

Council (Standing) Committee

Minutes

23 June 2009

Terms of Reference

1. To review reports and recommendations submitted for consideration by the Council and (where appropriate) make alternative recommendations to those recommendations listed in the reports.
2. To request additional information necessary to assist members of the Council in making decisions.
3. To ensure recommendations made to the Council do not contravene appropriate legislation or the City's policies, local laws and strategic plans.



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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

Minutes of an Ordinary Meeting of the Council (Standing) Committee held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 23 June 2009 at 6.00pm.

Minutes

23 June 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.

1. Declaration of Opening by the Presiding Member

Deputy Mayor, Mr Stephen Craddock, declared the meeting open at 6.00pm.

2. Record of Attendance, Apologies and Leave of Absence

PRESENT

Council Committee Members	
Presiding Member:	Deputy Mayor, Councillor S Craddock
Members:	Councillor J Jones
	Councillor S Rooney
	Councillor B Kelly
	Councillor W Major
	Councillor N Whittle
	Councillor R Slater
	Councillor D Spencer
	Councillor H Punch
	Councillor M Steck <i>(arrived 6.10pm – Item 10.1)</i>
	Councillor A Leigh
Councillor J Harrop	
Executive Management Team (Non-Voting)	
Chief Executive Officer:	Mr G Trevaskis
Executive Manager Corporate Services:	Mr K Weary
Executive Manager City Services:	Mr M Scott
A/Executive Manager City Development:	Mr G Fitzgerald
Executive Manager City Life:	Mr D Marzano
Council Officers (Non-Voting):	
Manager Economic/Social Development:	Ms J Massey
Manager Bunbury Visitor Centre	Ms F Anderson

PRESENT (continued)

Marketing Officer	Ms K Knight
Admin. Officer Corporate Services:	Ms M Smith
Admin. Officer Corporate Services:	Ms D Ryan

APOLOGIES

His Worship the Mayor, Mr D Smith

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

At the Council Committee Meeting held 7 April 2009, questions were asked during Public Question Time that could not be answered during the meeting. A copy of the questions and the written responses forwarded to the questioner following the meeting, are provided below for public information:

Mr Victor J Howes, 58 Vickery Street, Bunbury

Question 1: (Concerning my property at Lot 101 Australind Bypass Bunbury) My letter of 3 June 2008 to the Mayor refuting the Bunbury Port Authority's draft plan and my request to address full Council, was ignored – why?

Response 1: The Mayor has provided the following answer:

Your letter of 3 June 2008 was addressed to the Mayor and full Council. Prior to receipt of the letter, the City had advertised the Port Structure Plan (on 7 April 2008) and the closing date for submissions was 6 June 2008. The structure plan included your land at Lot 101 Australind Bypass.

Your letter was treated as a submission to the Council on the Port Structure Plan rather than a personal letter to me as your letter said (in part) *"I respectfully ask the Full Council to reject outright this proposal by, I understand, the Port Authority."* The letter also stated, that: *"I confirm that where possible each councillor will receive their copy of this letter at their private address rather than Council Chambers."*

It is not usual for the Mayor or councillors to personally respond to submissions of this kind. In deed, it may be construed as misconduct under the City's Code of Conduct for the Mayor or a councillor to do so.

What normally happens following such advertising is that planning staff provide a summary of all submissions received and provide staff comments on each submission.

A person making a submission would also normally be advised of when the Council is to consider their submission and may attend the meeting and/or request permission to address the Council on their issues.

However, in your case the Council was advised by the Department for Planning & Infrastructure (DPI) that because of the Proclamation of the Greater Bunbury Region Scheme (GBRS) the decision-making on the Structure Plan was no longer within the Council's power as this had been passed to the Bunbury Port Authority itself. It should be noted however, that while your land is shown within the Port Structure Plan Area it is not within the Port Reserve Area under the GBRS and as such would still require approval under the City's Town Planning Scheme.

As a result, the Council resolved to forward the submissions it had received onto the Port Authority (through the DPI) and to provide some comment on the plan. As the Council no longer had the decision-making authority in this matter, submission-makers were not able to address a meeting of the Council.

You had previously raised the question of your land with me when I was a councillor and I had explained that the reason your application to build a residence could not proceed, was that it was in what was called a Special Control Area under Town Planning Scheme No. 7 which meant no development could occur until a Structure Plan was lodged by you, the Port or other landowners.

For this reason and as you had stated in your letter of 3 June 2008 that you would be providing each councillor with a copy of the letter at their private address; I did not respond to your letter.

Question 2: In relation to the 18 December 2008 letter to me from the Council citing complications to my application of the 18th and the need for a planning application – was this correct?

Response 2: Yes.

Question 3: My complaint was discussed with the WA Planning Commission (Council's 20 January letter). Is their letter of 24 February to Council correct and honest?

Response 3: The City has considered the letter from the WA Planning Commission and is currently in the process of liaising with the DPI in terms of resolving detailed interfacing planning issues between the Port and adjoining properties. When such analysis is completed, the City will further update you on the matter.

Question 4: The Bunbury Port Authority on 2 April confirmed verbally (by Mr Barratt to me) that the Port wants my land as a buffer zone. Is the Bunbury Port Authority pushing the town planners to gazette this private Land?

Response 4: No.

Question 5: In early February, did the Planning Department pull my file from the Health Department citing that my Building/Planning Application was withdrawn?

Response 5: It is unclear as to what is meant by the word "pull" However, all applications are dealt with in conformity with statutory provisions in terms of process.

Question 6: Why did the City send me a cheque for \$493 dated 30 January – was this an unethical act?

Response 6: The money was a refund of Building Licence Fees as explained in a letter addressed to Mr Howes dated 20 January 2009.

Question 7: On 20 January 2009, the Manager Development Services wrote to me citing various issues – do you agree these were in the main false? Have you received a letter of 24 February 2009 from the WA Planning Commission (South West) refuting these comments?

Response 7: The letter from the Manager Development Services dated 20 January 2009 is correct. As stated in clause 5.9.13.7 of TPS 7, prior to the 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. All matters raised in the letter refer to compliance with the Scheme.

The City has not received any advice from the WA Planning Commission specifically refuting the City's position on the matter.

Question 8: My letter to Mr Trevaskis (Bunbury CEO) of 4 March was a serious letter of complaint which five weeks later has not been replied to nor acknowledged. Why not, when this gentleman has a duty of care to ratepayers?

Response 8: The City has been researching the matter and is finalising a formal response which is likely to be forwarded to Mr Howes in the very near future.

Question 9: *The above letter went to the Mayor. It also asked for me to address the full Council for the fourth attempt. Why did the mayor not respond to me instead of ignoring my request?*

Response 9: The Mayor has provided the following answer:

The letter of 4 March 2009 referred to was not addressed to me but to "Mr G. Trevaskis CEO". At the end of the letter the words "c/c the Mayor" were written. I understood this to mean that it was being sent to me for my information only but that the reply would still come from the CEO or his delegate. I understood that you had already received a refund of \$493 which related to part of your complaints.

Question 10: *My letter of 4 March to Mr Trevaskis (Bunbury CEO) requested explanation as to how the value of my building material costs can be calculated out by Council at nearly twice that of a saleable home by builders within Bunbury. Please explain, because I am still waiting?*

Response 10: Consistent with the response provided in reply to your correspondence dated 4 March 2008, the reply to your question is as follows.

