

Council (Standing) Committee

Meeting Minutes 1 September 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.



City of Bunbury
4 Stephen Street
Bunbury WA 6230
Western Australia

Correspondence to:
Post Office Box 21
Bunbury WA 6231

Table of Contents

Item No	Subject	Page
1.	Declaration of Opening by the Presiding Member.....	1
2.	Record of Attendance, Apologies and Leave of Absence.....	1
3.	Responses to Public Questions Taken 'On Notice' at the Previous Council Committee Meeting.....	2
4.	Public Questions Concerning Matters Listed for Discussion at this Meeting.....	2
5.	Questions on Notice from Committee Members (No Discussion Permitted).....	2
6.	Confirmation of Previous Minutes	3
7.	Disclosures of Interest under the Local Government Act 1995.....	3
8.	Announcements by the Presiding Member (No Discussion Permitted).....	3
9.	Chief Executive Officer Reports/Discussion Topics	3
10.	Reception of Formal Petitions and Memorials	3
11.	Reception of Reports and Recommendations from Officers & Advisory Committees.....	4
11.1	Local Planning Strategy for Activity Centres & Neighbourhoods and Scheme Amendment 38 to Town Planning Scheme No. 7 – R-Code Omnibus Amendment (<i>was listed as Item 11.3 on the meeting agenda</i>)	4
11.2	TME – Proposed Scheme Amendment – Lots 27, 28, 29 and 45 Pickersgill Streets Rezone from Current Designation Local Scheme Reserve Public Purposes Local Government to Residential R40 (<i>was listed as Item 11.1 on the meeting agenda</i>).....	24
11.3	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 (<i>was listed as Item 11.2 on the meeting agenda</i>).....	34
11.4	Spencer Street Localised Enhancement Project (<i>was listed as Item 11.4 on the meeting agenda</i>)	46
11.5	City of Bunbury “Destination” Tourism Strategy (<i>was listed as Item 11.5 on the meeting agenda</i>)	50

Table of Contents

Item No	Subject	Page
11.6	Bunbury Timber Jetty – Fee Proposal for Provision of Engineering Services (<i>was listed as Item 11.6 on the meeting agenda</i>).....	54
11.7	Bunbury Setagaya Sister Cities Committee – Proposal to Remain a Council Advisory Committee (<i>was listed as Item 11.7 on the meeting agenda</i>).....	57
11.8	Review – Delegations Register (<i>was listed as Item 11.8 on the meeting agenda</i>)	61
12.	Motions on Notice	66
13.	Urgent Business (With Approval of Majority of Members Present as Permitted Under Standing Order 5.1.13).....	66
13.1	Motion: Cobblestone Car Park Redevelopment.....	66
14.	Items to be Noted or Endorsed.....	69
14.1	Items to be Noted (No Discussion) at the Council Committee Meeting	69
14.2	Items to be Endorsed (No Discussion) at the Council Committee Meeting.....	69
15.	Confidential Business as Stipulated Under Section 5.23(2) of the Local Government Act 1995	69
16.	Close of Meeting	69

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, 1 September 2009

Minutes 1 September 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

The Presiding Member, His Worship the Mayor – Mr David Smith, declared the meeting open at 6.05pm.

2. Record of Attendance, Apologies and Leave of Absence

PRESENT

Council Committee Members	
Presiding Member:	His Worship the Mayor, Mr D Smith
Members:	Councillor J Jones
	Councillor B Kelly
	Councillor N Whittle
	Councillor R Slater
	Councillor M Steck
	Councillor A Leigh
	Councillor J Harrop
	Councillor D Spencer
	Councillor H Punch
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
Executive Manager - City Development:	Mr G Klem
Executive Manager - City Life:	Mr D Marzano
Council Officers (Non-Voting):	
Manager Development Services:	Mr G Fitzgerald
Coordinator Strategic & Environmental Planning:	Mr T Farnworth

Manager Bunbury Visitor Centre:	Ms F Anderson
Cultural Development Officer:	Ms J Dunn
Admin Officer Corporate Services:	Ms M Smith

PRESENT (continued)

Others (Non-Voting):	
Members of the Public:	11 (approximately)
Members of the Press:	1

APOLOGIES:

Councillor Rooney - Apology
Councillor W Major - Apology
Deputy Mayor, Councillor S Craddock - Apology

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

Nil.

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

Mrs Gale Robins

Question: What is planned to be built on the GWN proposed rezoned land?

Response: The Executive Manager City Development confirmed that the proposal on the agenda is to basically change the density through process of community consultation to Residential R40 which is medium density under the R codes. Also part of the recommendation is that there is a Development Area Plan developed for the site as a condition of the City's support for the amendment. It is the DAP which would indicate the sort of detail you are seeking. The answer is yes a plan would be produced. The first step though is to see if the Council is prepared to initiate an amendment and one of the requirements of that amendment is that a plan be prepared showing the detail that you are requesting.

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 11 August 2009, had been circulated to members prior to the meeting.

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

Committee Decision

The minutes of the Council Meeting held 11 August 2009, be confirmed as a true and accurate record.

CARRIED

10 Votes "For" / Nil Votes "Against"

7. Disclosures of Interest under the Local Government Act 1995

Cr Steck disclosed an impartiality interest in the item titled '*11.2 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*', as she knows the Director of Citygate Properties personally.

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

The Presiding Member reminded councillors that nominations for the mayoral and councillor election open on Thursday 3 September 2009 and close 10 September 2009 at 4.00pm. Members will need to arrange appointment with the Returning Officer Mr Brian Price for renomination.

Back Beach Concrete Works won the national award from the Concrete Association of Australia for works on the Back Beach development.

9. Chief Executive Officer Reports/Discussion Topics

Nil.

10. Reception of Formal Petitions and Memorials

Nil.

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

11.1 Local Planning Strategy for Activity Centres & Neighbourhoods and Scheme Amendment 38 to Town Planning Scheme No. 7 – R-Code Omnibus Amendment *(was listed as Item 11.3 on the meeting agenda)*

File Ref:	A01829-03 / A03821
Applicant/Proponent:	Internal Report
Author:	Thor Farnworth (Coordinator Strategic & Environmental Planning)
Executive:	Geoff Klem (Executive Manager City Development)

Summary

The main aim of the draft Local Planning Strategy for Activity Centres & Neighbourhoods (LPSACN) is to help ensure that Bunbury's residential neighbourhoods and commercial activity centres are mutually supporting and thus contribute to making the City more economically, socially and environmentally sustainable. In line with the adopted City Vision Strategy, the fundamental characteristics of a more sustainable city include:

- high levels of accessibility and convenience;
- economic efficiency;
- compatible and beneficial relationships between land uses; and
- visual attractiveness.

Documents supporting this item were issued at the Council Special Briefing held 20 August.

The draft LPSACN document (**refer to documents issued at Special Council Briefing**) is intended to form part of the Local Planning Policy Framework, and is expected to contribute directly to the realisation of the desired sustainability outcomes for the urban environment. Specifically, the draft LPSACN will inform the preparation of the overarching Local Planning Strategy and a revised Scheme.

Scheme Amendment 38 to the City of Bunbury Town Planning Scheme No. 7 (TPS7) represents the first step in the implementation of the draft LPSACN. Scheme Amendment 38 documentation (**refer to documents issued at Special Council Briefing**) is the R-Code Omnibus Amendment, the primary purpose of which is to amend the Scheme Map and Scheme Text in order to:

- set out a logical and coherent pattern of residential densities framing the hierarchy of activity centres and activity corridors as defined in the LPSACN;
- reinforce the role and viability of activity centres as the focus of neighbourhoods based on ped sheds, with higher densities in and around centres and lower densities across the balance of neighbourhood areas; and

- protect the established character and amenity of the City's neighbourhoods, in order to maintain their individual identity and ensure the long term liveability of the City's neighbourhoods collectively.

