to councillors prior to the commencement of the meeting advising that Option 2 (as offered under the Options section of the report) had been added in as an editing error, that Council does not have the discretion to approve a shop in this use, therefore Option 2 can not be approved.

Mr Stan Leeder, the business owner, addressed the Committee. Mr Leeder was not against the Executive Recommendation however requested time to find an alternative location.

The Recommendation with amendment was moved Cr Dillon, seconded Cr Major.

The Presiding Member put the Motion to the vote and it became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Dillon
Seconded Cr Major

1. *Council note the petition received.*
2. *Council advise the proprietor that he may consider the following option:*
 - 2.2 *Relocate to an alternative premises that is appropriately zoned, that is a City Centre or Shopping Centre Zone within a reasonable time as determined by the Executive.*

CARRIED

12 Votes "For"/Nil Votes "Against"

Note: The Committee amended the Recommendation in response to the Memorandum issued and taking into account the presentation from the business owner.

11.3 RETAIL TRADING HOURS *(THIS ITEM WAS LISTED AS ITEM 11.6 ON THE MEETING AGENDA)*

File Ref:	A00357
Applicant/Proponent:	Internal Report
Author:	Trevor Ayers, Business Development Officer
Executive:	Domenic Marzano, Executive Manager City Life

Summary

The City Vision Taskforce contracted SGS Economics and Planning to undertake a study into the effects of deregulating retail trading hours in Bunbury (Bunbury Urban Area: Retail Dynamics, distributed **under separate cover** at USC Appendix 1. It was anticipated that this economic study would supplement the internal report – City of Bunbury Retail Trading Hours Report, distributed **under separate cover** at USC Appendix 2 (completed December 2003 and originally provided to councillors in early 2004), that focussed on community attitudes, legislative issues and related information from other cities and regions that had already undertaken deregulation.

The SGS study estimated that \$18 million per annum would be drawn into the Bunbury Wellington Region due to a deregulation of retail trading hours in Bunbury with most of the benefit expected to flow to Central Business District based supermarkets and department stores. Supermarkets and department stores were expected to benefit by \$26 million per annum. This benefit would be partially at the expense of other regional retailers (including Eaton Fair and Australind Village shopping centres) and in addition to \$18M injected from outside the region. The study by SGS Economics and Planning focused on economic issues, however social costs and benefits and community attitudes and desires were not addressed.

The principal issue for consideration by Council is whether trading by the major supermarkets, discount department stores and bulky goods retailers (such as Harvey Norman) should be permitted on Sundays. Sunday trading can be part of a decision to totally deregulate (e.g. Shire of Dardanup) or partially deregulate (e.g. City of Mandurah, where extended trading hours operate from December to April or Shire of Harvey, where a portion of the Shire – Australind Village Shopping Centre – is able to operate on Sundays).

Recent examples of Retail Trading Decisions undertaken include the City of Albany, where a referendum was conducted in conjunction with the Council election in 2005 and the “no vote” to seven day trading was endorsed. The State Government also implemented a referendum on extended trading hours in the metropolitan area as part of the last state election, which similarly failed to gain approval.

If council’s intention is to extend the current hours retailers can trade within the City of Bunbury it must confirm that the proposal is supported by the majority of local community members and retailers, however the survey information in the 2003 internal report distributed **under separate cover** at USC Appendices 3, 4 and 5 is now between three and six years old.

Background

The potential deregulation of retail trading hours has been a recurring issue within the City of Bunbury. This was the catalyst for the preparation of the December 2003 report.

At its meeting held 22 June 2004, Council Decided (164/04):

“That this Council, through the City Vision Taskforce, investigate seven (7) day trading in the City of Bunbury and outside the city boundaries.

Through the City Vision Taskforce, which has access to consultants and study materials, it is hoped that a study be conducted to determine trends and patterns that affect Bunbury city.”

This resolution resulted in the Bunbury Urban Area: Retail Dynamics report being commissioned.

Due to the time-delay between the original community attitudes report being undertaken and the Retail Dynamics report being finalised and presented to Council there is concern about the age of some of the original attitudinal research, in particular the Shoppers Survey which was finalised in October 2000.

Strategic and/or Regional Outcomes

The issue of retail trading hours directly affects the City of Bunbury’s goals of attracting investment and maintaining and improving on quality of life.

Community Consultation

Substantial community consultation has previously been undertaken including community attitudinal surveys, however the Retail Dynamics Report was solely an economic modelling study.

Council has recently received submissions on retail trading hours from the Anglican Bishop of Bunbury distributed **under separate cover** at USC Appendix 6, Chief Executive Officer of the Bunbury Chamber of Commerce and Industries distributed **under separate cover** at USC Appendix 7 and a petition in opposition to deregulated trading hours from an unknown source distributed **under separate cover** at USC Appendix 8.

Two (2) petitions from the Bunbury Chamber of Commerce and Industries on this issue were tabled at the Council Meeting of the 21 November 2006. The first consists of 2722 signatures opposed to the introduction of seven day trading in Bunbury – collected by retail business owners in Bunbury. The second contains the responses to the question “Do you support the introduction of seven day trading in Bunbury” received from 195 surveyed retailers in Bunbury (of which 172 were opposed).

In the event that Council decides to update information on current community attitudes, the three main options for obtaining data are:

1. Conducting statistically robust surveys of targeted populations.

Surveys are a widely used method for generating quantitative data about the views or activities of a target population. There are important methodological considerations which must be addressed in order for a survey to be reliable and valid, but these are well understood and there are no major impediments to doing a survey on this subject with the target group.

2. Conducting a Community Engagement Project.

A community engagement project is a more comprehensive exercise than a survey, and is designed to allow more community input into the decision making process. Depending on the degree of influence the project will have on the final decision, the amount of consideration required for the representativeness (and possibly reliability) of the participants varies from 'high' to 'extremely high'. These are not projects that can be done by half-measures as this leads to community dissatisfaction and the generated data and outcomes cannot be given the credence that is claimed for them – or in some cases that they have to be accorded.

3. Conducting a referendum in conjunction with Local Government elections.

Of the three options, this one may have greatest level of influence – but also the lowest likelihood of delivering a reliable and representative outcome. There are two main problems: the representativeness of the sample and the forced simplification of the question structure.

Councillor/Officer Consultation

Several of the City's officers have been involved in the compilation of this report, including the Chief Executive Officer, Acting Executive Manager City Life, Executive Manager City Development and Business Development Officer. In addition His Worship the Mayor and Cr Craddock have also been consulted, along with a full council briefing being held, during preparation of this item.

Analysis of Financial and Budget Implications

Indicative costings to measure relevant stakeholder opinions have been obtained from an independent consultant. The costs to undertake this have been estimated at between \$15,000 to \$30,000 dependent on the complexity of the questions, length of the survey and amount of work required to ensure representativeness of the sample is maintained.

Alternately an in-house survey process to measure a statistically valid representative sample of the community could be undertaken for approximately \$10,000 since the labour component would be substantially reduced through the use of existing staff resources.

Economic, Social, Environmental and Heritage Issues

The major issues associated with the retail trading hours question are economic and social. The economic issues are well covered within the Retail Dynamics report while the social issues are discussed in the 2003 internal report, however are predominantly anecdotal.

Council Policy Compliance

This report and recommendation does not contravene any Council policies

Legislative Compliance

The recommendation to undertake an update of the previous research does not contravene any legislation. For council's reference the requirements for undertaking a submission with regards to altering retail trading hours on a long term or permanent basis are contained within the City of Bunbury Retail Trading Hours Report. Additionally, a guide to making Permanent/Long Term Adjustments of retail trading hours for Non-Metropolitan Local Government Authorities, prepared by the Department of Consumer and Employment Protection has been distributed **under separate cover** at USC Appendix 9.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to make decisions with regards to retail trading hours.

Relevant Precedents

Council extends trading hours for the Christmas period every year as well as one-off requests from individual retailers for special occasions.

Options

- Option 1: Take no further action with regards to retail trading hours.
- Option 2: Identify and make application to the Minister for Employment and Consumer Protection, for a change in the retail trading hours applying to Bunbury, utilising existing information as the justification.
- Option 3: Undertake a residents survey prior to further considering the issue of extended trading hours.
- Option 4: Identify a preferred change in retail trading hours and undertake a residents survey to identify community attitudes with regards to the proposed change, prior to proceeding with an application to the minister for Consumer and Employment Protection.

Conclusion

The current situation is:

- * There is evidence that seven day trading will benefit the major retailers in the City at the cost of surrounding commercial areas, but that there would be a net economic benefit to the region.
- * Although approximately 70% of traders believe that extended trading hours in other centres will not adversely affect their businesses, it is likely that collectively, deregulated trading in Eaton, Australind and Dalyellup would have a negative impact on the market share that the Strategic Regional Centre currently commands.
- * The 2003 survey of traders revealed that over two thirds do not support extended trading hours.
- * The 2003 survey of community and sporting groups revealed that most thought that extended trading hours would have a negative impact on organisation participation.
- * The 2000 survey of shoppers revealed that close to half those surveyed supported seven day trading.

It is difficult to establish a consensus of opinion as information on impacts has been prepared and presented on the basis of a particular sector (e.g. traders, shoppers, community/sporting groups). In addition to this, the level of understanding of the issues by the various interest groups is varied and represents the position of the particular group. Further, the information gathered by survey is now dated.

To establish a clear current position would require a statistically valid survey of stakeholders within the City of Bunbury. The survey should also provide options under a deregulated environment where parts of a district or different times of the year (e.g. holidays) may be acceptable

The research and debate to date reveals that there are economic benefits to the major retailers (primarily supermarkets and department stores) in the Regional Centre in a deregulated environment and more shoppers favour seven day trading than oppose it. It is also likely that deregulation in surrounding shires and not in the City of Bunbury, will result in a loss of market share by the City's retailers, however the majority of smaller retailers do not support extending trading hours and community and sporting groups have raised concerns regarding a negative impact on participation.

Alternatively, a statistically valid survey of all relevant stakeholders will provide objective information upon which to base future decision making.

Should Council decide to proceed towards some form of change in retail trading hours it is important that this process identifies exactly what the proposed change is and what the justification is. Should further community and/or stakeholder consultation be required then

the form of that consultation also needs to be identified, along with the source of funds required to undertake the consultation.

RECOMMENDATION

1. Council receives the Bunbury Urban Area: Retail Dynamics report undertaken on its behalf through the City Vision Taskforce by SGS Economics and Planning.
2. For Council consideration.

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

Mr Allan Birrell, Chief Executive Officer of the Chamber of Commerce in Bunbury addressed the Committee, on behalf of the Chamber's members. Mr Birrell spoke against the introduction of seven day trading.

Cr Dillon left the meeting at 6:48 pm and returned to the chamber at 6:49 pm.

Mr Tony Brun addressed the Committee. Mr Brun spoke in favour of the introduction of seven day trading.

Mr Paul Kontorinis addressed the Committee. Mr Kontorinis was not in favour spoke against the introduction of seven day trading.

Cr Craddock moved Motion, seconded Cr Frisina.

Cr Dillon foreshadowed a Motion in the even that this motion was LOST.

MOTION

Moved Cr Craddock
Seconded Cr Frisina

1. *Council receives the Bunbury Urban Area: Retail Dynamics report undertaken on its behalf through the City Vision Taskforce by SGS Economics and Planning.*
2. *That Council undertakes surveys of Bunbury residents and retailers prior to further considering the issue of extended trading hours in view of the fact that it is a requirement of DOCEP that Council must confirm that the majority of residents and retailers support any proposal for extended trading hours before DOCEP will make a recommendation to the Minister.*

LOST

5 Votes "For"/7 Votes "Against"

Note: Councillors Frisina, Craddock, Leigh, Jones and His Worship the Mayor requested that their votes "for" the above Motion be recorded.

Note: Councillors Major, Rose, Wenn, Rooney, McCleary, T Smith and Dillon requested that their votes “against” the above Motion be recorded.

Cr Dillon moved his foreshadowed Motion, seconded Cr Major

Cr Rooney left the meeting at 8:42 pm and returned to the chamber at 8:44 pm.

The Presiding Member put the Motion to the vote in two parts and these became the Committee Recommendations.

COMMITTEE RECOMMENDATION

Moved Cr Dillon
Seconded Cr Major

PART A - RETAIL TRADING

That Council supports the deregulation of retail trading hours within the City of Bunbury to allow additional 7 day trading.

CARRIED

7 Votes “For”/5 Votes “Against”

Note: Councillors Rose, Wenn, McCleary, Major, T Smith, Dillon and His Worship the Mayor requested that their votes “for” the above Committee Recommendation, be recorded.

Note: Cr Jones, Leigh, Craddock, Frisina and Rooney requested that their votes “against” the above Committee Recommendation, be recorded.

COMMITTEE RECOMMENDATION

Moved Cr Dillon
Seconded Cr Major

PART B – IMPLEMENTATION

That Council forms a "7 Day Retail Trading Implementation Committee" to oversee the implementation of amendments to the trading regulations within the City of Bunbury.

The Terms of Reference of the Committee are:

1. *Review options available;*
2. *Develop an implementation and marketing framework;*
3. *Consult with the Bunbury community and with all business groups and all retailers within Bunbury to determine the most appropriate regulatory framework for "7 Day Retail Trading" by way of conducting:*
 - a. *a statistically robust survey of targeted populations; and*
 - b. *community engagement through randomly selected focus groups.*
4. *Present options and outcomes to Council within 6 months.*
5. *To ensure the requirements of the Act and DOCEP are met.*

That Membership of the Committee to include but not be restricted to:

1. *Chairman - Cr _____*
2. *Cr _____ and Cr _____*
3. *Executive Manager City Life*

CARRIED

7 Votes "For"/5 Votes "Against"

AN ABSOLUTE MAJORITY VOTE OF COUNCIL REQUIRED

Note: Councillors Rose, Wenn, McCleary, Major, T Smith, Dillon and His Worship the Mayor requested that their votes "for" the above Committee Recommendation, be recorded.

Note: Cr Jones, Leigh, Craddock, Frisina and Rooney requested that their votes "against" the above Committee Recommendation, be recorded.

Note: The Committee amended the Executive Recommendation to allow for a collaborative approach to be taken to determining appropriate options to be used in surveys of targeted groups so that the results could be returned to Council in order that an informed Decision could be made.

The Presiding Member called a short recess of Committee, commencing at 9:05 pm.

The meeting recommenced at 9:13 pm.

11.4 PROPOSED TOWN PLANNING SCHEME AMENDMENT, LOT 210 AND LOT 211 OCEAN DRIVE, BUNBURY (PUNCHBOWL CARAVAN PARK SITE) (THIS ITEM WAS LISTED AS ITEM 11.1 ON THE MEETING AGENDA)

File Ref:	P05893-02
Applicant/Proponent:	City of Bunbury
Author:	Thor Farnworth, Senior Town Planner (Strategic & Environment)
Executive:	Geoff Klem, Executive Manager City Development

Summary

Lot 210 and Lot 211 (14 Holywell Street, South Bunbury) generally bounded by Ocean Drive, Hayward Street, Holywell Street and Pental Street are owned in freehold by the City of Bunbury. The site was previously occupied by the Punchbowl Caravan Park, which has not operated for a number of years.

The proposed Scheme Amendment is to amend the Special Use Zone provisions under Schedule 2 of the City of Bunbury Town Planning Scheme No. 7 (TPS7), in order for the site to accommodate mixed use development comprising of short-stay accommodation, permanent residential and non-residential uses and facilities.

The subject site is currently zoned “Special Use Zone No. 7 Caravan Park” (SU7) and designated as “Caravan Park” under the Special Use(s) column of Schedule 2 under the Scheme. It is proposed to amend the Special Use Zone provisions in order to delete “Caravan Park” and insert a mixture of uses as outlined in the following report.

The proposed Scheme Amendment also incorporates development standards and requirements, including provision for a Detailed Area Plan to facilitate the future development of the site. It is recommended that Council resolve to initiate the proposed Scheme Amendment for the subject land.

Background

The subject site is abutted by Five Mile Brook to the north and northeast, with Holywell Street, Pental Street and Ocean Drive to the east, south and west respectively (refer to the Location Plan **attached** at Appendix 2). The site has a total area of 20,739 m², and encompasses Lot 210 with an area of 7,705 m² and Lot 211 with an area of 13,034.86 m². Both lots are presently owned by the City of Bunbury.

The Punch Bowl site has historically been used for the purpose of a caravan and camping ground. The former lessee of the site undertook construction of earthworks, upgrading of accessway and installation of underground services including sewer and water, reticulation and electrical conduits.

Proposal

The proposal is to amend the uses permitted on the site under the current provisions of SU7 by deleting reference to “Caravan Park” from the Special Use(s) column of Schedule 2, and replacing the use with a range of uses including short stay accommodation, permanent residential and non-residential uses and facilities.

The proposed Scheme Amendment also incorporates development standards in regard to building height and location, including requirement for a Detailed Area Plan (or DAP) to facilitate the future development of the site for mixed uses that support tourism activities in this location.

Site Description

The western portion of the site occupies the coastal primary dune system that has been significantly altered from its natural state with limited vegetation cover. The eastern portion is lower behind the swale of the original coastal fore dune. The land is generally flat over the eastern part with a level of 3 to 4 metres above the Australian Height Datum (AHD) adjacent to Holywell Street (refer to the Site Survey Plan **attached** at Appendix 3).

(Note: Australian Height Datum (AHD) as adopted by the National Mapping Council is the theoretical reference level (datum) for sea level or zero point to which all altitude measurement (vertical control for mapping and other surveying functions) is to be referred for in Australia.)

The cross section plan through the centre of the site indicates existing ground level adjacent to Ocean Drive as 7 to 8 metres above AHD, falling steeply away to 1.3 metres above AHD behind the fore dune area to the site boundary and rising to 3 metres above AHD at Holywell Street (refer to the Site Cross Section **attached** at Appendix 4).

In accordance with the Five Mile Brook Flood Strategy a minimum finished floor level for habitable rooms of 2.3 metres above AHD is required in order to be above the 100 Annual Recurrence Interval (ARI) or one in 100 year flood level. On this basis the low-lying portion of the site at 1.3 metres above AHD would require additional filling of approximately 1 metre above present ground level for buildings with habitable rooms.

Once filling of the site has occurred as part of any condition of subdivision approval granted by the Western Australian Planning Commission (WAPC) or planning approval granted by the City, the new surface level is then defined as the “natural ground level” under the *Residential Design Codes*.

Standards for Land Use and Development

Land Use Requirements

It is proposed that the land uses for the subject site will be restricted to:

- (a) a maximum of 25% of the total site area to be for residential dwelling development/use; and
- (b) a minimum of 75% of the total site area to be for any or a mix of non-residential uses, hotel and short-stay accommodation uses (refer to the Indicative Plan View of Land Use Areas **attached** at Appendix 5).