In respect of your comments about the City's "excessive and unfair" valuation, it should be noted that it is a requirement that one is required to provide a proper and reasonable valuation of the works. Mr Snelling was in effect merely pointing out that in the City's determination based on objective data from a recognized Construction Cost Manual (Reed Construction Data), your valuation appeared not to be in line with the manual. I would note that this standard is applied equally to all similar developments.

It should be pointed out that pursuant to the provisions of the Building Regulations 1989 made under the Local Government (Miscellaneous Provisions) Act 1960, any party wishing to construct a building for example is required (as part of his or her building application) to submit a.... "Cost Estimate". This cost estimate is to be "*calculated in a manner set out in Regulation 24(2) of the Building Regulations*", which in turn sets out a Scale of Fees. Under Regulation 24 (2) (b), the "estimated value" of the construction work is to include "*the value of all goods (including manufactured goods) forming part of the construction work, labour, services necessary, fees payable, overheads to be met, and profit margin*".

This matter may be academic, however, as your application fees have now been returned to you.

Should you still feel concerned that the fee which you have been charged does not accord with current regulations then we confirm

that the City would be pleased to re-consider your application and carry out a further review of the situation in line with standard industry costing data.

You have requested that the City advise you “*of the instigator of the Reed Data...*” The City would be pleased to allow you to view the Reed Construction Data (and the Local Government Act 1995 and Regulations) so that you are able to be more fully appraised of the methods by which the City determines cost estimates with a view to setting fees. In this regard please contact Mrs Lois Morris, Administration Officer Development Services (telephone 9792 7059) and she will set up a convenient time when you can take up this offer.

Question 11: In being forced by the DCU to apply for planning approval ‘under duress’ it would appear that the WA Planning Department has stipulated that it does not have any interest in my own builder’s request for a single dwelling on rural land – then, why do I need to apply for planning permission when Council zoning already allows for this?

Response 11: There is a requirement for a Planning Application under TPS 7 (clause 8.1.1) that all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government.

The WA Planning Commission advised in its letter of 24 February 2009, that the proposal does not require Planning Approval under the GBRS but that approvals are required by the City of Bunbury.

Question 12: Please advise me why does the head of the DCU continue to infer (since 2004) that in his opinion, I want to build a bed & breakfast or board house or business; when my application has been declared a ‘Class 1A’ building not a Class 1B. Am I being accused of lying to Council?

Response 12: Further to the advice already provided by the Mayor at the meeting held on 7 April 2009, the following additional information is provided.

After comprehensive assessment and input from relevant separate departments within the City (i.e., Health, Engineering and Building), the City took an advisory (not accusatory) position in its letter to you dated 22 December 2008, by stating that “*should you wish to provide some sort of accommodation facility with your proposed dwelling it would be necessary for you make an application for planning approval...*”.

Question 13: Would the Mayor please explain to this meeting why Councillor Michelle Steck has been denied raising questions on my behalf causing me to now plead my case in Public Question Time when we all know that my questions will only be accepted 'on notice'? I request that all answers are put into the minutes as well as written to me.

Response 13: The Mayor has provided the following answer:

Councillor Steck has never been denied the right to raise questions on your behalf. I understand that she intended to lodge 'Questions on Notice' and/or to move a motion but as far as I am aware, she had not posed any questions to me or the Council itself prior to your questions asked at the meeting on 7 April 2009.

In my view the problems you have experienced are due to your land being included in the Special Control Area and being on the Port Structure Plan. Currently, the Port is proposing to divert the Preston River and the river (as currently shown on the proposed Port Structure Plan) will pass through part of your land. It is therefore likely that part of your land may form part of a Reserve Area for public use as riverside land.

If you believe that you are entitled to compensation because of this, as the Mayor I can only suggest that you take the issue up with the Bunbury Port Authority and/or your Members of Parliament or your lawyer.

The City have been advised by DPI that the responsibility for any decision-making on land zoned for "Port Installation" rests with the Bunbury Port Authority and the State Government (and its agencies) and not with the Council. However, as I have previously indicated the matter is complicated by the fact that while your land is shown within the Port Structure Plan Study Area it is not zoned Port Installation under the GBRS and as such would still require approval under the City's Town Planning Scheme. Clearly, it would be inappropriate for the Council to further consider an application for rezoning or to allow a house or other development on your land until these issues are resolved by the Port Authority or other State Government agencies.

Question 14: Has the City's Planning Department ever declared that I did not have access to my block to me or to others?

Response 14: No.

4. Public Questions Concerning Matters Listed for Discussion at this Meeting

Nil

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

Nil

6. Confirmation of Previous Minutes

The minutes of the Council (Standing) Committee Meeting held 2 June 2009, had been circulated to members prior to the meeting.

The recommendation to confirm the minutes was moved Cr Slater, seconded Cr Slater and adopted to become the committee's decision on this matter:

Committee Decision

The minutes of the Council (Standing) Committee Meeting held 2 June 2009, be confirmed as a true and accurate record.

CARRIED

12 Votes "For" / Nil Votes "Against"

7. Disclosures of Interest Under the Local Government Act 1995

Nil.

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

Nil.

9. Chief Executive Officer Reports/Discussion Topics

Nil

10. Reception of Formal Petitions and Memorials

10.1 Petition - Dispute over the Name of Vickery Street, Bunbury

File Ref:	R00487
Applicant/Proponent:	Ms Lyn Clarke, 57 Vickery Street, Bunbury
Author:	Jason Gick, City Engineer
Executive:	<i>If adopted, refer to:</i> Michael Scott, Executive Manager City Services

Summary

The Chief Executive Officer has received a letter and petition from 43 petitioners to Council stating, *"We, the undersigned, do not want Vickery Crescent renamed Vickery Street. Some of us have been here since 1964 before the road was sealed and it was called and sold to us as 'Vickery Crescent' - who will complain if Lone Street is removed from the map? (Note: Wood Street used to be called Lone Street)"*.

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

"Why has it taken 45 years to inform us of this anomaly. Some of us bought and built in Vickery Crescent in 1964 when the road was only gravel - our address was Vickery Crescent. Your sign posted 'Wood Street' was 'Lone Street' and Vickery ran as a crescent into Churchill Drive. Is it since Google Earth arrived that there's been a dispute? Two households have recently had batches of business cards printed much to their chagrin."

The petitioners represent 26 households out of the 38 along Vickery and Lone Streets. A copy of their letter and petition is **attached** at Appendix 1

Executive Comments

The anomaly between the legal street name and the name that (until recently) appeared on the street sign was brought to the City's attention in February 2009 by Realty Executives South West.

A check was made with the State Government's Geographic Names Division which confirmed the street has been on its records as "Vickery Street" since 1964 and the term "Street" has been recorded on all Certificates of Title and legal documentation issued to property owners in the street since that time.

Any property sold in the street today has the address noted as "Vickery Street" - refer to the example **attached** at Appendix 2. All references on the internet refer to Vickery Street. Calls to 000 can be problematic as there is no Vickery Crescent listed for Bunbury. Similarly, satellite navigation software cannot locate the street name Vickery Crescent. Accordingly, on the recommendation of Geographic Names, the City took corrective action to resolve the anomaly which has now been completed. The street signs have been replaced and all owners and occupiers in the street together with emergency services, *The Local Link*, the post office, City of Bunbury employees and all appropriate service and regulatory bodies; have been notified of the correction.

All councillors were informed of this matter via a memorandum dated 25 May 2009.

The various emergency services in the Bunbury region are linked to Landgate's land records system and in an emergency situation, it is vital that the street can be quickly identified and located without confusion. As previously indicated, Landgate records show the street as a "street" not a "crescent".