Scheme Amendment 38, referred to as the R-Code Omnibus Amendment, seeks to amend TPS7 by:

- revision of the following:
 - clause 5.2 Residential Planning Codes,
 - clause 5.3 Special Application of Residential Planning Codes,
 - clause 5.9.2.3 Residential Accommodation under the "City Centre zone",
 - clause 5.9.3.3 Residential Accommodation under the "Shopping Centre zone";
- insertion of the following:
 - clause 5.9.4.7 Residential Accommodation under the "Mixed Business zone",
 - the term "Development site frontage" under the General Definitions of Schedule 1 of the Scheme Text; and
- change of the Residential Design Code density numbers superimposed on the particular areas contained within the borders shown on the Scheme Map.

Background

The draft LPSACN (**refer to documents issued at Special Council Briefing**) represents a revision of the existing but separate:

- Commercial Strategy (2001); and
- Housing Strategy (2001).

Both the Commercial Strategy and the Housing Strategy were adopted by Council as Local Planning Policies on the 18th of February 2003 (Council Decision numbers 46/03 and 47/03 respectively), but neither of which were endorsed by the Western Australian Planning Commission (WAPC). The reasons given by the Commission in its letter to the City, dated 24 December 2004, for why it did not at the time endorse the respective strategies were:

- the strategies were not consistent with then WAPC policy (e.g. the Bunbury Forum shopping centre is outside of the defined "Strategic Regional Centre" boundary, and hence its retail floorspace is capped);
- the data used in the formulation of the strategies was inadequate;
- inconsistencies with emerging views on the direction of housing and commercial planning;
- the strategies needed to be reviewed as an integrated planning exercise with transport planning; and
- the review of the strategies needed to be in context of completing the City Vision Strategy.

With respect the 2001 Housing Strategy, the following observations can be made:

- There were no fundamental flaws with the methodological approach or recommendations of the 2001 Housing Strategy.
- The WAPC did not substantiate in its letter to the City in 2004 as to how it did not comply with WAPC policy.
- The draft LPSACN is an action of the City Vision Strategy – which does not conflict with the 2001 Housing Strategy.
- Therefore, there is no need to depart from the Strategy's principles / direction given adoption of the City Vision Strategy.
- Instead given WAPC endorsement of Liveable Neighbourhoods and the delay since 2001 – the R-Code Omnibus Amendment should proceed as soon as practicable.

However, with respect the 2001 Commercial Strategy, the following can be argued:

- There were critical flaws with the methodological approach and recommendations of the 2001 Commercial Strategy.
- The gazettal of the Greater Bunbury Region Scheme (GBRS) and the WAPC's *Interim Greater Bunbury Commercial Centres Strategy* formalised its non-compliance with the Commission's own strategic and land use plans and statements of planning policy.
- Therefore, there is a need to reconcile the State and Local planning policy frameworks.
- Given WAPC endorsement of Liveable Neighbourhoods and adoption of the City Vision Strategy – translation of the draft LPSACN into the rest of the Local Planning Policy Framework should proceed, which includes:
 - review of Local Planning Policies;
 - preparation of the Local Planning Strategy;
 - ongoing roll-out of Local Area Planning programme, and
 - completion of the Scheme Review.

Proposals

Local Planning Strategy for Activity Centres & Neighbourhoods

Need for an Integrated Strategy

Whilst the draft LPSACN respects the past by building on previous work, historical knowledge and understanding, it nevertheless represents a leap forward in the:

- evolution of planning practice as exemplified by *Network City* and more recent State planning policy development; and
- desired outcomes of the community as expressed through the City Vision Strategy and supporting City Vision Action Plan.

The draft LPSACN does this by recognising that the traditional approach to separately planning for “housing” and “commercial centres” is problematic. Hence, it was recognised that there is a need for a better methodology that also reflects a more place-based approach. The new Strategy approach fundamentally integrates the planning for where we live and work - as both have common demographic and economic drivers, and both are undergoing transformation through similar

sociological and technological changes (e.g. increased mixed use living). Consequently, the draft LPSACN treats Bunbury as:

- a single activity centre according to its Strategic Regional Centre status for the purposes of informing regional level planning; and
- as a cluster of nested district and local activity centres for the purposes of informing local level planning; with
- housing occurring in and around these activity centres as the focus of neighbourhoods, surrounded by walkable catchments providing housing choice close to services and facilities.

The drafting of an integrated Strategy for activity centres and their surrounding neighbourhoods is an action of the City Vision Strategy. In doing so, the draft LPSACN translates the goals, objectives and recommendations of the City Vision Strategy into land use planning and development for the purpose of informing the preparation and review of the Local Planning Policy Framework (which encompasses the statutory Local Planning Scheme along with its supporting Local Planning Policies and an overarching non-statutory Local Planning Strategy). The draft LPSACN provides for the ultimate built-out state of the City as the Strategic Regional Centre for the south west, based on:

- historical trends; and
- the full range of population projections and demographic profiles out to 2031.

As such, the draft LPSACN specifically targets the City's 'Built Environment' and 'Economic Environment' spheres of sustainability, but does so in support of the City's 'Social Environment'. This is practically achieved by implementing the draft LPSACN document through the Local Planning Policy Framework, and is expected to contribute directly in the short term to the realisation of changes to the residential density code overlay depicted on the Scheme Map. In the medium term the LPSACN will inform the preparation of the overarching Local Planning Strategy and the Scheme review. In the longer term the LPSACN will feedback to the review of the City Vision Strategy and associated City Vision Action Plan through the normal cyclic process of implementation, monitoring and review over a five to 10 year period.

Strategy Scope

The scope of the draft LPSACN is to provide for a principles based general strategy to guide local planning scheme zoning, policy development and decision-making in relation to residential, commercial and mixed use developments. The scope does not specify precise zoning recommendations, detailed policies, or specific design solutions. This will be done through the implementation of various 'Strategy Components', e.g.:

- R-Code Omnibus Amendment;
- review of Local Planning Policies and the Scheme, etc.

Strategy Aims & Objectives

The draft LPSACN is an integrated strategy for both activity centres and residential neighbourhoods. The Strategy's objectives are expressed as qualitative (which are the higher strategic level outcomes sought) and administrative (which are the lower level statutory outcomes sought). The qualitative objectives are as follows:

- Promote and facilitate the provision and responsive evolution of a viable, convenient, and attractive network of activity centres to serve the retail, other commercial and socio/ cultural needs of the regional and local population.
- Encourage and facilitate the provision of more localised business and employment opportunities.
- Ensure that there is sufficient residential land available in appropriate locations to accommodate the future demand for housing in the City of Bunbury.
- Preserve and where possible enhance the local character and amenity of residential neighbourhoods.
- Facilitate the provision of more affordable housing.
- Facilitate the provision of greater variety in housing and lifestyle choices.

The administrative or statutory objectives of the draft LPSACN are to:

- Contribute to the implementation of City Vision, Liveable Neighbourhoods and the preparation of the City's new Local Planning Strategy.
- Guide determination of the residential density code that will apply in the new town planning scheme and any interim scheme amendments.
- Help determine the location and potential extent of the various commercial and mixed-use zones in the town planning scheme and any interim amendments.
- Guide formulation and rationalisation of planning policies relating to residential, commercial and mixed-use development.
- Guide the consideration and determination of residential and commercial development applications.

Put in its simplest terms, the draft LPSACN establishes the rationale and justification for determining:

- the retail floorspace areas for each commercially zoned centre in the City according to a prescribed Activity Centre Hierarchy; and
- the Residential Design Code density numbers superimposed on the Scheme Map.

Strategy Methodology

In deriving the Activity Centre Hierarchy and residential density code overlay on the Scheme Map - the draft LPSACN seeks to address the five key issues of:

- How the regional centre can best be planned & managed to accommodate its future demand and maximise its opportunities.
- How the viability, usefulness and attractiveness of the other activity centres – particularly the smaller ones – can best be supported and enhanced.
- How to guide the location of new commercial floorspace in response to market demand.
- How the integrity and positive qualities of existing residential neighbourhoods can be preserved or improved.

- How best to accommodate the increases in residential density necessary to satisfy the future demand for townhouses and apartments due to changing demographics.

