

Council (Standing) Committee

Notice of Meeting & Agenda 12 May 2009

Committee Terms of Reference *(last updated 10/5/05)*

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

City of Bunbury
4 Stephen Street
Bunbury WA 6230
Western Australia
Correspondence to:
Post Office Box 21
Bunbury WA 6231

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GLOSSARY OF ABBREVIATED TERMS

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

GLOSSARY OF ABBREVIATED TERMS

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

Council (Standing) Committee Notice of Meeting

TO: Council Committee Members

The next Ordinary Meeting of the Council (Standing) Committee will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on **Tuesday, 12 May 2009** at 6.00pm.

Greg Trevaskis
Chief Executive Officer
(Date of Issue: 7 May 2009)

Agenda 12 May 2009

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

Council Committee Members:

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

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

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

3. Responses to "Public Questions" from the Previous Council Meeting Not Answered at that Meeting

NOTE: At the Council Committee Meeting held 7 April 2009, Mr Victor Howes, asked a number of questions during Public Question Time that could not be answered during the meeting.

Due to the number (and complexity) of some of the questions, these matters are still being investigated pending a written response to Mr Howes.

4. Public Question Time

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

5.1 Question on Notice - Upgrade of Stephen Street (between Victoria & Wittenoom Streets) and Eliot Street, Bunbury

File Ref:	R00147
Applicant/Proponent:	Councillor Stephen Craddock
Author:	Councillor Stephen Craddock
Executive:	Michael Scott, Executive Manager City Services

Cr Craddock submitted the following question (in writing) prior to the close of the meeting agenda. A response has been provided by Michael Scott Executive Manager City Services:

Question 1: What is the anticipated commencement and completion dates for the upgrade of Stephen Street (between Victoria and Wittenoom Streets)?

Response 1: Work for this project has been tendered and closure of this process for evaluation is 14 May 2009. Council has been advised that a tender recommendation will go straight to the Council Meeting of 19 May 2009.

Work will commence on the project before the end of May depending on the mobilisation capability of the successful contractor.

The contract has requested the work be completed within 10 weeks but this may extend dependent on how much rain is received while the job is in progress.

Question 2: What is the anticipated commencement and completion dates for the upgrade of Prinsep Street (between Victoria and Wittenoom Streets).

Response 2: (Note: It was clarified with Cr Craddock that he had meant to ask about 'Eliot Street')

Preliminary work has commenced on the Eliot Street upgrade. This job will be undertaken by a mix of in-house and external resources.

The lights have been ordered and have a six week lead time. Western Power has been booked but its current lead time is 12 weeks. Paving material has been ordered and it too, has a lead time of four to six weeks.

Planning for the project is around the delivery of materials to minimise disruption to people and businesses in the area. For example, old paving will be removed when the new paving has arrived.

This duration of this project may also be affected by the weather.

Both projects can be completed within the planned schedule and notwithstanding factors outside of the City's control, will not be delayed.

6. Confirmation of Previous Minutes

The minutes of the Council (Standing) Committee Meeting held 7 April 2009, have been circulated.

Recommendation

The minutes of the Council (Standing) Committee Meeting held 7 April 2009, be confirmed as a true and accurate record.

7. Disclosures of Interest Under the Local Government Act 1995

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

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

9. Chief Executive Officer Report/Discussion Topics

9.1 Amendment to Lease Terms for Portion of New Library Building at Lot 512 Parkfield Street, Bunbury - Australian Centre for Digital Innovation ("ACDI")

File Ref:	A02351
Applicant/Proponent:	VUE DC Pty Ltd & ISA Technologies Pty Ltd ("Joint Venture Group")
Author:	Ken Weary, Executive Manager Corporate Services
Executive:	Greg Trevaskis, Chief Executive Officer

Summary

Lease negotiations were finalised with VUE DC Pty Ltd Group and ISA Technologies Pty Ltd concerning the proposed Australian Centre for Digital Innovation ("ACDI") to be located within the redeveloped library in Parkfield Street.

A further amendment to the Lease document has been requested by the Joint Venture Group. As a Council Decision (01/09) was previously made, this matter is brought back before council for decision.

A site plan of the ground floor is **attached** at Appendix 1.

Council has previously agreed to rental being fixed at \$200.00m² (+GST) for the first three (3) years, then increased by annual CPI Index annually for the remainder of the initial ten (10) year term, then reviewed the Market Rental at the time of commencement of any renewal option; and indexed to CPI annually for the balance of each additional term.

The Lessee's contribution to outgoings be capped at \$60.00m² (+GST) for the first three (3) years and thereafter leave it on an actual cost basis capped at \$60m² (+GST) for the remainder of the initial ten (10) year term.

Council has previously agreed to maintain the Data Centre specialised equipment including:

- (i) backup generator and associated electrical switch gear of 635kva capacity;
- (ii) uninterrupted power module;
- (iii) fire detection and suppression system;
- (iv) air conditioning systems with an aggregate power of 60 kilowatts;
- (v) access security system (which operates in respect of that part of the Demised Premises outside the Data Centre); and
- (vi) emergency stop systems.

Background

At the Council Meeting held 12 January 2009, the Council were asked to consider the final Lease conditions between the City of Bunbury and the Joint Venture Group. At this meeting it was decided, that:

Council Decision 1/09

Based on the negotiated terms and conditions listed in the Confidential Report circulated to councillors, the Bunbury City Council agrees to lease to the Joint Venture Group (VUE DC Group and ISA Technologies Pty Ltd) approximately 439m² of ground floor space (comprising office space/production area of 355m²; a Data Centre excluding the airlock of 67m², and; a store room of 17m²) at the redeveloped library site on Lot 512 Parkfield Street, Bunbury, subject to the following:

- 1. The lease to commence 1 May 2009 for a term of 10 years with an option to renew for a further two terms of 5 years each.*
- 2. The City's solicitor to finalise the Deed of Lease and Agreement to Lease documents based on standard commercial leasing conditions amended to include 'special conditions' negotiated between the parties (as listed in the Confidential Report) - a copy of this draft documentation to be sent to the Office of the Minister for Lands for approval prior to signing of lease documentation by the parties.*
- 3. The final fully signed lease documentation is to be endorsed by the Minister for Lands.*

Previous Actions

The draft Lease was referred to the parties' solicitors. Negotiations have continued with a view to finalising the Lease.

ACDI Current Request

An email was received from ISA Technologies, representing ACDI on 23 April 2009 confirming:

1. nett Lettable;
2. rent;
3. outgoings, and;
4. power, lighting and air conditioning.

A further amendment to the draft lease was requested regarding the lease commencement date. ACDI has requested the lease commencement date be extended from "1 May 2009" to "three months after the Lease has been approved and signed by all required parties". This period is required to finalise the fit-out designs confirmed and costed, contractors engaged and installation work completed prior to occupancy.

This would amend the 'Date of Commencement' from 1 May to around 1 September 2009.

Further, in respect to the laboratory fit-out, ACDI advises that the original agreed contribution sum was \$400,000 and subsequently and mutually revised downwards to \$200,000.

Options

Option 1

Per the recommendation listed in this report.

Option 2

As recommended in this report subject to variation to the Lease commencement date

Conclusion

It is proposed council agree to the request by ACDI to extend the Commencement Date of the Lease, and that council continue in the spirit of the original Memorandum of Understanding in that the City of Bunbury and ACDI would work towards:

- Work together to support and progress the establishment of the ACDI in Bunbury supporting digital technology investment;
- Cooperate in digital content development in Bunbury in areas of mutual interest, especially those relevant to developing new technologies for demonstrating and commercialising digital content applications and the adoption of digital technologies by the community of Bunbury;
- Collaborate in seeking funding from third parties to develop digital content infrastructure and projects in Bunbury;
- Support world-class research and development (and services development) in digital content and broadband delivery in Bunbury.

Recommendation

Council agrees to the following amendments to the draft Lease between the City of Bunbury and the Australian Centre for Digital Innovation (or ACDI) for the lease of 460 sq.m of the ground floor of the Bunbury City Library:

1. The lease commence three (3) months following the signing and endorsement by the Minister for Lands.
2. Council acknowledges that the original agreed contribution sum for the Special Effects Laboratory fit-out was \$400,000 and subsequently mutually revised downwards to \$200,000.

9.2 Request for Leave of Absence - Councillor Brendan Kelly

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

Summary/Background

Councillor Kelly requests leave of absence from all Council-related business from 13 May to 22 May 2009 (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.

Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Stephen Kelly is granted leave of absence from all Council-related business from 13 May to 22 May 2009 (inclusive).

9.3 Request for Leave of Absence - Councillor Helen Punch

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

Summary/Background

Councillor Punch requests leave of absence from all Council-related business from 6 May 2009 to 15 June 2009 (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.

Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Helen Punch is granted leave of absence from all Council-related business from 6 May 2009 to 15 June 2009 (inclusive).

10. Reception of Formal Petitions & Memorials

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

11.1 Appointment of Community Representative to the Bunbury-Setagaya Sister Cities Committee

File Ref:	A00443-27
Applicant/Proponent:	Internal Report
Author:	Jenelle Dunn, Cultural Development Officer
Executive:	Domenic Marzano, Executive Manager, City Life

Summary

It is proposed to appoint Mr David Byatt as a 'Community Representative' on the Bunbury-Setagaya Sister Cities Committee. The committee's *Terms of Reference* are:

- To publicise and educate the Bunbury community on its Sister City relationship with the City of Setagaya through active promotional programs and liaison with community, educational and commercial organisations.
- To encourage the development of special links between individuals and interest groups of the two (2) communities.
- To encourage and plan for cross-cultural visitations between the cities of Bunbury and Setagaya.
- To identify opportunities to develop areas of mutual interest between the two (2) cities.
- To advise the Bunbury City Council on matters relating to the Sister City relationship.
- All communications to the Mayor of Setagaya shall be through the Mayor of Bunbury's office.

Background

The Bunbury-Setagaya Sister Cities Committee was re-appointed by the Council on 27 November 2007 to provide guidance and recommendations to assist the Council in discharging its duties. Membership of the committee is currently:

Cr Alfred Leigh (City of Bunbury)
Cr Ross Slater (City of Bunbury)
Valda Smith (Community)
David Powell (Community)
Pauline Vukelic (Community)
Roy Hansen (Community)
Suzanne Ellis (Community)
Katie Van Den Brand (Tour Leader)

The committee is assisted by the City's Cultural Development Officer.

Mr David Byatt is a former member of the committee and has expressed an interest in rejoining. The committee has accepted Mr Byatt's nomination as a vacancy currently exists due to the recent resignation of community member - Phillippa Powell. This vacancy has not been advertised. However, the committee has been seeking additional members through word-of-mouth and personal connections.

Strategic and/or Regional Outcomes

The City's Strategic Plan 2007-2012 states that the City's vision is: *"To enhance our community's pride in our City by demonstrating the pursuit of excellence by our leadership, advocacy, service delivery and facilities."*

The Strategic Plan is based around six objectives - two of these are relevant to the recommendation in this report, they are:

1. Strengthen the City of Bunbury's governance and leadership
2. Develop social capital - having community representatives on council committees helps those committees derive a broader insight into public sentiment concerning the activities of the Council.

Community Consultation

The Bunbury-Setagaya Sister Cities Committee had been looking for additional community members through word-of-mouth and personal connections when the Cultural Development Officer received an email from Mr David Byatt indicating his interest in rejoining the committee.

Councillor/Officer Consultation

The committee (including Crs Leigh and Slater) was consulted about Mr Byatt's nomination at a meeting on 8 April 2009, where it agreed to accept the nomination and submit the proposal for appointment of Mr Byatt to the next meeting of the Council for endorsement.

Analysis of Financial and Budget Implications

The activities and objectives of advisory committees or project control groups correlate with the City's annual budget, annual program of works or the City Vision Strategy and are resourced accordingly.

Economic, Social, Environmental and Heritage Issues

Not applicable - this is a nomination for appointment to an existing committee of the Council.

Council Policy Compliance

The "Terms of Reference" for advisory committees or project control groups appointed by the Council do not contravene established Council policies.

Policy CEO7 (adopted by Council on 27 November 2007) sets out guidelines for establishment and operation of advisory committees.

Legislative Compliance

Section 5.9(2) indicates that an advisory committee of the Council may comprise council members only, officers only, community members only or a combination of any of these.

Appointments to a committee of the Council (or any amendment to its terms of reference) must be by an absolute majority vote.

Tenure of committee membership is specified in Section 5.11 of the Local Government Act 1995.

Delegation of Authority

Not applicable - the Chief Executive Officer has not been delegated the authority to appoint members to committees of council.

Relevant Precedents

The Council regularly appoints members to (or updates membership of) its various committees.

Options

No alternative option is provided.

Recommendation

Mr David Byatt be appointed as a 'Community Representative' on Council's Bunbury-Setagaya Sister Cities Committee his tenure of membership to be as specified in Section 5.11 of the Local Government Act 1995.

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

11.2 Bunbury Airport Site No. 26 - Assignment of Lease

File Ref:	F00170 (L141)
Applicant/Proponent:	Michael Donald Fletcher, Terry Doe, Les Doe & Blair Howe
Author:	John Beaton, Manager Administration and Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

An application has been received from Messrs Michael Donald Fletcher, Terry Doe, Les Doe and Blair Howe ("Assignors") seeking Council's consideration to assign Bunbury Airport Site No. 26 (320m²) South Western Highway, Bunbury, to Messrs Greg Kuipers, Robert Main, Graham Lowe and Colin Dinis ("Assignees"). The Lease is due to expire on 30 June 2011.

It is the Assignees' intention to continue to use the site for the storage of aircraft. A copy of the site plan is **attached** at Appendix 2.

Background

The Bunbury Airport is located on Reserve 27686, Lot 501 (Deposited Plan 62343) South Western Highway, Bunbury. 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.

Pursuant to Section 18 of the Land Administration Act 1997, the Department for Planning and Infrastructure (State Lands) has provided the City with its "in principle" approval to the Assignment of Lease to 30 June 2011.

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.

Fees for airport hangar sites have previously been endorsed by Council at the 2008/2009 Budget Meeting held on 5 August 2008.

Lease Details

Current Lease Commenced:	1 November 2001 (exercised further five year option on 1 July 2006)
Current Term:	Five (5) years
Expiry Date:	30 June 2011
Annual Rental:	\$1,276.45 per annum + GST
Administration Fee:	\$34.77 per annum + GST
Rent Review	The Annual Lease Rental and Administration Fee are adjusted annually in accordance with Council's Commercial and Industrial Municipal Rate.
Permitted Use:	Storage of Aircraft

Lease Area:	320m ² (10m x 8m) x (4 units)
Outgoings:	Responsibility of Lessee
Insurance:	Lessee to maintain Public Risk Insurance and General Insurance on the building. Public Liability to be set at \$10(M)
Preparation of Lease:	\$350 + GST includes documentation, registration and advertising

The City's Executive, the Assignors and Assignee have mutually agreed on the Terms and Conditions of Assignment for the unexpired term of the lease.

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 Assignors and Assignees and have mutually agreed on the Terms and Conditions of Assignment for the unexpired term.

Analysis of Financial and Budget Implications

Fees for airport hangar sites have previously been endorsed by Council at the 2008/09 Budget Meeting. The annual lease rental, administration fee and municipal rates are to be increased annually in line with Council's Commercial and Industrial Rate increases throughout the balance of the lease term.

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.

The activity is in keeping with the amenities of the area.

Heritage Issues

There are no known heritage issues associated with the proposal.

Council Policy Compliance

The lease expiry date of 30 June 2011 complies with the Bunbury Airport Strategic Plan Direction 2000-2010.

Legislative Compliance

The intention for assignment of the Lease will be advertised for a 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 fifty-one (51) 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 listed in this report.

Option 2

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

Option 3

Council does NOT support the proposal for assignment of the lease over Bunbury Airport Site No. 26 on Reserve 27686, Lot 501 South Western Highway, Bunbury.

Conclusion

Messrs Fletcher, Doe, Doe and Howe are seeking Council approval for the assignment of the lease over Site No. 26, Lot 501 South Western Highway, Bunbury (to 30 June 2011) to Messrs Kuipers, Main, Lowe and Dinis for the purpose of storage of aircraft.

The proposal to enter into the Assignment of Lease meets the following objectives.

1. The City will meet its responsibilities for the management, care and control of Reserve 27686, Lot 501 South Western Highway, Bunbury, for the benefit of an "Airport".
2. Messrs Kuipers, Main, Lowe and Dinis will enter into a lease arrangement which will provide them with security of tenure over the use of the site for the purpose of storage of aircraft.
3. The Terms and Conditions of the Assignment have been mutually agreed to by the City's Executive, the Assignors and the Assignee.