To rename the street "Vickery Crescent" would involve application to the Geographic Names Committee and a public consultation process. A funding source would also need to be identified.

City records cannot confirm exactly how long the incorrect street name has been posted at this location.

Options

The Council has a number of options in relation to petitions under Section 9.4 of the City's Standing Orders. These options are:

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

Recommendation

The petition not be accepted and the official name of Vickery Street be recognised by the Council.

Outcome – Council Committee Meeting 23 June 2009

Cr Steck arrived at 6.10pm.

Mr Desmond Duplex and Ms Lynn Clarke, both residents of Vickery Street, addressed committee members in support of the petition confirming they would like the name to remain as 'Crescent' as this is how it has been known by the residents and their family, friends, suppliers and is named as such in publications like the Bunbury Key and Local Link. They suggested that reference to Lone Street be removed and have Vickery Crescent in its place due to no resident in Lone Street having a post box in that street.

Option (d) under clause 9.4 of the Standing Orders was moved Cr Spencer, seconded Cr Major and put to the vote and adopted (12 Votes "For" / Nil Votes "Against").

During discussion the Executive Manager City Services confirmed it was a third party who requested the matter be resolved not the City of Bunbury. Until it has been finalised the City of Bunbury will continue to use the name 'Street' for emergency

service reasons. When asked what the process for changing the name was the Executive Manager confirmed this would be supplied to committee members as soon as it was available.

The following alternative recommendation was moved Cr Spencer, seconded Cr Slater and was adopted (10 Votes "For" / 2 Votes "Against") to become the committee's recommendation on this issue.

'That the City's Executive be requested to take the necessary action to:

1. *Re-name Vickery Street to Vickery 'Crescent'*
2. *Delete reference to lone Street and make it part of Vickery Crescent'*

For convenience the two recommendations adopted by the Committee are printed below:

Committee Recommendation

Part 1

The petition be accepted and dealt with by the full Council.

Part 2

That the City's Executive be requested to take the necessary action to:

1. **Re-name Vickery Street to Vickery 'Crescent'**
2. **Delete reference to lone Street and make it part of Vickery Crescent**

CARRIED

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

11.1 Council Support for the Proposed Dedication of Land and Closure of Redundant Portion of Road Reserve – Bunbury Port Access Road

File Ref:	R00804
Applicant/Proponent:	Main Roads Western Australia
Author:	Jason Gick City Engineer
Executive:	Michael Scott Executive Manager City Services

Summary

On the 13 May 2009 the City of Bunbury received correspondence from Main Roads Western Australia (MRWA) **attached** at Appendix 3 requesting Council support their request to the Department of Planning and Infrastructure (DPI) to:

1. Excise an area of rail reserve and dedicate the land as road to accommodate a new crossing in accordance with Section 56 of the Land Administration Act (1997).
2. Close a disused rail crossing and amalgamate it into the rail reserve in accordance with Section 58 of the Land Administration Act (1997) **attached** at Appendix 4.

Council is requested to endorse the Land Dealings Plan number 200702-0589-5 which shows the area of land required from the rail corridor and the redundant portion of road **attached** at Appendix 5.

Background

As part of the development of the first stage of the Bunbury Port Access Road a new four way signalised intersection will be created to connect the South Western Highway, Boyanup Picton Road and Winsor Street in Picton. This connection will require the construction of a new rail crossing. WestNet Rail has requested that MRWA excise the area required to accommodate the new crossing from the rail corridor and dedicated the land as road.

Additionally, WestNet Rail has requested that a disused rail crossing be closed and amalgamated into the rail reserve.

Strategic and/or Regional Outcomes

There are no strategic or regional outcomes to consider.

Community Consultation

Any required community consultation will be undertaken by MRWA.

Councillor/Officer Consultation

The City's Executive has considered the proposal and has no objections.

Analysis of Financial and Budget Implications

There will be no detrimental effect on the City's Annual Budget. MRWA will bear all cost in relation to the dedication and closure.

Economic, Social, Environmental and Heritage Issues

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

Council Policy Compliance

No Council policy applies.

Legislative Compliance

Land Administration Act (1997) requires Council to pass a decision supporting MRWA's request.

Delegation of Authority

The DPI requires the official support of the Council.

Relevant Precedents

Council Decision 138/08 Dedication of Bunbury port access road land requirement and Council Decision 74/08 close portion of Haig Crescent

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council does NOT support request.

Conclusion

To satisfy the DPI's requirements the City is now requested by way of a formal Council decision to support the dedication of rail reserve required to accommodate a new crossing and closure and amalgamation of disused rail crossing into the rail reserve.

MRWA will provide an Indemnity to the DPI and bear all cost.

Recommendation

Council to endorse Dealings Plan numbered 200702-0589-5 and provide the Department of Planning and Infrastructure with a formal decision to support Main Roads Western Australia's request:

1. Dedicate the additional land being acquired from the rail reserve in accordance with Section 56 of the Land Administration Act (1997) as shown on the Land Dealings Plan numbered 200702-0589-5.
2. Closure of the redundant portion of road reserve in accordance with Section 58 of the Land Administration Act (1997) as shown on the Land Dealings Plan numbered 200702-0589-5.

Outcome – Council Committee Meeting 23 June 2009

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

The Chief Executive Officer confirmed in response to a committee member's enquiry that the land is not under the control of the City of Bunbury as it is a State Government Reserve. It is more a matter of Council having any objection to the proposed transfer.

The motion was put to the vote and adopted to become the committee's recommendation on this issue.

Cr Steck requested that her vote "against" the committee's recommendation, be recorded.

Committee Recommendation

Council to endorse Dealings Plan numbered 200702-0589-5 and provide the Department of Planning and Infrastructure with a formal decision to support Main Roads Western Australia's request:

1. **Dedicate the additional land being acquired from the rail reserve in accordance with Section 56 of the Land Administration Act (1997) as shown on the Land Dealings Plan numbered 200702-0589-5.**
2. **Closure of the redundant portion of road reserve in accordance with Section 58 of the Land Administration Act (1997) as shown on the Land Dealings Plan numbered 200702-0589-5.**

CARRIED

11 Votes "For" / 1 Vote "Against"

11.2 Proposed Structure Plan – Lots 1 & 6 Boyanup – Picton Road, Picton

File Ref:	P11650
Applicant/Proponent:	Griffiths Planning
Author:	Teshome Tadessee
Executive:	Geoff Klem Executive Manager City Development

Summary

The Western Australian Planning Commission (WAPC) has resolved to endorse the proposed structure plan – Lots 1 & 2 Boyanup – Picton Road, Picton subject to modifications to the structure plan and following formal adoption by the City.

The modifications requested by the Commission have been incorporated in the structure plan. It is recommended that Council formally adopt the structure plan and forward the documentation to the Commission for its final endorsement.

Background

The WAPC in its letter dated 8 May 2009 advised that it has resolved to endorse the proposed structure plan subject to some modifications being incorporated in the final format of the structure plan (**Attached** at Appendix 6 - letter from the WAPC). The Commission has requested the City to adopt the modified structure plan and forward it to the Commission for signing.

The applicant has addressed the modifications required by the Commission. The structure plan is now ready for formal adoption by Council and ultimately for final endorsement by the Commission as required.

(Attached at Appendix 7 - Proposed structure plan – Lots 1 & 6 Boyanup – Picton Road, Picton

Proposal

Clause 5.9.13.7 of Town Planning Scheme No. 7 (TPS7) provides that prior to Council adopting any structure plan, the necessary documentation be forwarded to the Commission for its endorsement.