The actual proportion and arrangement of land uses is to be determined through an approved Detailed Area Plan. Land developed and used for public open space, private open space, roads, parking, drainage and infrastructure is to be included within the respective dedicated percentages. It is envisaged that all dwellings within the Residential Interface area may be concomitantly granted an Unrestricted Residential Accommodation use. It must be appreciated that the allocation of the Unrestricted Residential Accommodation use does not constitute short-stay accommodation, and hence is included in the 25% calculation of the permanent residential use, and will be treated as a dwelling under the Residential Design Codes.

Residential Interfaces

The proposed development conditions include the requirement for only permanent residential and/or unrestricted residential accommodation adjacent to Hayward Street, Holywell Street and Pandal Street. All residential development is to be a maximum height of two stories with loft up to 9 metres above natural ground level. The residential development adjacent to the existing roads is intended to provide an interface and buffer between the surrounding residential uses and the proposed development site (refer to the Indicative Cross Section of Building Heights **attached** at Appendix 6).

A building height limit of up to 9 metres above natural ground level is required to accommodate residential dwellings of up to two storeys with a loft, which is consistent with the *Residential Design Codes* (clause 3.7.1 Building Height, Table 3 – Maximum Building Heights Area of the Residential Design Codes (R-Codes) and Scheme for standard residential development.

With the increased finished floor level for habitable rooms being 2.3 metres above AHD, it is recommended that the total height of development be limited to a maximum of 11.3 metres above the AHD of the present ground level.

Ocean Drive Frontage

The proposed development conditions include requirements for some mixed use and non-residential uses fronting on to Ocean Drive. The proposed building height adjacent to Ocean Drive is to be a maximum height of two stories with loft up to 9 metres above natural ground level, as taken from the verge height of the Ocean Drive road reserve.

A building height limit of up to 9 metres above natural ground level is required to accommodate residential dwellings of up to two storeys with a loft, which is consistent with the *Residential Design Codes* and Scheme for standard residential development. Non-residential and mixed use developments constructed to the same maximum building height will also ensure compatible built form across the frontage of the site.

Central Core Area

The proposed development conditions include requirements for a mix of non-residential uses, short-stay and/or permanent residential uses in the central core area of the development site. The proposed building height in the central core area of the development site is to be a maximum height of four stories with a loft up to 15 metres above natural ground level.

A building height limit of up to 15 metres above natural ground level is required to accommodate residential dwellings of up to four storeys with a loft. Non-residential and mixed use developments constructed to the same maximum building height will also ensure compatible built form within the site.

With the increased finished floor level for habitable rooms being 2.3 metres above AHD, it is recommended that the total height of development be limited to a maximum of 17.3 metres above the AHD of the present ground level. Council may consider additional building height subject to submission of a detailed view shed analysis for the site.

With the creation of an outer residential interface consistent with surrounding development, it is considered that increased building heights in the inner central core area will not result in any significant impacts to the built form and amenity of the local area.

Planning and Development Assessment

The proposed development conditions will require the preparation of a Detailed Area Plan (DAP) for the site to be adopted by Council and endorsed by the WAPC prior to any subdivision or planning approval being granted. The DAP is to be prepared in accordance with *Liveable Neighbourhoods* (edition 3) and the *Residential Design Codes*, and must show such detail as the Council requires to ensure that the development of land within the plan area is consistent with orderly and proper planning and the achievement of the highest appropriate level of amenity.

The DAP may include information or detail dealing with, but not be limited to, the following:

- * planning and/or design statements, detailed standards and requirements for development;
- * lot layout of subdivision design and building envelopes;
- * areas dedicated to public open space;
- * extent of land uses in accordance with Table 2: Zoning Table of the Scheme;
- * residential densities where residential use is permissible;
- * urban design treatment of streetscapes and residential interfaces;
- * traffic management, including accessways and internal circulation;

- * vehicle parking and circulation areas and treatments;
- * pedestrian access and movement;
- * building height and scale;
- * development setbacks from boundaries;
- * landscaping within setback areas and between buildings; and
- * views to and from the site (e.g. with regard to inland residential areas).

Subject to the Scheme, Council may also require that the DAP be accompanied by or include a Development Impact Statement addressing any additional information required (e.g. view shed analysis) for the assessment of development proposals pursuant to clause 12 of the *Town Planning Regulations 1967*.

Any supporting Development Impact Statement report would describe and explain existing site conditions, potential impacts resulting from the development proposal, management strategies and design statements; and any other explanatory material and details as necessary to provide Council with a full understanding of the scope, purpose and intent of the proposed development outcomes.

Proposed Scheme Amendment

Scheme Amendment - Schedule 1 - Dictionary of Defined Words and Expressions

Presently, the term ‘short-stay accommodation or ‘tourist accommodation’ is a use not listed in the Scheme, and hence applications for planning approval are dealt with under clause 4.2.2 of the Scheme. It is of interest to note that the terms ‘short-stay accommodation’ and ‘tourist accommodation’ are referred to in certain Special Use Zones, but are not described or defined in any meaningful way. Therefore, in the interest of orderly and proper planning, it is recommended that this matter be explicitly addressed in a comprehensive manner as part of this proposed Scheme Amendment.

The proposed Scheme Amendment introduces a set of interrelated definitions that in effect parallel the definitions of the Residential Design Codes for dwelling and associated grouped dwelling and multiple dwelling uses. The need to create a set of separate general and use class definitions for short-stay accommodation activities in the Scheme is due to the fact that the Residential Design Codes explicitly defines the term “dwelling” to mean a building used for the purpose of habitation on a permanent basis. The introduction of the definitions as part of this Scheme Amendment will have the benefit of enabling their application in other Special Use Zone sites within the City.

Therefore, it is proposed to amend the text in 1.1 General Definitions of Schedule 1 - Dictionary of Defined Words and Expressions of the Scheme by inserting the following:

“1.1 General Definitions

“Mixed-use development” means buildings that contain residential dwellings and or short-stay accommodation units in conjunction with commercial and non-residential uses.

“Short-stay accommodation” means a building or buildings used for the purpose of providing accommodation for a person or persons on a temporary basis for a period of time not exceeding three months in duration within a 12 month period.

“Short-stay unit” means a building or a portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation for short-stay accommodation by a single person, a single family, or no more than six persons who do not comprise a single family. A short-stay unit does not include a dwelling, but must be self-contained and incorporate areas and facilities for sleeping, food preparation, laundrying and sanitation, and must be accessed by a separate entranceway.

“Short-stay serviced apartment” means a short-stay unit that forms part of a short-stay multiple unit complex where common maintenance and/or other services may be provided.”

It is then proposed to consequently amend the text in 1.2 Land Use Definitions of Schedule 1 - Dictionary of Defined Words and Expressions of the Scheme by inserting the following:

“1.2 Land Use Definitions

“Short-stay Grouped Units” means a short stay unit that is one of a group of two or more short stay units on the same lot such that no short stay unit is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictates otherwise, and includes a short stay unit on a survey strata with common property.

“Short-stay Multiple Units” means a short stay unit in a group of more than one short stay unit on a lot where any part of a short stay unit is vertically above part of any other but does not include a Short-Stay Grouped Unit.

“Unrestricted Residential Accommodation” means a dwelling or dwellings (either single, grouped or multiple) that may be occupied either permanently as a residential dwelling or temporarily for short-stay accommodation.”

Scheme Amendment - Land Uses

It is proposed to amend the text in the Special Use(s) column of SU7 under Schedule 2 – Special Use Zones of the Scheme by deleting “Caravan Park” and inserting the following:

“Use Classes

The following use classes are permitted only where the Local Government has exercised its discretion by granting planning approval -

- (a) *Grouped Dwellings;*
- (b) *Hotel;*
- (c) *Motel;*
- (d) *Multiple Dwellings;*
- (e) *Private Recreation;*
- (f) *Reception Centre;*
- (g) *Restaurant;*
- (h) *Shop;*
- (i) *Short-stay Grouped Units;*
- (j) *Short-stay Multiple Units;*

(k) *Unrestricted Residential Accommodation.*

Scheme Amendment - Development Requirements

It is proposed to amend the text in the Conditions column of SU7 under Schedule 2 – Special Use Zones of the Scheme by deleting “As determined by Council” and inserting the following:

1 Application Requirements

1.1 Detailed Area Plan:

- (a) *The Local Government shall require the preparation and submission of a Detailed Area Plan for Lots 210 and 211 inclusively (the “development site”) to be adopted by Council and endorsed by the Western Australian Planning Commission prior to any subdivision or planning approval being granted.*
- (b) *The Detailed Area Plan is to be prepared in accordance with Liveable Neighbourhoods and the Residential Design Codes, and must show such detail to the satisfaction of the Local Government that the development of land within the Special Use Zone is consistent with orderly and proper planning and the achievement of the highest appropriate level of amenity.*
- (c) *The Detailed Area Plan may include information or detail dealing with, but not be limited to, the following -*
 - i. *planning and/or design statements, detailed standards and requirements for development;*
 - ii. *lot layout of subdivision design and building envelopes;*
 - iii. *extent of land uses in accordance with Table 2: Zoning Table of the Scheme;*
 - iv. *interface and buffer treatments between the surrounding residential uses and the development site;*
 - v. *residential densities where residential use is permissible;*
 - vi. *urban design treatment of streetscapes and residential interfaces;*
 - vii. *traffic management, including accessways and internal circulation;*
 - viii. *vehicle parking and circulation areas and treatments;*
 - ix. *pedestrian access and movement;*
 - x. *building height and scale;*
 - xi. *development setbacks from boundaries;*
 - xii. *landscaping within setback areas and between buildings; and*
 - xiii. *views to and from the site (e.g. with regard to inland residential areas).*

1.2 Development Impact Statement:

- (a) *Subject to section 9.2 of the Scheme, the Local Government may require a Development Impact Statement to be prepared by the proponent and submitted as part of any application for planning approval that addresses the terms of reference specified by the Local Government.*
- (b) *Subject to the Scheme the Local Government may require a Development Impact Statement to be prepared by the proponent and submitted as part of any application for approval of a Detailed Area Plan or Scheme*

Amendment, which addresses the terms of reference specified by the Local Government. The Development Impact Statement is to be prepared in the nature of and contain the information provided in a Scheme Report pursuant to clause 12 of the Town Planning Regulations 1967.

- (c) *Any supporting Development Impact Statement report may describe and explain existing site conditions, potential impacts resulting from the development proposal, management strategies and design statements; and any other explanatory material and details as necessary to provide the Local Government with sufficient understanding of the scope, purpose and intent of the proposed development outcomes.*

1.3 Land Use Requirements:

- (a) *Land uses for the subject site shall be restricted to:*
- i. *a maximum of 25% of the total site area to be for residential dwelling development/use; and*
 - ii. *a minimum of 75% of the total site area to be for any or a mix of non-residential uses, hotel and short-stay accommodation uses.*
- (b) *Land developed/used for public open space, private open space, roads, parking, drainage and infrastructure is to be included within the respective dedicated percentages detailed in clause 1.3(a) above.*

1.4 Land Use and Development Standards

1.4.1 Finished Floor Level

The finished floor level for habitable rooms must be at least 2.3 metres above AHD.

1.4.2 Residential Interfaces:

- (a) *Land Use -*
- i. *Land use and development adjacent to Hayward Street, Holywell Street and Pental Street shall be limited to permanent residential and/or unrestricted residential accommodation.*
 - ii. *Land use and development adjacent to Hayward Street, Holywell Street and Pental Street is to be in accordance with the requirements of a residential density code of R40, as prescribed under the Residential Design Codes.*
 - iii. *Land use and development adjacent to Hayward Street, Holywell Street and Pental Street is to have frontage to that street.*
- (b) *Building Height -*
- i. *the total height of development adjacent to Hayward Street, Holywell Street and Pental Street shall be limited to a maximum of 11.3 metres above AHD; and*
 - ii. *building height adjacent to Hayward Street, Holywell Street and Pental Street shall be a maximum height of 9 metres above natural ground level, and buildings shall generally be up to two stories with a loft (that may be constructed and used as a habitable room).*

1.4.3 Ocean Drive Frontage:

- (a) *Land Use -*
- i. *Land use and development adjacent to Ocean Drive shall be primarily for non-residential, mixed use and short-stay accommodation uses.*
 - iii. *Land use and development adjacent to Ocean Drive is to have frontage to that street.*

- (b) *Building Height -*
 - i. *the total height of development adjacent to Ocean Drive shall be limited to a maximum of 17 metres above AHD; and*
 - ii. *building height adjacent to Ocean Drive shall be a maximum height of 9 metres above natural ground level, as taken from the verge height of the Ocean Drive road reserve; and buildings shall generally be up to two stories with a loft (that may be constructed and used as a habitable room).*

1.4.4 Central Core Area

- (a) *Land Use -*

Land use and development in the central core area of the development site may include non-residential, mixed use, short-stay and/or permanent residential uses.
- (b) *Building Height -*
 - i. *the total height of development in the central core area of the development site shall be limited to a maximum of 17.3 metres above AHD; and*
 - ii. *building height in the central core area of the development site shall be a maximum height of 15 metres above natural ground level, and buildings shall generally be up to four stories with a loft (that may be constructed and used as a habitable room).*
- (c) *The Local Government may consider additional building height up to a maximum of 20.3 metres above AHD, subject to the submission of a Development Impact Statement (View Shed Analysis) to the satisfaction of the Local Government, which has been undertaken by an appropriately qualified person or body at the applicant's expense, as part of any Detailed Area Plan and/or application for planning approval.*

1.4.5 Vehicle Access

No vehicle access is to be provided from Ocean Drive.

Strategic and/or Regional Outcomes

The recommended rationalisation programme, as it relates to this proposal, complies with Council's 2002 – 2007 Strategic Plan, specifically in relation to:

- * *Strategic Direction 1 Live, Work, Play & Invest In A Secure Environment:*
 - Goal 2: Have diverse arts, cultural, recreational and leisure opportunities with strategies to: identify, encourage and facilitate community arts, cultural development and recreational activities for all residents; and provide facilities that meet customer needs are strategically placed and provide value for money.*
 - Goal 4 Have Bunbury recognised as a place to live, work and invest with strategies to: attract new businesses and industries that address employment needs of the city; and provide visitor services.*
- * *Strategic Direction – 3: Infrastructure & Built Environment, Goal 2 Provide a dynamic, attractive central city area with strategies to: provide an attractive,*

colourful and unique streetscape; encourage a mix of inner city living and commercial activity.

The proposal is in also in accordance with the adopted *City Vision Strategy* (the site is located in the Inner City Living West part of the Strategic Regional Centre Vision Focus Area), which recommended (ICLW10) “*that alternative tourist/commercial uses be investigated for the Punchbowl Caravan Park site*”.

Community Consultation

In accordance with both the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*, the proposed Scheme Amendment is to be referred to all relevant state government agencies and publicly advertised for comment during a formal advertising period of 42 days.

Councillor/Officer Consultation

An outline of the proposed rationalisation programme, which included the subject site, was presented at a briefing session held with Councillors on 7 November 2006. Officers of Development Services, and other City staff, have also participated in providing comment on the details of the proposal.

Analysis of Financial and Budget Implications

The subject land is proposed for sale. Income received from the sale of the subject land is expected to generate a positive financial return to the City.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The availability of additional tourism and allied commercial land uses may promote economic development through creation of increased activities and amenities for visitors to the City.

Social Issues

There are no known negative social impacts resulting from the proposal.

Environmental Issues

There are no significant environmental impacts generated by the proposal.

Heritage Issues

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

(Note: a detailed cost/benefit analysis has not been performed as part of this proposal.)

Council Policy Compliance

There are no relevant Council policies to consider.

Legislative Compliance

A scheme amendment to modify the text in the Special Use(s) column of SU7 under Schedule 2 – Special Use Zones of the Scheme is required to be undertaken in accordance with both the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*.

Delegation of Authority

The Chief Executive Officer does not have delegated authority of Council to enact a scheme amendment to the City of Bunbury Town Planning Scheme No. 7.

Relevant Precedents

Council has previously granted consent to amend the Scheme (e.g. rezone) in order to enable the disposal of surplus Council owned land, specifically in relation to the following sites:

- * Lot 66 Ocean Drive (13 February 2007);
- * Lot 610 Maiden Park Road (7 December 2004); and
- * Lot 779 Lockwood Crescent (8 February 2005).

However, it should be noted that final approval rests with the Minister for Planning and Infrastructure.

Options

Option 1: As per the Recommendation.

Option 2: As per the Recommendation with modifications.

Option 3: Council may elect not to proceed with the proposed Scheme Amendment.

Conclusion

The proposed Scheme Amendment, as it relates to the subject site (Lots 210 and 211), is to facilitate a mix of uses that includes permanent residential, short stay accommodation and non-residential uses. The proposal is consistent with the City Vision Strategy recommendation, as it will make land available for commercial/tourism development that may benefit the City and its region both socially and economically.

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

The Recommendation was moved Cr Dillon, seconded Cr McCleary.

Cr Major left the meeting at 9:16 pm and returned to the chamber at 9:17 pm.

The Presiding Member put the Recommendation to the vote and it became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Dillon

Seconded Cr McCleary

- 1) *Council, under and by virtue of the powers conferred upon it by the Planning and Development Act 2005, hereby resolves to initiate an amendment to the City of Bunbury Town Planning Scheme No. 7 in accordance with Appendix 7 (**attached**) to this report.*
- 2) *Subject to endorsement by the Environmental Protection Authority (EPA), the proposed Scheme Amendment is to be advertised for public comment with a submission period of no less than forty two days.*
- 3) *Following public advertising of the proposed Scheme Amendment, the proposal and any public submissions lodged with the City during the advertising period is to be returned to Council for further consideration.*
- 4) *Subject to finalisation of the proposed Scheme Amendment, a Business Plan outlining the proposed sale of Lots 210 and 211 Ocean Drive is to be prepared and advertised pursuant to Section 3.59 of the Local Government Act 1995.*

CARRIED

12 Votes "For"/Nil Votes "Against"

11.5 BUNBURY CENTRAL BUSINESS DISTRICT PARKING STRATEGY *(THIS ITEM WAS LISTED AS ITEM 11.3 ON THE MEETING AGENDA)*

File Ref:	A00472-04
Applicant Proponent:	Internal
Author:	Geoff Klem, Executive Manager City Development
Executive:	Geoff Klem, Executive Manager City Development

Summary

This report provides the basis for a parking strategy that addresses planning, management and the development of parking areas within the Central Business District. It is informed by a review of the GHD Integrated Land Use and Transport Strategy 2030 and the more recently advertised AARB Parking Works Program.