Recommendation

1. Council agrees to grant an Assignment of Lease over Bunbury Airport Site No. 26, Reserve 27686, Lot 501 South Western Highway, Bunbury, to Greg Kuipers, Robert Main, Graham Lowe and Colin Dinis for the unexpired term of the lease to 30 June 2011 in accordance with the terms and conditions specified in the report.
2. Public notice of the intention to Assign the Lease will be provided in accordance with Section 3.58(3) and (4) of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration Centre and Libraries, and a notice published in the "City Update" column of the Bunbury Mail Newspaper.
3. Obtain Minister for Lands approval.
4. Subject to no objecting submissions being received, the Chief Executive Officer be authorised to proceed with the Deed of Assignment of Lease.

11.3 Bunbury Airport Site No. 29B - Partial Assignment of Lease

File Ref:	F00080 (L154)
Applicant/Proponent:	Peter Heyworth, Estate of Dharmendran Chelvanayagam and David Offer
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

An application has been received from Messrs Peter Heyworth, David Offer and the Estate of Dharmendran Chelvanayagam (“Assignors”) seeking Council’s consideration to assign portion of the Lease held by the Estate of Dharmendran Chelvanayagam over Bunbury Airport Site No. 29B (525m²) South Western Highway, Bunbury, to Mr Michael Donald Fletcher (“Assignee”). The Lease is due to expire on 30 June 2011.

It is the Assignee’s intention to continue to use the site for the storage of aircraft. A copy of the site plan is **attached** at Appendix 3.

Background

The Bunbury Airport is located on Reserve 27686, Lot 501 (Deposited Plan 62343) South Western Highway, Bunbury. 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.

Pursuant to Section 18 of the Land Administration Act 1997, the Department for Planning and Infrastructure (State Lands) has provided the City with its “in principle” approval to the Assignment of Lease to 30 June 2011.

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.

Fees for airport hangar sites have previously been endorsed by Council at the 2008/2009 Budget Meeting held on 5 August 2008.

Lease Details

Current Lease Commenced:	1 May 2004 (exercised further five year option in 1 July 2006)
Current Term:	Five (5) years
Expiry Date:	30 June 2011
Annual Rental:	\$2,096.43 per annum + GST
Administration Fee:	\$34.77 per annum + GST
Rent Review	The Annual Lease Rental and Administration Fee are adjusted annually in accordance with Council’s Commercial and Industrial Municipal Rate.
Permitted Use:	Storage of Aircraft

Lease Area:	42m x 12.5m (525m ²)
Outgoings:	Responsibility of Lessee
Insurance:	Lessee to maintain Public Risk Insurance and General Insurance on the building. Public Liability to be set at \$10(M)
Preparation of Lease:	Full cost of documentation, registration and statutory advertising

The City's Executive, the Assignors and Assignee have mutually agreed on the Terms and Conditions of Partial Assignment for the unexpired term of the lease.

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 Partial 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 Assignors and Assignee and have mutually agreed on the Terms and Conditions of Partial Assignment for the unexpired term.

Analysis of Financial and Budget Implications

Fees for airport hangar sites have previously been endorsed by Council at the 2008/09 Budget Meeting. The annual lease rental, administration fee and municipal rates are to be increased annually in line with Council's *Commercial and Industrial Rate* increases throughout the balance of the lease term.

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.

The activity is in keeping with the amenities of the area.

Heritage Issues

There are no known heritage issues associated with the proposal.

Council Policy Compliance

The lease expiry date of 30 June 2011 complies with the Bunbury Airport Strategic Plan Direction 2000-2010.

Legislative Compliance

The intention for a Partial Assignment of the Lease will be advertised for a 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 fifty-one (51) 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 listed in this report.

Option 2

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

Option 3

Council does NOT support the proposal for partial assignment of the Lease over Bunbury Airport Site No. 29B on Reserve 27686, Lot 501 South Western Highway, Bunbury.

Conclusion

Messrs Heyworth and Offer and the Estate of Dharmendran Chelvanayagam are seeking Council approval for Partial Assignment over Site No. 29B, Reserve 27686, Lot 501 South Western Highway, Bunbury (to 30 June 2011) to Mr Michael Donald Fletcher for the purpose of storage of aircraft.

The proposal to enter into the Partial Assignment meets the following objectives.

1. The City will meet its responsibilities for the management, care and control of Reserve 27686, Lot 501 South Western Highway, Bunbury for the benefit of an "Airport".
2. Mr Michael Donald Fletcher will enter into a lease arrangement with Peter Heyworth and David Offer which will provide him with security of tenure over the use of the site for the purpose of storage of aircraft.
3. The Terms and Conditions of the Partial Assignment have been mutually agreed to by the City's Executive, the Assignors and the Assignee.

Recommendation

1. Council agrees to grant a Partial Assignment of Lease over portion of Bunbury Airport Site No. 29B, Reserve 27686, Lot 501 South Western Highway, Bunbury from the Estate of Dharmendran Chelvanayagam to Michael Donald Fletcher for the unexpired term of the lease (to June 2011) in accordance with the terms and conditions specified in the report.
2. Public notice of the intention to Assign the Lease will be provided in accordance with Section 3.58(3) and (4) of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration Centre and Libraries, and a notice published in the "City Update" column of the Bunbury Mail Newspaper.
3. Obtain Minister for Lands approval.
4. Subject to no objecting submissions being received, the Chief Executive Officer be authorised to proceed with the Deed of Partial Assignment of Lease.

11.4 Proposed Renewal of Lease - Bunbury Seniors Computer Club Inc. - Portion of the Former Infant Health Centre, DC Foster Clinic, 23 Island Queen Street, Bunbury

File Ref:	F00101
Applicant/Proponent:	Bunbury Seniors Computer Club Inc.
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

The Bunbury Seniors Computer Club Inc. is seeking Council's consideration to grant a renewal of its lease for a further term of five years over portion of the former Infant Health Centre located in the former DC Foster Clinic Building at 23 Island Queen Street, Bunbury. See location plan **attached** at Appendix 4.

Background

The premises are held by the City of Bunbury under Management Order Crown Land Record LR3080-284 (Crown Land Title Vol 1312 Fol 66) Reserve 28953 (Loc 522) Island Queen Street, Bunbury for the purpose of 'Community Centre' with the City having the power to lease for a term of up to twenty-one (21) years.

The Bunbury Seniors Computer Club have occupied the Lease since 22 August 2005 and is seeking a further term of five (5) years. The proposal is an increase of two years on the current lease term and will not have an adverse affect on the City having any future planning for the site.

The Club has a dedicated nine-member committee and six volunteer trainers who provide tutorials to various information technology curriculum.

Between May 2006 and March 2009 approximately 5,040 seniors have taken classes which equates to 10,080 hours of computer education.

The Club's income is derived from: membership costing \$30.00 and renewal being \$20.00 per annum. Class fees are \$6.00 per two-hour lesson for members and \$10.00 per two-hour lesson for non-members. There are 175 current members of the Club. The club also raises revenue through community events and state government grants, this revenue stream assists with operations.

Access and skills training include: XP/Vista operating systems; Microsoft Office 2003/2007 suites; use of laptops, use of Skype, PowerPoint Presentation; computers for administration; mobile phones and use of the internet. Other courses include photography and genealogy.

Further information is **attached** at Appendix 5.

Pursuant to Section 18 of the Land Administration Act 1997, the Department for Planning and Infrastructure (State Lands) has provided the City with its "in principle" approval to the Renewal of Lease to 30 June 2011.

Lease Details

Current Lease Details

Date of Commencement:	1 August 2006
Term:	Three (3) years
Date of Expiry:	31 July 2009
Rent:	Annual lease rental for the premises (\$5,200 per annum) waived in recognition of the Club's efforts to improve the skills and knowledge of seniors in the use of computer and information technology (waiving of the rental recorded in the Municipal Budget as a Community Contribution and Donation).
Outgoings:	Responsibility of Lessee
Insurance:	Lessee to maintain Public Risk insurance and General insurance on the premises. Public Liability to be set at \$10(M)
Permitted Use:	Computer and associated activities.
Leased Area:	85m ²
Document Preparation Costs:	Lessee responsible for the full cost of documentation, registration and statutory advertising.

Proposed Renewal of Lease Details

Date of Commencement:	1 August 2009
Term:	Five (5) years
Date of Expiry:	31 July 2014
Rent:	Annual lease rental for the premises (\$6,240 per annum) waived in recognition of the Club's efforts to improve the skills and knowledge of seniors in the use of computer and information technology (waiving of the rental recorded in the Municipal Budget as a Community Contribution and Donation).
Outgoings:	Responsibility of Lessee
Insurance:	Lessee to maintain Public Risk insurance and General insurance on the premises. Public Liability to be set at \$10(M)
Permitted Use:	Computer and associated activities.
Leased Area:	85m ²
Document Preparation Costs:	Lessee responsible for the full cost of documentation, registration and statutory advertising.

The City's Executive and representative of Bunbury Seniors Computer Club Inc. have mutually agreed on the proposed terms and conditions of the renewal of lease.

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".

Regional Outcomes

The Club encourages like-minded seniors to avail themselves of the opportunity to use the Club's facilities.

Community Consultation

The proposal to grant a renewal of a lease will be publicised in the Bunbury Mail City Update column.

Councillor/Officer Consultation

Council officers have held discussions with the applicant and have mutually agreed on the terms and conditions of the renewal.

Analysis of Financial and Budget Implications

The Independent Market Lease Rental has been assessed at \$6,240 per annum.

The proposal to offer a rent-free period for the term of five (5) years and would not impose a financial burden on Council and recognises the valuable contribution the Club offers the community. Subject to Council's approval to waive the rental it will be recorded in the Municipal Budget as a Community Contribution and Donation.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The Club provides the essential computer equipment and is continually investigating other sources of government funding to upgrade and expand its assets.

Social Issues

The Club provides a venue for seniors to improve their information technology skills and knowledge.

Environmental Issues

The permitted use of the lease premises 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 leasing of Council buildings.

Legislative Compliance

The Local Government (Functions and General) Regulations 1996 do not require the City to advertise the Intention to lease the property as: *"the applicant is an incorporated body*

- (i) *whose objects are charitable, benevolent, educational and of other like nature; and;*
- (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions."*

Delegation of Authority

The Chief Executive Officer has the delegated authority of the Council to negotiate the terms of a lease renewal provided the settled terms and conditions are presented to Council for approval before documentation is finalised.

Relevant Precedents

The proposed renewal of the lease will provide the Club with security of tenure and enable seniors within the community the opportunity to be actively involved in the educational and social courses offered.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

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

Option 3

Council does NOT support the proposal for the Bunbury Seniors Computer Club Inc. to lease portion of Reserve 28953 at Loc 5022 Island Queen Street, Bunbury.

Conclusion

The Club has established its base and has operated from the facility to a high standard for the past four years. During the tenure period it has fulfilled all obligations and responsibilities required under the terms and conditions of the lease.

Based on the statistical information, the club provides a significant benefit to the community and may find itself in need of larger premises in the future to meet the growing demand.

Recommendation

Council agrees to grant the Bunbury Seniors Computer Club (Inc.) a renewal of its lease over portion of the former DC Foster Clinic (being portion of Reserve 28953, Loc 5022) in Island Queen Street, Bunbury, for a term of five (5) years subject to the terms and conditions as specified in the report to Council and the following:

1. The intention to renew the lease to be advertised locally pursuant to Section 3.58 of the Local Government Act 1995, by providing notice on the Public Notice Boards at the City's Administration Centre, Central Library and Withers Library and in the City Update Column of the Bunbury Mail.
2. Minister for Lands to endorse the Lease agreement.
3. The Chief Executive Officer to be authorised to proceed with preparation and signing of the Lease Agreement.
4. Council to waive the annual lease rental for the premises (\$6,240 per annum) in recognition of the Club's efforts to improve the skills and knowledge of seniors in the use of computer and information technology and have the consideration recorded in the Municipal Budget as a "Community Contribution and Donation".

11.5 Apex Club of Bunbury Koombana - Application to Lease Former Rathmines Scout Hall at Lot 1 (No. 57) Corner Thomas & Hislop Streets, East Bunbury and Enter into Memorandum of Understanding for Storage Shed with Bunbury & Districts Little Athletics Centre Inc.

File Ref:	P09632
Applicant/Proponent:	David Briggs, Apex Club of Bunbury Koombana (<i>a division of Apex Australia Inc.</i>)
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

Subject to local community consultation, it is proposed to:

1. Lease the former Rathmines Scout Hall situated on Lot 1 (No. 57) Thomas Street, East Bunbury, to the Apex Club of Bunbury Koombana for a five (5) year term with an option to renew for a further (5) years - a location/site map and images are **attached** at Appendix 6.
2. Enter into a *Memorandum of Understanding* (with the Apex Club of Bunbury Koombana and the Bunbury & Districts Little Athletics Centre Inc.) to permit the continued use of the on-site storage shed for storage of sports equipment.

The proposal was put forward for discussion at the Land Rationalisation & Acquisitions Committee Meeting on 9 April 2009, where the committee made the following recommendation to the Council:

"The Land Rationalisation & Acquisitions Committee supports the proposal for the City of Bunbury to lease the former Rathmines Scout Hall at Lot 1 (No. 57) Thomas Street, East Bunbury, to the Apex Club of Bunbury Koombana."

Background

History and Land Details

The City holds Freehold title over the former Rathmines Scout Hall site at Lot 1 (No. 57) Thomas Street, East Bunbury. On 8 May 2008, the Certificate of Title (Vol 1291, Fol 113) for the land was transferred into the name of the City of Bunbury as the former owner (the Scout Association of WA) had given notice that it no longer required the hall for scouting activities.

The property is zoned 'Parks and Recreation' under the Town Planning Scheme No. 7. The applicant's proposal to lease the property for meetings and some fundraising events is consistent with the zoning which permits passive community use i.e., *"meetings, social or recreational activities or services by organisations involved in activities for community benefit."*

Property Requires Maintenance/Renovation

The building and surrounds are in a poor condition. It is evident that both the interior and exterior of the building have not received regular maintenance for some years and the electrical system needs to be updated to meet modern safety standards.

One of the large trees on the property overhangs the front of the building - it needs to be cut back or removed. The roof fascia on the south western corner of the building shows evidence of water damage (caused by the overhanging tree) and needs replacing.

The property is bounded by a mesh fence and the grounds are currently overgrown with tall grass and weeds. There has been no designated car parking on-site to date, so vehicles have parked on the wide grassed road reserve at the front of the property.

The metal storage shed on-site is in good condition.

Representatives from the Club have accompanied Council Officers to inspect the premises. The Club has indicated that a number of its members (both current members and Life Members) are qualified tradesmen and would be prepared to provide assistance "in kind" with renovations required to make the building suitable for lease. All work would be undertaken under the supervision of the City's Manager of Building Maintenance and Construction.

Officers from the City's Health, Building and Construction/Maintenance Divisions have inspected the premises. It is estimated that the cost of undertaking maintenance work at the site necessary to bring it up to a standard suitable for lease (estimated at \$10,000) can be covered from the City's maintenance budget provided that labour costs are reduced through assistance provided by members of the Apex Club.

The Applicant

The applicant (Apex Club of Bunbury Koombana Inc.) currently has no fixed meeting place. The prospect of having secured tenure over a meeting venue will assist the Club in enticing new members, hold fundraising events and fulfil its ideal of helping to building better communities.

The Club has been active in Bunbury since 1935 and currently has 9 active members, 4 prospective members and 67 life members - the highest level of membership the Club has seen for 15 years.

The Club advises that: *"In our membership we are lucky to have 2 professional handymen with extensive building experience, 1 electrician and 1 of our members owns a bobcat and truck. We have all vowed to give whatever time and energy is required to re-fit/re-vamp the building. Apart from our current membership, our list of life members includes a licensed electrical contractor and a couple of the highest regarded builders in Bunbury. While they have not committed to help "hands-on" they have offered to assist where they can."*

Any building or renovation work undertaken at the former Rathmines Scout Hall will be done under the guidance and supervision of the City's Manager of Building Construction and Maintenance.

The Apex Club of Bunbury Koombana Inc. is currently coordinating the following State projects:

1. Fundraising to send a terminally ill child on a dream holiday.
2. Lobbying the State/Federal Government with an *"Educate Not Legislate"* campaign.

In addition to its State responsibilities, the Club undertakes a large amount of local community service work i.e., handyman and gardening jobs for pensioners and seniors.

If successful with its lease application, the Club intends to utilise the site for meetings and up to three (3) fundraising events per year. As the building is designated for community use, the applicant is agreeable to joint-use and is prepared to permit the Bunbury & Districts Little Athletics to utilise the storage shed on-site for storage of sporting equipment.