Council at its ordinary meeting of 30th September 2008 resolved to adopt the proposed structure plan – Lots 1 & 6 Boyanup-Picton Road, Picton subject to some modifications (Council Decision 182/08. For a full copy of the Decision see **attached** Appendix 8). The proposed structure plan was forwarded to the Commission in early October 2008 for its final determination. The Commission in its letter to the City dated 8 May 2009 advised the City to incorporate the modifications prior to its final endorsement of the structure plan.

The modifications required by the Commission are considered to be minor in nature. The Commission's letter outlines the required modifications to the structure plan. Basically, the main modification to the plan is to make it consistent with the Regional Open Space (ROS) Reservation in the Greater Bunbury Regional Scheme (GBRS).

The other minor modifications are to the provisions on the plan in the areas of stormwater management plan and foreshore management plan.

The modifications have been incorporated as required and therefore it is recommended that Council formally adopt the proposed structure plan in accordance with Clause 5.9.13.7 of Town Planning Scheme No.7 (TPS7) and forward the necessary documentation to the Commission for its final endorsement.

Strategic Outcomes

It is considered that the proposed Local Structure Plan is in line with the general direction of the City's 2007 – 2012 Strategic Plan.

Community Consultation

The proposed modifications to the structure plan by the Commission do not necessitate further public consultation.

Councillor/Officer Consultation

The matter has been discussed within Development Services prior to the finalisation of this report.

Analysis of Financial and Budget Implications

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

Economic, Social, Environmental and Heritage Issues

The proposed structure plan will facilitate further development on the subject site. There are no heritage issues that would arise as a result of the proposed structure plan. Environmental requirements have been incorporated in the proposed structure plan.

Council Policy Compliance

There are no specific policies relating to this Structure Plan proposal.

Legislative Compliance

The proposal is in line with TPS7 Section 5.9.13 which is applicable to structure plans.

Delegation of Authority

The Commission has specifically requested that the modified version of the structure plan be formally adopted by the City. Council has no authority to overturn the Commission's decision on the matter. The proposed structure plan is in accordance with Scheme requirements and therefore Council is required to adopt the structure in line with Clause 5.13 of TPS7.

Relevant Precedents

Council at its ordinary meeting of 14 April 2009 formally adopted a structure plan for Lot 74 Beddingfield Street as requested by the Commission. In this instance a similar process has been followed to present the current proposal for formal adoption by Council.

Possible Options

Option 1

Per the recommendation listed in this report

Option 2

Council elects NOT to support the recommendation to adopt the proposed structure plan.

Conclusion

The proposed structure plan – Lots 1 & 6 Boyanup – Picton Road, Picton is ready for formal adoption by Council.

Recommendation

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

1. Adopt the proposed structure plan – Lots 1 & 6 Boyanup – Picton Road, Picton.
2. Forward the structure plan documentation to the Western Australian Planning Commission for final endorsement.

Outcome – Council Committee Meeting 23 June 2009

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

The motion was put to the vote and adopted to become the committee's recommendation on this issue.

Committee Recommendation

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

1. **Adopt the proposed structure plan – Lots 1 & 6 Boyanup – Picton Road, Picton.**
2. **Forward the structure plan documentation to the Western Australian Planning Commission for final endorsement.**

CARRIED

12 Votes "For" / Nil Votes "Against"

11.3 Marketing Membership – Bunbury Visitor Centre

File Ref:	A01327-02
Applicant/Proponent:	Kristina Knight
Author:	Kristina Knight – Marketing Officer
Executive:	Dom Marzano – Executive Manager City Life

Summary

It is proposed that a formal membership structure be introduced for the Bunbury Visitor Centre that encompasses a series of benefits related to both the Visitor Centre and current marketing program.

The implementation of a membership will allow for greater cooperation and participation by local tourism operators in Visitor Centre and marketing activities. It will also increase the perceived value of services that have previously been offered for free.

Upon joining, members would be required to sign a code of conduct that will clarify the responsibilities of both the Visitor Centre and businesses in regards to bookings and reducing the possibility of conflict.

Membership fees for businesses within the City of Bunbury would be \$88 at the standard level and \$143 at the premium level. These packages include a listing on the visitbunbury.com.au website which is currently charged at \$70 per year.

Other membership benefits would include discounted advertising in the annual Bunbury Visitor Guide, inclusion on familiarisation tours and provision of promotional material such as maps.

Background

Bunbury is unique in that it has not applied membership or marketing fees to Bunbury Local Government Area (LGA) businesses since resuming the management of visitor servicing and destination marketing in 2001. Prior to 2001 there had been membership and marketing fees applied through the organisation known as Tourism Bunbury. This was in addition to funding provided by the City of Bunbury.

It is standard practice for visitor centres to operate from a membership base. Currently the Bunbury Visitor Centre does not have a formal membership structure with businesses located inside the local government area. It does however charge businesses outside the LGA a small fee for brochure racking.

Membership fees are a valuable income stream for most visitor centres and across the south west they range from \$44 (Collie Visitor Centre) to \$700 (top level membership at Busselton Visitor Centre). Membership benefits vary from brochure racking to advertising discounts and inclusion in promotions.

The proposed Marketing Membership fees are low cost compared to the benefits offered. The proposed Marketing Membership provides value for money when compared to other centres.

Strategic and/or Regional Outcomes

The proposed membership structure allows businesses in the surrounding Geographe sub region to become involved in the Visitor Centre and marketing program. This will increase regional cooperation in the promotion of the Greater Bunbury area and position Bunbury as the regional centre.

Fees for businesses outside of the Bunbury LGA would be set 25% higher than businesses located within the City of Bunbury.

The City of Bunbury Tourism Strategy (currently in draft format) was developed following consultation with community, business and stakeholders in the Greater Bunbury area. Stakeholders identified a need for the City of Bunbury to lead the area in regards to tourism. Under the Leadership and Facilitation Action Plan it is recommended that a membership system for operators be developed based on financial membership and/or a cooperative marketing program.

Community Consultation

The proposed membership structure has been informally discussed with tourism operators in Bunbury and the Geographe sub region. Further to this the creation of a membership structure was a key action item identified within the City of Bunbury Tourism Strategy (currently in draft format) that was developed after consultation with community, business and tourism stakeholders.

The proposed membership was discussed at an informal City Promotions Committee meeting (quorum not achieved) on the 18 August 2008. It was well received by members who included Allan Birrell, Chief Executive Officer of Bunbury Chamber of Commerce and Industry and Graham Harvey, Manager of Bunbury Regional Entertainment Centre.

Councillor/Officer Consultation

Councillors and relevant Officers have been consulted through the development of the Tourism Strategy. As members of the City Promotions Committee both Deputy Mayor Stephen Craddock (Chairperson) and Councillor Noel Whittle were involved in discussions on the 18 August 2008.

Analysis of Financial and Budget Implications

The proposed membership structure is not expected to provide a large income but will provide a small revenue stream to help support the Visitor Centre and marketing activities.

Actual values will be dependant on the number of participating businesses but a target of 80 members has been set for the first year.

There will be no major additional expenses incurred in the introduction of this membership structure.

Economic, Social, Environmental and Heritage Issues

The implementation of a membership structure creates a new revenue stream and all money raised through the membership will be directed into the development and support of tourism in the area via the Visitor Centre and marketing program.

Council Policy Compliance

There is no Council policy applicable to the proposal.