The Central Business District is defined as the area that is zoned City Center under Town Planning Scheme No 7 plus Marlston Hill, the Outer Harbour project area, the old St John of God Hospital site and the Catholic Cathedral precinct.

On the evidence provided by the consultants, it has been concluded that the Bunbury CBD has adequate provision for parking over the planning horizon of 10 years used in the AARB report. There are however areas of high demand where inconvenience is being experienced and the potential to reach capacity in inner CBD parking areas if future developments do not provide adequate on-site or cash-in-lieu of parking.

The City is extremely well placed to respond to any perceived or actual parking issues as it owns the main parking stations in the key strategic locations of the CBD. In addition Council can change current town planning scheme provisions to require greater contributions from developers and more effectively apply the Specified Area Rate revenue. There are also parking opportunities that will arise from changes to the carriageway widths of Blair Street and Casuarina Drive and some immediate low cost options (Edward, Eliot and Cobblestone) that will expand parking in key locations.

The City has evolved to the point where parking is no longer an activity of Council that is insignificant and low profile. It is a multi-million dollar program that is core business of the Council and accordingly should have a dedicated Parking Coordinator and access to the necessary resources to run an effective and efficient parking system.

Background

In March 2001, Council awarded a contract to GHD Pty Ltd to prepare the Bunbury Transport Vision 2030. During 2002/03, a draft Integrated Land Use and Transport Vision 2030 was debated by Council and advertised for public comment. Council subsequently endorsed the 2030 document after incorporating amendments that arose from public submissions.

The adopted transport strategy incorporated a "Vision for Parking". The Vision and associated strategies were directed at reducing car dependency by facilitating alternative

modes such as public transport, cycling, walking and car sharing; and improving management systems.

In 2006, Council commissioned AARB Consulting to investigate, report and recommend a detailed program to undertake works over a 10 year period. The report was to review and provide details of the implementation of the 17 strategies and actions proposed in the GHD Integrated Land Use and Transport Strategy 2030.

Council received the AARB report in mid 2006 and subsequently resolved to advertise the document for a period of 42 days. The advertising period attracted five (5) submissions and details of the submissions and recommended responses are summarised in the schedule at **attached** at Appendix 10.

City Vision

At the same time as the AARB report was being reviewed by the public, a final City Vision report was being prepared for the City Vision Taskforce. Council received the report from the Taskforce and endorsed a modified Taskforce Vision in December 2006.

Several significant structural decisions have been made by Council in the final City Vision document that will influence the form and function of the CBD. These are:

- * The Bunbury Outer Harbour Project has been announced and Stage 1 is being implemented immediately. This project will attract substantial investment and development into the City.
- * Blair Street is to remain on its current alignment but is to be downgraded to a two-lane boulevard for the section between Haley Street and Koombana Drive. This will create opportunities for parking.
- * Casuarina Drive is to be downgraded to a two lane boulevard. This will create opportunities for parking.
- * The central bus station is to be retained with improvements to access and bus storage. This will enhance the attractiveness of public transport for commuting.
- * Ocean Drive will attract greater vehicle numbers when Dalyellup is connected through Parade Road which will generate distribution issues at Symmonds Street.
- * Decked parking sites have been supported subject to appropriate demand analysis and budget considerations.
- * Height in the central core of the CBD has been linked to urban design principles rather than a height prescription. It is likely that future buildings will be significant structures that will attract both people and economic activity into the CBD.

Recent CBD Developments

In addition to the City Vision strategies for the CBD are recently approved or proposed projects that have implications for the provision of parking in the CBD. These include:

- * The office development on the corner of Victoria and Eliot Streets where there is a shortfall in parking provided. The interpretation of TPS No 7 was that there would be no parking requirement for the first 2000m² of floor space. This situation can be redressed with the development of parking in Eliot Street from the Specified Area Rate funds.
- * The Shed, where the majority of parking is on-site and private. There is a minor shortfall that has been accepted on the basis of adjacent public parking that has been developed from Specified Area Rate funds.
- * The Old St John of God Hospital site where current public parking will be lost with the redevelopment of the building and private parking will be on-site.
- * The City of Bunbury council offices where cash-in-lieu was paid for the shortfall in parking provided on-site. This shortfall may be redressed by the expenditure of the cash-in-lieu funds on the extension of the middle level of the Arts Center car park.
- * The City of Bunbury new library where the opportunity exists to build some parking capacity by decking the upper level of the existing library car park.
- * The Reef Hotel redevelopment where all parking will be on-site.
- * The Broadwater Hotel and Apartments where additional parking will be developed jointly with the City of Bunbury adjacent to the ski beach servicing the Marlston waterfront.
- * Victoria Street Apartments (old Hog's Breath Café) where there is a minor shortfall in parking.
- * A proposal to acquire the Shoppers Car Park (Blair Street) No 1 which could be developed with an additional deck (250 bays).
- * The Outer Harbour Stage 1. The mix of commercial, residential and civic uses will require careful planning of parking and access.

Proposal

1. Review of Key Components of the Strategy

Parking Ceiling

The most significant determinant of the Parking Strategy is the proposition that there should be a ceiling of 5000 bays in the CBD. This ceiling relies on a significant reduction in car mode share from 95% down to 70% over a 25 year period. Under this scenario, the consultants have concluded that there is adequate parking provision in the CBD in the short-medium term with only a minor increase necessary in the longer term.

Setting a ceiling also incorporates consideration of amenity, safety and pollution. This implies that the central area should not be dominated by car parks and traffic.

A review of current parking demand and supply in the CBD reveals that there are some “pockets” such as curbside in Victoria Street, Prinsep and Wellington-streets, Bonnefoi Boulevard and Stirlings/Centrepoint where parking is at full capacity several times during the week. Shoppers particularly experience some inconvenience while “bay hunting”. Although there is some inconvenience for areas immediately adjacent to key shopping locations, survey statistics show that there is parking capacity in proximity to these areas.

Unless there is an effective strategy to change current modal preference, it is likely that the current circumstances in high demand areas will incrementally deteriorate.

Pricing and Management

Another key component of parking policy is the use of pricing as a management tool. In this regard charging for curbside parking is strongly recommended as this will ensure greater bay turnover and deter longer term parkers (e.g. workers) from using these premium areas. This approach would need to be coupled with cheaper all day off-street parking areas (i.e. first two hours free and then incremental increases

It is noted that the primary area of concern registered in the public submissions (although very few in number) was opposition to curbside meters.

Without curbside meters, regulation reverts to the inefficient practice of tyre marking with the associated aggressive behaviour of some motorists and difficulties in enforcement (as reported by AARB this year). In addition, it relies on revenue raising through the off-street parking areas and differential rating which makes it difficult to provide an incentive to park in the off-street areas. It is inevitable that there will be increasing numbers of motorists that will “hunt” for the limited number of curbside bays generating traffic congestion and loss of amenity and safety, without a more effective method of regulation.

It is important to note that competition for parking is not just from Bunbury residents, 60% of users are from outside of the City.

Multi-Storey Parking Facilities

The consultant's report proposes the design and construction of three decked parking stations (with a fourth in an unspecified area in the northern quadrant) over a 10 year period at a cost of over \$25 million.

The case for the early construction of decked parking is not well made given that the consultants have predicted that there is nearly sufficient bays now to cater for demand in 25 years time. Even with a variation in the modal share factor to 80% (rather than 70%), supply could easily be achieved in the medium to long term (greater than 10 years) by the decking of two existing stations.

The other factor that influences decision making is the value of the land and developing a Council asset. This effectively places parking on a "business footing" with land sales and parking income funding the construction of parking stations and the parking business returning a profit over time. Although this is a possible business case, it is not necessary to meet demand and supply of parking in the CBD over the next 10 years. Consideration would also need to be given to the development of one or more sites for mixed uses by the private sector, with ground level commercial and decked parking above.

Parking Concessions

A combination of cash-in-lieu of physical parking bays, a threshold of 2000m² of GLA where a parking requirement may, at the discretion of Council be waived or reduced, and a Specified Area Rate that applies to the whole of the Strategic Regional Centre (including Homemaker and the Forum) that generates funds for traffic management and parking - currently operate to enhance investment and growth in the CBD, support small businesses where on-site parking and cash-in-lieu are not practical and to ensure that funds are generated to provide parking to meet demand.

Issues that have emerged with this policy mix are:

- * Council is charging approximately two thirds of the cost of providing parking bays through cash-in-lieu. In larger developments the shortfall in funds may be substantial and not covered by the Specified Area Rate income. The Rate currently raises \$328,000 per annum of which 50% should be allocated to parking.
- * The 2000m² threshold is extremely high. This area would accommodate a large commercial development which in the case of offices at one (1) bay for 50m² GLA - would create a 40 bay shortfall and in the case of shops at one (1) bay for 20m² of GLA – would create a 100 bay shortfall. When multiplied by the actual cost of providing a car bay of \$26,000, this means

that approx \$1 million and \$2.6 million respectively would need to be budgeted. Currently large developments are “claiming” a 2000m² exemption.

- * The Specified Area Rate is not well integrated with a Parking Strategy and allocations have been disproportionately high for traffic management over parking. If the Specified Area Rate is to continue, a formulae must be developed that explicitly accommodates parking shortfall linked to cash-in-lieu and discretion exercised in the provision of parking.

In addition to the above are the current TPS No.7 parking provisions do not provide a clear correlation between the car parking table and the zoning table (that includes the Use Classes). Parking rates also need review to ensure that they are consistent with contemporary standards. Clearly these provisions are fundamental to ensuring adequate parking through both on-site provision and cash-in-lieu contributions.

Parking Management

This is currently a task that is undertaken by the Manager of Community Law and Safety with Ranger support. It is largely a regulatory program with planning being undertaken on an ad hoc basis (e.g. solving the Marlston waterfront parking issue). It is also seen as a component of Community Law and Safety rather than a multi million dollar discrete area of core business of the Council that traverses planning, engineering, environment and enforcement. The GHD 2030 Strategy and AARB report make a substantial contribution to the establishment of a dedicated parking system that is based on sound principles and contemporary regulatory mechanisms.

AARB Consulting has recently forwarded to the City the results of its parking benchmarking survey covering 14 LGA’s throughout Australia. The results have revealed some significant variations which are summarised as follows:

- * The number of bays per enforcement officer (Ranger) is over three (3) times (1,391) the industry benchmark of 400.
- * The infringement revenue per officer of \$111,000 is nearly half the benchmark of \$200,000.
- * Recovery costs of \$42 per infringement is well above the benchmark of \$30.
- * The rate of infringement revenue per enforceable bay of \$80 is substantially less than the industry benchmark of \$650.

The above statistics reveal that the City Rangers are carrying an extremely high workload for relatively low infringement revenue. This situation is exacerbated by the City employing the antiquated enforcement practice of tyre chalking for curbside parking.

The current inefficient and inequitable work practices when coupled with the complexity of the planning and development of parking, highlights the need for a full time Parking Coordinator. The cost of the new position would be covered by cost savings and increased revenue from a more efficient and strategic parking system.

2. Review of the AARB Recommended Actions

The AARB report lists 18 actions that have been reconciled with the 17 parking strategies that were contained in the GHD 2030 report. The following is a review of the AARB actions.

1. *Maintains informative and ongoing communication with all stakeholders and the community.*

This is fundamental to the successful implementation of the parking strategy and is supported.

2. *Changes parallel parking in relevant streets to angle (45[^]) parking as part of on-street parking improvements.*

There has been long standing agreement that angle parking should be introduced immediately into Edward Street and Eliot Street. In the case of Edward Street it is essential that plans are developed in conjunction with the Traffic and Access Study associated with the old St John of God Hospital site, the new public library and the Catholic campus. In the case of Eliot Street, one way traffic should be introduced from East to West.

Prinsep Street Stage 1 and Wellington-street Stage 1 (between Victoria and Carmody) is supported in principle as a one-way clockwise system with angle parking and expanded pedestrian pavements. However, project definition is required for the "Stirlings" redevelopment so that improved access and parking outcomes are achieved at Carmody Street prior to programming of the Prinsep/Wellington-street proposal.

Prinsep Street Stage 2 and Wellington-street Stage 2 (Victoria to Wittenoom) is not supported as one way streets until further traffic modeling is undertaken on the need for two-way/east-west connections.

3. *Increases in the cash-in lieu contribution rate by developers.*

This action was canvassed in the preceding Section 5.4. In conclusion there are several interrelated actions that need to be considered:

- * The cash-in-lieu rate is currently substantially lower than the market rate and as such should be increased immediately. As to whether it increases to full market rate will depend upon the level to which Council wants to subsidize small business in the CBD.

- * The 2000m² threshold of discretion on parking required is excessive given the high cost of this concession and current revenue to compensate. Again, the degree of discretion will depend upon the level to which Council wants to subsidize small business. Should a lesser figure be supported then it should more accurately reflect the size of a small business in the CBD (e.g. 500m²) and the revenue source to provide the necessary parking shortfall needs to be identified.
- * The Specified Area Rate must be linked to the shortfall in parking generated by concessions as well as the overall parking strategy.
- * The provisions of TPS No. 7 (that does include other smaller concessions) needs to be reviewed to provide a clear correlation between the “parking table” and “zoning table” and to reflect contemporary parking standards.

4. *Improve way-finding signage to the city car parks.*

The City currently has a plethora of signs competing for attention which collectively has the effect of not clearly conveying the intended message, particularly in the case of way-finding for parking. A review of all signage is needed as part of the development of a way-finding system.

5. *Review current off-street fees to encourage short term parking in the inner core of the CBD.*

There is clear evidence that the cost of parking in the CBD is relatively cheap (e.g. when compared to public transport and other jurisdictions) and as a consequence there is not sufficient turnover of cars in areas of high short stay demand.

A decision on fees for off-street parking must be linked to the following actions in the AARB report:

- 6. *Introduce all day fees in car parks that are currently free of charge.*
- 7. *Implement a “Park and Walk” program for long stay parkers using fringe CBD car parks.*
- 8. *Phase in on-street parking fees to discourage “hunting for bays” and to encourage use of the off-street car parks.”*

As previously discussed in the preceding Section 5.2, there is a case to introduce on-street parking meters to alleviate what is a perceived short-stay parking problem in some CBD streets and to encourage longer stay users into off-street bays.

Notwithstanding the structural significance of the above action, Council should put in place a “park and walk” program for outer CBD parking stations (e.g. public library and Arts Centre) and introduce parking fees for parks that are currently free (e.g. next to Rivers). Both these actions have the potential to reduce pressure on the high demand areas.

9. *Introduce new technology with more convenient payment systems.*

There is a wide range of technologies to improve the efficiency of parking management (e.g. pay-on-return tickets). The City needs to employ those with a proven “track record” to complement decisions in relation to on-street and off-street parking. As the new system is rolled out, the Parking Coordinator should recommend the appropriate management technology.

10. *Improves car park presentation and aesthetics.*

The list of design principles contained in the AARB report are supported.

11. *Increases parking enforcement resources.*

Enforcement of parking controls is an essential element of parking management. As previously discussed in the preceding Section 5.5, the City has inadequate Ranger resources to manage the number of car bays. It also has high recovery costs per infringement and low infringement revenue.

The role of the Parking Coordinator would need to review current resourcing and the impact of any changes in technology and parking arrangements.

- 12/13 *Sell Council-owned land to assist in funding decked parking and design and construct three decked car parks.*

As previously discussed in Section 5.3 the case for the construction of decked parking stations over the next 10 years is not substantiated. It is contended that the mix of other actions discussed in this report will provide sufficient capacity to meet demand over the next ten years.

14. *Reinvest surplus parking income into the provision of alternative transport infrastructure.*

The level of parking funds that are surplus will be dependent upon whether Council endorses actions such as on-street meters, paid parking in all stations and a greater share of the Specified Area Rate that is allocated to parking.

Assuming that there is an improvement in the revenue stream, the most cost effective actions are considered to be in the improvement of facilities for

pedestrians and cyclists. This could take the form of greater protection from the weather for pedestrians, dual use paths and better bicycle storage in the CBD. Increasing bus services to the CBD should be further investigated to establish the level of costs and benefits.

15. *Create dedicated bays for trailers and caravans (with Park and Walk).*

Trailer and caravan parking are not well provided for in the Central Business District however, it is not considered practical or desirable to make provision in the inner core of the City given the limited access and street parking options. The best options, as identified in the AARB report, are areas around the Leschenault Inlet and the Ocean Beach foreshore (including Rocky Point).

16. *Introduce residential parking permits (time restrictions) for inner city residents.*

There is currently a system for residential and visitor parking permits. These permits are available by application and are assessed in accordance with Council's Parking Local Law.

17. *Appoint a Parking Coordinator.*

As discussed in previous Sections, there is a strong case for a Parking Coordinator given the complexity, high profile and the significant financial implications associated with parking management. The AARB report strongly recommends the establishment of the position.

18. *Regularly review utilization and occupancy levels and accept a flexible approach to parking fees.*

There is a need to update information on parking demand and supply given a number of recent developments and the rapid growth of the regional population. This should be given a high priority by the Parking Coordinator.

Strategic and/or Regional Outcomes

The Parking Strategy will contribute to the development of Bunbury as an attractive, vibrant and accessible major regional city. As the commercial heart of the South West region, the City has a significant impact and influence on adjoining regional areas.

Community Consultation

The GHD Transport Vision 2030 which contains a "Vision for Parking" was advertised for public comment and debated by Council in the period 2002/03. The subsequent AARB Consulting report was advertised in mid 2006 for public comment and submissions from that process are incorporated in this report (**attached** at Appendix 11).

Councillor/Officer Consultation

Extensive consultation has occurred internally particularly in the areas of Strategic Planning, Community Law and Safety, Corporate Services and City Services. Councillors have debated the “Parking Vision” for the City and have received a briefing on the AARB report recommendations.

Analysis of Financial and Budget Implications

The financial and budget implications are dependent upon the “mix” of actions Council endorses. For example, the decision as to whether curbside paid parking is introduced has significant implications and ramifications for the development and management of all parking areas.

Following endorsement of all or part of the recommendations, an implementation strategy is to be prepared which will include a schedule of works and costings.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The viability of the CBD relies in part on public and commercial activities being accessible in a safe, convenient and efficient manner. The Parking Strategy aims to increase economic activity through improvements to the provision and management of the current parking arrangements.

Social Issues

Although difficult to quantify, there is an important social dimension to the Parking Strategy. Key services and shopping areas must be accessible to all members of the community (e.g. people with disabilities, elderly persons, parents with young children) and this requires adequate provision of disabled parking bays, safe and convenient pedestrian connections, shelter and strict policing of strategically important parking locations. In addition, a successful Parking Strategy will contribute to the creation of a vibrant central area as well as an improvement to the overall amenity.