Proposed Lease Details

The City's Executive and representatives of the applicant Club have mutually agreed on the following terms and conditions of the proposed lease:

Commencement Date:	1 June 2009
Term:	Five (5) years with an option to renew for a further five (5) years
Expiry Date:	31 May 2014
Rental:	\$1.00 per annum (peppercorn) rental during the initial five (5) year term in lieu of the Lessee providing "in kind" services to assist the City in renovating the building.
Rent Review:	Rental to be reviewed upon the Commencement Date of the further term (if enacted)
Outgoings:	Payment will be the responsibility of the Lessee
Insurance:	Lessee to maintain Public Risk and Industrial Special Risk Insurance policies for the premises. The public liability component to be no lower than \$10(M). Certificates of currency to be provided to the City on an annual basis.
Special Conditions:	<ol style="list-style-type: none">1) Any Apex Club member nominated to undertake works at the leased premises is to be supervised by a suitably qualified tradesman/contractor.2) No work is to be undertaken by the Lessee at the leased premises without the prior written authorisation of the City's Manager of Building Construction & Maintenance.3) The Bunbury & Districts Little Athletics Centre Inc. to be permitted to utilise the storage shed on-site for storage of sporting equipment.
Document Preparation:	The Lessee to pay the full cost of document preparation and registration.

Strategic and/or Regional Outcomes

The proposal complies with the Strategy 2.4 of the City of Bunbury Strategic Plan 2007-2012 which states that the City *"will develop a property strategy that benefits the City's residents, business community and sporting organisations."*

Community Consultation

In late 2008, a local community survey was undertaken. Four submissions supporting the proposal to lease the hall to the Apex Club of Bunbury Koombana were received. Also received was a letter and petition containing 12 signatures requesting that the building be demolished claiming that it is in need of repair as it is not amenable to the ambience of the surrounding area.

The Land Rationalisation and Acquisitions Committee does not support demolition of the hall.

If the City elects to proceed with the proposal, then its intention to grant the Apex Club of Bunbury Koombana a lease will be published in the City Update column of the Bunbury Mail Newspaper in order to meet statutory requirements for use (disposal) of Council property under Section 3.58 of the Local Government Act 1995.

Councillor/Officer Consultation

Council officers have held discussions with the applicant and have mutually agreed on the terms and conditions of the proposed lease.

The following officers have been consulted in the preparation of this report: Manager Health; Manager of Building Construction & Maintenance; Manager Development Services; Town Planner (Heritage) and Senior Town Planner (Strategic).

The proposal was discussed at the Land Rationalisation & Acquisitions Committee Meeting on 9 April 2009. The committee supports the proposal.

Analysis of Financial and Budget Implications

The Apex Club of Bunbury Koombana Inc. is financially solvent and has provided the City with a copy of its 2006/07 Annual Statements. Based on the financial details provided, the club has the ability to generate income sufficient for the anticipated outgoings and ongoing maintenance costs for the property. The Club holds a Charitable Collections Permit and as part of its reporting requirements under the *Charitable Collections Act 1946*, has its financial statements audited annually.

As indicated previously, a number of members of the Apex Club of Bunbury Koombana are qualified tradesmen and have confirmed that they would be prepared to assist in renovation to the site to keep renovation costs to under \$10,000 (under the direction of the City's Manager of Building Construction and Maintenance).

The Club has provided the City's officers with Certificates of Currency for insurance and has sufficient public risk insurance in place to undertake works at the site.

The Lessee will be responsible for payment of document preparation and registration costs associated with the lease.

Economic, Social, Environmental and Heritage Issues

Economic and Social

The applicant Club's ideal of helping to building better communities and its associated fund raising events have provided a solid economic and social benefit to the residents and businesses of Bunbury (and the wider community) for the past 72 years.

Environmental

The applicant's intended use of the building is in keeping with the zoning of the property. As the building has been in place for many years there are no environmental issues to consider.

Heritage

The Regional Heritage Advisor has been consulted concerning the historical relevance of the site and advises that the hall does not have any heritage significance to Bunbury.

Council Policy Compliance

There is no Council policy concerning lease of buildings.

Legislative Compliance

The intention to grant the Apex Club of Bunbury Koombana a lease for a five (5) year term with an option to renew for a further five (5) years, will be published in the City Update column of the Bunbury Mail Newspaper.

Delegation of Authority

The Chief Executive Officer has the delegated authority of the Council to negotiate the terms of an application to lease Council owned or managed property, provided the settled terms and conditions are presented to Council for approval before documentation is finalised.

It is proposed that the Chief Executive Officer be authorised to proceed with preparation and signing of the Deed of Lease (and Tenancy Agreement for use of the shed on-site) should no negative feedback from advertising be received.

Relevant Precedents

The Scouts have utilised the hall and its grounds for meetings and other Scouting activities since 1964.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Per the recommendation (together with any amendments suggested by Council members)

Option 3

Council refuses the application from the Apex Club of Bunbury Koombana Inc. to lease the former Rathmines Scout Hall located on Lot 1 (No. 57) Thomas Street, East Bunbury.

Conclusion

The former Rathmines Scout Hall has only recently been transferred back into the ownership of the City of Bunbury. The hall and grounds are in poor condition and require renovation to bring the property up to a standard suitable for lease.

Some Life Members of the Apex Club of Bunbury Koombana are qualified tradesmen and are prepared to assist (voluntarily) with the necessary renovation of the property under the guidance of the City's Manager of Building Construction & Maintenance. This will reduce costs associated with the public and keep the costs within the maintenance budget for the property. The Club is prepared to undertake these works on the basis that it receives a five year term (with a five year renewal option) with the initial term to be subject to a peppercorn rental.

The Club has also indicated that it is prepared to co-exist at the premises with "like" community groups and will submit any applications to sub-lease or licence the premises to Council for consideration and approval. It is agreeable to a previous proposal for the Bunbury & Districts Little Athletics Centre Inc. to utilise the metal storage shed on-site for storage of sporting equipment.

Recommendation

Council agrees to grant a lease over the former Rathmines Scout Hall on Lot 1 (No. 57) Thomas Street, East Bunbury, to the Apex Club of Bunbury Koombana for a term of five (5) years with an option to renew for a further five (5) years; based on the terms and conditions as listed in this report to Council, and the following:

1. Members of the Apex Club of Bunbury Koombana to assist the City's Building Construction and Maintenance Division in undertaking repairs and renovation at the premises (including upgrade of the electrical system) to keep costs within the annual maintenance allocation for the property
2. Any work undertaken at the lease site by the Apex Club of Bunbury Koombana Inc. is to be undertaken and/or overseen by suitably qualified

tradesmen and is not to be undertaken unless authorised by the City's Manager of Building Construction & Maintenance.

3. The intention to grant a lease is to be published in the City Update column of the Bunbury Mail Newspaper for public information prior to commencement of the lease term.
4. The Chief Executive Officer is authorised to prepare the lease document and arrange for signing by all parties.
5. The Lessee to pay all costs associated with document preparation and registration of the lease.
6. The Apex Club of Bunbury Koombana to enter into a Memorandum of Understanding with the Bunbury & Districts Little Athletics Centre Inc. (and the City of Bunbury) to allow it to continue using the metal storage shed on the premises for storage of sporting equipment per the terms of its agreement with the former 1st Rathmines Scout Group.

11.6 5 Year Financial Plan 2009 - 2014

File Ref:	A00362-06
Applicant/Proponent:	Internal Report
Author:	David Ransom, City Accountant
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

The draft 5 Year Financial Plan for the five financial years 2009 - 2014 is now referred to Council for consideration and endorsement to advertise.

Background

A Councillor Workshop and Briefing Session was held on the 28 April 2009 and 5 May 2009 respectively to consider the Draft 5 Year Financial Plan.

A copy of the draft 5 Year Financial Plan for the financial years 2009 - 2014 has been circulated to Council under separate cover.

Key projects included in the draft 5 Year Financial Plan are:

Infrastructure Development (Transport, Drainage, Environmental, and Lighting)	\$36.77M
Parking Strategy Implementation	\$ 4.75M
New Depot	\$ 4.70M
Hands Oval Development	\$ 4.20M
Bunbury Regional Athletics Track	\$ 5.60M
New Soccer Facilities, Hay Park	\$ 1.84M
Spencer Street Underground Power	\$ 1.45M
Bunbury Regional Entertainment Centre	\$ 7.50M
Turkey Point	\$ 0.65M
New Visitor Centre	\$ 7.12M
Waste Services Plant Replacement	\$ 5.05M
Airport Landing Reseal & Taxi Way Extension	\$ 0.62M
Bunbury Regional Arts Gallery Air Conditioning	\$ 0.30M
Withers Library Improvements Study	\$ 0.10M
Coastal Protection Research	\$ 0.07M
CBD Streetscaping	\$ 0.30M
Bunbury Timber Jetty	\$ 3.50M
Bunbury Regional Art Gallery Improvements	<u>\$ 0.89M</u>
TOTAL	<u>\$85.40M</u>

Strategic and/or Regional Outcomes

The draft 5 Year Financial Plan summarises Council's proposed major activities, is linked to Council's Strategic Plan and will guide Council's future direction, budgets and financial planning.

Community Consultation

A copy of the plan will be available from Council's Customer Service Centre for public inspection and will be advertised in conjunction with Council's 2009 – 2014 Strategic Plan.

Councillor/Officer Consultation

A Councillor Workshop and Briefing Session was held on the 28 April 2009 and 5 May 2009 respectively to consider the draft 5 Year Financial Plan.

Analysis of Financial and Budget Implications

The purpose of the 5 Year Financial Plan is to ensure that Council's annual budget achieves the objectives outlined in City of Bunbury Strategic Plan.

The 5 Year Financial Plan maintains a balanced financial position each year.

Economic, Social, Environmental and Heritage Issues

The 5 Year Financial Plan supports the City of Bunbury Strategic Plan, which includes the Strategic Objective: "Strengthen the City of Bunbury's Governance and Leadership". This Strategic Objective includes the implementation of 5 year financial planning and the commitment to strengthening Council's financial position and providing sound financial management.

Council Policy Compliance

The 5 Year Financial Plan is reviewed each year.

Legislative Compliance

The preparation of a "Plan for the Future" is a requirement under the provisions of Section 5.56 of the Local Government Act 1995. The adoption of the 5 Year Financial Plan combined with the City of Bunbury Strategic Plan, (to be presented to Council in June 2009), will form Council's "Plan for the Future" and be titled the City of Bunbury Strategic Plan.

Delegation of Authority

There is no delegation of authority applicable to the 5 Year Financial Plan.

Relevant Precedents

Council has for many years maintained and reviewed annually its 5 Year Financial Plan. The Plans were previously referred to as the Principal Plan of Activities and Corporate Financial Plan.

Options

Option 1: Per the Recommendation.

Option 2: Council endorse the 5 Year Financial Plan 2009 - 2014 with any amendments for advertising.

Option 3: Council not endorse the 5 Year Financial Plan for advertising and the plan be referred back to Committee for further review and consideration.

Conclusion

The City of Bunbury 5 Year Financial Plan has been developed in conjunction with Councillors and Council Staff.

The 5 Year Financial Plan is the financial strategic plan for Council for the next 5 years. The plan is a summary of proposed major works to be undertaken and services to be provided during this time. The plan is dynamic and its components and underlying assumptions are subject to annual review.

Recommendation

Council endorse the City of Bunbury 5 Year Financial Plan 2009 – 2014 for advertising.

11.7 Proposed Policy on Provision of Sponsorship - Financial Assistance to Community Groups

File Ref:	A01327
Applicant/Proponent:	Internal report
Author:	Jackie Massey, Manager Economic & Social Development
Executive:	Domenic Marzano, Executive Manager City Life

Summary

In order to enhance the process by which community groups apply for Council funding for a range of purposes, City Life has prepared a Policy on the Provision of Sponsorship – Financial Assistance to Community Groups. This policy is attached at **appendix 7**. The intention is to make the application process a transparent and equitable one for all community groups. At its meeting on 20 April, the City Promotions Committee recommended to Council that the policy be approved.

Background

Every year community groups seek support from Council through the annual budget process for a range of purposes including assistance to help provide community services, to support community/cultural projects and events and to provide corporate sponsorship which will enhance the corporate image of the City. However, to date there have been no guidelines outlining the purpose of the grants, the eligibility criteria and the process to be followed for assessment of applications and the allocation of funds.

City Life has prepared a policy document called “Policy on Provision of Sponsorship – Financial Assistance to Community Groups” designed to make the application process a transparent and equitable one for all community groups. All groups will be required to complete a standard application form and to submit an acquittal report once their project/event is completed. The policy proposed for adoption by the City is similar to that used by other LGAs. Adoption of the policy will mean that applications will be considered in detail by an assessment panel comprising both elected members and staff, with recommendations being submitted by this panel to Council for endorsement. Council will be asked as part of the budget process to allocate funding for the purpose of providing assistance in terms of the policy. This funding will be recommended for allocation by the assessment panel over two applications rounds (March and September each year).

Council considered a first draft of this policy at its meeting on 16 December.

Council Decision 240/08

- 1. The Sponsorship and Donation Policy be referred to the City Promotions Committee for comment and returned to Council for further consideration in the second round of Council Meetings in 2009.*
- 2. The appointment of an assessment panel to take place at this time.*

The City Promotions Committee has reviewed the draft policy and proposed some minor amendments relating to categories and eligibility provisions which have been incorporated into the document. At its meeting on 20 April the Committee has recommended that the revised policy be approved by Council.

Strategic and/or Regional Outcomes

This proposed policy directly addresses Strategy 6.2 of the City's Strategic Plan where under the heading "Community participation, partnership and support", one of the deliverables is to "develop a grants and sponsorship policy".

Community Consultation

Community groups frequently request details of the application process for Council grants. Adoption of this policy and the supporting application forms will enable City of Bunbury staff to meet this need.

Councillor/Officer Consultation

The City Promotions Committee has reviewed this draft policy. Feedback has also been sought from staff in several divisions.

Analysis of Financial and Budget Implications

There are no budgetary implications of this proposal. A funding pool from which allocations to community groups will be made, will be approved by Council as part of the Council's annual budget process. This is similar to the current process whereby Council approves funding for individual applications as part of its annual budget process.

Economic, Social, Environmental and Heritage Issues

Support for community groups, services and events is an important way by which the City sustains and enhances the social environment for Bunbury's residents and visitors.

Council Policy Compliance

There is no Council policy in relation to this matter.

Legislative Compliance

Not applicable.

Delegation of Authority

The Chief Executive Officer does not have delegated authority in this matter.

Relevant Precedents

There are no relevant precedents.

Options

Option 1

Per the recommendation listed in this report.

Option 2

To refer the policy back to the City Promotions Committee.

Conclusion

The proposed Policy on Provision of Sponsorship – Financial Assistance to Community Groups, together with a related application form, will make the application process by which community groups seek financial support from Council more transparent and equitable. There is a clear requirement from the community for more guidance in this area as evidenced by frequent requests to City Life for information. Approval of this policy will enable City Life to meet the needs of the community. It will also mean greater accountability as grantees are required to provide acquittal reports. Council will also benefit by being able to set the total pool of funding available as part of the budget process and by then receiving specific recommendations for allocation from the assessment panel at a subsequent meeting.

Recommendation

1. To approve the Policy on Provision of Sponsorship – Financial Assistance to Community Groups.
2. To appoint the elected member to the Sponsorship Assessment Panel, the full membership of the panel in terms of the policy being:
 - 2.1 The Chair of the City Promotions Committee – Stephen Craddock
 - 2.2 Another elected member – to be appointed by Council
 - 2.3 The Executive Manager City Life – Dom Marzano
 - 2.4 Another City Life staff member with relevant expertise – Jackie Massey

11.8 St John Ambulance WA - Proposal to Amalgamate Portion of Crown Reserve 30601 (Lot 1064) Parade Road, Bunbury

File Ref:	F00102
Applicant/Proponent:	St John Ambulance Association (Western Australia)
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

St John Ambulance Association is seeking Council's consent to relinquish a 1,890 sq.m portion of Reserve 30601 (Lot 1064) Parade Road, Bunbury for amalgamation with its adjoining Reserve 41867 (Lot 5600). St John's is in need of the additional area to meet the demand for car parking to meet its expanding range of training sessions including First Aid training.

A sewer easement is located along the southern boundary of Reserve 41867 which will not prevent the construction of a car park but will need to be taken into consideration if St John Ambulance WA proposes to expand its premises in the future.

A location map is **attached** at Appendix 8

Background

The City of Bunbury holds the Management Order over Reserve 30601 (Lot 1064) under Crown Land Record Volume 3129 Folio 866 for the purpose of "Recreation" with the power to lease for a term of up to twenty-one (21) years.

The site is zoned "Parks and Recreation" in accordance with City of Bunbury Town Planning Scheme No. 7.