Legislative Compliance

There is no applicable legislation.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to undertake actions required by the recommendation listed in this report

Relevant Precedents

There are no relevant precedents

Options

Option 1

Per the recommendation listed in this report.

Option 2

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

Option 3

The introduction of a Marketing Membership NOT be endorsed by Council.

Conclusion

The Marketing Membership will foster greater cooperation and participation between the tourism industry, Visitor Centre and Marketing. Memberships such as the proposed are standard industry practice and its introduction supports the stakeholder recommendations made during the development of the Tourism Strategy (draft).

Recommendation

Council endorse the introduction of a formal membership structure that incorporates benefits linked to the Visitor Centre and cooperative marketing opportunities in line with industry standards.

Outcome – Council Committee Meeting 23 June 2009

During discussion the following points were raised:

- The Manager Bunbury Visitor Centre confirmed that there is a City of Bunbury Tourism Strategy Report that will be presented at next Council Briefing.
- Most visitor centres operate independently of their local councils.
- There will be a standard membership and a premium membership on offer to members.
- One of the benefits of the proposed arrangements will be formalising and standardising agreements that the Visitor Centre has with local businesses and suppliers.

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

The mover and seconder of the motion agreed to amend the wording to remove the word “formal” from before the word ‘membership’ and insert the words “outlines and” before the word ‘incorporates’.

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

Committee Recommendation

Council endorse the introduction of a membership structure that outlines and incorporates benefits linked to the Visitor Centre and cooperative marketing opportunities in line with industry standards.

CARRIED

12 Votes "For" / Nil Votes "Against"

11.4 Proposed Scheme Amendment 33 to Town Planning Scheme No. 7 (Table No. 2 Car Parking Guidelines) and Draft Local Planning Policy: Access & Parking for Pedestrian, Bicycles and Vehicles

File Ref:	A00472
Applicant/Proponent:	City of Bunbury
Author:	Thor Farnworth, Coordinator Strategic & Environmental Planning
Executive:	Geoff Klem, Executive Manager City Development

Summary

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

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

Background

The Greater Bunbury Urban Area has sustained relatively high rates of population growth and economic investment compared to other regions in Australia over the last two census periods. Whilst a significant proportion of this growth has translated into the development of the dormitory outer suburban areas of Australind, Eaton and Dalyellup; the major servicing function of the region remains in Bunbury's Strategic Regional Centre, and in particular at its core, the Bunbury CBD. This growth and the status of Bunbury as the Strategic Regional Centre are underpinned by the need to accommodate a high percentage of vehicle parking for patrons from outside the City of Bunbury.

Growth within the City of Bunbury has been reflected in the size and complexity of new developments - as evidenced by market forces driving increasing demand for mixed use high rise buildings within the CBD and expectations for the expansion of the outer business district (OBD). The complex nature of this growth and rate of change brings with it new demands for road planning, traffic management, urban design, landscaping and parking management. However, such growth and change is normal as the City transitions from a relatively small regional township into a mature regional capital city; and in response to this it should be expected that the Local

Government must fundamentally reform its approach to planning and provision of pedestrian and vehicular access and parking.

Consequently, the August 2007 review of the then "Bunbury CBD Parking Strategy", originally adopted in February 2003 as a Local Planning Policy along with its companion document "Local Planning Policy – Parking Strategy" (Council Decision 47/03) was undertaken in response to growing pressures now and into the future - with the potential for major traffic and parking management issues resulting from such proposals as the Bunbury Waterfront Project.

In accordance with the City of Bunbury Town Planning Scheme No. 7 (TPS7), the requirements of the new Local Planning Policy were advertised for public comment prior to it being presented for final adoption by Council. The resulting "Central Business District Parking Strategy" and associated "Local Planning Policy Central Business Parking" were then adopted by Council's at its Ordinary Meeting of 24 June 2008 (refer to Attachment 1 of report under separate cover), when it resolved accordingly:

Council Decision 120/08

1. *Determine the submissions as recommended and modify the Policy accordingly with the exception of response 7 on page 10 of the submission. This determination to read: "The submission is upheld to the extent that the new threshold for proposals of development or change of use is 500sq.m GFA and council will not require the provision of parking below this threshold".*
2. *Pursuant to the Planning Act 2005 rescind Policy 4 Bunbury CBD Parking Strategy in schedule 8 of Town Planning Scheme No. 7, endorse the Local Planning Policy – Central Business District Parking and substitute that policy in Schedule 8 for the current operative policy.*
3. *Pursuant to the Planning and Development Act 2005 amend the relevant Clause 5.7.1.9 of Town Planning Scheme No 7 to read:

"Council will not require proponents to provide parking for proposals of development or change of use of less than 500sq.m GFA (100% concession)".*
4. *Refer the matter of the upgrading of Prinsep and Wellington Streets to the CBD Parking Strategy Project Control Group for reconsideration of the timing of works and advice on the Caf-fez proposal for alfresco dining which includes an area of kerbside parking.*
5. *Note that the cash-in-lieu of physical parking bays amount is to be determined in the 2008/09 budget considerations.*
6. *A single document be prepared which lists and incorporates all council's parking strategies, local area parking policies and parking implementation plans for easy reference.*
7. *That the words 'and scooter' be added to the list in item 2.7 (ii) in the Local Planning Policy – Central Business District Parking after the word 'bicycle'.*

The revised Central Business District Parking Strategy outlined a justification for a reduction in the floor area threshold for car parking provision in the “City Centre Zone” from 2,000 m² to 500 m² ground floor area (gfa) under TPS7. Subsequently, Council at its Ordinary Meeting of 25 November 2008 (refer to Attachment 2 of report under separate cover), then implemented the 3rd resolution above by resolving accordingly:

Council Decision 223/08

1. *Council, under and by virtue of the powers of the Planning and Development Act 2005 (as amended), hereby resolves to grant final approval to Amendment No. 27 to the City of Bunbury Town Planning Scheme No. 7 to amend clause 5.7.1.9 of the Scheme Text without modification.*
2. *Council to forward the signed and sealed Scheme Amendment No. 27 documents to the Minister for Planning via the Western Australian Planning Commission, with a request for final approval.*

Whilst the adopted “Central Business District Parking Strategy” and associated “Local Planning Policy: Central Business District Parking” were extensively canvassed during their preparation and that the priority of amending clause 5.7.1.9 of the Scheme has been addressed – there has nevertheless remained two principle constraints to the way the Local Government provides for integrated and coordinated access and parking across the City.

(Note: consultation occurring both within Council and in the wider community, through direct contact with groups such as the Bunbury Chamber of Commerce and Industry, developer and consultant enquiry, debate on high profile development applications and media reports on the implications of parking requirements, etcetera.).

These constraints inversely represented the opportunity to undertake an updating and consolidation of the disparate range of development controls regulating the amount of parking and the standards associated with the design, construction and management of parking facilities. In doing so, it was identified that the Scheme’s principle tool for the regulation of the amount of car parking required by land uses was inadequate, and that any policy reform would need to be done in conjunction with a revision of the Scheme in relation to car parking.

Proposal

Town Planning Scheme - Car Parking

In preparing a revised Car Parking Table an examination of 18 other local government authority planning schemes was conducted. These local planning schemes were considered as part of this review due to them possessing one or both of the following characteristics:

- (a) comparable sized urban settlements with similar geographical and socioeconomic profiles (e.g. port and/or tourism based economies); and

- (b) contemporary schemes gazetted in the main during last five years (i.e. standards that are relevant and soundly based on applied research and/or historical trends).