To address these five key issues, a comprehensive principles based methodology was used, which underwent the following steps:

- Step 1 Analysed selected demographics and socio-economic trends for the City and the region as a whole.
- Step 2 Based on the above, developed a general appreciation of the City's required overall future housing conditions and needs.
- Step 3 Identified / confirmed the location, context, role and hierarchical position of each existing and (where known) future activity centre in the City.
- Step 4 Defined sensible walkable catchments or "ped sheds" around the centres, based on the existing / proposed street layouts within a 400 metre radii based on the WAPC's Liveable Neighbourhoods (2007) operational policy.
- Step 5 Using these catchments as a general guide, and with reference to the character and potential of the balance of the City's existing and future neighbourhood areas, defined the potential walkable catchment areas (basis for retail floorspace modelling and residential density coding review).
- Step 6 For each of these potential walkable catchment areas, and the balance of the neighbourhood precinct areas:
 - carried out a general area inspection of the existing housing / residential environment.
 - carried out a selective socio-economic and demographic assessment of the population using ABS Census data.
 - As appropriate, estimated / projected the future population and housing stock of the precinct.
 - Aggregated and cross-referenced these projections with the overview described in step 2 (iteratively adjusted precinct population projections as required to achieve consistency with the larger picture.
 - Determined the most appropriate R-Code for each precinct.
 - Incorporate the household projections as data into the centres model.
- Step 7 With detailed reference to the understanding achieved through the analysis described in step 6, for each of the existing / proposed activity centres:
 - Inspected and assessed land uses (floorspace) against latest DPI land use survey data.
 - Determined each centres likely appropriate future role and function in relation to its walkable catchment, location, existing size, nature, etc.
 - Determined / confirmed how well each centre is fulfilling its required role, and what changes appear to be necessary to ensure that it will fulfil its required role in the future.
 - Following this process, incorporated estimates of the desired future retail component for each centre (size and composition) as data into the centres model.

Step 8 Modelled the relationships between residential population and retail floorspace in a centres model that took into account both the local and regional contexts.

Step 9 Assessed results, then (where necessary) reviewed the activity centres planning described in step 7, and re-model iteratively to obtain a set of suitable centre retail floorspace figures that indicated an acceptable economic performance for each centre, in the role specified.

Step 10 Formulated and described the Activity Centre Hierarchy, including any qualitative and quantitative recommendations in relation to residential precincts / neighbourhoods and activity centres.

Strategy Approaches

The outputs of this process were then articulated in the draft LPSACN text and map, which defines a logical urban structure and pattern of land uses for the City's built environment according to a hierarchy of Activity Centres (Local-District-City Centre), supplemented by fringing Commercial Precincts (Gateway Commercial Precinct, Racecourse Commercial Precinct, Picton Mixed Business Precinct) which are linked by Activity Corridors (tourism along Ocean Drive, mixed use along Spencer Street, mixed business along Blair Street to Sandridge Road), all servicing Neighbourhoods with a frame of medium and higher densities within walkable catchments around activity centres and along activity corridors.

The key difference between the draft LPSACN and the 2001 Commercial Strategy is that the past strategy advocated a "rounding off" of the single Mixed Business Zone. This was not adequately reconciled within the 2001 Housing Strategy, and hence led to the unintended trading-off of housing and commerce, and its resulting increase in land use conflict and compromising of amenity.

The draft LPSACN makes a number of recommendations that highlight that this urban structure and land use pattern will need to be better reflected in future zoning and policy. It is envisaged that this will be achieved through the Scheme review by:

- introducing a true "Mixed Use Zone" into walkable catchments around activity centres and along designated activity corridors; and
- differentiating the "Mixed Business Zone" into:
 - smaller / lower intensity commercial activities; and
 - larger / higher intensity light and service industry activities.

Strategy Implications

The implications of the draft LPSACN is that the total land area identified for increased residential densities (contained within ped shed boundaries), excluding the areas defining the Central Business District (CBD) and the Bunbury Forum, is in excess of 160 hectares. This exceeds by several times the land area estimates for medium density development demands. Land designated for future medium density development in the various structure plans that have been prepared for future urban areas (i.e. Glen Iris and Moorlands, Tuart Brook, College Grove) is not included in these 160 hectares. Therefore, even accounting for areas that are unsuitable for

residential redevelopment within the ped sheds, there is ample suitable land available for the foreseeable future.

Strategy Implementation

Need to administer the Local Planning Policy Framework within the context of the State Planning Framework. Expressed in simple terms, it means the existing Scheme and Local Planning Policies must be revised as the first step towards a revised Scheme. It is proposed to do this by rolling out the LPSACN findings and recommendations as 'strategy components' through a series of manageable projects or programme areas, these being:

- Local Planning Scheme Amendments;
- Local Area Planning;
- Local Planning Policies;
- Local Planning Strategy; and
- Local Planning Scheme Review.

Strategy Monitoring & Review

It is intended that the performance of the LPSACN will be monitored using the following indicators:

- The physical characteristics and urbanity of the defined activity centres and corridors. Although defining and assessing these qualities will necessarily be subjective, the established methodology can be consistently applied to all activity centres.
- Total number and types of dwelling units throughout the City related to key household demographic indicators.
- The number of business establishments, land use mix, floorspace and employment located within:
 - activity centres;
 - designated mixed use zones;
 - activity corridors; and
 - defined walkable catchments.
- The number of medium density dwelling units and associated household characteristics within:
 - the CBD;
 - other activity centres;
 - designated mixed use zones;
 - activity corridors; and
 - defined walkable catchments.

R-Code Omnibus Amendment

General Outline

As discussed above, Scheme Amendment 38 to TPS7, also referred to as the R-Code Omnibus Amendment **(as detailed in documents issued at Special Council**

Briefing), is the first strategy component of the draft LPSACN that is proposed to be implemented. This Scheme Amendment proposes changes to the TPS7 Scheme Map and Scheme Text. The amendment to the Scheme Map is for changes to the Residential Density Code overlay on the Scheme Map, which affects the majority of land included in the “Residential Zone”, but incorporates that land also included in the “City Centre Zone” and portions of that land included in the “Mixed Business Zone”, as denoted on the Scheme Amendment Map Sheets. The amendment to the Scheme Text relates to the revision of clause “5.2 Residential Planning Codes” and clause “5.3 Special Application of Residential Planning Codes”.

The draft LPSACN provides the rationale and justification for the R-Code Omnibus Amendment by setting out a pattern for residential density that frames the hierarchy of activity centres and activity corridors. By doing so, the draft LPSACN seeks to reinforce the role of activity centres as the focus of neighbourhoods. Residential density is then structured in a concentric pattern (or doughnut) of walkable ped sheds around these centres - with higher densities in and around the centres and lower densities across the balance of neighbourhood areas.

As was for the drafting of the LPSACN, the R-Code Omnibus Amendment was also prepared using an extension of the same principles based methodology. The core process being a two day workshop conducted with the participation of the consulting and City planning staff. The workshops were structured according to a process of analysis and solution formulation summarised as follows:

- The process of inquiry which focused on each activity centre -
 - addressed key issues, opportunities and constraints;
 - translated the findings and recommendations of the LPSACN;
 - was informed by surveys of housing stock and established residential character; and
 - factoring in on-ground site conditions (opportunities & constraints).
- The process of solution formulation then applied the outputs from the analysis into R-Code mapping over a cadastral base using a set of accepted principles for Residential Density Code mapping.

The draft LPSACN recommendation for the new residential density code overlay is:

- R160 in the CBD;
- R30-R100 in the Ocean Drive Activity Corridor;
- R30-R100 in the Spencer Street Activity Corridor (depending on the particular classification);
- R40-R80 in walkable catchments of inner activity centres and adjacent to CBD;
- R30-R40 in walkable catchment of outer activity centres; and
- R15-R20 in all other residential areas (i.e. status quo supported by selective local enhancement programmes).

However, given that a comprehensive whole-of-city review of residential density coding has not occurred to date in Bunbury’s evolution from a township into a relatively large regional port city – it must be expected that a gap in expectations may occur between what development outcomes are ultimately intended and what development is feasible in a short to medium timeframe. That is, it must be acknowledged that development at the recommended new densities may not always be feasible for all prosperities in the immediate to short term due to the lack of

availability of infrastructure and utility services (e.g. the State government's infill sewerage programme).