Environmental Issues

As discussed in the report, a key component of the Strategy is to reduce car dependency through the promotion and facilitation of alternative modes such as public transport, cycling, car sharing and walking. The effect of this direction will be to reduce noise, dust and carbon emissions as well as congestion.

Heritage Issues

There are no major heritage issues associated with the Strategy, however dominance of motor vehicles can seriously detract from the heritage values of heritage areas, spaces and buildings.

Council Policy Compliance

Council has adopted the “Parking Strategy” contained in the GHD Transport Vision 2030 and agreed to review the 17 strategies and actions through the AARB report. The City Vision Strategy provides the policy framework that informs the assessment of the AARB report recommendations along with the Strategic Plan.

Of particular relevance is the reference to the Central Business District as part of a “Vision Focus Area”. The environmental, social and economic objectives and strategies aim to achieve:

“The Central Business District is the regional location of choice for the provision of the widest range of Government services, business activities, entertainment facilities, tourist facilities, specialist retail, office accommodation, educational facilities and inner city living.”

Legislative Compliance

There is no legislative requirement to produce a Parking Strategy.

Delegation of Authority

The Chief Executive Officer does not have delegated authority of Council to adopt a Policy (Parking Strategy).

Relevant Precedents

Council has endorsed numerous policies to guide decision-making.

Options

Option 1: As per the Recommendation.

Option 2: As per the Recommendation as amended.

Option 3: Should further deliberation be required, the matter can be referred back to Committee.

Conclusion

The Greater Bunbury Urban Area is now the fastest growing in Australia. Whilst population growth is most evident in the dormitory outer urban areas of Australind, Eaton and Dalyellup, the major servicing function of the region is found in Bunbury’s Strategic Regional Centre and the Central Business District particularly. This is supported by the high percentage of parking patrons from outside of the City.

Growth is reflected in the size and complexity of new developments such as the Bunbury Waterfront Project, the Shed, redevelopment of the Reef Hotel and the old St John of God hospital site, the Ommaney Office development, the Forum redevelopment, Fawltly Towers

and the new City offices and proposed library. This substantial growth brings with it new demands for road planning, traffic management, civic design, landscaping and parking management.

On the evidence provided by the consultants, it has been concluded that the Bunbury CBD has adequate parking over the planning horizon of 10 years used in the AARB report. There are however areas of high demand where inconvenience is being experienced and the potential to reach capacity in inner city parking areas if future developments do not provide adequate on-site or cash-in-lieu of parking.

The City is well placed to respond to any perceived or actual parking issues as it owns the main parking stations in key strategic locations of the CBD. To respond effectively to issues and demands as they emerge, the City must elevate the status of parking management within the organization to that of core business that requires a dedicated Parking Coordinator and the necessary resources to operate an effective and efficient parking system.

RECOMMENDATION

1. Council resolves to determine the submissions received during the advertising of the AARB Consulting report in accordance with the recommendations contained in the Schedule at Attachment 1.
2. Council resolves to adopt the following actions as outcomes from the review of the AARB Consulting report:
 - 2.1 Maintains informative and ongoing communication with all stakeholders and the community.
 - 2.2 Changes parallel parking in relevant streets to angle 45 parking as part of on-street parking improvements. The relevant streets are; Edward Street, Eliot Street, Prinsep Street (East) and Wellington-street (East).
 - 2.3 Reviews the cash-in-lieu rate by developers as part of the development of a new planning policy that addresses the current rate as well as the discretionary threshold of 2000m² of GLA for the provision of parking and the adequacy of the current Specified Area Rate to meet any parking shortfall. The adequacy of current TPS 7 provisions in relation to parking standards generally will form part of this review.
 - 2.4 Improve way-finding signage to the city car parks.
 - 2.5 Introduce on-street parking fees for high demand short stay areas. Further advice to be provided on the streets, or parts of streets to be metered as well as charges.
 - 2.6 Introduce all day parking fees for off-street parking areas as well as a two (2) hour free incentive for shoppers/workers to not use on-street parking bays. Further advice to be provided on the off-street parking areas to be included and the charges that will be applied.

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- 2.7 Implement a “Park and Walk” program for long stay parkers using fringe CBD car parks.
- 2.8 Introduce new technology with more convenient payment systems.
- 2.9 Improve car park presentation and aesthetics as per the AARB report set of design principles.
- 2.10 Review the adequacy of parking enforcement resources.
- 2.11 Reinvest surplus parking income into the provision of alternative transport infrastructure. Priority is to be given in the short term to improvements to pedestrian and cyclist facilities and the potential for a CAT bus system servicing the Bunbury Waterfront Project and the CBD.
- 2.12 Create dedicated bays for trailers and caravans on the periphery of the CBD.
- 2.13 Appoint a Parking Coordinator. The role of this position will include regular reviews of utilization, occupancy levels and parking fees.
3. Council resolves to adopt the set of Actions associated with the eight physical planning units described and reported on in Appendix 11.
4. Council further resolves to prepare an Implementation Program that includes a schedule of works and costings based on the above decisions.

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

A Memorandum had been distributed to councillors prior to the commencement of the meeting advising that a request had been received from the Bunbury Chamber of Commerce to have this item deferred so that they would have adequate time to analyse the strategy.

A Motion to refer the matter back to committee was moved Cr Major (as this is a Procedural Motion, no seconder is required).

The Presiding Member put the Motion to the vote and it became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Major

Seconded (not required)

That the matter of the Bunbury Central Business District Parking Strategy be referred back to Committee.

CARRIED

12 Votes “For”/Nil Votes “Against”

11.6 PROPOSED HOME STORE – BRIDAL, INVITATION MANUFACTURE AND SALES – LOT 84 #156 BLAIR STREET, BUNBURY *(THIS ITEM WAS LISTED AS ITEM 11.5 ON THE MEETING AGENDA)*

File Ref:	P00937
Applicant/Proponent:	Ms Maryanne Tussler
Author:	Teshome Tadesse – Planning Officer
Executive:	Geoff Klem Executive Manager City Development

Summary

The applicant, Ms Maryanne Tussler, has submitted an application for a Home Store – bridal, invitation manufacture and sale in a residential zone along Blair Street.

Home Store is one of the landuse classifications under Town Planning Scheme No.7 (TPS7) that can be considered for approval provided the proposed specific activity is not detrimental to the surrounding residents. At this stage, it is considered that the proposal can be supported subject to standard conditions and renewal every year.

From a Local Planning Policies perspective, the proposal is in line with the general intent and objectives of the Commercial Strategy for the reason that the subject land is located with the “possible rounding off Mixed Business area”. With reference to non-residential development in or adjacent to residential areas, the site in question is located within the “Frame Areas” in which non-residential uses can be considered positively.

It is recommended that Council approve the proposed Home Store – bridal, invitation manufacture and sales subject to standard conditions and with a requirement for renewal every year.

Background

The City has received a proposal to carry out a Home Store commercial activity at Lot 84, No. 156 Blair Street. The proposal reads that the Home Store will be used for bridal, invitation manufacture and sales on the premises.

Attached at Appendix 12 is the location plan

Proposal

The proposal is for a Home Store covering an area of approximately 70m² of the living area of the house located at Lot 84 No. 156 Blair Street. The floor plan submitted for consideration indicates that the Home Store area activities will be conducted in the portions of the house such as bedrooms, lounge and store. The plan also indicates portions of the house that will be used as living spaces. The applicant is aware that the Home Store does not constitute full-fledged commercial premises but an income generating activity with a scale compatible in a residential zone. It is considered that the applicant is well informed in this regard.

Attached at Appendix 13 is a floor plan

The proposal, in addition to the portion of activity areas, indicates optional car parking spaces one at the front to serve as parallel parking relative to Blair Street and the other at the rear of the house adjacent to an existing shed.

Attached at Appendix 14 is a site plan

Land use

The subject land is zoned “Residential - R15” under the current Scheme. The Scheme allows a non-residential use in a residential zone so long as the proposed use is not detrimental to the amenity of the residential development in the respective locality as designated under the Table 1 of TPS 7. That specific use either can be a “D” use or an “A” use. A Home Store is one of such uses and designated as an “A” use under the Scheme.

The definition of a Home Store reads as follows:

“means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling.”

The proposal as explained above is for bridal, invitation manufacture and sales as a Home Store. It is considered the proposed use substantially satisfies the definition in that it is for commercial purpose and that it is business proposed to be run from a residential premises. It should be noted that the Scheme provision is clear in that it is on the basis of an extra income generating activity from a residential environment (not a stand alone commercial venture).

The Scheme, unlike in the case of conventional home based business activities such as home occupation, home business and home office, does not have a one year renewal provision for a home store proposal. This provision, in respect of home based business activities; ensures that if the proposed activity is not consistent with the approval that has been issued, Council can revisit the continuation of the licence issued. This provision is not explicitly applicable in the case of a Home Store proposal, however, it is considered appropriate to require an annual renewal in this case to ensure the proposed commercial activities will not be detrimental to the surrounding residential area.

The subject land is directly accessible from Blair Street. It is considered that the proposed commercial activities would cause clients to visit the premises and therefore additional car parking spaces would be required. There is no car parking standard applicable to a Home Store. The proposal indicates one additional car parking site to be located either at the front or at the rear. At this point, it is not known the volume of vehicular movement that can be generated as a result of the proposal. It is considered appropriate to require one additional car parking space at the front for the time being and depending on the scale of the activity additional car parking spaces can be imposed after the one year trial period and during licence renewal stage.

The proposal was advertised for 21 days, and during the advertisement period five submissions were listed. No submitter has directly objected to the proposal. The submitters, among other things, have suggested the following:

- * No parking on the laneway;
- * Owner to live on premises; and
- * The premises not to be changed to full commercial at any time.

Attached at Appendix 15 is a Schedule Submissions

City's Local Planning Policy – Commercial Strategy

The City's Local Planning Policy is an extract from the Draft Commercial Strategy. The Draft Commercial Strategy has not been approved by the Western Australian Planning Commission. It is marked for further modifications and is indicative only. Although the status of the Draft Commercial Strategy is non-determinative, the City's Local Planning Policy will be cited as a reference point in the determination of commercial-oriented developments in the City.

The proposal has been assessed in connection to the City's Local Planning Policy – Commercial Strategy so as to determine to what extent it is in conformity with this Policy. The interest area in this case is "possible future rounding off mixed business area". The Draft Commercial Strategy (Plan 11) identifies a particular site which is intended for future expansion of Mixed Business activities. Lot 84, No. 156 Blair Street is within this area. The proposal is not in conflict with the ultimate use of the surrounding site as identified in City's Local Planning Policy – Commercial Strategy.

Non-Residential Development in or Adjacent Residential Areas

The City's *Local Planning Policy – non-residential uses in and around residential sites* identifies sites where Council can consider non residential developments for approval. These sites are termed as "Frame Areas" under the Policy. Lot 84, No. 156 Blair Street is located within "Frame Areas". It is considered that the proposed Home Store – bridal, invitation manufacture and sales is consistent with the Policy.

Attached at Appendix 16 is "Frame Areas"

Strategic Outcomes

Council's 2002 – 2007 Strategic Plan states that Bunbury City Council has a goal to "*Have a built environment which is safe, accessible, functional, attractive and sympathetic with the natural environment.*" To achieve this goal, undertaking assessment and approvals of all development proposals in line with the Town Planning Scheme is one of the strategies specified under the Council's 2002 – 2007 Strategic Plan.

The Recommendation has had regard to Council's 2002-2007 Strategic Plan.

Community Consultation

The proposal was advertised for 21 days in accordance with Clause 9.4 of TPS 7. At the end of the advertisement period five (5) submissions were received. The submitters have not directly objected to the proposal but have made suggestions in the areas of car parking and the use of the premises as living in business, rather than full commercial development.

Councillor/Officer Consultation

Discussions have been undertaken with Technical Officers within Development Services in the preparation of this report.

Analysis of Financial and Budget Implications

The Recommendation will not impact on the existing Annual Budget nor are there any expenses associated with the requests from a Council perspective.

Economic, Social, Environmental and Heritage Issues

It is considered that the proposed Home Store will generate extra economic activity.

There are no known environmental or heritage issues relating to this proposal.

Council Policy Compliance

The proposal complies with the requirements of Local Planning Policies (Commercial Strategy and non residential use in around residential area "Frame Areas") under TPS No 7.

Legislative Compliance

The proposal is in line with the operative TPS7.

Delegation of Authority

A proposal with submissions from the public is required to be determined by Council.

Relevant Precedents

Home Store proposal is unique, and it is the first time such proposal is to be considered by Council.

Possible Options

Option 1: Per the Recommendation.

Option 2: Refuse the proposal. Should Council resolve to proceed with this option, the suggested format is as follows:

Council, under by virtue of the powers conferred upon it in that behalf of the Planning and Development Act 2005 hereby resolves to:

- 1. Refuse the proposed Home Store – bridal, invitation manufacture and sales for the reason that the proposed commercial activity would impact on the immediate locality in terms of traffic safety and loss of residential amenity of the area.*

Conclusion

The proposal is different in format relative to the conventional home-based businesses such as home occupation, home office and home business, but the objective is fundamentally similar in that in both cases the intention is to facilitate an extra income generating activity while living on the premises.

The proposed home store has been considered in light of the general understanding mentioned above, and therefore it is recommended for approval subject to standard development conditions including renewal of the proposed activity annually as is the case for home based business proposals.

RECOMMENDATION

Council, under and by virtue of the powers conferred upon it in that behalf of Planning and Development Act 2005 hereby resolves to:

1. Note the submissions received.
2. Approve the proposed Home Store – bridal, invitation manufacture and sales subject to standard conditions with an additional requirement for a renewal of the activity every year to the satisfaction of the Manager Development Services.

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

A Memorandum had been distributed to councillors prior to the commencement of the meeting advising the proponent wished to withdraw the item from the Agenda.

At the meeting the Mayor advised that the proponent had requested the item be withdrawn from the Agenda. Accordingly the item was withdrawn.

11.7 ZERO TOLERANCE POLICY (VANADALISM)

File Ref:	A00410
Applicant/Proponent:	Internal Report
Author:	Adam Johnson, Community Development Officer
Executive:	Domenic Marzano, Executive Manager City Life

Summary

The proposal is to introduce to council a Zero Tolerance Policy for dealing with vandalism and graffiti. The policy will provide guidelines and procedures for the removal of graffiti and repair of damage, the offer of rewards for information from the public, a program of community education, and the proactive development of activities for young people that address associated risk factors.

Background

At its meeting held 13 February 2007 Council Decided (26/07):

Council Decision 26/07

“Council to develop a policy to address the issue of vandalism in Bunbury (including graffiti, tagging and public asset destruction) such policy to be subject to the following:

- 1. The policy to be established without reference to consultants.*
- 2. The matter to be referred to Council's Community Crime Prevention Committee for comment prior to a draft policy being prepared and presented to Council for further deliberation at Council's Committee Meeting of 24 April 2007.”*

A draft policy has been formulated by the City Life Division in conjunction with the Community Crime Prevention Committee. The policy is titled ‘Vandalism/Graffiti Management Policy’ and is **attached** at Appendix 17.

The structure of the policy is as follows:

- * Damage Repair and Graffiti Removal
- * Vandalism Rewards
- * Community Education
- * Providing Activities for Young People
- * Positions/Departments Responsible

The section covering Vandalism Rewards is the subject of an existing Work Procedure WP-17.4 titled 'Vandalism Rewards'. The Vandalism Rewards Work Procedure is **attached** at Appendix 18 and will need to be amended by to reflect the changes contained within the proposed policy.

Strategic and/or Regional Outcomes

The proposed policy will assist Council to meet its Strategic Plan objectives of reinforcing a positive sense of community, and creating a community in which people feel safe and included.

Community Consultation

Consultation on the proposed policy was undertaken with the Community Crime Prevention Committee, which includes the following community members:

- * Kirsty Jennings
- * Geoff Fuller
- * Ken Agnew
- * David Trench
- * Mike Hepburn
- * Wayne Voak
- * Les Wallam
- * Andrew Rigg
- * Janice Crosby

Councillor/Officer Consultation

The following Councillor and Officers are also members of the Community Crime Prevention Committee:

- * Councillor Shane Rooney
- * Manager Community Law and Safety
- * Administration Officer Ranger Services
- * Council's previous Community Development Officer
- * Executive Manager City Life

Analysis of Financial and Budget Implications

The draft policy states "a Reward to a maximum of \$1000 may be paid for information, which leads to the conviction of persons committing acts of vandalism against Council Property". It is recommended that Council allocate \$2000 in the 2007/2008 budget for such purposes. It is also proposed that the Community Crime Prevention Committee be responsible for decisions in relation to who will receive the Reward, and how much they will receive. This can be incorporated into the revised Work Procedure.

Economic, Social, Environmental and Heritage Issues

Economic and Social Issues

A reduction in the incidence of graffiti and vandalism from the implementation of a combined program of vandalism rewards, community education and social activities for youth will self-evidently improve the economic and social integrity of the City.

Environmental Issues

There are no environmental issues associated with this proposal.

Heritage Issues

There are no heritage issues associated with this proposal.

Council Policy Compliance

This is a new Policy proposed for endorsement by Council and does not contravene any existing Council Policy. However it will impact upon an existing Work Procedure, Procedure No. WP-17.14 Vandalism Rewards, which will need to be amended by to reflect the changes contained within the proposed policy.

Legislative Compliance

The proposal does not contravene any legislative requirements.

Delegation of Authority

The Chief Executive Officer has no delegated authority to endorse new policies.

Relevant Precedents

Council has chosen to endorse new policies previously.

Options

Option 1: Per the Recommendation

Option 2: Council may elect not to adopt the draft Vandalism/Graffiti Management Policy.

Option 3: Council may elect to amend the draft Vandalism/Graffiti Management Policy.

Conclusion

The draft Vandalism/Graffiti Management Policy requires the consideration of Council for its endorsement or further amendment. The Policy will also have budgetary implications for the 2007/2008 financial year.

RECOMMENDATION

1. That Council endorse the draft Vandalism/Graffiti Management Policy.
2. That Council allocate \$2000 in the 2007/2008 budget for Vandalism Rewards.
3. That Council confirm the Community Crime Prevention Committee as being responsible for apportionment of any rewards arising from this policy.

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

The Recommendation was moved Cr Dillon, seconded Cr Wenn. During debate the mover and seconder agreed to amend the Recommendation.