This examination confirmed that the existing Car Parking Table is seriously deficient by comparison to other schemes in its format, completeness and relevancy of requirements. The fundamental limitations of the existing "Table No. 2 Car Parking Guidelines" (under clause 5.7.1.) of the Scheme are considered to be threefold.

Firstly, the Car Parking Table is not set out in the same manner as the Zoning Table. That is, it does not list each use class individually in alphabetical order with a corresponding prescribed level of car parking provision. Instead, the existing Car Parking Table summaries the full range of 79 use classes listed in the Zoning Table into just 22 groupings of uses with a common prescribed level of provision. However, this approach belies the fact that the expected demand for car parking can vary significantly for individual uses. For example, grouping "Warehouse/Showroom" together does not acknowledge the fact that showrooms are in effect large shops and have significantly greater parking demand than warehousing which does not have a retailing function. Nevertheless, despite the groupings of uses, numerous use classes were omitted, and hence require the Local Government to exercise its discretion when interpreting the Car Parking Table in the granting of a planning approval for a use class listed under the Zoning Table. As all discretionary decisions are appealable, this exposes the Local Government to the unnecessary risk of a refusal or conditional approval being appealed by the applicant at the State Administrative Tribunal (SAT).

Secondly, the current Car Parking Table is based upon standards for parking provision considered adequate at the time, both in the number of bays prescribed and in the way in which the text is drafted. That is, the text in the second column (with the table heading "Parking Guidelines") of Table No. 2 expresses the number of parking bays or spaces in different ways according to the nature of the land use. Whilst in most cases the number of bays prescribed is generally adequate, based on accepted standards across the State and country, nevertheless certain uses may be considered as either insufficient or alternately excessive by contemporary standards. Further, given that each businesses (uses) is unique in layout and operation, the way in which the total number of bays is prescribed also needs to be more structured and relevant. For example, the use "Office" may incorporate a business that is open to the general public (e.g. real estate agency) which have higher parking demand than a business not open to the general public (e.g. professional consultancy).

Thirdly, the uses listed in the existing Car Parking Table are not all defined use classes under the Scheme (e.g. "Open air display" which should be "Trade Display"), and hence do not appear in the Zoning Table. The problem with this is that it requires interpretation of the Car Parking Table in the granting of a planning approval for a use class listed under the Zoning Table. Another example that is also an inappropriate provision is given by the use "Consulting rooms, clinics, etc". The open ended nature of this text is exacerbated by the fact that the term "clinic" is not a use class, and hence gives rise to the potential for misapplication. Alternatively, a use defined under Schedule 1 of the Scheme, such as "Video Hire Outlet" is not listed in the Zoning Table, but would normally be granted planning approval as a "Shop" which is also a use included in the Car Parking Table. In the case of "Other Retail" under the Car Parking Table, it is neither a use class listed or defined under the

Scheme. Consequently, the consideration of an application for planning approval by the Local Government requires it to exercise its discretion when interpreting the Zoning Table, and hence exposes the Local Government to the unnecessary risk of a refusal or conditional approval being appealed by the applicant at SAT.

As outlined above, the underlying problem with existing Table No. 2, as inferred by its current title, is that treats the proscription of the number of parking bays as 'guidelines'. This approach does not adequately reflect the need for Schemes to be drafted in a manner that removes all possible misinterpretation. Local Planning Schemes are statutory documents prepared under the head of power conferred by the Planning and Development Act 2005, and hence should be drafted as law. As such, their efficient administration and effective enforcement relies upon them being set out in a manner that ensures efficacy and seamlessness of cross referencing between related standards (in particular any provisions set out in tabular format).

Consequently, it is proposed that the *City of Bunbury Town Planning Scheme No. 7* (TPS7) be amended by:

- (a) deleting "Table No 2 Car Parking Guidelines";
- (b) inserting revised "Table 2 - Car Parking"; and
- (c) revising the other supporting provisions under section 5.7 of the Scheme.

The Local Planning Scheme Amendment Report for Scheme Amendment 33 to TPS7 provides further analysis and justification for the proposal, and sets out the revised text provisions (refer to Attachment 3 of report **under separate cover**).

Local Planning Policy: Access & Parking for Pedestrians, Bicycles and Vehicles

The proposal represents a final revision of all parking policy, which brings together the existing three Local Planning Polices dealing with car parking and crossovers, and integrates them into a single integrated policy for the whole of the City. Specifically, the proposed draft Local Planning Policy: Access & Parking for Pedestrians, Bicycles and Vehicles (refer to Attachment 4 of report **under separate cover**) consolidates the provisions of the existing:

- "Local Planning Policy: Central Business District Parking";
- "Local Planning Policy: Car Park Development on Road Verges"; and
- "Local Planning Policy: Vehicle Crossovers".

The proposed draft Local Planning Policy: Access & Parking for Pedestrians, Bicycles and Vehicles represents a comprehensive review of the three disparate policies, and established a 'one-stop' policy document for all matters relating to access and parking for pedestrians and vehicles (including bicycles and service vehicles). The proposed consolidated policy also represents benefits in that it simultaneously:

- provides for a city-wide policy whilst ensuring a focus on the CBD;
- provides for a balance between prescriptive and performance-based approaches;
- performance-based provisions are compatible with other State Planning Policies such as State Planning Policy 3.1 Residential Design Codes and Liveable Neighbourhoods – ensuring more efficient and convenient policy guidance for both designers and assessors;
- enables consideration of alternative transport modes, including provision of bicycle parking and end-of-trip facilities; and
- integrates the planning of private and public parking infrastructure into common standards.

In relation to compatibility with the Residential Design Codes (or R-Codes), Part 5 of the Scheme requires that development of land for any of the residential purposes dealt with by the R-Codes is to conform to the provisions of those Codes. The provision of car parking within all types of residential dwelling developments is adequately addressed under the R-Codes, and as such, the proposed draft Local Planning Policy (and Scheme Amendment) reinforces this position by referring back to the Codes as appropriate.

Notwithstanding that development applications for dwellings within the “Residential Zone” and all other relevant zones where residential uses are permissible will be assessed under the R-Codes; it is nevertheless intended that mixed use and non-residential uses across all zones would be assessed under the proposed draft Local Planning Policy in conjunction with other performance based state and local planning policies in the same manner. Consequently, where a development proposal is assessed with respect to parking under the Performance Criteria of the proposed draft Local Planning Policy - it would be subject to community consultation in the same way as for Performance Criteria assessment under the R-Codes.

The proposed draft Local Planning Policy also augments the Scheme, by enabling further guidance and control. A good example of this is given by the limitations of the Scheme in its ability to differentiate within the range of possible uses that may occur within a single use class. For example, the use class “Educational Establishment” encompasses everything from a primary school up to a university. As it can be appreciated, it is self evident that students of a university are of driving age and are hence more likely to own vehicle – as opposed to primary school children. Consequently, the proposed draft Local Planning Policy provides an extension to the Scheme by supplementing the Car Parking Table with an expanded table that incorporates sub-sets to use classes (e.g. primary, secondary and tertiary educational establishments) and a number of other typical uses not listed in the Zoning Table of the Scheme.

Strategic and/or Regional Outcomes

The proposed Scheme Amendment 33 will augment the proposed draft Local Planning Policy: Access & Parking for Pedestrian, Bicycles and Vehicles, and is expected to better support the implementation of the Bunbury Central Business

District Parking Strategy. As such, the proposed reforms to the Local Planning Policy Framework seek to support the orderly and proper planning and development of the City as the designated Strategic Regional Centre for the South West.