Nevertheless, the practice of setting residential density codes based on the availability of an item of infrastructure services is not necessarily sound, as the cycle of Scheme review is not suited to responding to on-ground changes that are constantly occurring over time. For example, the extension of reticulated infrastructure such as provided for by the infill sewerage programme means that properties located within East Bunbury and South Bunbury have gradually been connected to mains water and sewerage since the last Scheme review.

However, due to the fact that the current residential density coding was frequently set at the time of the Scheme's gazettal based on the extent of reticulated services at the time, properties connected to mains water and sewerage have not been able to be subdivided where infill development would have otherwise rationally have occurred. Amongst other things, the urban design implications of this is that parts of the City's neighbourhoods have up to three different Residential Design Code density numbers superimposed on the Scheme Map across the space of a single road intersection, creating a disjointed pattern of housing density and character.

Therefore, whilst it must be accepted that the draft LPSACN recommended residential density codings that may be ahead of the extant development potential of certain properties today, it is nevertheless prudent to ensure that the Scheme reflects the ultimate desired residential density coding outcome - in order to give certainty to landowners and permit orderly and proper planning of the City over the longer term.

To manage this apparent gap in development potential and recommended residential density coding, the R-Code Omnibus Amendment proposes to use the accepted practice of 'dual coding', which is frequently used by Perth metropolitan local governments that have undergone gradual infill development over the last two decades. The *State Planning Policy SPP 3.1 Residential Design Codes of Western Australia* (Residential Design Codes or R-Codes) facilitates this by allowing local governments to prescribe dual (or sometimes referred to a split) codes – expressed as for example as "R20/30". Dual coding is a tool that enables a local government to better manage change caused by a desired increase in residential density of an established neighbourhood.

Typically a residential area undergoing such change is being redeveloped by the replacement of single houses on large lots by grouped dwellings at a higher density. In most instances some of the older housing stock is structurally sound and of a particular character that the Council may wish to preserve. Although the existing lots are usually large for single houses (e.g. 1,000 m²), there would be positive planning advantages if two or more lots were amalgamated for redevelopment. As was the case under the 2001 Housing Strategy, Council determined that the "R20" code density is generally appropriate for the bulk of the City's neighboured areas, but it would be prepared to accept a higher code density if certain criteria were met (e.g. "R30"). To achieve this the 2001 version of the Residential Design Codes suggested that in this example:

- the area is coded "R20/30" on the Scheme Map; and
- a clause is inserted in the Scheme Text which sets out the criteria for achieving the upper code density.

Scheme Text Amendment

Scheme Amendment 38 seeks to translate the recommendations of the draft LPSACN in a manner that also applies sound planning practice in the administration of the Scheme - in order to:

- establish appropriate dual coding provisions in accordance with the Residential Design Codes; and
- correct inconsistencies remove unacceptable scheme provisions in TPS7.

The proposed amendment to the Scheme Text has been drafted in order to replace the current provisions under clauses 5.2 and 5.3 of the Scheme; which establishes a head of power within the Scheme for the regulation of residential development in accordance with the Residential Design Codes, and any special variations or exclusions that apply to the application of the Residential Design Codes specific to that district. This amendment would bring the Scheme into conformity with current State Planning Policy - by establishing a set of more standardised generic provisions that are normal to other competent Local Planning Schemes. This proposal if gazetted would represent a revision of the Scheme in relation section 5.2 and 5.3 that would concord with the Model Scheme Text (MST), which is the legislative standard for all Local Planning Scheme texts throughout the state of Western Australia.

(Note: the Model Scheme Text is contained under Appendix B of the *Town Planning Regulations 1967*, and is invoked by regulations 11(1)(a) and 27.)

In addition to the objectives of the draft LPSACN, the R-Code Omnibus Amendment will:

- permit private landowners currently subject to dual residential density coding to subdivide their land without the need for an overriding Outline Development Plan (or ODP) to be adopted by the Local Government and endorsed by the WAPC, as is currently required by clause 5.2.5 of the Scheme;
- remove the unacceptable provisions relating to the "R15/R30" residential density coding and need for the construction of road links, and replacing with more standardised dual coding provisions that accord with the Residential Design Codes; and
- remove the unacceptable provision relating to "Special Housing Developments", which ambiguously enables discretionary approval for aged and disabled person's homes or villages and other similar type developments up to a maximum density of "R60" in any location within the "Residential Zone" irrespective of the R-Code designation and over and above the existing provisions (density bonus) for such uses under the Residential Design Codes.

The revised provisions of the Scheme Text would eliminate the current requirement for an Outline Development Plan (ODP) to be adopted by the Local Government and endorsed by the WAPC, as is currently required by clause 5.2.5 of the Scheme, prior to any subdivision and development to the upper maximum residential density. Outline Development Plans are normally required where an area is mostly undeveloped (also referred to as greenfield areas), and hence there is a need to provide structure planning to guide the:

- layout of subdivision and land use pattern;
- designation of road, public open space and other public purposes reservations;
and
- coordination of infrastructure and servicing.

Given that the Scheme already has more appropriate instruments for requiring the undertaking of structure planning (i.e. either by the land being included in a "Development Zone" or in a "Development Investigation Policy Area"), it is considered that the current scheme provisions dealing dual coding should be revised in accordance with their intended function as articulated in the general outline given above and in accordance with the Residential Design Codes.

Scheme Map Amendment

The purpose of the amendment to the Scheme Map is to change the residential density coding in line with the recommendations of the draft LPSACN and the R-Code Omnibus Amendment documentation. Outside of the designated ped shed areas, the implications of this proposal are minimal, as it can be assumed that increasing the base code from R15 to R20 will not change land use or urban design outcomes to any significant degree. It must also be noted that this recommendation is consistent with the previous 2001 Housing Strategy. Nevertheless, those neighbourhood areas developing up to the R20 code density (rather than R15) will have more design flexibility in terms of minimum lot area, minimum frontage and setbacks. In essence however, the residential amenity of established residential neighbourhoods would not be expected to change significant by increasing the base coding to R20.

In the case of that area of the suburbs of Bunbury and South Bunbury referred to as the 'Ocean Beach' strip - the recommendations of the adopted Local Planning Strategy for Tourism (LPST) informed the preparation of the draft LPSACN, and were translated into the R-Code Omnibus Amendment.

In the case of that area of the suburb of East Bunbury referred to as the 'Stirling Street Precinct' the recommendations of the adopted Local Planning Strategy for Heritage & Character (LPSHC) informed the preparation of the draft LPSACN, and were translated into the R-Code Omnibus Amendment. Section 3.4.3 of the LPSHC outlined the Strategy's intention to review the Residential Design Code density numbers superimposed on the Scheme Map for the Precinct Area, stating:

3.4.3 Review of Residential Design Codes

The residential lots within the Stirling Street Heritage Area are coded between R15 and R40 which raises the potential for significant further subdivision within the area which may erode the aesthetic values and character of the area with additional crossovers and driveways, the construction of new garages/carports and higher density development. A greater demand for demolition of existing dwellings may also arise as owners seek to develop sites to their fullest potential.

As part of a review of the Stirling Street Heritage Area, reconsideration of the most appropriate R-Code to ensure the continued retention and enhancement of the Precinct will occur.

As such it is proposed to supplement the present "R40" coding with a dual coding of "R15/40". The boundaries of the "R15/40" code being consistent with that of the "Stirling Street Heritage Area", which was designated by the Local Planning Policy: Stirling Street Heritage Area (adopted 26 February 2008, Council Decision number 29/08) and associated design guidelines. In this case it must be accepted that the action of coding the Precinct area "R40" under TPS7 was largely appropriate given its proximity to the CBD and regional open space foreshore areas of the Leschenault Inlet, yet there remains an inherent policy tension between the present R40 density code (which permits medium density grouped dwelling development) and the required retention of heritage values of existing properties on the Heritage List. The recommended dual coding approach of "R15/40", as an alternative to down coding to R15, balances these potentially competing factors by respecting the inherent financial value of the land conferred by its present R-Code, by clarifying that residential develop is permitted up to a maximum of the R40 density code where any heritage values (as designated under the statutory Heritage List) of a property are retained.