The subject land comprises approximately 1,890 square metres and is wedged between the St John Ambulance Headquarters, Parade Road and the Blair Street roundabout. Its shape and accessibility severely restrict public use and consequently, it is under-utilised. The City has been charged with the responsibility to maintain the site. The land is also separated by St. John's only emergency access onto Parade Road to service the south western corridor of the City and the region.

The Australian Road Research Board (commissioned by Main Roads WA), Department for Planning and Infrastructure and the City have prepared the Dalyellup Traffic Study. It is anticipated there will be an increase in motor vehicle volumes as a result of the proposed connection of the southern end of Parade Road to the location of Dalyellup. The study has also identified the need to construct a dedicated left-hand turn slip lane from Parade Road to Blair Street leading north at the Blair Street, Parade Road and Brittain Road roundabout. A copy of the concept drawing is **attached** at Appendix 8

It is the view of the City's Executive and the City's Environmental Officer that the subject land is surplus to the City's requirements thus they have no objection to the proposal for the land to be developed into 55 parking bays subject to:

- Portion of the land to be retained for the purpose of construction of a left-hand slip lane as identified on the concept plan.
- All 'Improvements' made at the site by the applicant are to be approved by the Council through the Development Application process.
- The land (once amalgamated) is to be landscaped and improved by the applicant to the City's satisfaction to complement the land's strategic location and act as an entry statement to Bunbury from the south.
- All costs associated with surveys, amalgamation, document preparation and landscaping to be the responsibility of the applicant.
- A notation be placed on the Crown Land Title for the land (once amalgamated) to ensure that in the event St John Ambulance WA decommissions its premises on the site, the City of Bunbury is given 'first right of refusal' to have the Management Order over that portion of the site which it relinquished in favour of St John Ambulance WA, reverted back into the name of the City.

The Department for Planning and Infrastructure (Minister for Lands) has provided 'in principle' support for the proposal to amalgamate the subject land with Reserve 41867.

Strategic and/or Regional Outcomes

The proposal complies with the City of Bunbury Strategic Plan 2007-2012 and in particular, strategy 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

Notice of the intention to relinquish portion of Reserve 30601 (Lot 1064) Parade Road will be published in the City Update Column of the Bunbury Mail Newspaper.

Councillor/Officer Consultation

The City's Executive, St John Ambulance WA representatives and the Department for Planning and Infrastructure have mutually agreed on the terms and conditions of the proposed amalgamation.

The proposal has been reviewed by the City's Executive and the City's Environmental Officer who have no objections.

The proposal (and recommendation) has also been reviewed by the Council's Land Rationalisation & Acquisitions Committee which makes the following recommendation to Council: "*The Land Rationalisation & Acquisitions Committee supports the proposal for the City of Bunbury to advise the Minister for Lands that it relinquishes its interest in an unused 1,890 sq.m portion of Crown Reserve 30601 (Lot 1064) Parade Road in favour of St John Ambulance WA, subject to:*

1. *The relinquished land being used only for amalgamation with adjoining land (Reserve 41867) in order to meet the increasing car parking and future building expansion needs of the St John Ambulance Association.*
2. *A notation is to be placed on the Crown Land Title to ensure that in the event St John Ambulance WA decommissions its premises, the City of Bunbury is to be given first right of refusal to have the Management Order over the relinquished land reverted back into the name of the City."*

Analysis of Financial and Budget Implications

The applicant will be responsible for meeting the costs of survey, amalgamation, document preparation and landscaping.

The City has been charged with the responsibility of maintaining the site subject to Council approval to relinquish the land. There will be an operational cost benefit to the City with the request of the applicant to enhance the site in accordance with the Development Application approval.

Economic, Social, Environmental and Heritage Issues

Economic and Social Issues

St. John Ambulance WA provides an essential service to the City and the region. The proposal to increase the number of car parking bays will help meet the demand while First Aid Training is conducted at the Centre.

The subject piece of land is unused, generates no revenue for the City and is a cost-burden.

Environmental Issues

The applicant will be required to comply with all Acts, statutes, ordinances, orders, local laws and regulations associated with any proposed development on the site once the land has been amalgamated.

The proposal has been reviewed by the City's Environmental Officer who has no objections.

Heritage Issues

There are no known heritage issues in relation to the application.

Council Policy Compliance

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

Legislative Compliance

A notice of intention to relinquish portion of Reserve 30601 (Lot 1064) Parade Road will be published in the City Update Column of the Bunbury Mail Newspaper for public information.

Delegation of Authority

The Chief Executive Officer has the delegated authority of the Council to negotiate the terms and conditions of the relinquishment of a reserve, provided the terms and conditions are presented to Council for approval before documentation is finalised.

It is proposed that the Chief Executive Officer be authorised to proceed with the relinquishment as described in this report.

Relevant Precedents

The Council has previously considered better land-use (rationalisation) of reserve land held by the City. This application differs in as much as the applicant is seeking the Council's consent to relinquish a portion of Reserve 30601 (Lot 1064) for amalgamation with adjoining Reserve 41867 (Lot 5600), and, proposes to enhance the site as an entry statement to the City.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Per the recommendation as listed in this report (with additions or amendments suggested by members at the meeting).

Option 3

Council to advise St. John Ambulance WA that its application to amalgamate portion of Reserve 30601 (Lot 1064) Parade Road with Reserve 41867 (Lot 5600), is refused.

Conclusion

The applicant proposes to amalgamate the land parcels to meet demand for car parking by providing additional car parking (55 bays) to the south and enabling the opportunity for future expansion of the Centre to the west.

The subject land comprises approximately 1,890 square metres and its purpose as public open space based on the concept plan is severely restricted due to its shape and accessibility.

All capital improvements on the land will be the subject of separate Development Approval applications.

The applicant is prepared to landscape the southern boundary of the amalgamated property to Council's satisfaction to complement its strategic location as an entry statement to the City from the south.

Recommendation

In response to an application by St John Ambulance WA, the Council agrees to relinquish a 1,890 sq.m portion of Reserve 30601 (Lot 1064) Parade Road, Bunbury in favour of St John Ambulance WA, and; agrees for the relinquished portion of land to be amalgamated with adjoining Reserve 41867 (Lot 5600) subject to the following:

1. Documentation to be endorsed by the Minister for Lands.
2. Portion of the land to be retained for the purpose of construction of a left-hand slip lane as identified on the concept plan.
3. All 'Improvements' made at the site by the applicant are to be approved by the Council through its Development Approval application process.
4. The land (once amalgamated) is to be landscaped and improved by the applicant to the City's satisfaction to complement the land's strategic location as an entry statement to Bunbury from the south.
5. All costs associated with surveys, amalgamation, document preparation and landscaping to be the responsibility of the applicant.
6. A notation be placed on the Crown Land Title for the land (once amalgamated) to ensure that in the event St John Ambulance WA decommissions its premises on the site, the City of Bunbury is given 'first right of refusal' to have the Management Order over that portion of the site which it relinquished in favour of St John Ambulance WA, reverted back into the name of the City.

11.9 Final Draft Local Planning Policy - Building Height

File Ref:	A03541
Applicant/Proponent:	Internal Report
Author:	Kelly Shore, Strategic Planner Kelvin Storey, Senior Strategic Planner Thor Farnworth, Coordinator Strategic & Environmental Planning
Executive:	Geoff Klem, Executive Manager City Development

Summary

Consistent with the objectives of Western Australian Planning Commission's (WAPC) Statement of Planning Policy No. 2.6: State Coastal Planning Policy and the City Vision Strategy (September 2007), the draft City of Bunbury Building Heights Study (the "Study") seeks to establish the methodology and approach by which the City of Bunbury will determine the appropriate maximum building height for all new development.

The Study has been developed to support the preparation of the draft Local Planning Policy - Building Height (the "Policy"). The comprehensive performance based Policy provides guidance on the designing and assessment of development proposals, and establishes a policy framework for the way the Local Government may exercise discretion in granting planning approval for development with respect to building height. The Policy designates appropriate maximum buildings heights across the City, including:

- the Strategic Regional Centre, which incorporates the Central Business District (CBD) and Outer Business District;
- the hierarchy of district and neighbourhood centres, as delineated in the WAPC's Interim Greater Bunbury Commercial Centres Strategy (April 2007);
- the Ocean Beach coastal strip; and
- the balance of residential neighbourhoods.

Refer to report under **separate cover** for copies of the documents titled draft City of Bunbury Building Heights Study and draft Local Planning Policy - Building Height.

Background

Presently the Local Government has limited guidance and control over the height of buildings across the City beyond the use of:

- (a) 'plot ratio' provisions under the City of Bunbury Town Planning Scheme No. 7 (TPS7), which is the principle statutory instrument for development control in relation to building height;
- (b) the State Coastal Planning Policy (SPP2.6); and

- (c) the City Vision Strategy and associated City Vision Action Plan, which expresses Council's strategic intent.

The City of Bunbury Townscape Study (prepared in 1990 by Jordan Pregelj Associates and Considine & Griffiths Architects Pty Ltd) identified 'Landmarks' and 'Corridors' that are consistent with the landmarks and corridors identified in the current draft Local Planning Policy - Building Height. In particular, structures of significant height or vantage point have been recognised. The Bunbury Tower, colloquially referred to as the 'Milk Carton', was constructed in 1986 to a height of 63 meters tall or 68.7 metres above the Australian Height Datum (AHD), and to date remains the City's tallest building and landmark. The City of Bunbury Townscape Study recommends that the City should allow no further high-rise development within the CBD with the exception of a ring of four to five storey developments surrounding the tower, diminishing in scale as development proceeds away from it down to a maximum building height of 2 to 3 storeys.

In 2001, Koltasz Smith prepared the '*Back Beach Tourist Development Guidelines*' (unpublished) as a discussion paper to outline issues affecting current and future tourist sites along Back Beach. The recommendations of the Back Beach Tourist Development Guidelines suggested that a maximum building height of 15 metres or four storeys was appropriate on tourist sites north of Beach Road, including the Welcome Inn Site and the Lighthouse Hotel Site.

The amended SPP2.6 State Coastal Planning Policy, gazetted 19 December 2006, stipulates that development within 300 metres of the horizontal setback datum (or high water mark) is limited to a maximum of five storeys (and not exceeding 21 metres). Development up to a maximum eight storeys (and not exceeding 32 metres) may be considered where:

- there is evidence of broad community support following a process of consultation;
- it is suitable for the location having regard to the character of its surroundings;
- it is part of a major tourist or activity node;
- it does not detrimentally affect the amenity of the coastal foreshore as a result of significant overshadowing; and
- visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces is reasonably maintained.

A strategic approach to applying building heights within the City is fundamental to the future development of Bunbury in a manner that is consistent with a Strategic Regional Centre. The necessity for a Local Planning Policy dealing with the issue of building heights has been identified as a high priority throughout the Local Planning Policy Framework and City Vision Strategy as a result of increasing demand for land within the CBD to accommodate higher forms of built development.

Proposal

Building Height Study

The Building Height Study is written to help establish a statutory basis for the designing and assessment of development proposals in order to ensure a smooth transition from the present landscape and built form to the anticipated future form and structure of Bunbury. It is anticipated that as redevelopment occurs throughout the City, the Local Planning Policy will guide appropriate forms of development height in line with the City Vision Strategy and the rest of the City's Local Planning Policy Framework (i.e. the Scheme and its subordinate Local Planning Policies).

The Study provides an analysis of the existing significant view corridors, natural and built landmarks and opportunities for achieving greater height limits in appropriate locations across the City. The Study articulates the desired aims and objectives for building heights and then translates the analysis into a model that expresses the desired future outcomes for the City's skyline. The aims and objectives of the Study were derived from the community's input during the City Vision community consultation phase; and through an appreciation of appropriate land use planning of commercial and residential development that meets the needs of a rapidly growing population.

Building heights will complement the permitted land uses in correlation to that zone or local area. With compatible land uses already formulated in the current zoning of the City, the building height requirements will give added definition to the recognition of the function and use of a locality, by stimulating growth in areas that are appropriate for such development. With no statutory requirement for building height limits in place, the only tools for which the Council may impose building heights is under the plot ratio requirements of TPS7 and the City Vision Strategy. The Study provides general guidance for future development within precincts of the "City Centre Zone" and for other key areas of the City. The principle recommendation of the Study is that the City should take the form of a graduating envelope away from the core of the CBD along an east-west axis and accentuating the north-south saddle effect with a low lying central axis that already exists.

City Vision for Building Heights

Building heights have been analysed across the City in view of where this issue presents both constraints and opportunities. The City Vision Strategy identifies Building Height under 'Priority Issues/ Proposals' in the Environmental, Social and Economic Strategies for the CBD.

Earlier precinct visioning work done for the City Vision Strategy recommended that buildings should have a maximum of five storeys for mixed use, commercial and tourist sites and nodes that the broader community would support taller buildings in limited and special situations where they are light and tall rather than wide and bulky and designed to optimise views between structures.

The City Vision Strategy specifically makes the following recommendations in relation to building heights:

CBD 28: That the State Coastal Planning Policy Amendment relating to height is supported where the maximum height for coastal areas (including the Bay and Inlet) should be five storeys or 21 metres and under certain conditions and subject to criteria including broad community support, consideration may be given to developments up to eight storeys or 32 metres. The Ocean Drive coastal strip between Fawly Towers and the Lighthouse Beach Resort and inland to approximately 300 metres is defined as a coastal tourism and recreation precinct containing key sites that have the potential to accommodate major tourism development that optimises views for all developments and includes up to a 25% component for residential development.

CBD 29: That height in the commercial core of the CBD defined as both sides of Wittenoom, Stephen, Victoria and Carey Streets is determined on the basis of complementary development with the Bunbury Tower and the Old Silos redevelopment. Areas outside of the commercial core to be planned and designed within the two to five storey range and depending on topography, accessibility and community acceptance up to eight storeys.

The Study and the proposed draft Policy are based on the philosophy that development should be appropriate to its surroundings within each locality - such that it contributes to the achievement of the overall desired outcomes for both the City and its local area.

The principles of this philosophy consist of:

- orderly development of the City;
- retaining the unique built form of Bunbury whilst evolving to accommodate the future needs of the population and economic growth;
- suitable spatial form and land use compatibility; and
- maintaining significant view sheds, and protecting views of the 'three waters'.

The planning principles applied in the Study and subsequent draft Policy were derived from the State Planning Framework and the City Vision Strategy. As the majority of land in the study areas falls within the SPP2.6, the parameters for deriving maximum building height provisions are already set by the WAPC. These provisions allow for buildings of up to five storeys, and may allow for a maximum of up to eight storeys where they satisfy prescribed criteria and are subject to the discretion of the Local Government.

The findings of the CBD indicate that the approach for devising building heights has two distinct purposes; facilitating economic certainty and viability over time for floor space supply and demand, and to maintain and enhance the coastal amenity and character of Bunbury. For this reason, a rigid maximum level of development in the 'Outer Core' is suggested as opposed to a level of flexibility built into the maximum height layers of the 'Commercial Core' and 'Commercial Frame'. This measure will ensure the protection of inner city views to the three waters as specified in the Study objectives. By providing flexibility in the Commercial Core of the CBD, development applications will be assessed against Performance Criteria dealing with the issues of amenity, overshadowing, and the bulk and scale of proposals.

It is understood that a portion of the 'Commercial Core' and the 'Commercial Frame' sub precincts of the CBD fall within 300 metres of the horizontal setback datum for the purpose of the State Planning Policy 2.6 State Coastal Planning Policy. As a result development within this zone may not be approved over 21 metres in height without the delegated approval of the WAPC. Alternatively, if the Local Scheme allows for a Special Control Area, (that covers the specific lots in question) under the Scheme that is endorsed by the WAPC, applications may be approved for heights above 21 metres.

As Bunbury has multiple shorelines defined under SPP 2.6, the 300 metre buffer is displayed as an arbitrary line on the map; for display purposes only. If the proponent of land wishes to contest the inclusion of their land within the 300 metres displayed on the Policy map they will be required to demonstrate otherwise to the Local Government's satisfaction, with the assistance of a coastal engineering report.

The Outer Business District is an extension of the CBD outfitted for service trade premises, show rooms, consulting rooms, small offices, retail and the like. The reason that it has been included in the Study is to reinforce the hierarchy between the "City Centre Zone" and the "Mixed Business Zone" by:

- limiting the height of buildings that interface with residential / sensitive land uses; and
- reaffirming the scale of development that is desired in the area complimentary to existing Local Planning Policies and land uses permitted in the Scheme.

The Ocean Beach local area comprises residential development, retail and office use and tourism nodes. An identified strip of the coastal frontage referred to as "Ocean Beach North" (refer to Map 4 of the Policy) is identified as an area where a mix of residential development and tourist activities may coexist. The land uses may range from hotel/motel developments, short-stay accommodation, and permanent residential and complementary retail premises. Building heights recommended for sites already zoned for hotel use are appropriately reflected in the Policy (see Map 4 of the Policy) based on individual assessments of each site in relation to topography, surrounding land uses, affect on character and amenity in the locality and consistency with the draft Local Planning Strategy for Tourism. There is not a blanket height given across the strip as the technique for assessment has been based on working with the natural landform.