Community Consultation

In accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967, the proposed Scheme Amendment is to be referred to the Western Australian Planning Commission (WAPC) for permission to publicly advertise the proposed amendment for comment during a formal advertising period of 42 days.

In accordance with Part 2 of the City of Bunbury Town Planning Scheme No. 7, the proposed draft Local Planning Policy is to be publicly advertised for comment during a formal advertising period of not less than 21 days.

It is recommended that the proposed Scheme Amendment and draft Local Planning Policy be concurrently advertised for a period of at least 42 days.

Councillor/Officer Consultation

Extensive consultation has occurred internally, particularly in the areas of Development Services, Community Law and Safety, and Engineering Services. A briefing session on the proposed Scheme Amendment and draft Local Planning Policy was presented to the City Vision Implementation Committee on 11 May 2009.

Subject to Council's resolution to public advertise the proposal, the proposed Scheme Amendment and draft Local Planning Policy will be presented to members of the building industry and Councillors at the Development Services Industry Forum on November 28th 2008 in order to gain constructive comments and suggestions for incorporation into the development of the amendment and policy.

During the interim period, the proposed draft Local Planning Policy will be legally vetted by McLeods Barristers & Solicitors in order to ensure its efficacy.

Analysis of Financial and Budget Implications

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

Economic, Social, Environmental & Heritage Issues

Economic Issues

There are no known negative economic impacts resulting from the proposal. The final adoption of the Scheme Amendment and draft Local Planning 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 be facilitated by enabling greater transparency of

planning outcomes that balance flexibility and certainty through a combined prescriptive and performance-based approach. Indirectly, but more pervasively, positive economic outcomes for the City can be expected with improvements to the provision and management of the current parking and access arrangements.

Although difficult to quantify, the viability of the City (and its CBD) relies greatly upon the civic and commercial activities being accessible in a safe, convenient and efficient manner. The revised Scheme and Local Planning Policy supports increased economic activity through improvements to the provision and management of the current parking and access arrangements. Whilst the planning instruments have increased in their sophistication, they do not seek to place a significantly increased burden upon business. Instead, where innovations such as the introduction of bicycle parking standards has occurred, the Local Planning Policy encourages a long term view to transport needs by encouraging developers to provide bike parking facilities to a minim standard where practicable within setback areas. In other circumstances, where the Local Planning Policy has identified standards for service vehicle parking, such requirement has always persisted, but was not explicitly identified or up-front within adopted policy.

Social Issues

There are no known negative social impacts resulting from the proposal. By legislation key services and shopping areas must be accessible to all members of the community (e.g. people with disabilities, the elderly, parents with young children), and this requires adequate provision of disabled bays, safe and convenient pedestrian connections, shelter and end-of-trip facilities. The proposed draft Local Planning Policy address the matter of universal access comprehensively in accordance with accepted best practice under the Australian Standards.

Environmental Issues

There are no known negative environmental impacts generated by the proposal. A key objective of the proposed draft Local Planning Policy is to facilitate alternative transport modes such as public transport, walking, cycling and car sharing. The effect of this structural shift is a reduction in noise, dust and carbon emissions as well as congestion.

Heritage Issues

There are no known negative impacts on heritage values generated by the proposal. The proposed draft Local Planning Policy maintains the provision for a concession where a heritage building is part of a development, redevelopment or change of use provided that the heritage values of the building are conserved to the satisfaction of Council.

Council Policy Compliance

As detailed above, the proposed draft Local Planning Policy: Access & Parking for Pedestrians, Bicycles and Vehicles represents a comprehensive revision to the adopted Local Planning Policy: Central Business District. It must be noted that the proposed draft Local Planning Policy does not seek to materially or substantively change the present policy position of Council, but merely amplifies and reinforces the intent of the existing policy through the inclusion of more comprehensive provisions.

Legislative Compliance

There is no legislative requirement to produce a Local Planning Policy dealing with vehicle parking. However, the provisions of TPS7 are applicable in relation to the procedure necessary to establish such a Local Planning Policy. Specifically, the procedure for adopting and rescinding Local Planning Policies is to accord with Part 2 – Local Planning Policy Framework of the Scheme.

The procedure for a scheme amendment to modify the Scheme Text is required to be undertaken in accordance with both the Planning and Development Act 2005 and the Town Planning Regulations 1967.

Delegation of Authority

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

Relevant Precedents

The procedure for amending the Scheme is prescribed under the Planning and Development Act 2005 and the Town Planning Regulations 1967. From time to time the Local Government may amend the Scheme 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. However, it should be noted that gazettal of a scheme amendment proposal rests with the Minister for Planning.

The procedure for considering the adoption of the proposed draft Local Planning Policy is stipulated under Part 2 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. However, it should be noted that endorsement of a Local Planning Policy by the WAPC rests with the Commission.

Options

Option 1

As per the Recommendation.

Option 2

As per the Recommendation with modifications.

Option 3

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

Conclusion

Whilst the adopted Central Business District Parking Strategy and associated Local Planning Policy: Central Business District Parking were extensively canvassed during their preparation, and that the reduction in floor area threshold for car parking in the City Centre Zone has been addressed – there nevertheless remains two principle opportunities to improving the way the Local Government provides for integrated and coordinated access and parking across the City.

This proposal addresses these opportunities by updating and consolidating the disparate range of development controls regulating the amount of parking and the standards associated with the design, construction and management of parking facilities. In doing so, the scheme amendment will accomplish a revised scheme standard in conjunction with the consolidation of Local Planning Polices in manner that seeks to achieve greater transparency, integration and coordination of parking provision.

Recommendation

- 1 Council, pursuant to the Planning and Development Act 2005, resolves to initiate Scheme Amendment No. 33 'Car Parking' to the City of Bunbury Town Planning Scheme No. 7.
- 2 Subject to authorisation by the Western Australian Planning Commission and the advice of the Environmental Protection Authority, the proposed Scheme Amendment is to be advertised for public comment during a submission period of not less than 42 days in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967.
- 3 Following public advertising of the proposed Scheme Amendment, the proposal and any public submissions lodged with the City during the advertising period are to be returned to Council for further consideration.
- 4 Council, pursuant to Part 2 of the City of Bunbury Town Planning Scheme No. 7, resolves to advertise the draft Local Planning Policy: Access & Parking for Pedestrian, Bicycles and Vehicles for public comment for a period of not less than 42 days, in accordance with clause 2.3 of the Scheme.
- 5 Subject to final adoption by Council of the draft Local Planning Policy: Access & Parking for Pedestrian, Bicycles and Vehicles, and pursuant to Part 2 of the City of Bunbury Town Planning Scheme No. 7, resolves to revoke the following Local Planning Polices in accordance with clause 2.4 of the Scheme-
 - 5.1 "Local Planning Policy: Central Business District Parking";
 - 5.2 "Local Planning Policy: Car Park Development on Road Verges"; and
 - 5.3 "Local Planning Policy: Vehicle Crossovers".

Outcome – Council Committee Meeting 23 June 2009

This item was withdrawn from the agenda - refer to the memorandum dated 23 June 2009 (**attached** at Appendix 9).

11.5 FINANCIAL STATEMENTS - MAY 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 31 May 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

Recommendation

The Financial Statements for the month of May 2009, be received.

Outcome – Council Committee Meeting 23 June 2009

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

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

Committee Recommendation

The Financial Statements for the month of May 2009, be received.

CARRIED

Votes 12 "For" / Nil Votes "Against"

11.6 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 to refer to the report circulated under separate cover.