In the case of that area of the suburb of Bunbury referred to as the 'Tree Street Precinct', it is recommend that the present code of "R15" should be preserved in order to maintain what is believed to be its established desired character and amenity. Whilst this Precinct area is not formerly recognised under any statutory planning instrument, it is nevertheless assumed that the majority of residents wish to retain its present character and level of amenity. Maintaining the present "R15" coding is recommended as the least interventionist approach to preserving this outcome, whilst still allowing for redevelopment of existing housing stock.

In the case of that area of the suburb of Mangles referred to as the 'Withers Precinct' it is recommend that the present dual coding of "R15/30" be slightly modified to "R20/30" – in order to ensure consistency with the draft LPSACN recommendation that the base coding of neighbourhoods outside of a ped shed should be "R20" where not encumbered by heritage values. Given that the present dual coding provisions were included in TPS7 primarily to require the preparation of an Outline Development Plan (ODP) for the Precinct, it is also intended to modify the Scheme Map to allocate three relatively small areas of undeveloped land owned or vested by either the City of Bunbury or the Department of Housing (on behalf of the State government) as "Development Policy Investigation Area", whereby a structure plan would still be required to coordinate road linkages and regulate development within these areas.

(Note: Given that the draft Withers Outline Development Plan was not adopted by Council, it is understood that the Department of Housing will not be pursuing the finalisation of the ODP.)

In the case of those suburb areas of Glen Iris, Moorlands, Tuart Brook and College Grove that are currently undergoing structure planning – such areas are not addressed by the R-Code Omnibus Amendment as they will be properly coded through separate scheme amendment procedures that will commence subsequent to the adoption of the relevant structure plans by Council and their endorsement by the WAPC. Nevertheless, it must be noted that the draft LPSACN addresses the entire Scheme Area (in context of the Greater Bunbury Region), and as such, provides the strategic land use planning framework for the activity centres and neighbourhoods covered by structure plans.

In a limited number of cases, certain suburb areas presently coded "R20" are included in the R-Code Omnibus Amendment but with no proposed change to the present code. In these circumstances the areas have been included for reasons of ensuring administrative accuracy. Specifically, to correct minor inaccuracies on the existing Scheme Map due to unintentional errors or change of map projection (thus ensuring compatibility with the cadastral base map and Region Planning Scheme used by State government agencies).

Strategic and/or Regional Outcomes

The LPSACN project is considered consistent with the aims and goals of Council's 2007 – 2012 Strategic Plan and the objectives and recommendations of the City Vision Strategy (2007).

The draft LPSACN and proposed R-Code Omnibus Amendment is also considered consistent with emerging views on the accepted direction of housing and commercial planning (including the treatment of activity corridors and mixed use development), as exemplified by the WAPC's own:

- Network city project;
- Liveable Neighbourhoods (2007) operational policy;
- Interim Greater Bunbury Commercial Strategy (April 2007); and
- more recently by publications such as Directions 2031 – Draft Spatial Framework for Perth and Peel and the accompanying Draft State Planning Policy – Activity Centres for Perth and Peel (June 2009).

The LPSACN project was conducted in a collaborative manner with the Department of Planning's South West Region, which have concurrently been undertaking their own Greater Bunbury Region Commercial Centres Strategy project. This was achieved by ensuring that the City's and the Department's respective officers and consultants shared information and discussed and agreed upon assumptions and appropriate methodology and approaches at each milestone. This course of action was deliberately taken to ensure the success of the LPSACN project, as a measure to overcome the problems identified by the WAPC in relation to the 2001 Housing and Commercial strategies. A part example of which was the sharing of the City's and the Department's respective milestone reports titled Working Paper – Demographics, Housing Demand & Strategic Approach (Shrapnel Urban Planning, November 2007) and the Greater Bunbury Region Commercial Centres Strategy: Issues, Option & Implications Paper (TAKTICS4, November 2008).

It must be noted that the LPSACN, as part of the Local Planning Policy Framework, is by legislation to provide a local expression of the State Planning Framework. Whilst the draft LPSACN seeks to constructively inform upwards strategically affecting the planning of the Greater Bunbury Region, given Bunbury's primacy in the Region, unproductive attempts to introduce policy directions/measures that are counter to the State Planning Framework were avoided.

Community Consultation

The draft LPSACN and proposed R-Code Omnibus Amendment will be publicly advertised as required by the *Planning and Development Act 2005*. It is recommended that the draft LPSACN and associated R-Code Omnibus Amendment be concurrently advertised for a period of 60 days.

Councillor / Officer Consultation

The draft LPSACN and proposed R-Code Omnibus Amendment have been extensively canvassed internally throughout their preparation, and has been presented to Council in briefing sessions on two previous occasions. The first briefing session held on 4 December 2007 presented the findings of the Working Paper – Demographics, Housing Demand & Strategic Approach document, which was the first project milestone dealing with population projection / demographic profiling and retail floorspace modelling. The second briefing session held on 10 June 2008 presented the findings of the initial draft Strategy, which was the second project milestone dealing with the resulting recommendations based on site surveys and internal workshop outputs. To ensure the success of the project, a presentation was also made to the then Department for Planning and Infrastructure (DPI) on 8 May 2008, which dealt with the Strategy's methodology, approaches and likely recommendations.

Analysis of Financial and Budget Implications

It can be expected that the implementation of LPSACN and proposed R-Code Omnibus Amendment will have a positive net benefit for the City's local economy. However, it must be noted that the expected growth and change of the City will require concomitant expenditure of public monies on the provision of soft and hard infrastructure and services to meet the needs of a significantly greater local population. Growth of the City's resident population and economic (investment) activity will need to be managed as a normal part of the Local Government's administrative and statutory functions.

Economic, Social, Environmental and Heritage Issues

Environmental Issues

The draft LPSACN explicitly seeks to have a positive net impact on the natural environment, both in terms of mitigating further deterioration in the City's ecological condition and its proportionate level of resource consumption. Specifically, the R-Code Omnibus Amendment is expected to ameliorate so called urban sprawl by reducing the need for expanding the area zoned for urban development under the Greater Bunbury Region. This will be achieved by the draft LPSACN and its component R-Code Omnibus Amendment by encouraging more efficient infill development of medium and higher density housing that:

- better matches the changing demographic profile of our present and future community (i.e. accommodating greater demand for smaller housing types);
- more efficiently utilises present infrastructure services and public facilities;
- increases the viability of existing activity centres; and
- reduces the City's urban footprint by promoting a more walkable built environment.

Social Issues

The draft LPSACN seeks to provide for an integrated land use strategy that facilitates the provision of a better match between household type and housing choice across the City over the next 20 years. The draft Strategy seeks to do this by fundamentally integrating the planning for where we live and work by establishing a framework for walkable catchments of medium and higher density living around a hierarchy of activity centres and along activity corridors (main streets). Through the application of more appropriate residential densities in conjunction with more effective mixed use zoning it is anticipated that current and emerging socio-economic issues facing the City will be better managed in response to common demographic and economic drivers that are undergoing transformation through similar sociological and technological changes.

Heritage Issues

As outlined in above under the Scheme Map Amendment heading, the draft LPSACN and component R-Code Omnibus Amendment acknowledges the need to respect the established heritage and character values of the City's urban fabric, and was informed by the adopted Local Planning Strategy for Heritage & Character (LPSHC). As such, the recommendations of both the adopted LPSHC and the draft LPSACN were translated into the R-Code Omnibus Amendment – which proposes to:

- introduce generic dual coding provisions that include the need for retention of heritage values where identified on the Heritage List (or State Heritage Register); and
- replace the present “R40” coding with a dual coding of “R15/40” for that area designated as the “Stirling Street Heritage Area” by the adopted Local Planning Policy: Stirling Street Heritage Area.

This approach respects the inherent financial value of the land under its present R-Code, by clarifying that residential develop is permitted up to a maximum of R40 where the heritage values (as designated under the statutory Heritage List) of a property are retained.