The residential component of the "Ocean Beach North" precinct has been devised to suit this basis as well. The maximum building height is assessed under Category "C" of the R-Codes; however, the point of measuring building height for the purpose of assessment under Acceptable Development Criteria has been set at the lowest point of the lot boundary. This requirement ensures that residential lots with extreme changes in topography are not advantaged by the R-Codes method of measuring natural ground level from the point immediately below the relevant wall and therefore seriously disadvantaging adjoining properties with the height gained across the site (refer to Appendix 8 of the Building Heights Study document)

However, where the topography of a site is reasonably constrained by differing levels in "Ocean Beach North" development applications may be assessed from natural

ground level as the R-Codes specifies under Performance Criteria. The assessment will be determined using the 'Lot Boundary Building Envelope for Ocean Beach North', in which the building mass must fit within an envelope consisting of a 45 degree angle taken nine metres above the side and rear boundaries with a maximum height of 12 metres from natural ground level at the relevant point on the site.

The Study evolved into a citywide project after identifying that it stands to reasons that the residential zone, which forms a large portion of the Council area, and the commercial/activity which service the community, be included in the Study to assess the impacts of building height on neighbourhood character and amenity. Whilst the assessment of building height is written into the R-Codes, the addition of a Lot Boundary Building Envelope has been recommended to assist in achieving satisfactory outcomes for overshadowing and privacy issues affecting adjoining properties and in maintaining outlook between dwellings. The envelope consists of a 45 degree angle taken six metres above the side and rear boundaries with a maximum height of nine metres achieved above natural ground level.

For the purpose of assigning maximum building heights for developments within commercial/activity centres, namely shopping centres of a neighbourhood and district scale, the factors of gross floor area, and character and amenity have been considered.

Strategic and/or Regional Outcomes

Local Planning Scheme

Part 5 – General Development Requirements of TPS7 requires that any development of land for any of the residential purposes dealt with by the State Planning Policy 3.1 Residential Design Codes (or R-Codes) is to conform to the provisions of those Codes. The applicable residential density is superimposed as an R-Code number on the Scheme Map, and is shown as an overlay of the zone for the given properties as designated.

Development of dwellings within the "Residential Zone" will principally be assessed under the R-Codes. However, it is proposed that residential and mixed use development in other zones be assessed under the draft Local Planning Policy - Building Height in conjunction with the R-Codes. Consequently, where a development proposal is assessed for building height under Performance Criteria of the proposed draft Policy it would be subject to community consultation in the same way as for Performance Criteria assessment under the R-Codes.

Clause 5.9.1.2 of the Scheme deals with any residential development in a residential zone that incorporates a building or buildings where the average building height in respect of the existing ground level exceeds nine metres, and in the opinion of the Local Government, may have a detrimental effect on nearby/adjoining properties. In such circumstances the Local Government is to advertise the development proposal in accordance with the provisions of clause 9.4 of the Scheme.

Under clause "5.9.2 City Centre Zone" of the Scheme there are currently no height limitations for development in the CBD. However, 'plot ratio' provisions under Table 3 Development Standards of the Scheme indirectly control this aspect of built form. Buildings within the "City Centre Zone" have a plot ratio of 3.5, with 100% site coverage, and may be granted a 20% increase in excess of this ratio if the proposal

meets certain listed criteria. With the adoption of the policy a Scheme Amendment will be required to empower the policy for specific sites within the CBD. A Special Control Area will be required to achieve building height greater than 21 metres within 300m of the horizontal setback datum from the coast, in accordance with State Planning Policy 2.6 Coastal Planning Policy.

Currently if the policy is adopted it will be considered under Part 10.2 Matters to be Considered under the Scheme, however, provisions of the Scheme will still prevail until further Scheme Amendments are initiated to revise how design elements are assessed under the Scheme.

Local Planning Strategy for Tourism (DRAFT)

The draft *'City of Bunbury Local Planning Strategy for Tourism'* will seek to provide a clear and robust spatial planning framework for tourism development in context of all other uses. As part of the Strategy, the evolving character of Ocean Drive / Back Beach as a Strategic Tourism Location is addressed, with emergent building heights acknowledged a key factor in this respect.

City of Bunbury Strategic Plan

The formulation of the Study and subsequent proposed draft Policy has been developed in support of Strategic Objective 4.2: Implement City Vision, under the *'Bunbury Strategic Plan 2007-2012'*.

City Vision Strategy

The Study supports the implementation of the City Vision Strategy and associated City Vision Action Plan by providing an appropriate best practice solution to achieve the desired outcomes and recommendations for the:

- Central Business District Investigation Area (refer to Priority Issues / Proposal Site Analysis for the CBD, p.9); and
- Outer Business District Investigation Area (refer to Priority Issues / Proposal Site Analysis for the OBD, p.12).

Community Consultation

Part 1.13 titled *'Preparation & Consultation'* of the Building Heights Study document outlines the nature of community consultation that has informed the Study and the preparation of the draft Policy to date.

On the 23rd September, 2008 Council resolved to publicly advertise the Building Height Study and Draft Local Planning Policy – Building Height. The Building Height Study and Draft Local Planning Policy – Building Height were advertised for a period of 60 days from the 8th October, 2008. A total of 10 submissions were received during the advertising period (See Schedule of Submissions). The policy was amended accordingly to address some of the issues that were raised during the advertising period that included minor changes to presentation, text and grammatical error. Changes to the policy maps have been considerable to make the maps more legible and to record minor changes to the Policy.

Councillor/Officer Consultation

This matter has been extensively discussed over a twelve month period amongst both the strategic and statutory planning staff, as well as with the Manager Development Services and Executive Manager City Development. A briefing session on the Study findings was presented to Council on Tuesday, 26 August 2008.

The policy was presented to City of Bunbury Planning and Building staff, members of the building industry and Councillors at the Development Services Industry Forum on November 28th 2008. The forum occurred during the public advertising period and many constructive comments and suggestions on the day were incorporated into the development of the policy.

The policy was presented to the City of Bunbury Heritage Committee on 18th March 2009 at the request of the committee to be briefed on the impacts on heritage listed properties in the CBD.

A progress update on the policy was briefly presented to the City Vision Implementation Committee on 6th April 2009 to ensure that the policy is proceeding in accordance with the City Vision Strategy and Action Plan.

Analysis of Financial and Budget Implications

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

Economic, Social, Environmental and Heritage Issues

Economic Issues

The Study's approach for devising building heights has two distinct purposes:

- to facilitate economic certainty and viability over time for floor space supply and demand; and
- to maintain and enhance the coastal amenity and character of Bunbury.

The adoption of the draft Policy can reasonably be expected to promote a positive net economic outcome for the City. This expectation is based upon the assumption that investment by landowners/developers will occur with greater certainty given the establishment of a transparent policy position by which development proposals will be assessed and approved by the Local Government.

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. The Stirling Street Heritage Area is not affected by the proposed draft Policy. Please also refer to clause 8.2 of the proposed draft Policy, which defines the area affected by the provisions of the Policy.

Council Policy Compliance

This is a proposed new Local Planning Policy, and as such, has been publicly advertised in accordance with clause 2.3 of the Scheme.

Legislative Compliance

The proposal is in line with the current Scheme and the Planning and Development Act 2005.

Delegation of Authority

The Chief Executive Officer (CEO) does not have the delegated authority of Council to adopt a Local Planning Policy, and as such, this is a decision of Council.

Relevant Precedents

The procedure for considering the adoption of the proposed draft Local Planning Policy is stipulated under Part 2 – Local Planning Policy Framework of the Scheme. From time to time the Local Government may adopt, amend or rescind Local Planning Policies as required in order to ensure that it administers the Scheme Area in an orderly and proper manner in accordance with the State Planning Framework.

For a discussion of how local government authorities locally, interstate and internationally manage the issue of building heights, please refer to section 1.11 titled “Case Studies” of the Building Heights Study document.

Options

Option 1

As per the recommendation.

Option 2

Council resolves not to adopt the Local Planning Policy – Building Height.

Conclusion

As a result of consultation it can be deduced that the community and industry are generally supportive of the need for building height control. The consultation was helpful in refining and improving upon the draft policy and we have taken on board constructive suggestions that have become minor modifications to the policy. In conclusion, the adoption of the policy is recommended in order to provide a consistent and transparent statutory framework that balances certainty with appropriate flexibility.

Recommendation

Council, pursuant to Part 2 – Local Planning Policy Framework of the City of Bunbury Town Planning Scheme No. 7 and the Planning and Development Act 2005, hereby resolves to:

1. (a) Adopt the draft Local Planning Policy - Building Height.
(b) Refer the Local Planning Policy - Building Height to the Western Australian Planning Commission for their endorsement.
2. Initiate a Scheme Amendment for a Special Control Area required to enable the policy to align itself with procedural requirements of State Planning Policy 2.6 Coastal Planning Policy.
3. Note the Building Height Study as a research document for consideration as part of future amendments to the policy.

11.10 Local Planning Strategy - Final Draft

File Ref:	A03468
Applicant/Proponent:	Internal Report
Author:	Kelvin Storey, Senior Strategic Planner
Executive:	Geoff Klem, Executive Manager City Development

Summary

The LPS for Tourism is one of several Local Planning Strategies being prepared by the City that will be integrated into a single overarching planning strategy and lay the foundations for Town Planning Scheme (TPS 8).

A resolution of Council on 16th December adopted a Revised First Draft Strategy for the purpose of public advertising and comment (60 days) which has recently concluded. The comments received have been now been assessed and following editing, the Local Planning Strategy for Tourism - Final Draft is presented to Council for consideration.

Background

The Local Planning Strategy for Tourism aims to provide the foundations of a planning framework for tourism that guides and informs decision making as Bunbury strives to fulfil its potential as a major tourist destination (City Vision Strategy Eco2). The Strategy document is particularly timely given the recommendations of the Ministerial Taskforce for Tourism Planning and subsequent Planning Bulletin No.83 (**attached** at Appendix 10) and the call for Local Government Schemes to specifically address aspects of tourism within their Local Planning Strategies.

The scope of the Strategy remains within the bounds of a future Local Planning Strategy, and as such is primarily concerned with addressing tourism issues in a manner that can be directly associated with and influenced by planning instruments and mechanisms over which the City has authority and control. Initiatives involving direct Council intervention (e.g. in the development or disposal of Council owned land for the purpose of realising specific tourism facilities) and matters related to events and marketing generally are not pursued within this Local Planning Strategy. Direction in this regard is more appropriately addressed within the 'City of Bunbury Tourism Strategy- 2009-20014' currently being prepared by City Life.

In terms of content, the recognised 5 A's of tourism (accommodation, access; activities, amenities and attractions) are reviewed, following which the Strategy identifies desired outcomes and recommends change where it is considered this will lead to improvements in the land use planning and management of tourism in Bunbury. The strategy approach distinguishes four key elements:

- Revised Local Planning Policy Framework (that readily recognises and responds to issues associated with tourism)

- A Guiding Spatial Framework (that acknowledges locations and corridors of tourism significance)
- Measures Dedicated to the Provision, Retention and Control of Short Stay Tourist Accommodation
- Co-ordinated Actions within Strategic Tourism Locations (focused at the corporate/municipal level)

In implementation, recommendations adopted within the Strategy would begin to generate the preparation of Scheme Amendments and the formulation of new (and revised) planning policies that would progress as separate formal procedures and these would require further public advertising, the adoption Council and in the case of Scheme Amendments, the approval of the Minister for Planning and Infrastructure.

These can be expected to include:

- Proposed Amendments to the Town Planning Scheme involving changes to defined words and expressions, changes to the zoning table and changes to development conditions attached to individual Special Use Zones where tourism has been identified as being important
- Local Planning Policies including those guiding the introduction of new land use classes for short stay accommodation

Strategic and/or Regional Outcomes

The Strategy endeavours to integrate tourism with other land use planning initiatives being developed for the City, and connects with other parallel strategies that focus on the promotion of Bunbury as a place to live and visit.

City of Bunbury Strategic Plan

The Strategy, together with other components of the Local Planning Policy Framework, is being developed in support of objectives identified within the Bunbury Strategic Plan 2007-2012.

City Vision Strategy

The Strategy supports the implementation of the City Vision Strategy. City Vision objectives and recommendations are referenced throughout the document text.

Local Planning Policy Framework

The Strategy has been prepared in a standardised format, common to other planning strategies already or currently being prepared, and as such will be complementary to the formulation of a fully integrated Local Planning Strategy for Bunbury.

Community Consultation

Councillors, Executive and a number of industry operators were provided with a copy of the First Draft of the LPS for information purposes and given the opportunity to submit informal feedback at a preliminary stage and for consideration prior to further revision. The comments received at that stage were largely supportive of the strategy and allowed minor corrections to be made.

Following a resolution of Council on December 16th 2008, the LPS for Tourism 'Revised First Draft' was advertised and public comment invited over a period of 60 days. Industry operators (including hotels / motels, back-packers and bed and breakfast providers) were also notified by letter.

Following formal advertising, a total of 6 submissions were received. Whilst comments received were generally supportive of the Strategy, Tourism WA expresses some concerns. These concerns and comments provided by others are detailed within the Schedule of Submissions which is **attached** as Appendix 9 and includes a response from the City.

Since advertising, minor editing of text (largely grammatical) and changes in mapping (presentational) have taken place. The document prepared for Council represents the Local Planning Strategy for Tourism – Final Draft.

Councillor/Officer Consultation

The document has been prepared and developed in consultation with and input from a 'Core Group' comprising planning staff, the Manager Development Services and Executive Manager City Development, and representatives from the Department of Planning and Infrastructure, Tourism Western Australia and South West Development Commission.

A briefing session was held with Council on Tuesday 16th September 2008. The City Vision Implementation Committee was up-dated with regard to the progress of the Strategy 6th on April 2009. Councillors were provided with a copy of the Final Draft at the Briefing Session held on 5th May.

Analysis of Financial and Budget Implications

With the exception of material costs, the recommendation is not expected to impact on the existing Annual Budget.

Economic, Social, Environmental and Heritage Issues

Economic Issues

Should the Strategy be adopted, over time then benefits (investment opportunities) could be anticipated based upon the assumption that with a strategy that offers clear direction and intent, landowners/developers will be provided with greater certainty in preparing development proposals and improved confidence in gauging the likelihood of receiving approval from the Local Government.

Social Issues

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

Environmental Issues

There are no known negative environmental impacts generated by the proposal.

Heritage Issues

There are no known negative impacts upon heritage values generated by the proposal.

Council Policy Compliance

There is no Council Policy in applicable to this proposal.

Legislative Compliance

The proposal is in line with the current Scheme and the Planning and Development Act 2005. Legislative requirements pertaining to the Local Government Act 2005 or any other Act, Local Law, or regulations have been complied with in the processes leading up to the finalisation of this report.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority of Council to resolve this matter, and as such requires a decision of Council.

Relevant Precedents

There are no relevant precedents associated with the proposal.

Options

Option 1

As per the recommendation as listed in this report.

Option 2

Council resolve not to adopt the Local Planning Strategy for Tourism -Final Draft.

Conclusion

The land use planning mechanisms by which the City of Bunbury manages tourism require revision. The LPS for Tourism Revised - Final Draft details the proposed approach(es) by which the City can better manage tourism into the future and has been prepared in a form that will allow it to be readily integrated with other strategic planning documents and will contribute significantly to the preparation of future Local Area Plans.

If adopted by Council the LPS for Tourism (provided under **separate cover**) will be presented to WAPC to seek their endorsement. Scheme Amendments and planning polices will then begin to be rolled out for further consideration (and as a separate procedure) once this has occurred.

Recommendation

Council, pursuant to the Local Planning Policy Framework of the City of Bunbury Town Planning Scheme No. 7 and the Planning and Development Act 2005, hereby resolves to:

Part A:

1. Note submissions received
2. Adopt the City of Bunbury Local Planning Strategy for Tourism – Final Draft

Part B:

Refer the Local Planning Strategy for Tourism - Final Draft to the South West Planning Commission for their endorsement

11.11 Council Support for Proposed Closure of Portion of Olive Road, Bunbury (WA Planning Commission Requirement for Development Application 132333)

File Ref:	R00346
Applicant/Proponent:	Thompson Consulting Surveyors on behalf of Broga Security Pty Ltd (ABN 79 099 664 669) - <i>See Confidential Report for Directors' Names</i>
Author:	Myles Bovell, Senior Engineering Technical Officer
Executive:	Michael Scott, Executive Manager City Services

Summary

It is proposed that Council support the closure of a portion of Olive Road and for that portion to be left as unallocated Crown land until such time as it can be included into the Regional Open Space in accordance with the Western Australian Planning Commission ("WAPC") requirement for Development Application No. 132333 - refer to the plan **attached** at Appendix 11.