The Presiding Member put the Motion to the vote and it became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Dillon
Seconded Cr Wenn

1. *That Council endorse the draft Vandalism/Graffiti Management Policy.*
2. *That Council allocate \$2000 in the 2007/2008 budget for Vandalism Rewards.*
3. *That Council confirm the Community Crime Prevention Committee as being responsible for apportionment of any rewards arising from this policy.*
4. *That Council reviews this policy after six months of operation to review the effectiveness of the operation.*

CARRIED

12 Votes "For"/Nil Votes "Against"

Note: The Committee amended the Recommendation to allow for an update and review of the policy.

11.8 CBD ADVISORY COMMITTEE RECOMMENDATION – STEPHEN STREET

File Ref:	A2731
Applicant/Proponent:	Internal Report
Author:	Michael Scott, Executive Manager City Services
Executive:	Michael Scott, Executive Manager City Services

Summary

The CBD Advisory Committee (CBDAC) consists of the Mayor and two Councillor members being Cr Craddock and Cr Dillon.

The purpose of the committee is to monitor, advise and make recommendations to Council on current and planned central business district projects and improvement programmes that do not have a dedicated Project Control Group.

Background

Through a number of briefings and discussions in Council, it is apparent that the condition of Stephen Street is considered not acceptable as the frontage to the renovated Council Chambers.

Council has been briefed and has given in-principle approval for a costed design (\$2.5M) for Stephen Street with funding conditional on the sale of land. The sale of this land is not assured and is subject to approval at a state ministerial level. It is also subject to normal processes that may take greater than 12 months to realise.

Approaches to recommended state and federal funding sources have not proven successful to date, however advice received from contacts thus created has been taken into account in the Recommendation for this item.

The CBDAC considers that delays to the delivery of the proposed Stephen Street plan will see the price escalate and the current state of disrepair escalate.

The CBDAC recommends that work on the Stephen Street Project commence as soon as is practicable and that alternative funding sources be considered and pursued.

The CBD Advisory Committee Recommendation is as follows:

1. The Stephen Street Project will take priority over all CBD related works in Council's 2007/08 budget.
2. Council staff is requested to undertake a review of existing and planned works programmes so that a recommendation can be made to Council on what activities can be delayed so that funds can be redirected to the Stephen Street Project.

(Examples may include but are not limited to the path programme, the reseal programme and general CBD enhancement works.)

3. A high level delegation consisting of the Mayor and the CEO is requested to travel where required to make a face to face, formal representation to the relevant federal and state minister for financial assistance for the project.
4. The Business Development Officer is requested to investigate what relevant grants are available and make application for any partial funding that can be sourced which may assist in the delivery of the project.

(For example: Lotteries West or Arts Council grants may be available to re-install the Howard Taylor "Forest Trees" sculpture which has been designed as the centrepiece of the Stephen Street precinct.)

Strategic and/or Regional Outcomes

The proposal complies with Council's 2007-2012 Strategic Plan through Strategic Objective 3 "Delivery Major Capital Projects on Time and on Budget", Strategy 3.1 which directs "Develop project management frameworks". Under this Strategy the "Stephen Street Civic Square Precinct" is identified as a deliverable.

Stephen Street is arguably the heart of the city's governance with the Court House and Council Chambers located within it. The CBDAC considers that the presentation of Stephen Street should be consistent with this importance.

Community Consultation

Council has accepted and endorsed the design for Stephen Street although no formal community consultation has been undertaken. Community consultation would be undertaken once council decided to commence the project.

Councillor/Officer Consultation

Council has been briefed on the design for Stephen Street and is aware of the costings for the completed project.

The CBDAC is made up of His Worship the Mayor, two Councillors, the Executive Manager City Services, the Manager Parks and Urban Design and attended by the Executive Manager City Development on an as available basis. Other council staff are advised or included as required.

Minutes of CBDAC meetings are circulated to Councillors, the Executive Management Team and relevant council staff.

Analysis of Financial and Budget Implications

If accepted by Council, this recommendation would see funds from the adopted budget temporarily redirected from nominated works programmes and reserve funds to expedite the Stephen Street Project.

Economic, Social, Environmental and Heritage Issues

Economic Issues

If Council determines to redirect funds from other nominated works programmes, some planned works may be delayed.

Social Issues

The CBDAC considers Stephen Street to be an important CBD precinct that when completed will contribute considerably to the social fabric of the city.

Environmental and Heritage Issues

There are no known Environmental or Heritage issues relating to the proposed works.

Council Policy Compliance

The proposed redevelopment does not contravene any existing Council Policy or work procedure.

Legislative Compliance

All legislative requirements will be complied with and this proposal does not contravene any state or federal legislation.

Delegation of Authority

The CBD Advisory Committee has no delegated authority.

The Chief Executive Officer cannot be delegated the authority to approve matters requiring an absolute majority vote of the Council.

Relevant Precedents

Council appoints project Control Groups, Advisory and Steering Committees as part of its normal business methodology.

Options

Option 1: Per the Recommendation.

Option 2: Council may elect not to support the CBDAC's recommendation.

Conclusion

The unsatisfactory state of Stephen Street is acknowledged. The CBDAC considers that waiting for funding to become available through normal and in-train strategies will see the project unacceptably delayed, the cost escalate and Council subject to and having to respond to, ongoing criticism for the condition of the street.

RECOMMENDATION

1. The Stephen Street Project will take priority over all CBD related works in Council's 2007/08 budget (in principle).
2. Council staff is requested to undertake a review of existing and planned works programmes so that a recommendation can be made to Council on what activities can be delayed so that funds can be redirected to the Stephen Street Project.

(Examples may include but are not limited to the path programme, the reseal programme and general CBD enhancement works.)

3. A high level delegation consisting of the Mayor and the CEO is requested to travel where required to make a face to face, formal representation to the relevant federal and state minister for financial assistance for the project.
4. The Business Development Officer is requested to investigate what relevant grants are available and make application for any partial funding that can be sourced which may assist in the delivery of the project.

(For example: Lotteries West or Arts Council grants may be available to re-install the Howard Taylor "Forest Trees" sculpture which has been designed as the centrepiece of the Stephen Street precinct.)

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

Cr Frisina disclosed a Proximity Interest as he owns a property in Stephen Street which is in close proximity to the precinct. As the interest declared was not likely to affect his decision he chose to remain in the meeting during discussion and vote on the item.

Cr Craddock disclosed a Proximity Interest as he owns a business in Stephen Street which is in close proximity to the precinct. As the interest declared was not likely to affect his decision he chose to remain in the meeting during discussion and vote on the item.

An amended recommendation was moved Cr Craddock, seconded Cr Dillon.

The Presiding Member put the Motion to the vote in three parts. As permitted under Standing Orders and the Local Government Act 1995, the Mayor exercised his casting vote to vote in favour of the on Item 1 and this then became a Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Craddock
Seconded Cr Dillon

1. *With the exception of all currently committed projects (e.g. Library, Pioneer Park, Prinsep Street Lights, etc.) the Stephen Street Project will take priority over all CBD related works in Council's 2007/08 budget (in principle).*

CARRIED

7* Votes "For"/6 Votes "Against"

(*Mayor voted twice as he exercised his right to use a casting vote)

The Presiding Member put Item 2 of the Motion to the vote and it was LOST.

MOTION

Moved Cr Craddock
Seconded Cr Dillon

2. *Council staff is requested to undertake a review of existing and planned works programmes so that a recommendation can be made to Council on what activities can be delayed so that funds can be redirected to the Stephen Street Project.*

(Examples may include but are not limited to the path programme, the reseal programme and general CBD enhancement works.)

LOST

9 Votes "For"/3 Votes "Against"

The Presiding Member put Item 3 of the Motion to the vote. As permitted under Standing Orders and the Local Government Act 1995, the Mayor exercised his casting vote to vote in favour of Item 3 and this then become a Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Craddock
Seconded Cr Dillon

3. *A high level delegation consisting of the Mayor and the CEO is requested to travel where required to make a face to face, formal representation to the relevant federal and state minister for financial assistance for the project.*
4. *The Business Development Officer is requested to investigate what relevant grants are available and make application for any partial funding that can be sourced which may assist in the delivery of the project.*

(For example: Lotteries West or Arts Council grants may be available to re-install the Howard Taylor "Forest Trees" sculpture which has been designed as the centrepiece of the Stephen Street precinct.)

CARRIED

7* Votes "For"/6 Votes "Against"

Note: Cr Major requested that his vote "against" the above Committee Recommendations, be recorded.

11.9 BIG SWAMP WILDLIFE PARK STEERING COMMITTEE VACANCY

File Ref:	A00143
Applicant/Proponent:	Internal Report
Author:	Grant Bilton, Senior Technical Officer Parks and Urban Design
Executive:	Michael Scott, Executive Manager City Services

Summary

The Big Swamp Wildlife Park Steering Committee advertised for new committee members in November 2006. This was necessary due to the resignations of three (3) community committee members: Jason Gick, Lia Barnet and Neville Wilkins.

One nomination was received from Barry Halligan. This nomination was endorsed by Council at its meeting of 6 February 2007.

The City has received a letter from Terri Earl expressing an interest to be a member of the Big Swamp Wildlife Park Steering Committee. Terri has for many years been actively involved in the affairs of Big Swamp and is an active member of the friends of Big Swamp being a member since its formation in 1993.

Terri has enormous passion for the Big Swamp and the Wildlife Park and her dedication and passion would be of great value to the Big Swamp Wildlife Park Development Committee.

Background

The Big Swamp Wildlife Park Steering Committee was established to comprise three (3) Councillors, six (6) community members and three (3) non-voting community members. The committee operates under the following Terms of Reference:

1. To refine and develop a clear proposal based on the broad working model defined within the initial 'Future Directions' facilitators report for an integrated environmental community education resource centre bringing the environment and community together at the existing Wildlife Park facility;
2. To work in partnership with a wide range of stakeholders including community, business and government to gain necessary financial and other support for the delivery of an integrated environmental community education resource centre;
3. Present an agreed model that is broadly accepted by the community, which has a clearly defined independent funding revenue;
4. To prepare a business plan and associated management and marketing documents for implementation of the preferred model;

5. Facilitate the integration, development and marketing of the preferred model that will blend the existing wildlife component of the Park with the broader environmental initiatives being implemented within Bunbury and the southwest, with a strong focus on community involvement and ownership;
6. To liaise with existing 'Friends of' groups and community groups to investigate specific issues and strategies in relation to the Big Swamp Wildlife Park Steering Committee Terms of Reference.

Strategic and/or Regional Outcomes

The Committee structure and Terms of Reference satisfy Council's Strategic Plan in working towards a preferred viable delivery model that facilitates the provision of an integrated environmental community education and resource centre, bringing the community and environment together at the existing wildlife park facility. It is recognised that this Committee has the potential to provide for significant cultural, social and environmental improvements for the community of Bunbury and the South West.

Community Consultation

It is envisaged that consultation with the general public will be undertaken as part of further development of the management structure for the agreed model for the delivery of an integrated environmental community education and resource centre.

Councillor/Officer Consultation

There are councillor members of the Big Swamp Wildlife Park Steering Committee and these councillors have been informed of the nomination received by Terri Earl at the recent meeting of the committee.

Analysis of Financial and Budget Implications

Funding for development of the Big Swamp Wild Life Park is included as part of normal council budget deliberations.

Economic, Social, Environmental and Heritage Issues

Economic Issues

Funding for development of the Big Swamp Wild Life Park is included as part of normal council budget deliberations.

Social and Environmental Issues

The committee's role is to refine and develop a clear proposal for an integrated environmental community education resource centre at the Wildlife Park that will bring the environment and community together.

Heritage Issues

There are no heritage issues to consider at this stage.

Council Policy Compliance

There are no known Council policies applicable.

Legislative Compliance

Section 5.10(1) of the Local Government Act 1995 stipulates that appointment of members to committees of the Council is to be by way of a formal Council decision (an absolute majority vote is required).

Delegation of Authority

The Chief Executive Officer cannot be delegated the authority to approve matters requiring an absolute majority vote of the Council.

Relevant Precedents

Council has previously resolved to approve new members to a committee.

Options

Option 1: Per the Recommendation.

Option 2: To reject the Recommendation.

Conclusion

The Big Swamp Wildlife Park Steering Committee is an enthusiastic group. Its members all contribute to the future development of the Wildlife Park. Council's endorsement of a new committee member Terri Earl to replace vacant positions will bring a committed and knowledgeable member to the committee.

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

The Recommendation was moved Cr Dillon, seconded Cr Major.

The Presiding Member put the Recommendation to the vote and it became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Dillon
Seconded Cr Major

Council endorse the appointment of Terri Earl as a community member to the Big Swamp Wildlife Park Steering Committee.

CARRIED

12 Votes "For"/Nil Votes "Against"

AN ABSOLUTE MAJORITY DECISION OF COUNCIL IS REQUIRED

11.10 APPLICATION BY AQWEST (BUNBURY WATER BOARD) TO PURCHASE CITY OF BUNBURY-OWNED FREEHOLD LAND CURRENTLY LEASED TO AQWEST

File Ref:	A00420
Applicant/Proponent:	Aqwest (also known as Bunbury Water Board)
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

At the Council Meeting held on 11 July 2006 Council Decided (94/06) to enter into negotiations with representatives of Aqwest for sale of the following lots:

- 1.1 Lot 46 Roberts Crescent (C/T Vol 1309 Fol 584)
- 1.2 Lot 28 Mangles Street (C/T Vol 1606 Fol 766)
- 1.3 Lot 29 Mangles Street (C/T Vol 1606 Fol 767)
- 1.4 Part Lot 167 Spencer Street (C/T Vol 1022 Fol 68)
- 1.5 Part Lot 521 Robertson Drive (CT Vol 551 Fol 28A)

Site Plans are **attached** at Appendix 19.

Background

On 20 March 2007 Aqwest was advised Council is prepared to continue negotiations to sell the following lease sites at the Valuer General's Market Valuation of 30 June 2006:

Location	Value (inc. GST)
Lot 46 Roberts Crescent (1.47 ha)	\$3,600,000
Lot 28 Mangles Street (1,055 m ²)	\$220,000
Lot 29 Mangles Street (1,057m ²)	\$250,000
Part Lot 167 Spencer Street (2,647m ²)	\$330,000
Part Lot 521 Robertson Drive (2,372m ²)	\$95,000
TOTAL	\$4,495,000

The focus of negotiations centred on the possibility of the City excising portion of the undeveloped portion of Lot 46 Roberts Crescent, forming the southern and western slopes below Aqwest's Roberts Crescent Reservoir for residential development

The City commissioned GHD Pty Ltd to undertaken a geotechnical investigation and slope stability assessment of the subject sites.

In order to provide engineering input into the planning stage of the residential development, the aims of the investigation and assessment were as follows:

- * Identify the geotechnical risks with regards to the potential impact on Roberts Crescent Reservoir;

- * Provide engineering recommendations to minimise the risk of instability as a result of development; and
- * Classify the site in accordance with AS2870-1996 “Residential Status and Footing Construction”.

In summary, using conventional construction techniques it is possible for residential development to occur. In order to safely develop the site, specialised foundation techniques would need to be considered, including site preparation, excavation conditions, use of vibrating plant and equipment, material use and surface erosion protection.

After careful consideration the parties noted the proposed residential development conditions would not eliminate the potential of slope instability.

At the Aqwest meeting held on 1 March 2007 the Board Resolved:

- “20 (a) *the City of Bunbury’s request to excise and develop a portion of Lot 46 Roberts Crescent be denied.*
- (b) *Negotiation continue with the City of Bunbury in respect to the purchase of the following properties:*
- * *Lot 46 Roberts Crescent*
 - * *Lot 28 Mangles Street*
 - * *Lot 29 Mangles Street*
 - * *Part Lot 167 Spencer Street*
 - * *Part Lot 521 Robertson Drive”*

Strategic and/or Regional Outcomes

The proposal complies with Council’s 2007-2012 Strategic Plan through Strategic Objective 1 which directs “*Improve the Relationship with State, Federal and Other Local Governments*”, which states that “*improved relationship with state and federal governments is vital in gaining commitment for increased funding for major capital projects that would improve the attractiveness of Bunbury from an industry, employment and lifestyle perspective*”.

Income from the sale of the land will provide funding to assist the development of Bunbury’s regional infrastructure.

Community Consultation

Subject to Council’s approval to sell the land, the City’s intention (and a Business Plan for entering into a major land transaction) shall be advertised for public information with a submission period of six (6) weeks pursuant to Section 3.58 and 3.59 of the Local Government Act 1995.

Councillor/Officer Consultation

Council has previously considered the sale and lease proposal for the subject land at its meetings held on 11 October 1993, 28 April 1998 and 11 July 2006.

Council has been kept informed during negotiations with Aqwest by Memorandum and Council Briefing Session.

Analysis of Financial and Budget Implications

The Valuer General's Office valuation report detailing the valuation method employed for negotiation was received on 30 June 2006.

Council's Five Year Finance Plan identifies the following projects being part-funded from land sales income:

- City/Regional Library
- Council Works Depot
- Bunbury Coastal Enhancement Project (Stage 3)
- Stephen Street Precinct

Economic, Social, Environmental and Heritage Issues

Economic Issues

The income from the sale of these properties will promote construction of regional infrastructure projects identified in Council's future Capital Works Programme and provide employment and further economic activity.

Social Issues

The sale retains the land parcels as a community asset held by Aqwest.

Environmental Issues

Each of the facilities are licensed and comply with the requirements stipulated by the Department of Minerals and Energy.

Heritage Issues

There are no known heritage issues associated with the proposal.

Council Policy Compliance

There is no Council policy relating to the sale of these properties.

Legislative Compliance

Subject to Council's approval to sell the land, the City's intention (and a Business Plan for entering into a major land transaction) shall be advertised for public information with a submission period of six (6) weeks pursuant to Section 3.58 and 3.59 of the Local Government Act 1995.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to sell these properties.

Relevant Precedents

The City has previously entered into other major land transactions including College Grove and Bunbury Business Park - proceeds from the sale of this property was utilised to assist in funding construction of the South West Sports Centre, the City's new Civic/Administration Centre, and; the proposed new City/Regional Library.

Options

Option 1: Per the Recommendation.

Option 2: Council may refuse the application from Aqwest (Bunbury Water Board) to enter into negotiations to purchase the subject land.

Conclusion

In order for the City to meet its strategic objectives of planning future growth and meeting community needs, the sites have been identified for sale but will be retained by Aqwest in the community's interest. The proceeds from the sale will assist funding projects of regional significance.

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

Cr Rooney left the meeting at 10:29 pm and returned to the chamber at 10:30 pm.

His Worship the Mayor disclosed a Financial and an Impartiality Interest as he is on the Aqwest Board. He left the meeting chamber at 10:36 pm for the duration of discussion and vote on the item.

In the absence of the Presiding Member, the Deputy Presiding Member presided at the meeting.