Economic Issues

It can be reasonably anticipated that the draft LPSACN will facilitate positive economic outcomes commensurate to its stated objectives. The proposed R-Code Omnibus Amendment seeks to implement the recommendations of the draft LPSACN and provide positive urban design outcomes whilst ensuring landowners have sufficient certainty regarding the development capabilities of their particular property. With the rationalisation of the dual coding provisions of the Scheme (removal of a requirement for an ODP) it can be expected that there will be less confusion regarding the achievement of the upper R30 density where dual coding presently occurs.

Where the proposed R-Code Omnibus Amendment seeks to change the R-Code, it can expect to have marked physical and economic impacts, as the proposed changes represent significant increases in the residential density of ped shed areas. Such a strategic and comprehensive review of the Scheme's residential density codings is to facilitate the City's development to an ultimate built-out state, based

upon the full range of population/demographic projections up to the year 2031. As such, this review avoids the limitations of previous Scheme reviews, which have generally only facilitated incremental changes every 5-10 years. The result of which have created constant change in the residential character of neighbourhoods and sudden fluctuations in the market value of residential land.

Instead this R-Code Omnibus Amendment proposal is founded on the triple-bottom-line principles of the City Vision Strategy, and seeks to promote real and sustained long-term economic growth (i.e. the capital appreciation of the land over time, not just at the time of subdivision). Given the established experience that bad density (high or low) can lead to reduced average land values in a locality, and all of the associated negative socio-economic implications of this, the methodology used in the drafting of LPSACN and its component R-Code Omnibus Amendment seeks to balance the competing desires for increased development potential with that of protecting desired residential character and amenity.

This means that the draft LPSACN and its component R-Code Omnibus Amendment must propose comprehensive revision of the existing R-Code layer (which is essentially unchanged over successive schemes for most of the City and is now in places illogical or groundless) to a rational pattern of density that accommodates the next 20+ years of population growth and the next generation's demographic profile. Unlike the previous 2001 Housing Strategy that was not endorsed by the WAPC, the Commission must be satisfied that new Strategy and resulting R-Code overlay on the Scheme Map supports the concept of a more sustainable Bunbury, and must also balance this change with the legitimate desire of that portion of the community wishing to maintain their established amenity and character (as it is inherently a perception that established amenity and character contributes to the value of land). Consequently, the proposed R-Code Omnibus Amendment will see a significant change in R-Code overlay depicted on the Scheme Map, but in line with State Planning Framework (i.e. Liveable Neighbourhoods, 2007).

Council Policy Compliance

There are no relevant Council policies to consider.

Legislative Compliance

The procedure to amend a Local Planning Scheme is required to be undertaken in accordance with the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*. The proposed Scheme Amendment 38, once initiated by Council, must be referred to the Environmental Protection Authority (EPA) for consideration of whether or not an environmental review is required prior to formal public advertising. Subject to the EPA indicating that an environmental review is not required, public advertising of the proposed Scheme Amendment can then be undertaken concurrently with the draft Local Planning Strategy for Activity Centres & Neighbourhoods.

Delegation of Authority

There is no relevant delegation of authority in respect of these proposals.

Relevant Precedents

The draft LPSACN is the third of four land use planning strategies that will go to preparing the overarching Local Planning Strategy, which in turn will inform the preparation of the revised Local Planning Scheme. The two previous adopted strategies were:

- Local Planning Strategy for Heritage & Character (LPSHC), adopted by Council on the 6th of November 2007 (Council Decision number 229/07); and
- Local Planning Strategy for Tourism (LPST), adopted by Council on the 19th of May 2009 (Council Decision number 89/09); and

The recommendations of both of these adopted strategies informed the preparation of the draft LPSACN and were translated into its component R-Code Omnibus Amendment.

Options

Option 1

As per the recommendations listed in this report.

Option 2

As per the recommendations listed, but with modification.

Option 3

Public advertising of the draft Local Planning Strategy for Activity Centre & Neighbourhoods, but without initiating Scheme Amendment 38 (R-Code Omnibus Amendment) to TPS7.

Conclusion

It is anticipated that the implementation of the draft LPSACN will help to ensure that Bunbury's hierarchy of activity centres and residential neighbourhoods are mutually supporting and thus contributing towards the economic, social and environmental sustainability of the City in line with the adopted City Vision Strategy.

The recommendations of an adopted LPSACN will largely be implemented through the preparation of the Local Planning Strategy and ongoing review of the Local Planning Scheme and its supporting Local Planning Policies. As with any land use planning strategy, the content of the LPSACN will need to be monitored and reviewed at regular intervals.

Consequently, given the integrated nature of the draft LPSACN it is further anticipated that the gazettal of the R-Code Omnibus Amendment will represent a critical first step towards the implementation of the LPSACN that can prudently occur at this stage in the administration of the Local Planning Policy Framework.

Recommendation

1. Publicly advertise the draft Local Planning Strategy for Activity Centres & Neighbourhoods for a period of not less than 60 days.
2. Pursuant to sections 75 and 84 of the Planning and Development Act 2005, Council resolves to initiate Scheme Amendment 38 to the City of Bunbury Town Planning Scheme No. 7, and subject to the granting of consent to advertise by the Western Australian Planning Commission in accordance with regulation 25 of the Town Planning Regulations 1967, publicly advertise the Scheme Amendment for a period of not less than 60 days concurrently with the public advertising of the draft Local Planning Strategy for Activity Centres & Neighbourhoods.
3. Pursuant to section 79 of the Planning and Development Act 2005, refer Scheme Amendment 38 to the City of Bunbury Town Planning Scheme No. 7 documentation and draft Local Planning Strategy for Activity Centres & Neighbourhoods to the Heritage Council of Western Australia for its advice in accordance with the Heritage of Western Australia Act 1990.
4. Pursuant to section 81 of the Planning and Development Act 2005, refer Scheme Amendment 38 to the City of Bunbury Town Planning Scheme No. 7 documentation and draft Local Planning Strategy for Activity Centres & Neighbourhoods to the Environmental Protection Authority for its assessment in accordance with the Environmental Protection Act 1986.

Outcome - Council Committee Meeting 1 September 2009

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

The Director of Shrapnel Urban Planning Mr Tony Shrapnel made himself available to answer questions from the committee.

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

Committee Recommendation

1. **Publicly advertise the draft Local Planning Strategy for Activity Centres & Neighbourhoods for a period of not less than 60 days.**
2. **Pursuant to sections 75 and 84 of the Planning and Development Act 2005, Council resolves to initiate Scheme Amendment 38 to the City of Bunbury Town Planning Scheme No. 7, and subject to the granting of consent to advertise by the Western Australian Planning Commission in accordance with regulation 25 of the Town Planning Regulations 1967, publicly advertise the Scheme Amendment for a period of not less than 60 days concurrently with the public advertising of the draft Local Planning Strategy for Activity Centres & Neighbourhoods.**

(Committee Recommendation continued overleaf)

- 3. Pursuant to section 79 of the Planning and Development Act 2005, refer Scheme Amendment 38 to the City of Bunbury Town Planning Scheme No. 7 documentation and draft Local Planning Strategy for Activity Centres & Neighbourhoods to the Heritage Council of Western Australia for its advice in accordance with the Heritage of Western Australia Act 1990.**

- 4. Pursuant to section 81 of the Planning and Development Act 2005, refer Scheme Amendment 38 to the City of Bunbury Town Planning Scheme No. 7 documentation and draft Local Planning Strategy for Activity Centres & Neighbourhoods to the Environmental Protection Authority for its assessment in accordance with the Environmental Protection Act 1986.**

CARRIED

10 Votes "For" / Nil Votes "Against"

11.2 TME – Proposed Scheme Amendment – Lots 27, 28, 29 and 45 Pickersgill Streets Rezone from Current Designation Local Scheme Reserve Public Purposes Local Government to Residential R40 *(was listed as Item 11.1 on the meeting agenda)*

File Ref:	P07654-02
Applicant/Proponent:	Thompson McRobert Edgeloe (TME)
Author:	Sam McNeilly, Coordinator – Statutory Planning
Executive:	Geoff Klem, Executive Manager City Development

Summary

Thompson McRobert Edgeloe (TME), who act on behalf of Prime Television (who own the Golden West Network), has lodged an application with the City to amend the current Town Planning Scheme (TPS 7). The proposal is to rezone the land from its current designation (Local Scheme Reserve – Public Purposes – Local Government) to “Residential” with a density of R40. A location plan is **attached** at Appendix 1.