Background

On 11 March 2009, correspondence was received from Thompson Consulting Surveyors requesting the City to support the closure of a portion of Olive Road road reserve. A copy of the letter is **attached** at Appendix 12

A Development Application for Lot 51 Dodson Road, Glen Iris, was lodged with the WAPC on 24 August 2006 by Thompson Consulting Surveyors on behalf of the owner Broga Security Pty Ltd. A WAPC condition, prior to its endorsement of the deposited plan, is the part closure of the Olive Road road reserve with the closed portion of road reserve to be amalgamated into the foreshore reserve.

Strategic and/or Regional Outcomes

There are no strategic or regional outcomes to consider.

Community Consultation

The City advertised the proposed road closure in *The West Australian* on Saturday, 14 March 2009 with a submission period of 14 days. No submissions were received.

The City has advised all service providers of the proposal and no objections have been received.

Councillor/Officer Consultation

The City's Executive has considered the proposal and has no objections to the part road closure.

Analysis of Financial and Budget Implications

There will be no detrimental effect on the City's annual budget as a result of the proposed part road closure. The applicant, Broga Security Pty Ltd as Trustee for "The Preston River Industrial Unit Trust" will be responsible for (and has indemnified the City against) all fees, charges and costs associated with the proposal - see letter **attached** at Appendix 13.

Economic, Social, Environmental and Heritage Issues

There are no economic, social, environmental or heritage implications for the City of Bunbury.

Council Policy Compliance

No Council policy applies.

Legislative Compliance

Under Section 52 of the Land Administration Act 1997, local governments may request acquisition as Crown land of certain land no longer required.

Delegation of Authority

The Department of Planning and Infrastructure requires the official support of the Council for the closure of part of the road reserve along Olive Road.

Relevant Precedents

There are no recent precedents.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council does NOT support the part road closure.

Conclusion

To satisfy the DPI's requirements the City is now requested by way of a formal Council decision to support the closure of a portion of the Olive Road road reserve (under Section 52 of the Land Administration Act 1997) and for it to be left as unallocated Crown land until such time as it can be included into the Regional Open Space.

Recommendation

In accordance with the WA Planning Commission's requirement for Development Application No. 132333, the Bunbury City Council supports closure of a portion of Olive Road on the following basis:

1. Pursuant to Section 52 of the Land Administration Act 1997, the Department for Planning and Infrastructure to be requested to close portion of the Olive Road road reserve and for it to be left as unallocated Crown land until such time as it can be included into the Regional Open Space in accordance with WA Planning Commission's requirement.
2. The City of Bunbury indemnifies the Department for Planning and Infrastructure against all costs (having received a like indemnity from the applicant, Broga Security Pty Ltd).

11.12 Free Parking Period Restriction - Bunbury Back Beach Car Park

File Ref:	A00471
Applicant/Proponent:	CBD Parking Strategy Project Control Group
Author:	Geoff Klem, Executive Manager City Development
Executive:	Geoff Klem, Executive Manager City Development

Summary

The CBD Parking Strategy Project Control Group has made the following recommendation for consideration by the Council:

"A 4-hour time limit apply to parking between 8.00am to 4.00pm Monday to Friday at the Back Beach car park and that this matter be reviewed once the Park and Ride Strategy Policy for all areas in the outer Bunbury CBD has been finalised."

Background

Councillor Whittle submitted the following motion (on notice) for consideration at the Council Committee Meeting on 7 April 2009:

"Amend all relevant parking policies to the effect that the maximum free parking time limits allowed for all Indian Ocean beachfront public parking areas south of Wyalup-Rocky Point shall be a minimum of 6 hours between the hours of 8.00am and 5.00pm on weekdays."

In support of his motion, Cr Whittle had provided the following comments:

"The recent introduction of a 3 hr maximum parking limit between the hours of 8am and 5 pm Mon to Fri at the public car park on Ocean Drive which services the beach area in the vicinity of the Bunbury Surf Life Saving Club has highlighted the need to review the application of the Parking Policies. It is reported by the Manager of Community Law and Safety that CBD workers were causing problems by parking all day. The decision was made to impose a 3 hr time limit for free parking and representatives from the Bunbury Surf Life Saving Club and from the Ex-Tension Restaurant are reported to have been consulted."

Background: This area is used by the general public for a variety of reasons. During the non-summer months it is one of Bunbury's most popular surfing locations and this patronage can occur at any hour of the daytime and any day of the week. The reflected waves from the basalt rocks contribute to form a unique wedging peak which is known throughout West Australia amongst the body boarding scene. The area is very well frequented by all surfers in general, and 3 to 4hr sessions in the water are not uncommon. Alternatively, local surfers from the greater Bunbury area may use it as a meeting point to do a surf check and then car-pool to travel to Binningup, Capel Cut, or to the coast 'down south'. So for many days of the year outside of summer, surfers are the dominant user group for these car parks. Other users are local beach-going public or tourists who may choose to spend up to half a day at, and around the location, particularly now that high quality amenity has been provided as part of the Bunbury Coastal Enhancement Project.

Neither the Bunbury Surf Life Saving Club or the management of the Ex-Tension Restaurant are entitled to speak for any of those demographic groups, and would not claim to do so. Whereas it has been my role to advocate for better coastal management, and particularly to represent those beach user groups who don't normally have a voice The current parking restrictions do not take into account the broad range of tourism and recreation year-round uses that this car park was built to cater for, nor the flexible lifestyles that are a result of school holidays, public holidays, long service leave, fly in-fly out etc. Proposed 6 hour limit (minimum duration of maximum limits) If the intent is to discourage CBD workers from parking then the time limit between the hours of 8am and 5 pm on weekdays should be changed to 6 hrs. A maximum 6 hr free parking limit will provide sufficient interruption to the typical 8 hr workday to make the option of free all-day parking unworkable for most people. A maximum 6 hr limit should be sufficient for most legitimate recreational or tourism activity, but only if it is absolutely necessary to impose a restriction, as parking limits on natural recreation areas should otherwise be discouraged. It will still inconvenience some people. And in recognition of the tourism and recreational nature of this area including all beach front car parks to the south of Wyalup-Rocky Point the relevant parking policies need to be amended to include a maximum-parking-time-limit of 6 hrs (minimum), but only in the event that parking time limits are ever required for those locations.

Problem Shifting: We need to be mindful that the problem will shift to another location. We do not want to be chasing CBD workers south along the beachfront car parks. Where do we stop?

Parking Strategy – Park and Walk: Additionally the concepts of 'Park and Walk', or 'Park and Cycle', need to be considered and encouraged as they also are part of the solution for the problems created by high parking demand in the CBD. The City needs to exploit the potential for reciprocal use of fringe CBD parking areas, as stated in the Parking Strategy documents. This recent action can be interpreted as contrary to one of the most cost effective options in the Parking Strategy aspirations."

The City's Executive had provided written comment to the Council Committee Meeting that Cr Whittle's proposed motion had implications and ramifications to Council's Central Business District Car Parking Strategy and that it was therefore imperative the matter be referred to the Council's CBD Parking Project Control Group for further investigation before the matter was resolved by the Council.

The Council Committee made the following recommendation (which was subsequently adopted by the Council on 14 April 2009 as Decision 79/09):

- "1. Time limits for beachfront car parks be referred to the CBD Parking Strategy Project Control Group for comment.*
- 2. The CBD Parking Strategy Project Control Group to report its findings to the next round of Council Meetings."*

In line with Council's decision, the matter was referred to the CBD Parking Strategy Project Control Group at its meeting on 4 May 2009, resulting in the following recommendation to the Council:

"A 4-hour time limit apply to parking between 8.00am to 4.00pm Monday to Friday at the Back Beach car park and that this matter be reviewed once the Park and Ride Strategy Policy for all areas in the outer Bunbury CBD has been finalised."

This matter is now put forward for Council consideration.

Strategic and/or Regional Outcomes

There is no specific directive in the City of Bunbury 2007–2012 Strategic Plan however, the plan does state that: *"The City will ensure that it maintains a comprehensive and fully integrated planning system to meet community expectations."*

Community Consultation

Prior consultation with the Bunbury Surf Life Saving Club Inc. and management of the Ex-Tension Restaurant has been undertaken concerning a 3-hour parking limit. However, no consultation has been undertaken for the proposed 4-hour limit.

Councillor/Officer Consultation

This matter has been referred to the Council's CBD Parking Strategy Project Control. The Group comprises His Worship the Mayor - Mr David Smith; the Deputy Mayor - Cr Stephen Craddock, and; Cr Ross Slater together with representatives from the Bunbury Chamber of Commerce & Industries and the local hospitality industry.

The Executive Managers of City Services and City Development were consulted in the preparation of this report.

Analysis of Financial and Budget Implications

Amending the time limits applicable to the Back Beach car parking areas is unlikely to have a significant effect on the City's annual budget as there is no requirement for the public to pay to use these facilities. However, some expenditure may be required to amend existing signs in place at the car park(s).

Economic, Social, Environmental and Heritage Issues

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

Council Policy Compliance

Amendment of time limits at ocean-front car parks does not contravene the requirements of the City of Bunbury Local Planning Policy titled "Central Business District Parking".

Legislative Compliance

Not applicable.

Delegation of Authority

Council Decision 79/09 requires this matter to be referred back to the Council for further consideration.

Relevant Precedents

Installation and alterations to parking time restrictions and parking areas are conducted regularly to allow (or disallow) the parking of vehicles or to regulate or alter the parking and movement of traffic.

Options

Option 1

Per the recommendation listed in this report.

Option 2

The time limits in place at Bunbury's Back Beach car park are to remain unchanged.

Recommendation

Council resolves, that:

1. A 4-hour time limit is to apply to parking at Bunbury's Back Beach car park between 8.00am to 4.00pm Monday to Friday.
2. This time restriction be reviewed by the Council once the Park and Ride Strategy Policy for all areas in the outer Bunbury CBD, has been finalised.
3. The new parking restriction is to be advertised for public information.

11.13 Proposed Local Planning Policy (LPP) - Preston River Technology Park Design Guidelines (DG)

File Ref:	P13181-02
Applicant/Proponent:	TME
Author:	Teshome Tadesse – Planning Officer
Executive:	Geoff Klem Executive Manager City Development

Summary

The proposed Preston River Technology Park Design Guidelines (DG) were advertised in accordance with Town Planning Scheme No.7 (TPS 7) requirements applicable to the formulation of a Local Planning Policy. At the end of the public consultation process, 9 submissions were received out of which 4 were from the general public. No significant issues have been identified to warrant substantial modifications to the proposed DG. However, traffic risk at the intersection of South Western Highway has been identified by the general public as an issue, and the Department of Water (DoW) has recommended the inclusion of Water Sensitive Urban Design (WSUD) principles in the DG.

It is recommended therefore that Council resolve to adopt the proposed DG as a Local Planning Policy (LPP) subject to the incorporation of modifications as outlined in the recommendation section of the report.

Background

The new development site is located at the corner of South Western Highway and Dodson Road, and it is identified as Special Use (No. 36) site under TPS 7 (**Attached** at Appendix 14 is a location plan). Schedule 2 of TPS 7 provides a range of land uses that are considered to be appropriate for the site. In addition to this, it provides development requirements applicable for the site. Condition 9 of Schedule 2 Special Use No.36 stipulates the need for design guidelines for the subject land prior to development occurring on-site. The applicant has submitted a draft design guidelines for consideration by Council in line with the Scheme requirements. The first draft was tabled for Council to determine public advertisement, and Council at its ordinary meeting of 3 March 2009 resolved as follows:

“Council Decision 24/09

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

- 1. Advertise (on a without a prejudice basis) the draft Local Planning Policy – “Preston River Technology Park Precinct Development Design Guidelines” for public comment for 21 days in accordance with Clause 2.3 of Town Planning Scheme No.7.*
- 2. Subject to no objections being received to the proposal, Council to adopt the policy subject to the removal of Dot Point 4 of Clause 3.1.6 of the draft LPP – Preston River Technology Park Precinct Development Design Guidelines.*

3. *Advise applicant of Council decision."*

Proposal

Thompson McRobert Edgeloe (TME), acting on behalf of Broga Security Pty Ltd, has submitted a design guidelines proposal (Preston River Technology Park Design Guidelines – DG) for the development of the site at the corner of South Western Highway and Dodson Road. Upon the final adoption by Council, the proposed DG will be referred to as a Local Planning Policy (LPP) and will be used as a development control mechanism together with TPS7 provisions.

(Attached at Appendix 14 is the proposed Preston Ricer Technology Park Design Guidelines (DG)

In line with Council Decision 24/09 (3 March 2009), the proposed DG were publicly advertised for 21 days. Advertising of the DG was arranged as follows:

- Public notices were placed in the Bunbury Mail "City Update" on the 11 March 2009 and 29 March 2009
- Three signs on-site
- 20 letters to adjoining landowners and
- 13 letters to relevant service authorities.

Following the completion of the 21 days advertisement period ending on 1st April 2009, a total of nine (9) submissions were received, four (4) from the general public and five (5) from referral authorities. **(Attached** at Appendix 14 is a Schedule of Submissions).

The Schedule of Submission provides the details of the submitter, their comments and Planning Services response/comments. The responses are categorised as follows:

- Where a submission is such that additional information is to be included, this has been identified as 'acknowledged' and revision has been incorporated in the Planning Services Comments column.
- Where a submission provides information with no objection or relevant comments, this has been identified as 'noted' and in some cases further explanations have been provided.
- Where a submission provides information that is not considered to be relevant, this has been identified as 'not relevant' and reasons have been provided accordingly.

The main issues raised in the submissions are in relation to traffic impacts at the corner of South Western Highway and Dodson Road and environmental related matters such as tree protection and pollution. In addition to these, the Department of

Water (DoW) has suggested the incorporation of Water Sensitive Urban Design in the proposed DG.

Traffic Impacts (South Western Highway/Dodson Road intersection)

A number of submitters have raised traffic management issues at the South Western Highway/Dodson Road intersection. They have stated that at present this intersection cannot cope with the volume of traffic passing at this spot and pointed out that additional traffic in this area would make it a more dangerous intersection. One of the submitters has suggested modifications at the intersection of South Western Highway and Dodson Road.

The matter of traffic impacts at the intersection of South Western Highway and Dodson Road is considered to be relevant, however, more so at a higher level of planning at the Structure Planning/Development Guide Plan stage or at the subdivision stage rather than at the design guidelines level.

The approved Development Guide Plan (DGP) for the subject land has addressed the traffic matter as required i.e. development control has been inserted in the DGP to ensure traffic management at this intersection. The subsequent subdivision process has dealt with the same issue as an appeal through the State Administrative Tribunal (SAT) process. At the end, SAT in the matter of Broga Security –and- Western Australian Planning Commission (Matter Number DR 316 2008) ordered as follows:

- “1. *The application for review is allowed.*
2. *Condition 5 of the Conditions of approval granted on 14 February 2008 is deleted and replaced with the following:*

“The subdivider is to pay the City of Bunbury \$80,000 as its contribution to the upgrade of the roads and related infrastructure, including the installation of traffic signals, at, and in the vicinity of, the intersection of Dodson Road and South Western Highway, and any works related to the entrance and exit of the Morrissey Homestead on Dodson Road, including on Dodson Road itself. If the payment is not made by 30 June 2009, the subdivider’s contribution increases on 1 July 2009, and on 1 July 2009, and on 1 July every subsequent new financial year that the payment is delayed. The payment does not discharge the subdivider’s obligations under Condition 13.”
3. *There be no order as to costs.”*

The South Western Highway is a regional road and is controlled by Main Roads WA (MRWA). Any improvement works on this road will principally be carried out by the MRWA. The MRWA has provided the following comments in respect of the proposed DG:

“...Main Roads has no objection to the proposed planning policy in principle, however the following comments are made for your consideration:

1. *The provision of landscaping along the South Western Highway road reserve is not supported. This section of South Western Highway is planned to be duplicated in the future and all of the existing road*

reserve is likely to be needed for road works. Therefore the existing road verge along this section of South Western Highway should be excluded from the policy area.

2. *Visual screening of building along South Western Highway should take place on the property sharing common boundary with South Western Highway. If planting is the preferred method of visual screening, this should occur within the private property.*
3. *Any on site lighting should be directed away from the South Western Highway and the Dodson Road intersection. Night time traffic should not be exposed to direct lighting from adjoining land.*
4. *Restricting access from South Western Highway and part of Dodson Road is supported.*
5. *Advertising signage along South Western Highway should be discouraged..."*

MRWA has also indicated that there are no immediate plans or time frame set out to improve the South Western Highway and Dodson Road intersection. As a concluding remark, the MRWA has stated that any upgrade will possibly include traffic control signs, which will take into consideration the turning movements required for trucks.