Note 1

Council is advised the conditions of the sale of the land to Aqwest will include:

- 1. The City of Bunbury be given first right of refusal to repurchase all or any of the land should it cease to be used by Aqwest for water supply purposes in the future.*
- 2. The City be entitled to excise an approximate 100m² portion of each of Lot 46 Roberts Crescent and Lots 28 or 29 Mangles Street for provision of telecommunication services.*
- 3. Aqwest improve the landscape on Lot 46 Roberts Crescent to the City's satisfaction.*

Note 2

Aqwest will advise whether they still require to purchase Lots 28 and 29 Mangles Street.

Note 3

The area of land to be purchased by Aqwest on Pt Lot 167 Spencer Street is 2,647m² and Pt Lot 521 is 2372m².

The Recommendation was moved Cr Dillon, seconded Cr Frisina.

The Presiding Member put the Recommendation to the vote and it became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Dillon
Seconded Cr Frisina

Council agree to sell to Aqwest the following leased sites at the Valuer General's Market Valuation of 30 June 2006:

Location	Value (inc. GST)
<i>Lot 46 Roberts Crescent (1.47 ha)</i>	<i>\$3,600,000</i>
<i>Lot 28 Mangles Street (1,055 m²)</i>	<i>\$220,000</i>
<i>Lot 29 Mangles Street (1,057m²)</i>	<i>\$250,000</i>
<i>Part Lot 167 Spencer Street (2,647m²)</i>	<i>\$330,000</i>
<i>Part Lot 521 Robertson Drive (2,372m²)</i>	<i>\$95,000</i>
TOTAL	\$4,495,000

CARRIED

7 Votes "For"/4 Votes "Against"

The Presiding Member returned to the meeting chamber at 10:56 pm and resumed his role as Presiding Member.

11.11 BUNBURY PORT AUTHORITY DUST MONITORING - RENEWAL OF LICENCE AGREEMENT OVER PART RESERVE 6962 (LOT 729) STIRLING STREET

File Ref:	A00247
Applicant/Proponent:	Bunbury Port Authority
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

The Bunbury Port Authority seeks Council's approval for renewal of its Licence Agreement (and an increase of the Licence Area) over portion of Reserve 6962 (Lot 729) Stirling Street, Bunbury which is used for monitoring of ambient dust emissions in the vicinity of the port - refer to location map **attached** at Appendix 20

The Port Authority proposes increasing the existing compound to allow installation of another TEOM dust monitoring machine to measure total suspended particle dust ("TSP") in addition to the current PM10 dust measurements. TSP dust is the total dust in the air whereas PM10 dust is the finer inhalable fraction of the total dust.

Background

At the Council Meeting on 18 October 2005, the Council agreed (Decision No. 246/05) to grant a Licence Agreement to the Bunbury Port Authority to utilise a 3 m² portion of Reserve 6962 (Lot 729) Stirling Street for an initial term of twelve (12) months.

A condition of the Licence required the Licensee to consult with other stakeholders including the City, Department of Environment and Conservation (formerly CALM) and the Bunbury Port Community Liaison Committee, recording the continuance (or otherwise) of the dust monitoring program after the twelve month period when the full data suite has been independently assessed.

In its letter to the City dated 2 April 2007, the Bunbury Port Authority provided a TEOM (Dust Monitoring) Report prepared by Ecowise Environmental covering the period 1 August 2006 to 17 March 2007. The report states that the National Environmental Protection Measure ("NEPM") Standard was not exceeded during the period sampled. Further, the Bunbury Port Authority advises that these results have been compared with a Department of Environment dust monitoring site in South Bunbury and levels determined as being very similar.

The Bunbury Port Authority wishes to renew the licence agreement for a further twelve (12) month period to continue the dust monitoring program and extend the size of the licence area to incorporate another TEOM dust monitor. This second piece of equipment will be similar in size and appearance to the existing machine but its specific purpose will be to measure total suspended particles ("TSP") in the air.

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Reserve 6962 (Lot 729) is held by the City of Bunbury on Crown Land Record 3089/681 for the purpose of 'Public Recreation' with the power to licence for a period of up to five (5) years.

Current Licence Agreement Details

Commencement Date:	2 May 2006
Term:	One (1) year
Expiry Date Review:	1 May 2007
Rental:	\$520.00 plus GST per annum per site
Permitted Use:	Monitoring dust emissions
Licence Area:	3 m ²
Insurance Requirements:	Bunbury Port Authority is required to hold Public Liability cover for claims up to ten million dollars (\$10M), general insurance and workers' compensation cover.
Special Conditions:	The Licensee to consult with other stakeholders including the City, Department of Environment and Conservation and Bunbury Port Community Liaison Committee.
Preparation of Licence Agreements Costs:	The Bunbury Port Authority be required to meet all costs associated with the preparation and registration of the Agreement.

Proposed Licence Agreement Details

Commencement Date:	2 May 2007
Term:	Five (5) years
Expiry Date Review:	1 May 2012
Rental:	\$1,040 plus GST per annum and indexed by CPI annually
Permitted Use:	Monitoring dust emissions
Licence Area:	6 m ²
Insurance Requirements:	Licensee to maintain public risk, workers' compensation and general insurance cover. Public liability cover to be set at ten million dollars (\$10M).
Special Conditions:	The Licensee shall consult with the City of Bunbury, Department of Environment and Conservation and Bunbury Port Community Liaison Committee; and provide an independent dust monitoring report to the City annually.
Outgoings	Responsibility of the Licensee.
Preparation of Licence Agreements Costs:	Licensee to pay full costs of documentation, registration, valuation assessment and advertising.

The Bunbury Port Authority will continue to be responsible for all costs associated with the installation and operation of the dust monitors, and, maintenance and remediation of the licence area.

Executives from the City and the Bunbury Port Authority have mutually agreed on the terms and conditions of the proposed extended Licence Agreement.

Strategic and/or Regional Outcomes

The proposal endorses the City's Strategic Direction 2(2)(d) by "*working cooperatively with other Authorities*". Regional outcomes endorse the City's Strategic Direction by "*Establishing excellent regional coordination between the City and other organisations*".

Community Consultation

Subject to Council approving the proposal to licence as recommended, the proposal must be advertised and requires a public submission period of fourteen (14) days.

Councillor/Officer Consultation

Executives from the City and Bunbury Port Authority have mutually agreed on the terms and conditions of the proposed Licence Agreement.

Analysis of Financial and Budget Implications

The Licence fee has been based on the permitted use with the Licensee meeting the cost of installation and operation of the dust monitoring equipment, and, maintenance and remediation of the licence area.

Economic, Social, Environmental and Heritage Issues

Economic and Heritage Issues

There are no known direct economic benefits or heritage issues to consider.

Social Issues

Installation of monitoring units to measure ambient dust levels in locations near the Inner Harbour (including the additional machine to measure total suspended particle dust) will benefit the residents of Bunbury.

Environmental Issues

The installation of the units to monitor dust emissions (including the additional machine to measure fine particle dust) will benefit the residents of Bunbury.

Council Policy Compliance

No Council policy applies to the proposal contained in this report.

Legislative Compliance

The intention to grant a Licence will be advertised for a period of fourteen (14) days in accordance with Section 3.58(3) of the Local Government Act 1995.

Approval to enter into the Licence Agreement to be sought from the Minister for Lands.

Delegation of Authority

The Chief executive Officer has the delegated authority of the Council to negotiate the terms and conditions of leases and licences, provided the settled terms and conditions are presented to Council for approval before documentation is finalised.

It is proposed that subject to no objecting submissions being received as a result of public advertising, the Chief Executive Officer be authorised to proceed with preparation of the lease documents.

Relevant Precedents

On 18 October 2005, the Bunbury City Council granted the Bunbury Port Authority a licence over another site in the City for the purpose of dust monitoring i.e., portion of Reserve 45799 (Lot 910) Venezia Boulevard in the Grand Canals Estate, Pelican Point.

Options

Option 1: Per the Recommendation.

Option 2: Council may elect not to support the Bunbury Port Authority's request to locate two (2) dust monitors on a Council-managed reserve.

Conclusion

The Licensee has satisfactorily operated the licensed premises to date and has complied with all terms and conditions of its Licence Agreement with the City.

The Bunbury Port Authority's proposal to renew its Licence Agreement and increase the licence area to establish a further TEOM dust monitor for measurement of ambient dust levels at locations adjacent to the port, does not conflict with the City's responsibility for management, care and control of Reserve 6962 (Lot 729) Stirling Street.

The proposal will have no effect on the public's use of the reserve.

RECOMMENDATION

Council agrees to grant a Renewal of Licence Agreement and increase in Licence Area to the Bunbury Port Authority over portion of Reserve 6962 (Lot 729) Stirling Street, Bunbury on the following conditions:

1. The term of the Licence to be five (5) years then subject to review, in accordance with the terms and conditions contained in this report.

2. Approval for the Licence Agreement to be sought from the Minister for Lands.
3. The Intention to enter into a Licence Agreement to be advertised in accordance with Section 3.58(3) of the Local Government Act 1995, locally in the City Update column in the Bunbury Mail and providing notice on the Public Notice Board at the Administration Centre and Public Libraries.
4. Subject to no objecting submissions being received as a result of Part 3 above, the Chief Executive Officer be authorised to proceed with the preparation of the Licence Agreement.

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

His Worship the Mayor disclosed an Impartiality Interest as he is on the Port Authority Board. As the interest declared was not likely to affect his decision he chose to remain in the meeting during discussion and vote on the item.

Cr Frisina and Cr McCleary left the meeting at 10:56 pm and returned to the meeting at 10:59 pm.

The Recommendation was moved Cr Major, seconded Cr Wenn. During debate the mover and seconder agreed to amend the Recommendation.

The Presiding Member put the Motion to the vote and it became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Major
Seconded Cr Wenn

Council agrees to grant a Renewal of Licence Agreement and increase in Licence Area to the Bunbury Port Authority over portion of Reserve 6962 (Lot 729) Stirling Street, Bunbury on the following conditions:

1. (a) *The term of the existing Licence to be one (1) year then subject to review, in accordance with the terms and conditions contained in this report.*
- (b) *The term of the new Licence to be five (5) years then subject to review, in accordance with the terms and conditions contained in this report.*
2. *Approval for the Licence Agreement to be sought from the Minister for Lands.*
3. *The Intention to enter into a Licence Agreement to be advertised in accordance with Section 3.58(3) of the Local Government Act 1995, locally in the City Update column in the Bunbury Mail and providing notice on the Public Notice Board at the Administration Centre and Public Libraries.*
4. *Subject to no objecting submissions being received as a result of Part 3 above, the Chief Executive Officer be authorised to proceed with the preparation of the Licence Agreement.*

CARRIED

12 Votes "For"/Nil Votes "Against"

Note: The Committee chose to amend the Recommendation to specify the timeframes associated with the Leases on the different TEOM sites.

11.12 PAISLEY CENTRE - PROPOSED NEW LEASE AGREEMENTS

File Ref:	F00333
Applicant/Proponent:	Stefan Whiteside and Lauren Rose
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

An application has been received from Stefan Whiteside (Head Lessee) and Lauren Rose (Sub-Lessee) seeking Council's approval to offer separate lease agreements at the Paisley Centre for a five (5) year term as follows:

Stefan Whiteside: Tango room, office, rest area and lobby

Lauren Rose: Dining room, kitchen, office and use of portion of the courtyard for alfresco dining.

A copy of the site plan (identifying each of the proposed sites) is **attached** at Appendix 21.

A further application has been received from Ms Christine Waller (Bunbury Dance Studio) seeking Council's approval to extend her existing Tenancy Hire Agreement at the Paisley Centre which covers the main auditorium, stage area, kitchen and public toilets; on a monthly basis until booking times can be confirmed.

Background

The Paisley Centre is situated on Reserve 3753 (Lot 690) Arthur Street, Bunbury and is held by the City of Bunbury Management Order Crown Land Record 3257/983 for the purpose of 'Cultural Centre, Restaurant and Parking' with the power to lease for a period of up to twenty-one (21) years.

Lease Agreements

Mr Whiteside has held the Head Lease since 2 May 2000 for dance tuition, with Ms Rose holding the Sub-Lease since 4 February 2003 for restaurant and alfresco dining.

Mr Whiteside has decided to scale down his lease area interests and is seeking Council's consideration to lease the tango room, rest area, office accommodation and lobby.

Ms Rose is seeking Council's consideration to retain the lease over the restaurant and use portion of the courtyard for alfresco dining.

Tenancy Agreement

Ms Waller is unable to commit to a formal lease agreement at this stage but may seek Council's consideration to do so following her current advertising campaign, at which time she hopes to have attracted sufficient bookings to cover anticipated lease payments. Ms Waller has been the resident dance tutor at the Bunbury Dance Studio (which operates out of the Paisley Centre) since the Paisley Centre was refurbished and opened for public use in 1999.

Current Lease Details

Lease Terms	Head Lease (S Whiteside)	Sub-Lease (L Rose)
Commencement Date:	27 February 2001	4 February 2003
Term:	Five (5) years	Unexpired portion of Head Lease
Expiry Date:	26 February 2006	26 February 2006
Annual Rental:	\$22,308 per annum (incl. GST)	\$9,900 per annum (incl. GST)
Administration Costs:	-	\$6,600 per annum (incl. GST)
Parking Costs:	-	\$1,620 per annum (incl. GST)
Rent Review:	Annually by CPI	Annually by CPI
Outgoings:	Responsibility of Lessee	Agreement with Head Lessee (proportionate use)
Insurance:	Maintain Public Risk and General insurance cover for the entire premises. Public Liability insurance set at \$5(M).	Maintain Public Risk and General insurance cover for the sub-leased portion of the premises. Public Liability insurance set at \$5(M).

The 'Holding Over' clause contained in the leases has been invoked due to the delay in receiving the independent market rental valuation and review, and; negotiating proposed terms and conditions with the parties.

The City's Executive and the parties have reached mutual agreement on terms and conditions of tenancy. Each has provided a satisfactory level of assurance that they can effectively manage their interests and has clearly demonstrated their capacity to fulfil financial obligations.

Proposed Separate Lease Details

Lease No. 1 - Mr Stefan Mark Whiteside (Dance Studio)

Lease Area:	108 m ²
Commencement Date:	1 June 2007
Term:	Five (5) years + five (5) year option
Expiry Date:	28 February 2012
Rental:	\$6,534 (inclusive of GST) per annum based on the Valuer General's market rent assessment of \$55 per m ² x 108 m ² .
Rent Review:	Market rental review every third anniversary date and annually by CPI in the intervening years
Permitted Use:	Dance tuition, office accommodation and storage.
Statutory Obligation:	Lessee to comply with all acts, statutes, ordinances, orders, local laws or regulations in respect of the permitted use.
Insurance	Lessee to maintain Public Risk and General insurance cover over the permitted area. Public Liability to be set at \$10M.
Outgoings:	The Lessor will issue outgoings such as water/power charges and payment of land rates; to the sub-letter (and any other tenants) on a proportionate basis.
Document Costs:	Lessee to pay the full costs of documentation, registration, valuation assessment and advertising.
Special Conditions:	Parking in the common area will be restricted to 5pm to 7am each day. Tenants, patrons, contractors and servants associated with operations under Lease No. 1, Lease No. 2 or the Tenancy Agreement, shall be permitted unrestricted access to public conveniences located within the building.

Lease No. 2 - Ms Lauren Diane Rose (Restaurant)

Lease Area:	110 m ² plus portion of courtyard for alfresco dining.
Commencement Date:	1 June 2007
Term:	Five (5) years + five (5) year option
Expiry Date:	28 February 2012
Rental:	\$18,755 (inclusive of GST) per annum based on the Valuer General's market rent assessment of \$155 per m ² x 110 m ² plus the annual Outdoor Eating Licence Registration fee of \$633.00.
Rent Review:	Market rent review every third anniversary date and annually by CPI in the intervening years
Permitted Use:	Restaurant and alfresco dining
Statutory Obligation:	Lessee to comply with all acts, statutes, ordinances, orders, local laws or regulations in respect to the permitted use.

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Insurance	Lessee to maintain Public Risk and General insurance cover over the permitted area. Public Liability to be set at \$10M.
Outgoings:	The Lessor will issue outgoings such as water/power charges and payment of land rates; to the sub-letter (and any other tenants) on a proportionate basis.
Document Costs:	Lessee to pay the full costs of documentation, registration, valuation assessment and advertising.
Special Conditions:	Parking in the common area will be restricted to 7am to 5pm each day Tenants, patrons, contractors and servants associated with operations under Lease No. 1, Lease No. 2 or the Tenancy Agreement, shall be permitted unrestricted access to public conveniences located within the building.

Tenancy Agreement Details

Existing Tenancy Hire Agreement - Ms Christine Waller (Dance Tutor)

Hire Area:	354 m ²
Commencement Date:	1 June 2007
Allotted Times (by agreement):	Tuesdays to Saturdays (total 25 hours)
New Expiry Date:	Monthly tenant
Rental:	\$55.00 per day including GST, plus sessions equal to \$275 per week or \$14,300 per annum (incl. GST)
Permitted Use:	Dance Tuition
Statutory Obligation:	Lessee to comply with all acts, statutes, ordinances, orders, local laws or regulations in respect of the permitted use.
Insurance	Lessee to maintain Public Risk and General insurance cover over the permitted area. Public Liability to be set at \$10M.
Outgoings:	The Lessor will issue outgoings such as water/power charges and payment of land rates; to the sub-letter (and any other tenants) on a proportionate basis.
Document Costs:	Lessee to pay the full costs of documentation, registration, valuation assessment and advertising.
Special Conditions:	Parking in the common area will be restricted to 5pm to midnight (during allotted times). Tenants, patrons, contractors and servants associated with operations under Lease No. 1, Lease No. 2 or the Tenancy Agreement, shall be permitted unrestricted access to public conveniences located within the building.

Strategic and/or Regional Outcomes

Leasing proposals are considered with reference to the Council's 2007-2012 Strategic Plan through Strategic Direction 2.4 which states that the City will "*develop a property strategy that benefits the City's residents, businesses, community and sporting organisations*".

Community Consultation

Any proposal to grant new leases over Council-owned or operated property must be advertised pursuant to Sections 3.58(3) and (4) of the Local Government Act 1995 - a public submission period of fourteen (14) days is required.

Councillor/Officer Consultation

Council officers have held discussions with the applicants and have mutually agreed on the terms and conditions of the relevant leases.

Analysis of Financial and Budget Implications

The Office of the Valuer General has assessed the market rental based on the Management Order and permitted use - taking into consideration the heritage classification and restrictions on the building.

The applicants are to meet the full costs of documentation, registration, valuation assessment and advertising.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The proposed leases provide an economic benefit to the City through business opportunities and the provision of employment.