Recommendation

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

1. Title: Minutes - Bunbury-Setagaya Sister Cities Committee (13/05/2009)
Author: Jenelle Dunn, Cultural Development Officer
File: A00443

Outcome – Council Committee Meeting 23 June 2009

The recommendation (as printed) was moved by Cr Jones, seconded Cr Leigh. The motion was put to the vote and adopted to become the Committee's recommendation on this issue.

Committee Recommendation

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

1. Title: **Minutes - Bunbury-Setagaya Sister Cities Committee (13/05/2009)**
Author: **Jenelle Dunn, Cultural Development Officer**
File: **A00443**

CARRIED
12 Votes "For" / Nil Vote "Against"

12. Motions on Notice

12.1 Notice on Motion – Thommo’s Community Garden

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

Cr Major submitted the following motion for the Council Committee Meeting on 23 June 2009:

“The Council grant funds of \$4,000.00 to the “Thommo’s Community Garden” at a site to be decided by John Carbone, Graeme Morton, Greg Zapotie, Barry Ward, Cindy Archer and Beth Kozyrski.”

Comment – Cr Major

In support of his motion, Cr Major states that:

“The sum of money will allow this small public Committee to purchase a bore pump, timber and irrigation equipment to build a garden to honour Thommo’s name. He had a particular interest in creating a flower garden of high standard. Considering his personal wishes this garden once created will be open to all to visit and help. The owner of his land will honour his name and will not put any restrictions on access.”

Executive Comment

Colin Thomson will be remembered by all who new him as a respected and dedicated member of the City Services Operations Department and a valued employee at the City of Bunbury for over 20 years.

A proposal to formally memorialise Colin’s contribution while working for the City of Bunbury is currently being considered and will be presented for Council’s consideration in due course.

Colin’s care for everyone in the community extended to wanting to create a pensioners garden and he had commenced this as a personal project prior to his untimely passing.

Cr Major’s Motion

The Council grant funds of \$4,000.00 to the “Thommo’s Community Garden” at a site to be decided by John Carbone, Graeme Morton, Greg Zapotie, Barry Ward, Cindy Archer and Beth Kozyrski.

Outcome – Council Committee Meeting 23 June 2009

Cr Major’s motion on notice (as printed) was moved by Cr Major, seconded Cr Steck.

Before debate of the motion the Presiding Member invited public speakers to address the committee.

Mr Tom Smith of 15 Lockridge Road, Gelorup addressed committee members in support of the motion stating the following:

- Colin Thompson was an employee of the City of Bunbury for 20 years and long had the vision of setting up a garden for pensioners with the aim of assisting them to grow their own vegetables.
- Any excess vegetables would be given to charities such as the Salvation Army.
- The garden is made up of 15 plots, each plot being 10m x 10m. It is estimated five pensioners would be required to maintain each plot.
- The site for the garden was chosen due to its location and good soil fertility. He confirmed that the land was not City of Bunbury land.

At this point in the meeting Mr John Thompson (brother of the late Colin Thompson) arrived from Perth. He raised the following points:

- Members of organisation such as the RSL and Woodstock Village (retirement) have indicated a strong interest in this garden project.
- The land is owned privately and the garden would be leased for five years at \$800.00 per year with an option to renew for a further five years at \$400.00 per year.
- The garden has had two water pumps and a shed donated. The \$4000.00 grant is required to put in a water bore costing \$1700.00 and to complete the reticulation installation.
- Each gardener would be charged a fee of \$1.00 per week which would help pay for fuel for the pumps. They would also be required to supply their own gardening tools.
- The Thommo's Garden is in the process of becoming an incorporated body and during this process issues such as public liability cover and volunteer insurance will be addressed.

During discussion, the following points were raised in response to committee members' concerns.

- The Chief Executive Officer confirmed that the City is not being asked to endorse or consent to the community garden and will not be involved in its operations.
- The Executive Manager City Life advised that for consideration under the Community Sponsorship Grants policy, that the "Thommo's Garden" application would need to demonstrate that it provided a social, cultural or

economic outcome for the community. Being incorporated was not one of the criteria that the initiative would be required to comply with.

- In response to queries regarding the zoning of the garden site the acting Executive Manager City Development confirmed that currently the site is zoned 'Parks and Recreation' in the City of Bunbury Town Planning Scheme, and Regional Open Space under the Greater Bunbury Regional Scheme (GBRS). The installation of water bores, reticulation, plants and fences would generally be permitted as they are viewed as permissible improvements to the land. The construction of sheds or anything that could be defined as development under the Planning and Development Act would be a matter to be considered by the Western Australian Planning Commission as the land is zoned 'Regional Open Space' under the GBRS.
- Each Councillor is to receive a copy of the garden's site location map.

At this point the committee members commenced debating the motion that had previously been moved Cr Major, seconded Cr Steck.

During discussion Cr Steck moved a procedural motion that the 'motion be put'. Her motion was carried 8 votes "For" / 4 votes Against. Pursuant to this procedural motion the Presiding Member offered Cr Major the right of reply before putting the motion to the vote where it was adopted to become the Committee's recommendation on this issue.

Committee Recommendation

The Council grant funds of \$4,000.00 to the "Thommo's Community Garden" at a site to be decided by John Carbone, Graeme Morton, Greg Zapotie, Barry Ward, Cindy Archer and Beth Kozyrski.

CARRIED

9 Votes "For" / 3 Vote "Against"

A request was made for the vote to be recorded:

For: Deputy Mayor Mr S Craddock and Crs Spencer, Leigh, Steck, Punch, Whittle, Slater, Major and Harrop

Against: Crs Kelly, Jones and Rooney.

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

Nil

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 circulated under separate cover.

Recommendation

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

1. Title: Bunbury Regional Entertainment Centre - Strategic Plan 2009-2014
Author: Greg Trevaskis, Chief Executive Officer
File: F00084
2. Title: List of Subdivision & Development Approvals - May 2009
Author: Gary Fitzgerald, Manager Development Services
File: A00566
3. Title: Schedule of Accounts Paid - May 2009
Author: David Ransom, City Accountant
File: A00083
4. Title: Outstanding Community Law and Safety Infringements
Author: David Ransom, City Accountant
File: A00088-02
5. Title: Write Off of Account Receivable Balances
Author: David Ransom, City Accountant
File: A00088-02

Outcome – Council Committee Meeting 23 June 2009

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

The motion was put to the vote and adopted to become the committee's recommendation on this issue.

Committee Recommendation

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

1. Title: Bunbury Regional Entertainment Centre - Strategic Plan 2009-2014
Author: Greg Trevaskis, Chief Executive Officer
File: F00084
2. Title: List of Subdivision & Development Approvals - May 2009
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Author: David Ransom, City Accountant
File: A00083
4. Title: Outstanding Community Law and Safety Infringements
Author: David Ransom, City Accountant
File: A00088-02
5. Title: Write Off of Account Receivable Balances
Author: David Ransom, City Accountant
File: A00088-02

CARRIED

12 Votes "For" / Nil Votes "Against"

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

There were no items recommended for endorsement.

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

Nil

16. Close of Meeting

The Presiding Member declared the meeting closed at 7.34pm.

At the meeting of the Council (Standing) Committee on 23 June 2009, these minutes were confirmed as a "true and correct record" of the proceedings of the Council (Standing) Committee Meeting held on 2 June 2009.

Signed for and on behalf of the Council (Standing) Committee by:

Deputy Mayor S Craddock
Presiding Member