Environment – Pollution and Tree Protection

Two submitters have raised environmental related issues regarding pollution of the lake system along Dodson Road, noise concern and loss of mature trees on-site. One submitter in particular has raised dust as a concern for health and safety to its employees and customers.

The lake system referred by the submitters is located along Dodson Road to the west of the development site at a distance of about 40-50m. It is considered that the concern is unsubstantiated in that any development on the subject land will be connected to a reticulated sewerage system, and it is considered that appropriate measures will be undertaken through the development application process to control pollution of the lake system i.e. it will be dealt appropriately at the development application stage. In this regard, any development proposal with environmental implications will be referred to DEC prior to the grant of planning approval.

One of the nominated land uses for the subject site is light industry. Light industry by the nature of its activities and development requirements is not considered to result in any significant noise problem or pollution concerns. However, in a case where a development proposal is considered to have environmental implications including noise, the application will either be referred to DEC or will be assessed by the City's Health Department depending on licensing requirements and the proposed level of activities.

The City's staff were actively engaged with the applicant and the landowners at the early stage of earthworks on the subject land to ensure the protection of mature trees on site. The original tree identification and protection plan submitted by the applicant was considered inadequate and several meetings and site visits were

organised to resolve the matter of tree protection. After several site visits and meetings, the number of mature trees marked for protection has been substantially increased from what was originally planned by the developer. For example, a row of trees along an existing development site and a group of mature tree abutting the proposed regional reservation has been included in the protection category. Each tree has been identified and tagged for easy identification and protection during the site works construction stage. In terms of the initial proposal submitted to the City, Development Services is of the opinion that the final outcome is satisfactory i.e. a substantial increase in retention of remnant vegetation.

One submitter has raised the matter of dust as a concern for health and safety reasons and suggested the sealing of the new created lots. In this case, Development Services considers that the request to seal lots would be onerous to potential developers and therefore not relevant. At the construction phase, the applicants will be required to minimise dust generation. This is the current practice for either new or existing development site in respect of dust control.

Water Sensitive Urban Design (WSUD)

The Department of Water (DoW), in its email dated 26 March 2009, has suggested the inclusion of water sensitive urban design principles into the draft DG where possible and basically recommended the following:

- Individual lot landscaping to include vegetated buffers and swales to integrate treatment and management of stormwater with the added benefit of noise suppression and spray drift control.
- Parking areas to have rain gardens (example provided by DoW). The DoW has also suggested that this practice could be used for other parking, storage and loading areas.

In reference to the Preston River Technology Park development site, the matter of stormwater management has been addressed by the applicant at the Development Guide Plan (DGP) stage in line with the "Stormwater Management Manual" issued by the former Department of Environment (now Department of Environment and Conservation –DEC). As Council will recall, the DGP for the subject land was adopted by Council on 28 August 2007 and endorsed by the Western Australian Planning Commission (WAPC) on 15 January 2008.

(Attached at Appendix 14 is the approved DGP).

The applicant (email to the City dated 30 March 2009) responded to the DoW suggestion, and stated that "Water sensitive urban design has been applied to the approved subdivision...", and it goes on to say that the applicant acknowledges that there is a value in reference to drainage at lot level and suggested the following provisions to be included in the draft DG:

- “ *Water sensitive urban design shall be incorporated on each lot as per the guidelines described in the Stormwater Management Manual for Western Australia.*

Alternatively, if necessary and to reflect the actual points raised by DoW, the following could be used:

- *Water sensitive urban design shall be incorporated on each lot.*
- *Parking areas to drain to bioretention gardens (rain gardens) which should be planted with appropriate native species. These can be part of the landscape area.*
- *Other sections of the lot to include water sensitive urban design as per the Stormwater Management Manual for Western Australia.”*

The applicant, however, has objected the DoW suggestion to include vegetated buffers for noise suppression and spray drift for the following reasons:

- the subject land is provided for the development of light industry and therefore no significant implications in terms of noise; and
- the matter of spray drifting can be dealt at the development application stage.

Development Services acknowledges the applicant's claim that key elements of WSUD have been incorporated at the subdivision stage. It is also noted that WSUD has been considered at the DGP approval process for the subject site. Development Services considers that the proposed DG provides the opportunity to incorporate the WSUD at the development stage and at the same time addresses the DoW recommendation on this matter.

Proposed modifications to DG

As a result of the submissions, TPS 7 requirements and discussions within Development Services, the following modifications to the DG are proposed.

- An additional section to be included in the draft DG in the following format to incorporate water sensitive urban design requirements:

4 – Water sensitive urban design requirements (WSUD)

4.1 Council will require developers to demonstrate the incorporation of applicable water sensitive urban design elements in the proposal. The following includes elements of a water sensitive urban design treatment that can be considered for implementation:

- Re-use of stormwater run-off or effluent for irrigation, toilet flushing or industrial purposes;
- Infiltration of stormwater to underground aquifers;
- Specially designed landscaping for conveying and treating run-off. Parking areas are to drain to bioretention gardens (rain gardens) which should be planted with appropriate native species. These can be considered as part of the landscaped areas. The use of infiltration trenches and grass swales instead of kerb and gutter in roadway designs;

- Use of porous paving in appropriate areas to increase infiltration rates;
- Minimisation of site disturbance (including cut and fill) to protect native vegetation and conserve habitat;
- Protection and restoration of stream corridors for their environmental, recreational and cultural values; and
- Re-use of rainwater for toilet flushing, washing machines (if applicable), garden watering and car washing.

(Note: for details of best urban water management practices, refer Element 5 Liveable Neighbourhoods (WAPC 2007) and Stormwater Management Manual for Western Australia (DoE now DEC 2004)).

- Clause 3.1.2 reference to 'Figure 1' to be deleted and replaced with 'the approved DGP' as reference to Figure 1 has been mentioned under Clause 3.1.1 (Application of Guidelines).
- Dot Point 4 of Clause 3.1.6 to be deleted in line with Council Decision 24/09 (3 March 2009).
- An additional Dot Point to be included under Clause 3.1.10 as follows:
 - *Advertising signage along South Western Highway is not permitted without Main Roads approval.*
- As suggested by the Main Roads, an additional Dot Point to be incorporated under Clause 3.1.11 in the following format:
 - *Any on-site lighting should be directed away from the South Western Highway and Dodson Road intersection.*
- Dot point 2 of Clause 3.1.14 to be modified to address Main Roads concern and to read as follows:
 - *Minimum 2 metre landscaping strip is to be provided along the road frontage along the South Western Highway and Dodson Road within the respective lot boundary and maintained to the satisfaction of Council.*
- Dot Point 3 of Clause 3.1.14 to be modified, as the Main Roads WA advised that it does not support landscaping along the South Western Highway road reserve for the reasons that South Western Highway is planned to be duplicated in the near future and that all existing reserves are likely to be needed for necessary road works.
 - *The landowner at the early stage of the development of the site (the original landowner) to undertake and complete the required landscaping works as indicated on Figure 2. Landscape Design for Technology Park subdivision, Dodson Road, Bunbury as approved by City of Bunbury Parks & Urban Design on 4 April 2009(attached).*

(Attached at Appendix 14 is Figure 2. approved Landscape Design for Technology Park

- A further Dot Point to be included under Clause 3.1.14 in the following format so as to restrict the construction of any visual or entry statement within the South Western Highway road reserve.
 - *The construction of visual feature and entry statement is not permitted within the South Western Highway road reserve.*
- Clause 3.2.1 to be modified so as to clearly indicate that provisions of a general nature are contained under the Service Industry and Mixed Business Precinct can be applied to Light Industrial Precinct. It is considered that this action will clarify the use of general provisions applicable to both precincts i.e. in respect of the Service Industry and Mixed Business Precinct and the Light Industrial Precinct, and will at the same time avoid repetitiveness.

The suggested format is as follows:

These guidelines apply to lots within the Light Industrial Precinct as delineated in Figure 1. A range of applicable general provisions contained under Service Industry and Mixed Business Precinct can also be used to the Light Industrial Precinct. In addition, the following specific development design guidelines apply to the Light Industrial Precinct:

- Dot Point 3 of Clause 3.2.3 to be modified in the following format to ensure landscaping provision in accordance with the Landscape Management Plan as approved by the City of Bunbury Parks & Urban Design.
 - *The landowner at the early stage of the development of the site (the original landowner) to undertake and complete the required landscaping works as indicated on Figure 2. Landscape Design for Technology Park subdivision, Dodson Road, Bunbury as approved by City of Bunbury Parks & Urban Design on 4 April 2009(attached).*

Strategic Outcomes

It is considered that the proposed DG is within the intent of the City's 2007 – 2012 Strategic Plan in respect of Strategy 5.3 *“Provide a cohesive system of integrated land use planning”*, which outlines the importance of a comprehensive and integrated planning system to meet community expectations.

The Executive Recommendation is therefore considered generally in line with the City's 2007 -2012 Strategic Plan.

Community Consultation

The proposed DG was advertised from 11 March 2009 to 1 April 2009, and at the end of the advertisement period 9 submissions were received; 4 were from the general public, and 5 were from service authorities.

Councillor/Officer Consultation

The proposed DG has been discussed within Development Services and with Manager of Development Services prior to the finalisation of this report. The matter of traffic impacts at the intersection of South Western Highway and Dodson Road and the incorporation of water sensitive urban design principles in the DG were among the main discussion points.

Analysis of Financial and Budget Implications

The Executive Recommendation will not impact on the existing Annual Budget nor are there any expenses associated with the requests from a Council perspective. In this case, however, the City will receive \$80,000 monetary contribution from the developer as a contribution to the upgrade of the roads and related infrastructure at and in the vicinity of the intersection of Dodson Road and South Western Highway as ordered by SAT. The City's Engineering Services is expected to allocate this fund for the required road improvements at this intersection in consultation with the Main Roads and other concerned agencies.

Economic, Social, Environmental and Heritage Issues

No significant economic issues have been identified. It is considered that the proposed DG facilitate development on the subject site. The heritage matters associated with Lot 63 (Service Industry Mixed Business Precinct) have been addressed under the approved DGP for the subject site.

Council Policy Compliance

The proposed DG, upon adoption by Council, will have LPP status. Public notice will appear in the newspaper regarding the adoption of the proposed LPP by Council in accordance with Clause 2.3.3 of TPS 7.

Legislative Compliance

The proposal is in line with TPS 7 requirements applicable to LPP matters.

Delegation of Authority

Adoption of a LPP is the prerogative of Council.

Relevant Precedents

There are no known precisely relevant precedents in this case.

Possible Options

Option 1: Per Recommendation.

Option 2: Approve the proposed DG /Local Planning Policy - Preston River Technology Park Design Guidelines (DG) as submitted by the applicant. Should Council proceed with this option, a suggested format is as follows:

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

1. *Note the submissions received.*
2. *Adopt the proposed Preston River Technology Park Design Guidelines (DG) as a Local Planning Policy (LPP) as submitted.*
3. *Advise the submitters and the applicant of Council's decision on the matter.*
4. *Publish notice of the LPP in a newspaper and forward a copy of the LPP to the Western Australian Planning Commission (WAPC) in accordance with Clause 2.3.3 of Town Planning Scheme No.7.*

Conclusion

The MRWA has no objection to the proposed DG. The City's Engineering Services should actively engage with Main Roads and relevant agencies to address the traffic matter at this intersection as identified by the submitters.

The application of WSUD in the development process is a commendable approach to improve the quantity and quality of water available for use. The incorporation of WSUD elements in the current proposal (DG) can be supported to address the matter at the development application stage for Special Use No.36 site (cnr South Western and Dodson Road site).

In conclusion, it is considered that no major issues have been identified during the advertisement process to warrant substantial modifications to the proposed DG. It is considered therefore that the DG is generally in order and therefore Council adopt the proposed DG as a LPP subject to the suggested modifications being undertaken.

Recommendation

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

1. Note the submissions received.
2. Adopt the proposed Preston River Technology Park Design Guidelines (DG) as a Local Planning Policy (LPP) subject to the following modifications:
 - 2.1 An additional section (section 4) being included in the draft DG in the following format to incorporate waters sensitive urban design requirements:

'4 – Water sensitive urban design requirements

4.1 Council will require developers to demonstrate the incorporation of applicable water sensitive urban design elements in the proposal. The following includes elements of a water sensitive urban design treatment that can be considered for implementation:

- *Re-use of stormwater run-off or effluent for irrigation, toilet flushing or industrial purposes;*
- *Infiltration of stormwater to underground aquifers;*
- *Specially designed landscaping for conveying and treating run-off. Parking areas are to drain to bioretention gardens (rain gardens) which should be planted with appropriate native species. These can be considered as part of the landscaped areas. The use of infiltration trenches and grass swales instead of kerb and gutter in roadway designs;*
- *Use of porous paving in appropriate areas to increase infiltration rates;*
- *Minimisation of site disturbance (including cut and fill) to protect native vegetation and conserve habitat;*
- *Protection and restoration of stream corridors for their environmental, recreational and cultural values; and*
- *Re-use of rainwater for toilet flushing, washing machines (if applicable), garden watering and car washing.*

(Note: for details of best urban water management practices, refer Element 5 Liveable Neighbourhoods (WAPC 2007) and Stormwater Management Manual for Western Australia (DoE now DEC 2004)).'

- 2.2 A reference to 'Figure 1' to be deleted and replaced by 'the approved Development Guide Plan (DGP)' under Clause 3.1.2 of the DG.
- 2.3 Dot Point 4 of Clause 3.1.6 to be deleted in line with Council Decision 24/09 (3 March 2009).
- 2.4 The DG being modified to include a Dot Point under Clause 3.1.10 as follows:
- *Advertising signage along South Western Highway is not permitted without Main Roads approval.*
- 2.5 An additional Dot Point to be incorporated under Clause 3.1.11 in the following format:
- *Any on-site lighting should be directed away from the South Western Highway and Dodson Road intersection.*
- 2.6 Dot point 2 of Clause 3.1.14 to be modified as follows:
- *Minimum 2 metre landscaping strip is to be provided along the road frontage along the South Western Highway and Dodson Road within the respective lot boundary and maintained to the satisfaction of Council.*

- 2.7 Dot Point 3 of Clause 3.1.14 to be modified in the following format:
- *The landowner at the early stage of the development of the site (the original landowner) to undertake and complete the required landscaping works as indicated on Figure 2. Landscape Design for Technology Park subdivision, Dodson Road, Bunbury as approved by City of Bunbury Parks & Urban Design on 4 April 2009.*
- 2.8 A further Dot Point being included under Clause 3.1.14 in the following format:
- *The construction of visual feature and entry statement is not permitted within the South Western Highway road reserve.*
- 2.9 The statements under Clause 3.2.1 being modified to clearly indicate relevant general provisions contained under Service Industry and Mixed Business Precinct are also equally applicable to Light Industrial Precinct. The suggested format is as follows:
- These guidelines apply to lots within the Light Industrial Precinct as delineated in Figure 1. A range of relevant general provisions contained under Service Industry and Mixed Business Precinct can be applied to the Light Industrial Precinct. In addition, the following specific development design guidelines apply to the Light Industrial Precinct:*
- 2.10 Dot Point 3 of Clause 3.2.3 to be modified in the following format to ensure landscaping provision in accordance with the Landscape Management Plan as approved by the City of Bunbury Parks & Urban Design.
- *The landowner at the early stage of the development of the site (the original landowner) to undertake and complete the required landscaping works as indicated on Figure 2. Landscape Design for Technology Park subdivision, Dodson Road, Bunbury as approved by City of Bunbury Parks & Urban Design on 4 April 2009.*
3. Advise the submitters and the applicant of Council's decision.
4. Publish notice of the LPP in a newspaper and forward a copy of the LPP to the Western Australian Planning Commission (WAPC) in accordance with Clause 2.3.3 of Town Planning Scheme No.7.

11.14 Financial Statements - March and April 2009

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

Summary/Background

Financial Statements for the period 1 to 30 April 2009, have been circulated to members **under separate cover**. The statements include the following:

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

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

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

Financial statements for the month of March 2009 will be tabled at the meeting for the information of members.

Recommendation

The Financial Statements for the months of March and April 2009, be received.

11.15 Review of Council Meeting Schedule and Adoption of Procedures for Agenda Forums, Public Question Time and Public Statement Time

File Ref:	A00221
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary

It is proposed to consider the implementation of a different format for the City of Bunbury Council Meeting Process for a trial period of approximately three months.

Background

At the Council Meeting on 25 November 2008 (when considering the meeting schedule for 2009), the Council resolved as follows:

Council Decision 225/08

Council officers survey other local authorities in the State to identify the different schedules for council meetings – the results to be forwarded to the Meeting Review Working Group for consideration and recommendation to full Council.