Social Issues

The venue provides a social outlet for residents, visitors and tourists of the Greater Bunbury Region.

Environmental Issues

There are no environmental issues to be considered at this time.

Heritage Issues

The Paisley Centre is listed on the Register of National Estate and Heritage Places (Heritage Council of WA). Activities and alterations at the venue are restricted accordingly.

Council Policy Compliance

There is no Council policy in relation to leasing of the Paisley Centre.

Legislative Compliance

The intention to enter into separate leases will be advertised for public information with a submission period of fourteen (14) days pursuant to Sections 3.58(3) and (4) of the Local Government Act 1995.

Approval to enter into the Leases and Tenancy Agreement to be sought from the Minister for Lands.

Delegation of Authority

The Chief executive Officer has the delegated authority of the Council to negotiate the terms and conditions of leases, provided the settled terms and conditions are presented to Council for approval before documentation is finalised.

It is proposed that subject to no objecting submissions being received as a result of public advertising, the Chief Executive Officer be authorised to proceed with preparation of the lease documents.

Relevant Precedents

The current Lessee and Sub-Lessee have satisfactorily operated at the premises during the lease term.

Council has renewed the lease terms for the premises since 1996.

Options

Option 1: Per the Recommendation listed in this report.

Option 2: Council may opt not to consent to the new lease proposals.

Conclusion

Mr Whiteside (Lessee) and Ms Lauren Rose (Sub-lessee) have operated their interest at the venue to a high standard during the current lease period and have fulfilled all obligations and responsibilities required under the terms and conditions of their lease agreements.

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

Cr Rose disclosed a Proximity Interest as her family runs and owns the restaurant situated in the Paisley Centre. She left the meeting at 11:04 pm for the duration of discussion and vote on the item.

The Recommendation was moved Cr Dillon, seconded Cr Craddock.

The Presiding Member put the Recommendation to the vote and it became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Dillon
Seconded Cr Craddock

PART A - Lease Agreements

Council agrees to grant Mr Stefan Whiteside and Ms Lauren Rose separate leases over portion of the Paisley Centre located on Reserve 3753 (Lot 690) Arthur Street in Bunbury, subject to:

- 1. The term of the leases to be five (5) years with a five (5) year option.*
- 2. Other terms and conditions of the leases to be in accordance with the report to Council on this issue.*
- 3. The intention to lease the Paisley Centre is to be advertised for public information pursuant to Sections 3.58(3) and (4) of the Local Government Act 1995, by way of notice in the City Update column of the Bunbury Mail Newspaper and notices displayed on public notice boards at the City Administration Centre and public libraries.*
- 4. Subject to no objecting submissions being received during the public advertising period, the Chief Executive Officer is authorised to finalise the leases ready for signature by all parties.*
- 5. Approval for each lease to be sought from the Minister for Lands.*
- 6. Mr Whiteside and Ms Rose to pay the full cost for documentation, registration, valuation assessment and advertising.*

PART B - Tenancy Hire Agreement

Council agrees to grant Ms Christine Waller an extension of her Tenancy Hire Agreement over portion of the Paisley Centre located on Reserve 3753 (Lot 690) Arthur Street in Bunbury, subject to:

- 1. The term of the Tenancy Hire Agreement to be on a monthly basis until such time as booking times are confirmed.*
- 2. Other terms and conditions of the tenancy agreement to be in accordance with the report to Council on this issue.*
- 3. The intention to hire out the Paisley Centre is to be advertised for public information pursuant to Sections 3.58(3) and (4) of the Local Government Act 1995, by way of notice in the City Update column of the Bunbury Mail Newspaper and notices displayed on public notice boards at the City Administration Centre and public libraries.*
- 4. Subject to no objecting submissions being received during the public advertising period, the Chief Executive Officer is authorised to finalise the Tenancy Hire Agreement ready for signature by all parties.*
- 5. Approval for the Tenancy Hire Agreement to be sought from the Minister for Lands.*
- 6. Ms Waller to pay the full cost for documentation, registration, valuation assessment and advertising associated with the Tenancy Agreement.*

CARRIED

11 Votes “For”/Nil Votes “Against”

Cr Rose returned to the meeting chamber at 11:06 pm.

11.13 BUNBURY CLAY TARGET CLUB INC. - EXTENSION OF LEASE

File Ref:	F00040
Applicant/Proponent:	Bunbury Clay Target Club Inc.
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

An application has been received from the Bunbury Clay Target Club Inc. (Lessee) seeking Council consideration to extend the Club's Lease over portion of Bunbury Endowment Reserve 670 from 1 July 2007 to 30 June 2009. The Venue will be made available for the South West Games in March 2007 as well as interclub and club events in the future.

Background

The Bunbury Clay Target Club Inc. has held the Lease over portion of Bunbury Endowment Reserve No. 670, South Western Highway since 14 May 1986.

The land is held by the City of Bunbury on Certificate of Title Volume 3099 Folio 939 (Bunbury Lots 640 and 641 on Land Administration Diagrams 84810 and 84811). A site plan is **attached** at Appendix 22.

At the Council Meeting held 25 May 2004 it was Decided (135/04) to renew the Club's Lease to 30 June 2006 subject to the Club continuing to make satisfactory progress to permanently relocate. At the Council Meeting held on 18 October 2005 it was Decided (237/05) to extend the lease to 30 June 2007. The Club acknowledges the impact the Bunbury Airport has on the current site. The City's Executive and representatives of the Club have investigated a number of locations with surrounding local authorities, state authorities and private landowners without success.

The extended Lease term to 30 June 2009 will not have an adverse affect on future planning and development of the Bunbury Airport and enables the Club to continue its investigations to find a suitable site to relocate.

The extended term takes into consideration the requirements of the adjacent Bunbury Airport's "Bunbury Airport Strategic Directions Plan 2000-2010" (adopted by Council at its meeting on 5 December 2000) and the Bunbury Airport Local Planning Policy (adopted by Council at its meeting on 23 August 2005).

Current Lease Details

Commencement Date:	1 July 2006
Term/Expiry Date:	30 June 2007
Rental:	\$700.00 per annum
Permitted Use:	Club rooms, caretaker's residence and clay target shooting

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	area.
Lease Area:	1,280m ²
Outgoings:	Responsibility of the Lessee.
Insurance Requirements:	Lessee to hold public liability cover for claims up to five million dollars (\$5M) and general insurance cover.
Special Conditions:	The Club will use its best endeavours to find a suitable site to relocate no later than 30 June 2007.
Preparation of Lease:	\$500 includes documentation, registration, advertising and valuation assessment.

Proposed Lease Details

Commencement Date:	1 July 2007
Term/Expiry Date:	30 June 2009
Rental:	\$800.00 per annum (GST exclusive)
Permitted Use:	Club rooms, caretaker's residence and clay target shooting area.
Lease Area:	1,280m ²
Outgoings:	Responsibility of the Lessee.
Insurance Requirements:	Lessee to hold public liability cover for claims up to five million dollars (\$5M) and general insurance cover.
Special Conditions:	The Club will continue to use its best endeavours to find a suitable site to relocate no later than 30 June 2009.
Preparation of Lease:	The Lessee responsible to meet all costs associated with the extension of the Lease.

The Club has 40 members and operates on a modest budget to meet operational costs and increased Insurance premiums. It is proposed the new lease rental be \$800 per annum (plus GST) based on the Club's financial position and increased at \$100.00 per annum. The Valuer General has assessed the current market rental at \$1600 plus GST per annum.

The Club states it makes significant contributions to charities including Royal Flying Doctor Service and other not-for-profit organisations. The Club is proud of its achievements and will continue to promote Bunbury through its network of other Clubs and Association.

Strategic and/or Regional Outcomes

Leasing proposals are considered with reference to the Council's 2007-2012 Strategic Plan through Strategic Direction 2.4 which states that the City will "*develop a property strategy that benefits the City's residents, businesses, community and sporting organisations*".

Community Consultation

Subject to Council consent to renew the Lease (as recommended) it must be advertised for public information with an associated submission period of fourteen (14) days.

Councillor/Officer Consultation

The City's Executive and representatives of the Bunbury Clay Target Club Inc. mutually agree on the Terms and Conditions of the proposed Lease.

Analysis of Financial and Budget Implications

The Valuer General has assessed the market annual land lease rental at \$1,600 per annum (GST exclusive) with the Lessee responsible for all outgoings. The proposed annual lease rental is \$800 per annum.

It is proposed to increase the rental effective 1 July 2007 at \$100.00 as specified in this report, in light of the Club's modest budget, it acknowledging the need to relocate and continuing to endeavour to find a suitable location by 30 June 2009.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The Bunbury Clay Target Club's proposal to participate in the South West Games in March 2007 will provide an economic benefit to Bunbury. The Club promotes Regional and Interclub meets during the year.

Social Issues

The Bunbury Clay Target Club Inc. provides a venue for like-minded enthusiasts to meet and enjoy the sport of clay target shooting.

Environmental Issues

The activities of the Bunbury Clay Target Club Inc. do not conflict with the immediate amenity of the area. However, should the Bunbury Airport extend its runway and/or increase the number of hangars in accordance with the Bunbury Airport Strategic Directions Plan 2000-2010 and as proposed in Bunbury Airport Local Planning Policy the area currently leased by the Club will no longer be available.

Heritage Issues

There are no known heritage issues relative to the land in question or the proposal to extend the Lease.

Council Policy Compliance

The Bunbury Airport Local Planning Policy (adopted by Council at its meeting held 23 August 2005) is currently being advertised.

There are currently no Council policies pertaining to Leases and permitted use of the Lease area.

Legislative Compliance

The intention to Lease Council land will be advertised for a period of fourteen (14) days pursuant to Section 3.58(3) and (4) of the Local Government Act 1995.

Approval to enter into the Lease Agreement to be sought from the Minister for Lands.

Delegation of Authority

Council's Delegations Register permits the Chief Executive Officer to negotiate the Terms and Conditions of property Leases, provided the settled terms and conditions are presented to Council for endorsement prior to the document being finalised.

Relevant Precedents

Since 1986, Council has mutually agreed to enter into Lease agreements with the Bunbury Clay Target Club Inc.

Options

Option 1: Per the Recommendation.

Option 2: Council does not support the application by the Bunbury Clay Target Club Inc. to renew its Lease with the City of Bunbury over portion of Bunbury Endowment Reserve 670.

Conclusion

The Bunbury Clay Target Club Inc. has held the Lease over portion of Bunbury Endowment Reserve 670, South Western Highway since 1986. The Club is prepared to enter into an extension of the Lease on the following basis:

1. The Club is given security of tenure of the Lease area until 30 June 2009.
2. The Extension of the expiry date does not adversely affect Council's future planning for the Bunbury Airport.
3. The City meets its obligations relevant to the management, care and control of Bunbury Endowment Reserve 670 during the extended Lease term, by utilising the area for recreation.

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

The Recommendation was moved Cr Dillon, seconded Cr Major.

The Presiding Member put the Recommendation to the vote and it became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Dillon
Seconded Cr Major

Council agrees to grant the Bunbury Clay Target Club Inc. an extension of its lease over portion of Bunbury Endowment Reserve 670, South Western Highway, Bunbury subject to:

1. *The term of the Extension of Lease to expire on 30 June 2009.*
2. *Other terms and conditions of the extended lease to be in accordance with the report to Council on this issue.*
3. *The intention to lease the land is to be advertised for public information pursuant to Sections 3.58(3) and (4) of the Local Government Act 1995, by way of notice in the City Update column of the Bunbury Mail Newspaper and notices displayed on public notice boards at the City Administration Centre and public libraries.*
4. *Subject to no objecting submissions being received during the public advertising period, the Chief Executive Officer is authorised to finalise the Extension of Lease ready for signature by all parties.*
5. *Approval to lease be sought from the Minister for Lands.*
6. *The Bunbury Clay Target Club Inc. to be responsible for all costs connected with the preparation and execution of the Extension of Lease document.*

CARRIED

12 Votes "For"/Nil Votes "Against"

11.14 BUNBURY AIRPORT SITES NOS. 28A, 28B & 28C - NEW LEASE PROPOSAL, BLAIR HOWE (BUNBURY FLYING SCHOOL)

File Ref:	F00059
Applicant/Proponent:	Blair Howe (Bunbury Flying School)
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

An application has been received from Blair Howe, Bunbury Flying School, seeking Council's consideration to lease Bunbury Airport Sites Nos. 28A, 28B and 28C. The term of the lease will commence on 1 June 2007 and expire on 30 June 2011. Mr Howe already holds the Lease over the adjoining four (4) sites.

It is the applicant's intention to use the site for storage of aircraft. As the applicant also leases adjoining sites for the purpose of the Bunbury Flying School, he intends to amalgamate the sites in the one lease holding.

A copy of the site plan is **attached** at Appendix 23

Background

The Bunbury Airport is located on reserve 27383 (Lot 455 South Western Highway). The land is held by the City of Bunbury under Management Order Crown Land Record 3040/63 (Crown Land Title Vol. 3007 Fol. 583) for the purpose of an "Aerodrome" with the power to lease for a term of up to twenty-one (21) years.

The term of the lease has been determined pursuant to the *Bunbury Airport Strategic Plan Directions 2000–2010* which requires all leases at the airport to have corresponding expiry dates, terms and conditions.

Lease Details

Combined lease details for Sites 28A, 28B and 28C are as follows:

Lease to Commence:	1 June 2007
Term:	Four (4) years and one (1) month - in order that the expiry date will coincide with the expiry date of the applicant's other leases at the Bunbury Airport.
Expiry Date:	30 June 2011
Rental Calculation:	Monthly lease rental to be calculated at \$3.47 per m ² and indexed to any increases to the City's <i>Commercial and Industrial Municipal Rate</i> .
Lease Area:	30.72 metres by 13 metres (399.4 square metres)

cont.

Annual Rental:	\$1,385.92 per annum GST inclusive (calculated as follows: 30.72m x 13m x \$3.47)
Administration Fee:	\$29.25 per annum GST inclusive
Rent Review:	Lease fees were adopted at the Council Meeting held 24 July 2001 and are increased annually in line with Council's <i>Commercial and Industrial Rate</i> increases throughout the lease term.
Permitted Use:	Storage of Aircraft
Outgoings:	Responsibility of the Lessee to pay
Municipal Rates/Charges:	Responsibility of the Lessee to pay
Insurance:	Lessee to maintain Public Risk Insurance and General Insurance on the building. Public Liability to be set at \$10(M).
Document Preparation:	\$500 includes documentation; registration and advertising

The proposed hangar specifications comply with the Building Code of Australia and it is recommended that a Building Licence be approved.

Strategic and/or Regional Outcomes

Strategic Outcomes

Leasing proposals are considered with reference to the Council's 2007-2012 Strategic Plan through Strategic Direction 2.4 which states that the City will "*develop a property strategy that benefits the City's residents, businesses, community and sporting organisations*".

This proposal also complies with the *Bunbury Airport Strategic Directions Plan 2000–2010*.

Regional Outcomes

The proposal provides opportunities to interested persons from the Greater Bunbury Region to use the Bunbury Airport.

Community Consultation

The proposal to grant the assignment must be advertised pursuant to Section 3.58 of the Local Government Act 1995 and requires a public submission period of fourteen (14) days.

Councillor/Officer Consultation

Council officers have held discussions with the applicants and have mutually agreed on the terms and conditions of the lease and building licence.

Analysis of Financial and Budget Implications

Lease fees in each instance, were adopted at the Council Meeting held 24 July 2001 and are to be increased annually in line with Council's *Commercial and Industrial Rate* increases throughout the lease term.

The Lessee is required to meet municipal rates and charges.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The use of aircraft provides economic benefits to suppliers.

Social Issues

The activity provides an avenue for like-minded enthusiasts to participate.

Environmental Issues

The application does not conflict with the "Bunbury Airport Location Analysis Study City of Bunbury" compiled by Connell Wagner Pty Ltd in April 2004; and is in keeping with the amenity of the area.

Heritage Issues

There are no known heritage issues relative to the proposal.

Council Policy Compliance

There is no Council policy concerning leases or lease assignments.

Legislative Compliance

The intention to lease will be advertised for public information with a submission period of fourteen (14) days in accordance with Section 3.58(3) and (4) of the Local Government Act 1995.

Delegation of Authority

The Chief Executive Officer has the delegated authority to negotiate the terms and conditions of property leases provided the settled terms/conditions are presented to Council for endorsement before documentation is finalised.

It is proposed that subject to no objecting submissions being received as a result of public advertising, the Chief Executive Officer will proceed with preparation of the necessary documentation.

Relevant Precedents

Council currently leases thirty-two (32) hangar sites at the Bunbury Airport and regularly considers requests for new and assigned leases due to the growing demand for hangar space at the facility.

Options

Option 1: Per the Recommendation.

Option 2: Council may elect not to support Mr Blair Howe's application to lease Sites 28A, 28B and 28C at the Bunbury Airport.

Conclusion

The Recommendation was drafted in line with the following objectives.

1. The City will meet its responsibilities for the management, care and control of Reserve 27686, Lot 455 South Western Highway, Bunbury for the benefit of an "Airport".
2. The terms and conditions of the new lease have been mutually agreed to by the City's Executive and the applicant, Mr Blair Howe.

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

The Recommendation was moved Cr Dillon, seconded Cr Major.

The Presiding Member put the Recommendation to the vote and it became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Dillon
Seconded Cr Major

Council agrees to grant Mr Blair Howe (Bunbury Flying School) a lease over Bunbury Airport Sites Nos. 28A, 28B and 28C being portion of Reserve 27686, Lot 455 South Western Highway, Bunbury; subject to the following:

- 1. The term of the lease to commence on 1 June 2007 and expire on 30 June 2011.*
- 2. Other terms and conditions of the lease to be in accordance with the report to Council on this issue.*
- 3. The City's intention to lease this land to be advertised for public information pursuant to Section 3.58(3) and (4) of the Local Government Act 1995. This is to be done through notices on Public Notice Boards at the City's Administration Centre and Libraries; and a notice published in the "City Update" column of the Bunbury Mail.*
- 4. Subject to no objecting submissions being received during the public advertising period, the Chief Executive Officer is authorised to finalise the Deed of Lease ready for signature by all parties.*
- 5. The lease to contain an endorsement from the Minister for Lands.*
- 6. Mr Howe to be responsible for all costs connected with the preparation and execution of the lease document.*

CARRIED

12 Votes "For"/Nil Votes "Against"

11.15 ATTENDANCE AT AND APPOINTMENT OF VOTING DELEGATES – LOCAL GOVERNMENT WEEK 2007 AND ANNUAL GENERAL MEETING OF THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

File Ref:	A00106
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Ken Weary, Executive Manager Corporate Services

Background

Correspondence has been received from the Western Australian Local Government Association (WALGA), advising that Local Government Week 2007 is to be held at the Burswood Convention Centre from Saturday 4 August 2007 to Monday 6 August 2007 (inclusive). It is at this convention that the Annual General Meeting of the Western Australian Local Government Association is conducted.