The land subject of the application to Council involves lots 27, 28, 29 and 45 Pickersgill Street Bunbury (total land area 3410 sqm) and currently hosts the Golden West Network (GWN) broadcasting building.

TME advises that the objective of the rezoning is to secure a land-use option which is more in keeping with the surrounding residential uses than the existing use (commercial/office). Prime Television is looking, according to TME, to relocate its operations to an alternative site, thus providing an ideal opportunity to implement a zoning which provides for the best use of the land as well as a consistent form of development that is in keeping with surrounding residential area.

Development Services considers, after analysis, that the proposed development has reached a stage sufficient to allow the matter to be submitted to Council for consideration and direction.

Background

Council will be aware that it previously considered a rezoning proposal of the subject land at its 02/09 June 2008 round of meetings. Council will also recall that it determined not to initiate the proposed Scheme Amendment as it was then presented and to resolve as follows:

“Council under and pursuant to the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves to advise Thompson McRobert Edgeloe (TME) that in respect of Lot 27, 28, 29 and 45 Pickersgill St. Bunbury, it is not prepared to initiate a Scheme Amendment to allow an amendment to the current Town Planning Scheme from the current designation, Local Scheme Reserve (Public Purposes) – Local Government to Special Use Zone (50) as the height, scale and bulk of the proposed development are not in keeping with the character and amenity of the area.”

As part of deliberations on the matter Councillors raised the following issues:

- There was no consultation process undertaken;

- Residents were not notified of the item going to Council;
- The rezoning of R80/100 is not consistent with the surrounding R15 zoned area;
- Proponents are urged to consult with residents of the area and are encouraged to resubmit a more appropriate proposal to Council.

Council will recall that the previous development proposal for which TME sought a Scheme Amendment was of a relatively high density (around R100) and that there was a high level of local community opposition to the proposed development. Council will further recall that it advised the applicant that it was not satisfied that the applicant had carried out sufficient public consultation prior to making the Scheme Amendment application. The applicant has heeded that advice and now seeks a much lesser density (R40) to minimise and possibly eliminate any significant conflict with the current surrounding zoning.

Since that point in time the City has been involved in further detailed discussions with the land-owner's Planning Consultant with a view to allowing the consultant's representatives an opportunity to explain the new development proposal, and in terms of resolving, as far as possible, any issues which may arise in consideration of the proposition to rezone the land to Residential R40.

TME has since, essentially in line with Council's request, carried out further informal community consultation. TME has advised that it has undertaken the following measures in this regard:

- Follow-up meeting with four representatives of the local area on 24 September 2008;
- Explanation of the previous proposal and the processes that have been agreed previously to clarify that no deliberate attempt had been made by TME to mislead or avoid local residents;
- Open discussion at the meeting about what may be appropriate level of development at on the land; and
- Formal written letters (sent subsequent to the meeting on 2 October 2008) to the group inviting them to submit ideas and to indicate a level of development which they may feel is appropriate. TME has advised that, in this regard, no responses have been submitted to its office.

It is considered that TME's action in terms of informal community notification of the matter is acceptable, and particularly in light of the fact that a formal public comment period (which is required by statute) will occur (subject to EPA formal overview in respect of environmental legislation requirements) should Council determine to initiate the matter.

TME has advised that Prime's investment in regional communities like Bunbury, combined with quality programming, and a focus on cost efficiencies and technology, has enabled the company to emerge as one of Australia's most successful regional broadcasters.

The land subject of the application to Council involves lots 27, 28, 29 and 45 Pickersgill Street Bunbury (total land area 3410 sqm) and currently hosts the Golden West Network (GWN) broadcasting building. Prime Television and GWN is currently planning to relocate current operations and wish to have the land rezoned with a

view, presumably, to maximising the development value of the land prior to relocation.

The representatives of GWN had, in initial discussions with Council staff, indicated that they had a preference to relocating to a position in the central business area of the City. Notwithstanding the applicant has not committed in this regard in terms of the content of the current Scheme Amendment report; the applicant's consultant has simply stated previously that "Prime Television and GWN are seeking to relocate its operations.....". No specific location was, or is, currently, mentioned.

Whilst the matter of GWN's relocation is not, strictly, a planning issue, it would have been good had GWN had been able to indicate quite clearly if it was going to further invest in the City or as to whether it intends to invest outside the City. As indicated Council cannot ask for a quid pro quo relative to the granting of planning approval (initiation of the Scheme Amendment), but it would have been beneficial to know that GWN, and particularly in that it is a regional broadcaster, would continue to support Bunbury (by locating say in the central business area) which is nominated as the second city in Western Australia.

Proposal

The proposal is to rezone the subject land from its current designation (Local Scheme Reserve – Public Purposes – Local Government) to Residential with an R40 density designation. The land in the vicinity is currently zoned R15.

The proposal to consider rezoning the land to a higher density than the surrounding area was first mooted some few years ago, and prior to the matter of future densities being considered as part of the Activity Centres and Neighbourhoods Local Planning Strategy (ACN LPS). The proposal involves a portion of land which is relatively unique having regard to the history of the development of the area, and therefore requires in the view of Development Services, some level of separate consideration.

The proposal is best described by reference to the proposed zoning map (**attached** at Appendix 2) which has been submitted by TME. The latter has advised that the objective of the proposed amendment is to secure a land-use which is more in keeping with the surrounding residential land uses than the existing development (GWN operations).

The following criteria are considered relevant in terms of properly considering the matter, and in terms of Council determining as to whether it will, or will not, support the proposed Scheme Amendment.

Land-use

The land is currently designated as a Local Scheme Reserve ("Public Purposes – Local Govt.") in the current Town Planning Scheme (TPS 7). The applicant proposes to rezone the land to Residential R40. To an extent the subject land is relatively unique in terms of topography and location, and arguably deserves to have a density zoning which reflects such uniqueness. This point is made notwithstanding that the density of the surrounding land is relatively low (R15) and is expected to be relatively low in any future zoning proposals as part of the future Activity Centres and Neighbourhoods Local Planning Strategy (ACN LPS).

TME has advised that the objective of the proposed amendment is to secure a land-use format which is more in keeping with the surrounding residential land uses than the existing development (GWN operations).

It is considered that, in terms of land-use, the proposal to rezone the land to allow the use of the land for residential development is generally in order.

City Vision

The principles of the City Vision Strategy are relevant in respect of consideration of the matter. The Strategy was endorsed by Council (Decision No. 193/07) at its meeting held on 18 September 2007.

The subject land lies within what is defined as the "Strategic Regional Centre" focus area. More specifically, the land is located within the "Inner City Living West" investigation area of the Strategic Regional Centre.

In terms of the proposed development, the key Recommendation of the City Vision Strategy relative to the sector of the City within which the site is located, is set out as follows:

"Prepare a housing strategy (including land availability) for Greater Bunbury that identifies opportunities for coastal short stay residential".

In terms of one particular section which deals with the matter of Values, Issues and Proposals, it is stated in the City Vision Strategy as follows:

"Limited opportunities for infill, redevelopment and new housing development. The coastal strip can accommodate additional tourist and medium density housing."

It is considered that it would not be inappropriate to proceed to consider the proposed development as a Scheme Amendment in advance of the preparation of a Housing Strategy (new nomenclature is Activity Centres and Neighbourhoods Local Planning Strategy (ACN LPS)) for the broader Bunbury area in light of the uniqueness of the site relative to the surrounding residential area and the City at large. The Scheme Amendment process is relatively rigorous, and should guarantee that all relevant planning issues are addressed in light of any broader community concerns relative to the process being proposed. .

General efficacy of the proposed development

It is considered that it is relatively important that any future development on lots (which will be relatively small) should marry in visually with the established housing in the immediate vicinity and in terms of the location of the juxtaposed water reservoir which sits at a much higher elevation than the land under consideration.