The results of the survey were submitted to the Meeting Review Working Group Meeting held on 5 May 2009.

The results indicate that Local Governments in Western Australia all have varying forms of council, committee and/or briefing or agenda forum structures and processes, all tailored to suit the individual requirements of the local authority. Copies of the meeting schedules for 2009 for the Cities of Bayswater, Gosnells, Stirling, Geraldton-Greenough and the Shire of Busselton have been **issued under separate cover** for councillor information.

The Meeting Review Working Group recommends that a change to the City of Bunbury's meeting schedule be introduced for a trial period of approximately three months, to facilitate a more streamlined process and sharing of information on agenda items and community concerns.

The proposal is to continue with the current three-weekly meeting cycle but the committee meeting in the second week of the cycle will be changed in format to become an "Agenda Forum" similar to that identified in the Department of Local Government and Regional Development Guideline No. 5 titled "Council Forums" - a copy has been **issued under separate cover**.

As the Department Guidelines suggest, a set of procedures for the conduct of these forums are also proposed to be introduced which will guide the process and indicate the purpose and procedures for the forums. A copy of the proposed procedures and rules for the City's agenda forums has been **issued under separate cover**.

It is proposed that at an “Agenda Forum” the “Draft” Council Meeting Agenda will be presented to enable discussion on all relevant items. Community members will be afforded the opportunity to make their submissions and ask questions in accordance with established guidelines.

The first week of the cycle will continue to be a Briefing Session, where councillors may raise their respective matters for consideration as well considering issues submitted by the Executive. The second week of the cycle will be the “Agenda Forum” which will discuss the relevant agenda and consider any community raised concerns and the third week of the cycle will be the Council Meeting which will remain the only decision making forum in the process.

It is proposed that the trial period be introduced to commence from the Council Briefing of 26 May 2009 and conclude after the Council Meeting of 29 September 2009.

Strategic and/or Regional Outcomes

This matter is identified in the current Strategic Plan within Strategic Objective 2, Strategy 2.1: *“to provide an open forum for decision making.”*

Community Consultation

No community consultation has been sought regarding this matter as it is an operational process for the Council. It is anticipated that at the conclusion of the trial period, the Council will be in a position to consider whether the process has improved and if the community is responsive and pro-active, given the added opportunities available to them to express their concerns and become more informed.

Councillor/Officer Consultation

Elected Members of the Meeting Review Working Group and Council Officers are aware of this proposal.

The matter was also discussed at the Council Briefing Session held on 5 May 2009.

Analysis of Financial and Budget Implications

There will be no budgetary or financial impact arising from this proposal.

Economic, Social, Environmental and Heritage Issues

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

Council Policy Compliance

This proposal does not contravene any existing Council Policy or Work Procedure.

Legislative Compliance

This proposal complies with Regulation 12 of the Local Government (Administration) Regulations.

Delegation of Authority

The Chief Executive Officer does not have delegated authority to alter the process by which Council considers its meeting schedule.

Relevant Precedents

Council has previously considered its meeting schedule and the format of its meetings.

Options

Option 1

Per the recommendation listed in this report.

Option 2

The current format for meetings of the Bunbury City Council to remain unchanged.

Conclusion

A request was made by the Council in November 2008 to investigate the meeting processes and formats adopted by other Local Governments in the State.

The results indicate that there are varying formats throughout the industry each tailored to suit the respective local government.

Recommendation

1. Council adopts a change to its meeting process (and meeting format) for a trial period to commence 26 May 2009 and conclude 29 September 2009, to operate on a three-weekly meeting, as follows:

Week 1: Council Briefing Session (Closed Doors)
Week 2: Agenda Forum (Public Invited)
Week 3: Council Meeting (Open to Public)
2. Council adopts the *Procedures and Rules of Conduct* (as submitted) for the guidance of elected members, staff, community members and representatives attending the City's "Agenda Forums".

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

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various

Committee Members are to refer to the report issued under separate cover.

Recommendation

The following Advisory Committee and Project Control Group Meeting Minutes listed in the report issued under separate cover, are noted for information only:

1. Title: Minutes -City Promotions Committee (16/02/2009)
Author: Nardine Walford-Jones, Events Officer
File: A03402
2. Title: Minutes – City Promotions Committee (23/03/2009)
Author: Nardine Walford-Jones, Events Officer
File: A03402
3. Title: Minutes – Heritage Advisory Committee (18/02/2009)
Author: Leigh Barrett
File: A00335
4. Title: Minutes – Heritage Advisory Committee (18/03/2009)
Author: Leigh Barrett
File: A00335
5. Title: Minutes – Coastal Enhancement Project (Final Stage) Project Control Group (6/04/2009)
Author: Stewart Parkinson
File: A02019
6. Title: Minutes - Land Rationalisation & Acquisition Committee (9/04/2009)
Author: Paul Davies, Consultant Planner
File: A03518

12. Motions on Notice

12.1 Motion on Notice - Victor Howes Building/Planning Application - Lot 101 Australind Bypass

File Ref:	P12873
Applicant/Proponent:	Councillor Michelle Steck
Author:	Councillor Michelle Steck
Executive:	<i>If adopted by Council refer to:</i> Geoff Klem, Executive Manager City Development

Background

Cr Steck submitted the following motion on notice for consideration at the Council Meeting on 14 April 2009:

"Council writes to the Port Authority and the South West Planning Commission advising that Council has no objection to the land known as Lot 101 Australind Bypass, Bunbury, being rezoned to 'Industrial' as it supports Mr Howes' application to rezone, or, Mr Howes be advised that he may proceed with the owner development application with the design that was submitted to council previously."

At the meeting the following decision was made:

"Councillor Steck's motion on notice in relation to Lot 101 Australind By-pass Bunbury (Mr Howes) be referred back to Committee for further consideration."

Executive Comments

The subject land (Lot: 101 Australind Bypass) is zoned 'Rural' and is situated within a Development Investigation Policy Area. Clause 6.2.1.3.1 of the City's Town Planning Scheme No. 7 states that no development or subdivision is permitted within the Development Investigation Policy Area until the respective structure plan or development guide plan has been adopted by Council and endorsed by the Commission. Therefore, the City is unable to approve any development at this point in time.

Mr Howes may prepare and submit a structure plan to the City for consideration. However, in accordance with Clause 5.9.13.7 prior to a local government adopting any structure plan, the structure plan is to be forwarded to the WA Planning Commission for its endorsement and the local government is not to adopt a structure plan unless it has first been endorsed by the Commission.

Before this process is complete, no development can be permitted on the subject lot.

The process of a Rezoning (Scheme Amendment) is not initiated with a letter of support to the Bunbury Port Authority or the WA Planning Commission - refer to the flow chart **attached** at Appendix 15.

An application to amend the Scheme can be submitted to Council in writing (including a fee per the City of Bunbury Planning Fee Schedule 2008/2009). Council will then consider the proposed amendment and can resolve to amend the Scheme, or not to pursue an amendment.

Any Scheme Amendment has to be in accordance with the Greater Bunbury Region Scheme (GBRS). If the proposed Scheme Amendment varies from the GBRS then in addition to the following process a Greater Bunbury Region Scheme Amendment is required.

- If Council resolves to amend the Town Planning Scheme, the amendment must be referred to the Environmental Protection Authority (EPA) for consideration. Given that 'Industry zoning' is contrary to the GBRS, the WA Planning Commission would have to determine whether the proposal is advertised, if the EPA consents to the amendment without requiring further assessment
- After consent to advertise has been received, the amendment has to be advertised for a period as determined by the Commission.
- At the conclusion of the advertising period, a summary of all the submissions lodged in respect of the amendment proposal are referred to the Council for its consideration. The City's Planning Department prepares a Schedule of Submissions as part of a report for the Council that includes an analysis of the various arguments made for and against the proposed amendment. Council may resolve to adopt the amendment in a modified form and seek the approval of the Minister for Planning; dismiss the submissions and adopt the amendment for final approval endorsement of the Minister for Planning; or not support the amendment any further because of the strength and the validity of the submissions lodged against the proposal and seek the consent of the Minister for Planning to abandon the amendment.
- A copy of all the original submissions, the Schedule of Submissions and Council's final decision on the Amendment are referred to the WAPC. The WAPC prepare a report and recommendation for the Minister for Planning; Culture and the Art to consider.
- If the Hon. Minister grants final approval to the amendment, it takes effect from the date of publication of the final approval notice in the Government Gazette. Notification of final approval is advertised.
- If the Minister decides to refuse the amendment, notification of the refusal is published in the Government Gazette. The City also advertises the refusal in newspapers.

The length of time varies with the complexity of the amendment and ranges from 12 months for a straight forward amendment to over two years for more complicated amendments.

Cr Steck's Motion

Council writes to the Port Authority and the South West Planning Commission advising that Council has no objection to the land known as Lot 101 Australind Bypass, Bunbury, being rezoned to 'Industrial' as it supports Mr Howes' application to rezone, or, Mr Howes be advised that he may proceed with the owner development application with the design that was submitted to council previously.

Recommendation *(As an alternative to Cr Steck's Motion)*

The proposal to rezone and/or approve development on Lot 101 Australind Bypass is not to proceed without compliance with the provisions of Town Planning Scheme No. 7 and the Planning and Development Act 2005.

12.2 Motion on Notice - Leschenault Inlet Route Along Cobblestone Drive - 2nd Bunbury Sea Scouts & Bunbury Yacht Club Path Link

File Ref:	A00799
Applicant/Proponent:	Councillor Noel Whittle
Author:	Councillor Noel Whittle
Executive:	<i>If adopted by Council refer to:</i> Michael Scott, Executive Manager City Services

Cr Whittle has submitted the following motion for the Council Committee Meeting on 12 May 2009:

"To reiterate the critical details and intent of previous councillor submissions to the Royalties for Regions process, the Council to confirm that:

- 1. The Recreational Shared Path shall be constructed on the Leschenault Inlet (north) side of Cobblestone Drive.*
- 2. Pedestrian amenity of the Leschenault Inlet Foreshore Route takes priority over vehicles in the design of the Cobblestone Drive parking precinct."*

Comments - Cr Whittle

In support of his motion, Cr Whittle states that:

"This motion is to reiterate the critical details and intent of previous councillor submissions to the Royalties for Regions process. Clarity of intent is needed in order to ensure the best outcome for pedestrians from the Cobblestone Drive Parking Precinct Upgrade which is currently being designed. Serious concern has already been expressed by the Bunbury Sea Scouts following the issue of the Proposed Bunbury Rowing Club Precinct and Future Car Parking Plan as the plan does not provide any pedestrian path on the north side of Cobblestone Drive - refer to Appendix 17.

Background

The original submission to Royalties for Regions in December 2008 was developed by me without specific knowledge of the design of the new car park. The submission was developed in order to address the shortfall in pedestrian amenity for people attempting to follow the Leschenault Inlet Foreshore Route in the areas of the Bunbury Rowing Club, the Bunbury Sea Scouts premises and the Bunbury Yacht Club. Currently if pedestrians or cyclists are approaching from the Bunbury Rowing Club direction they reach a dead-end. The foreshore promenade terminates onto the parking area and roadway and no continuing path exists. Pedestrians must then walk on the Cobblestone Drive roadway for approximately 130 metres and another 60 metres on the verge to link up with the existing shared path which returns to the Inlet foreshore to the east.

Due to the lack of footpath, people accessing the Bunbury Sea Scouts have no alternative other than to walk along or across the roadway.

Unrestricted access to, and along, all waterfront areas was one of the key learning outcomes reported to Council following the 2008 Queensland Study Tour of key waterfront tourist locations.

In Bunbury the Leschenault Inlet walking route has the potential be a significant lifestyle and tourism feature. It is already a very popular 5 kilometre circuit for sightseers, walkers, joggers, cyclists. It is also a very popular venue for several significant annual charity walking and running events throughout the year. But this section of the route remains incomplete.

Timeline of Submissions

1 December 2008 - Cr Whittle's submission to the CEO:

Completion of footpath / shared path from the rowing club along Cobblestone drive, around Bunbury Yacht Club and other buildings and joining to existing path network from Queens Gardens.

29 January 2009 - Cr Whittle's submission to the Executive Manager Corporate Services:

Queens Gardens - Completion of footpath from rowing club along Cobblestone Drive and path connection around yacht club. 200m

25 February 2009 - Spreadsheet at Royalties for Regions Review Session

Mayor's submission, line item No 4: completion of connecting paths in Queens Gardens.

Cr Whittle submission, line item No 6: Queens Gardens – Completion of footpath from Rowing Club along Cobblestone Drive and path connection around yacht club. 200m.

3 May 2009 - Concept Plan

Printed and provided to Sea Scouts with no provisions for a path on the north side of Cobblestone Drive.

The intent of this submission was to complete the final section of the route, on the north side of Cobblestone Drive and to provide much needed pedestrian access to the Bunbury Sea Scouts premises. It was always intended that pedestrian amenity of the Leschenault Inlet Foreshore Route takes priority over vehicles and that priority should now be adopted in the design of the Cobblestone Drive parking precinct which we now know is currently underway. And that priority determines that the route should remain entirely on the Leschenault Inlet side of Cobblestone Drive and not involve pedestrian crossings through the parking area.

The City of Bunbury has aspirations for a people-friendly, welcoming and walkable urban environment. Every new project should be treated as an opportunity to add quality to our lifestyle and to enhance activation of our public areas."

Executive Comments

The Executive Manager City Services and Project Manager Engineering Services have provided the following comments:

- The design brief issued to the design engineers TME Pty Ltd and subsequent site meeting minutes includes the items sought by Cr Whittle, namely,
- The provision of the link path on the north side of Cobblestone Street and high priority to be given to pedestrian-friendliness in the design.
- The portion of the design brief that covers the above is as follows:
 1. Project Objectives (from Design Brief)
 - Provide a slow speed environment through route from Blair St to Cobblestone Drive for 2 way traffic, left in, left out only at the Blair St/Cobblestone Drive intersection.
 - Provide a linking path between the Rowing club foreshore promenade and the existing Leschenault inlet path south of the playground
 - Formalise car parking in accordance with Australian Standards.
 - Provide a master plan for roads, car parks and paths in the project area, including the proposed Rowing Club car park.
 - Maximise car parking spaces subject to providing generous pedestrian facilities and generous landscaping islands.
 - Minimise removal of mature trees
 - Construct the works in stages as determined by available funds. Note: the budget for construction is in the order of \$350,000. The path is to be included in Stage 1
 - Deal with drainage using Water Sensitive Urban Design approach.
 - Complete affordable works by November 2008.

2. Objectives (from Design Meeting Minutes No. 1 held 23 April 2009)
 - Provision of a wide (maybe 3m) shared path linking the promenade to the Leschenault foreshore path (2m wide) is high priority.
 - Probably will need to stage the works to suit the current budget.
- The design is in progress and no preferred concept plan has as yet been received or action commenced.
- The Sea Scouts letter was responded to by staff on 1 April 2009 advising them that their concerns will be addressed in the design process - a copy of the letter is **attached** at Appendix 16.
- It is intended that the preferred concept plan will be subject to a public comment period so that interested residents will have an opportunity to have their say.
- The Council decision sought by Cr Whittle will simply re-affirm the status quo.

Cr Whittle's Motion

To reiterate the critical details and intent of previous councillor submissions to the Royalties for Regions process, the Council to confirm that:

1. The Recreational Shared Path shall be constructed on the Leschenault Inlet (north) side of Cobblestone Drive.
2. Pedestrian amenity of the Leschenault Inlet Foreshore Route takes priority over vehicles in the design of the Cobblestone Drive parking precinct.

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

14. Items to be Noted or Endorsed

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

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various

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

Recommendation

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

1. Title: Royalty for Regions Program 2008/2009 - Project Manager's Report No. 1 (8 April 2009)
Author: Stewart Parkinson, Project Manager City Services
File: A03667
2. Title: Development Approvals - 1 to 31 March 2009
Author: Gary Fitzgerald, Manager Development Services
File: A00566
3. Title: Schedule of Accounts Paid - March 2009
Author: David Ransom, City Accountant
File: A00083
4. Title: Schedule of Accounts Paid - April 2009
Author: David Ransom, City Accountant
File: A00083

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

File Ref:	R00346
Applicant/Proponent:	Internal Report
Author:	Beth Kozyrski, Engineering Technical Officer
Executive:	Michael Scott, Executive Manager City Services

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

Recommendation

The following item listed in the report issued under separate cover, is endorsed by the Bunbury City Council:

1. Title: Change of Direction and Road Type - Olive Road, Bunbury
Author: Beth Kozyrski, Engineering Technical Officer
File: R00346

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

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

16. Close of Meeting