WALGA has also invited Member Local Governments to submit motions for inclusion on the Agenda for consideration at the 2007 Annual General Meeting.

Motions should be submitted in writing to the Chief Executive Officer of WALGA. The closing date for submission of motions is Friday 15 June 2007.

In submitting motions, member council's are requested to observe the following guidelines:

- * Motions should focus on policy matters rather than issues which could be dealt with by the WALGA State Council with minimal delay.
- * Due regard should be given to the relevance of the motion to the total membership and to local government in general. Some motions are of a localised or regional interest and might be better handled through other forums.
- * Due regard should be given to the timeliness of the motion - will it still be relevant come the Local Government Convention or would it be better handled immediately by the Association.
- * The likely political impact of the motion should be carefully considered.
- * Due regard should be given to the educational value to Member – i.e. does awareness need to be raised on the particular matter.
- * The potential medial interest of the subject matter should be considered.
- * Annual General Meeting motions submitted by Member Local Governments must be accompanied by fully researched and documented supporting comment.

Council is invited to nominate two (2) voting delegates for the purposes of exercising its right to vote at the Annual General Meeting.

The two (2) appointed delegates will need to complete the appropriate registration forms once they are received.

In conjunction with the attendance at the conference the opportunity is provided for Councillors to attend the Elected Member Development Program. Councillors will be provided with the program when they become available and are invited to attend.

Proposal

That Council nominate His Worship the Mayor and the Deputy Mayor as voting delegates to attend the Local Government Week Conference from 4 August 2007 to 6 August 2007 inclusive. The Chief Executive Officer advises that he will also be attending this conference.

Strategic and/or Regional Outcomes

Matters of strategic or regional significance can be raised (and discussed) at the conference and the Annual General Meeting.

Community Consultation

There is no need for community consultation in regard to this proposal.

Councillor/Officer Consultation

The Chief Executive Officer and Council are aware of the conference.

Analysis of Financial and Budget Implications

Council's 2007/2008 draft budget provides funding for elected members' attendance at this conference, which includes elected member training and development.

Economic, Social, Environmental and Heritage Issues

There are no economic, social, environmental or heritage issues associated with this item.

Council Policy Compliance

This proposal complies with Council Policies CEO 1 and 9.

Legislative Compliance

Under the terms and conditions of the WALGA constitution, Council may appoint only two (2) voting delegates.

Delegation of Authority

The Chief Executive Officer has no delegation of authority relevant to this proposal.

Relevant Precedents

The City of Bunbury has previously nominated His Worship the Mayor and the Deputy Mayor or another Councillor to attend the Local Government Week Conference as official voting delegates.

Options

Option 1: As per the Recommendation.

Option 2: Council decide not to approve the attendance and therefore not exercise its voting rights at the conference.

RECOMMENDATION

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

The Recommendation was moved Cr Dillon, seconded Cr Major.

The Presiding Member put the Recommendation to the vote and it became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Dillon
Seconded Cr Major

Council approve the attendance of the Mayor and Deputy Mayor and exercise its right to vote at the conference as well as obtain interactive views from other delegates.

CARRIED

12 Votes "For"/Nil Votes "Against"

11.16 SOUTH WEST SPORTS CENTRE OPERATIONS AND FINANCIAL REPORTS - MARCH 2007

File Ref:	F00111
Applicant/Proponent:	Internal Report
Author:	David Ransom, City Accountant
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

This report is to advise Council on the operational and financial performance of the South West Sports Centre (SWSC).

The City has been provided with an Operations Report for March 2007 from Belgravia Leisure and is **attached** at Appendix 24. The Operations Report includes information on attendances, income and expenditure, marketing initiatives, an overview of programs, customer feedback, incidents, maintenance and staff training during March 2007.

A Financial Report for the SWSC prepared by Council's Accounting Services Department to 31 March 2007 has been distributed **under separate cover** at Appendix ?. Overall the SWSC has a net operating result (i.e. income less expenditure) of \$82K better than budget to March 2007. Revenues are up \$49K and expenditure \$33K less than budgeted for the seven (7) months to the end of March 2007.

The net operating result favourable variance of \$82K to March 2007 is a decline from the previous two (2) months of \$131K. In consultation with the Centre Manager an explanation for this decline is provided in the Operations Report (page 3 at item 2). The Centre Manager advises that this decline will be recovered in April 2007 and has forecasted a favourable variance to budget in excess of \$150K to 30 June 2007.

This favourable net operations result has allowed additional repairs and maintenance (\$28K) to be carried out at the Centre, new cleaning machinery purchased (\$21K), a new telephone system (\$15K) ordered for installation in May/June 2007, and a consultant report on management models prepared (\$26K) - a total of \$90K.

Both reports are for Councillor's information.

Background

The South West Sports Centre is currently under an interim management arrangement (until the 30 June 2007) with Belgravia Leisure Pty Ltd who commenced management of the SWSC on the 1 September 2006. A report to Council on the future management options of the Centre is included under a separate item in this agenda.

Strategic and/or Regional Outcomes

The South West Sport Centre supports Council's Strategic Plan of having diverse recreational and leisure opportunities. The SWSC provides a comprehensive range of facilities and services to the local community and the South West Region.

Community Consultation

Council's decision to receive the operations and financial reports of the South West Sports Centre will not impact the community and will not require community consultation.

Councillor/Officer Consultation

Council adopted the 2006/2007 Budget for the South West Sports Centre at the Council Meeting 21 November 2006.

Summary of the Financial Report to 31 March 2007

	Budget 1/9/06-30/6/07	Budget 1/9/06-31/3/07	Actual 1/9/06-31/3/07	Variance
Operating Income	\$1,822,033	\$1,299,594	\$1,348,730	\$49,136
Operating Expenditure	\$2,132,952	\$1,537,339	\$1,504,441	\$(32,898)
Operating Deficit	\$310,919	\$237,745	\$155,711	\$82,034

The financial report to 31 March 2007 shows a favourable actual to budget-to-date variance of \$82,034. The forecast to 30 June 2007 is a favourable variance to budget in excess of \$150K.

Economic, Social, Environmental and Heritage Issues

The South West Sports Centre employs 62 staff members and provides opportunities for an additional 10 staff on a seasonal basis.

Council Policy Compliance

Council's decision to receive the operations and financial reports of the South West Sports Centre does not contravene any Council policies.

Legislative Compliance

The preparation of an operations and financial report for the South West Sports Centre is not required under any legislation.

Delegation of Authority

No delegated authority applies.

Relevant Precedents

Council has previously received operation and financial reports on the South West Sports Centre.

Options

Option 1: Per the Recommendation

Option 2: The South West Sports Centre Operations and Financial Reports for March 2007 are not received.

Conclusion

The Operations and Financial Reports to March 2007 are provided to inform Councillors on the performance of the South West Sports Centre.

RECOMMENDATION

The South West Sports Centre Operations and Financial Reports for March 2007 be received.

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

Cr Dillon left the meeting at 11:13 pm.

An Amended Recommendation was moved Cr Frisina, seconded Cr Major.

The Presiding Member put the Motion to the vote and it became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Frisina
Seconded Cr Major

1. *The South West Sports Centre Operations and Financial Reports for March 2007 be received.*
2. *That the Manager and staff of the South West Sports Centre be complimented and thanked for an outstanding contribution for the improved year to date figures and for their assistance and cooperation through a period of uncertainty.*

CARRIED

11 Votes “For”/Nil Votes “Against”

11.17 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 MARCH 2007

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

Financial Statements for the period ending 31 March 2007 have been circulated to members **under separate cover**. The statements included the following details:

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

Note 1 Significant Accounting Policies

Note 2 Description of Programmes

Note 3 Net Current Assets

Note 4 Receivables

Note 5 Other Financial Assets

Note 6 Payables

Note 7 Provisions

Note 8 Trust Funds

Note 9 Explanation of Significant Variations to Income Statement

Note 10 Capital Expenditure

Note 11 Key Operating Expenditure and Income (budget exceeding \$20,000)

Note 12 Loan Funds

Note 13 Reserve Funds

Note 14 Bunbury Timber Jetty

Note 15 Investment Funds (rate of return benchmarked against International Index)

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

Cr T Smith left the meeting at 11:14 pm.

The Recommendation was moved Cr Major, seconded Cr Leigh.

The Presiding Member put the Recommendation to the vote and it became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Major
Seconded Cr Leigh

The Financial Statements for the period ending 31 March 2007, be received.

CARRIED

10 Votes "For"/Nil Votes "Against"

Cr Dillon returned to the meeting chamber at 11:17 pm.

12. MOTIONS (OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN) TO BE DISCUSSED & RECOMMENDATIONS TO BE REFERRED TO THE NEXT COUNCIL MEETING

Nil.

13. "URGENT" BUSINESS WITH THE APPROVAL OF THE MAJORITY OF MEMBERS PRESENT

<p>NOTE: In accordance with Standing Order 5.1.13, the parameter to be used for determining whether an item can be considered as 'Urgent Business' is: <i>"Can it wait until the next meeting?"</i>.</p>

14. ITEMS TO BE NOTED

14.1 ITEMS TO BE NOTED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING

A report has been circulated under separate cover.

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

The Recommendation was moved Cr Dillon, seconded Cr Major.

The Presiding Member put the Recommendation to the vote and it became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Moved Cr Dillon
Seconded Cr Major

The following items subject of a report circulated to Council Members under separate cover, are noted for information only:

1. *Title: Minutes (Bunbury Environment and Sustainability Advisory Committee Meetings held 8 March 2007 and 5 April 2007)*
 Author: Ben Deeley, Environmental Planning Officer
 File: A01981

2. *Title: Proposed Closure of Portion of Old Coast Road Reserve and its Amalgamation with Adjoining Lot 963*
 Author: Beatrice Plant, Senior Engineer Program and Asset Management
 File: R00343

3. *Title: Accounts for Payment for the Period 1 March 2007 to 31 March 2007*
 Author: David Ransom, City Accountant
 File: A00083

4. *Title: Temporary Road Closure – Agricultural Show – 21 to 22 April 2007*
 Author: John Kowal, Manager Community Law and Safety
 File: R00549

5. *Title: Temporary Road Closure – Dawn Service and Anzac Day Parade – 25 April 2007*
 Author: John Kowal, Manager Community Law and Safety
 File: R00549

CARRIED

11 Votes “For”/Nil Votes “Against”

14.2 ITEMS TO BE NOTED AND ENDORSED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING

Nil.

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

15.1 SOUTH WEST SPORTS CENTRE MANAGEMENT OPTIONS

Due to its commercial-in-confidence nature and with reference to Section 5.23(2) of the Local Government Act, a confidential report on the South West Sports Centre Management Options has been distributed **under separate cover**.

OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 24 APRIL 2007

Cr T Smith returned to the meeting chamber at 11:18 pm.

COMMITTEE DECISION

Moved Cr Jones
Seconded (not required)

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

CARRIED

12 Votes "For" / Nil Votes "Against"

A Committee Recommendation was moved Cr Frisina, seconded Cr Dillon. The recommendation will be referred confidentially **under separate cover** to Council.

COMMITTEE DECISION

Moved Cr Leigh
Seconded (not required)

As Confidential Business (as defined by the Local Government Act 1995) has concluded the meeting once again include members of the public.

CARRIED

12 Votes "For" / Nil Votes "Against"

16. CLOSE OF MEETING

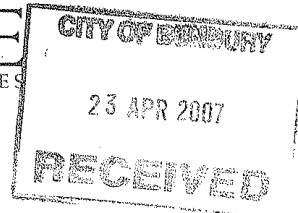
There being no further business, the Presiding Member declared the meeting closed at 11:32 pm.

CONFIRMED this day 15 May 2007, to be a true and correct record of proceedings of the Bunbury City Council (Standing) Committee Meeting held 24 April 2007.

DAVID LAWRENCE SMITH
MAYOR

APPENDIX 001

CITYGATE
PROPERTIES



Our ref: 17324

23 April 2007

DELIVERED BY HAND

Mr Greg Trevaskis
The Chief Executive Officer
City of Bunbury
PO Box 21
Bunbury WA 6231

Dear Sir

**Re: Proposed Rezoning Lot 71 Bunning Boulevard
Council Committee Meeting Tuesday 24 April 2007**

We are aware the reconsideration of the proposed rezoning of our land at Lot 71 Bunning Boulevard is to be considered by Council at its committee meeting on Tuesday 24 April 2007.

* We are disappointed Council did not extend ourselves or our consultant Mr Graham Houghton the courtesy of informing us of this, we only became aware of the matter as a result of Council notifying adjoining property owners but not us.

Our consultant is not available to attend on Tuesday 24 April 2007 for medical reasons and given the recommendation is now changed to that of the previous committee and council notice of the 30 August and 6 September 2005 and new information in regard to the City Vision is now included, our consultant will need time to prepare a response to put to the Councillors at committee.

I request Council re schedule the consideration of this matter until early June.

Yours faithfully

A handwritten signature in black ink, appearing to read "S.R. Prosser".

S.R. Prosser
Director
For Hornell Nominees Pty Ltd

CC: To Councillors

Our Ref: A02416
Your Ref:
Enquiries: ☎ 08 97927055
E-Mail: ttadesse@bunbury.wa.gov.au

19 April 2007

Mr Graham Houghton
Town Planning Consultant
4 Sutton Court, Clifton Park 6233

Dear Mr Houghton

RECONSIDERATION (2ND) – PROPOSED REZONING OF LOT 71 BUNNING BOULEVARD FROM “RESIDENTIAL R15” TO “MIXED BUSINESS AND RESIDENTIAL R40” AND OF ADJACENT LAND (CORNER SANDRIDGE/PICTON ROAD) FROM “ROAD RESERVE (DISTRICT DISTRIBUTOR)” TO “MIXED BUSINESS” ZONE AND PROPOSED CLOSURE OF A PORTION OF SANDRIDGE ROAD AND A PORTION OF PICTON ROAD AND THE AMALGAMATION OF BOTH PORTIONS INTO LOT 71 BUNNING BOULEVARD

In reference to the above, I advise that this matter will be considered at the next Council Committee meeting to be held on Tuesday, 24 April 2007 at 6.00pm in the City of Bunbury Council Chambers located at 4 Stephen Street, Bunbury. A copy of the item and recommendations to the Committee will be available from Council after 3.00pm on Monday, 23 April 2007. Alternatively a copy can be obtained from Council's website – www.bunbury.wa.gov.au.

You are welcome to attend the meeting either as an observer or to speak to the Committee, or you may choose to be present to answer questions the Committee may have. It is important to note that normally only one person “for” or “against” each item on the Committee agenda is permitted to speak, however the Chairman may exercise his discretion in this regard.

If you wish to address the Committee meeting please telephone (08) 9792 7231 to register your intention. This enables the Committee Chairperson to be given formal notice of your intention to speak prior to the meeting commencing.

The Committee will make a recommendation to go forward to the following Council meeting on Tuesday, 1 May 2007 commencing at 6.00pm. Once Council has considered a determination on the application, you will be advised of the outcome accordingly.

In the meantime if you have any further queries, please contact Mr T Tadesse, Planning Officer on ☎ 08 97927055.

Yours faithfully

Teshome Tadesse
A/SENIOR PLANNER

Geoff Klem

From: Geoff Klem
Sent: Friday, 20 April 2007 10:34 AM
To: 'Julian Grill'
Subject: RE: 71 Bunnings Boulevard Bunbury

Dear Mr Grill

The issue of the rezoning of 71 Bunning Boulevard is to be considered by Council at its Committee meeting next Tuesday. This is an open public meeting. The WA Planning Commission has advised Council that the Minister (under the Act) has no power to defer an amendment and as a consequence, Council is required to either proceed or not proceed with the Amendment.

The reasons for the deferral previously were based on the fact that the City Vision Strategy was not completed. The City Vision Strategy is now completed and work is well advanced on a Commercial Centres Strategy. Neither of these strategic planning documents support commercial development at this location and the interpretation of the City's Local Planning Policy - Commercial Strategy is that this location is not within an area that can be considered for mixed business/commercial development.

I trust this is of assistance,

Geoff Klem

-----Original Message-----

From: Julian Grill [mailto:grill1@bigpond.com]
Sent: Monday, 16 April 2007 11:39 AM
To: Geoff Klem
Cc: Ashlee Gardiner; Geoff Prosser
Subject: RE: 71 Bunnings Boulevard Bunbury

Dear Geoff,

Your response is disappointing but I do have some empathy for your position. So let's try to do it your way.

Given the long history of this matter and the lack of clarity on the current progress of the application it would be most helpful if you could give us a statement on the status of the matter. At the same time, if you could let us know the nature of the concerns that the Council Officers are considering and the likely issues that may come before Council then we would be obliged.

Any views that you may have in relation to the general planning context would be gratefully received. We may then be able to draft some specific questions for your consideration.

Thanking you, in anticipation, for your attention to our client's queries.

Regards

26/04/2007

Julian Grill
Phone 08 9321 1313
Fax 08 9322 1198
Mobile 0417 923 721

From: Geoff Klem [mailto:gklem@bunbury.wa.gov.au]
Sent: Thursday, 5 April 2007 3:30 PM
To: Julian Grill
Subject: RE: 71 Bunnings Boulevard Bunbury

Dear Mr Grill

I have considered your request for a meeting and have concluded that it would be more appropriate if you could provide me in writing your issues and/or questions in relation to Lot 71 Bunning Boulevard. Matters that are related to due process and/or professional issues will be responded to through the Council agenda process. Both the Committee and full Council meetings are public and you and your client may wish to attend these meetings to review any discussions and conclusions reached. Opportunities exist for you or your client to make statements to the Council at these meetings.

Regards

Geoff Klem

-----Original Message-----

From: Julian Grill [mailto:grill1@bigpond.com]
Sent: Thursday, 29 March 2007 10:09 AM
To: Geoff Klem
Cc: 'Geoffrey Prosser'
Subject: 71 Bunnings Boulevard Bunbury

Dear Geoff,

I refer to our telephone conversation this morning and I now formally request a meeting, at your convenience, for Geoff Prosser and myself to discuss possible development of Lot 71 Bunnings Boulevard Bunbury.

My understanding is that this matter has been referred back to the Council by the WAPC for further consideration.

All discussions with you shall be conducted on the basis of the utmost proprietary.

Regards

Julian Grill
Phone 08 9321 1313
Fax 08 9322 1198
Mobile 0417 923 721

26/04/2007