The matter of the Liveable Neighbourhoods Policy (LNP) is relevant to the matter at hand. As the Planning Consultant has advised this policy document has been adopted by the Western Australian Planning Commission and operates as a development policy or code to facilitate the development of sustainable communities. In summary, the key tenets of the LNP are: to provide "walkable neighbourhoods" (i.e. to minimise car-dependence); to ensure active street/land-use interfaces; to

provide a variety of lot sizes and housing types; and to maximise land efficiency. It is considered that the proposed development accords with the LNP in this respect.

On broad balance therefore it is considered that the proposed development can be supported. However it is considered that it would be beneficial if the developer were to prepare a Detailed Area Plan subsequent to the Scheme Amendment (SA) being approved and prior to any development being actioned on future lots which are likely to be quite small (R40 can go down to 200 sqm in area).

The Liveable Neighbourhoods policy document states (Section R34) that in respect of small lots and special site conditions, DAPs should be prepared when certain listed criteria occur, including:

- Lots with an area less than 350 sqm;
- Lots where it is important to control vehicle access and egress;
- Steeply sloping land where high retaining wall to streets or boundaries are proposed.

It is considered that on balance, the land owner should be required to prepare a DAP in this instance and particularly in light of the above criteria, and in that the land is relatively unique. It is important that the proposed development fits in so to speak, as far as possible, with the current residential development in the vicinity, and that it properly co-exists with the existing Water Reservoir. A DAP is used as the basis for subdivision and development.

It is considered a DAP would properly prove-up the efficacy of the proposed development.

Under the current legislation, Council's determination is final, at this stage of the process, in respect of any proposal for an Amendment to its Scheme; there is no right of appeal by the applicant. It ought also to be noted that should Council determine to "initiate" the proposed Scheme Amendment, and the matter proceeds to public advertising, (after EPA's consideration), then, should Council then determine not to further support the Scheme Amendment, the matter can be considered by the Minister irrespective of Council's second, post-advertising, determination.

In conclusion, it is considered that the planning report prepared by TME is generally in order and that the proposed Scheme Amendment is sufficient to allow the matter to proceed to the next stage of consideration in terms of initiation and public overview.

Strategic and/or Regional Outcomes

It is considered that the broad direction of the City's current Strategic Plan would not be compromised by supporting the proposed development.

Community Consultation

Formal community consultation will result as part of the process of the Scheme Amendment if Council determines to support the initiation of the proposed Scheme Amendment, and subject to the EPA resolving that there would be no requirement for the EPA's assessment.

Councillor/Officer Consultation

The various issues relating to this matter have been broadly canvassed at staff level with a view to achieving a corporate approach to the decision making process.

Analysis of Financial and Budget Implications

It is considered that there would be no adverse impact on the Municipal Budget.

Life-cycle Maintenance Costs (Capital Works Projects Only)

Not relevant to this application.

Economic, Social, Environmental and Heritage Issues

Economic

It is considered that the proposed development would provide economic benefits to the City as it proceeds to take up its second-city status in the State in terms of the provision of further residential land and in terms of broadening the housing base of the City.

Social

It is considered that there would not be any significant adverse social impact(s) should the development proceed.

Environmental

It is considered that there are no relevant environmental issues to be resolved as a result of consideration of the matter.

Heritage

The GWN Television Studio Building (B269) is listed on the Municipal Heritage Inventory (MI) of the City of Bunbury because of its considered social value. The MI data sheet B269 describes the Management Category as "Assess in more detail at DA". Council's Heritage Advisory Committee has discussed the level of significance of the existing place for the community and the appropriate heritage requirements at its meeting held on the 21st May 2008. The Local Planning Policy – 'Assessment of Cultural Heritage Significance' applies to ensure that the assessment is accountable, comparable and consistent. The Committee determined that a scheme amendment would be supported subject to the place being recognised and interpreted and an archival record being made (including historical photographs and photographs of the building in its current operational state).

It is considered therefore that the level of Heritage Value is not such that it would preclude the matter progressing to the stage of initiation of the Scheme Amendment.

Council Policy Compliance

It is considered that the proposed development generally complies with relevant Policies.

Legislative Compliance

Legislative requirements relating to the Local Government Act 1995 or any other Act, Local Law or Regulations have been complied with in the processes leading up to the finalisation of this item. It should be noted additionally that the proposed activity will be required to comply with the requirements of the Health Act 1911 and the City of Bunbury Health Local Laws 2001.

Delegation of Authority

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

Relevant Precedents

As discussed above, Council previously considered a Scheme Amendment proposal by the same applicant at its 02/09 May 09 round of meetings; as indicated Council determined not to initiate the proposal.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Should Council determine not to resolve to grant its support for the initiation of the proposed Scheme Amendment a suggested format for such action 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 advise Thompson McRobert Edgeloe (TME) that in respect of lots 27, 28, 29 and 45 Pickersgill Street, Bunbury, it is not prepared to initiate a Scheme Amendment to allow an amendment to the current Town Planning Scheme from the current designation, Local Scheme Reserve (Public Purposes) – Local Government, to Residential R40 for the following reasons:

Reasons as determined by Council as part of its deliberations on the matter.

Conclusion

Development Services considers that the proposed development has reached a stage sufficient to allow the matter to be submitted to Council for consideration and direction.

The proposal to consider rezoning the land to a higher density than the surrounding area was first mooted some few years ago, and prior to the matter of future densities being considered as part of the Activity Centres and Neighbourhoods Local Planning Strategy (ACN LPS). The proposal involves a portion of land which is relatively unique having regard to the history of the development of the area, and therefore requires in the view of Development Services, some level of separate consideration.

The planning consultant has also advised that the site in question is unique in terms of physical and other characteristics and therefore requires separate consideration from other land in the vicinity.

Pure land-use considerations are seen to be broadly in order. It is suggested therefore that the matter be allowed to proceed to the next stage of consideration by Council. Should Council determine to allow the initiation of the proposed Scheme Amendment, this action will result (after consideration by the Environmental Protection Authority) in allowing public advertising to proceed.

Council's support should ideally, it is suggested, be made subject to Council advising the applicant that its support will be subject to the applicant being aware that Council reserves the right to amend its position after advertising should it determine that such action would be in order, having regard to any issues which may arise after further detailed technical analysis and advertising.

Recommendation

Council, under and by virtue of the powers conferred upon it, pursuant to the Planning and Development Act 2005, hereby resolves to advise Thompson McRobert Edgeloe (TME) that in respect of lots 27, 28, 29 and 45 Pickersgill Street, Bunbury, that it initiates a Scheme Amendment to the current Town Planning Scheme from the current designation, "Local Scheme Reserve (Public Purposes) – Local Government", to "Residential" R40 subject to:

1. The submission of a Detailed Area Plan (DAP) – prior to the submission of any subdivisional application and/or any development application - for consideration to prove up matters such as car-parking, plot ratio, building height, site coverage, design parameters, and other relevant matters, all to be to the satisfaction of the Manager Development Services.
2. The applicant arranging for a professional archival record being made (including historical photographs and photographs of the building in its current operational state) to the satisfaction of the Manager Development Services.

Outcome - Council Committee Meeting 1 September 2009

At the invitation of the Presiding Member the following people addressed the committee members:

- **Mr Larry Guise and Kirsty Richardson** represented Thompson McRobert Edgeloe and spoke in favour of the recommendation. Mr Guise discussed the issues that they had the first time the proposal was submitted to Council and what had been done this time to eliminate them by:
 - Consulting with four representatives representing the affected residents.

- Requesting feedback from the local residents, to which no replies were received.
- Down scaling the proposal by lowering the density.

Ms Richardson confirmed that at this stage GWN has no re-subdivisional plans for the site.

When asked by councillors, Executive Manager City Development confirmed that the 9 metre height requirement was consistent with the Residential Design Codes and Scheme and as such the height restriction could be controlled.

- **Ms Gayle Hopkins** of 11 Pickersgill Street, Bunbury spoke against the recommendation for the following reasons:
 - There has been no direct consultation with the residents (other than the four residents' representatives).
 - She has not been provided with a copy of TME's proposal. The report to council does not show what is planned for the site.
 - Cannot understand why GWN is able to apply for special rezoning whilst surrounding residents cannot.

Ms Hopkins confirmed that she is not opposed to the land being rezoned residential but would like to have had more consultation.

- **Mr Peter Back**, of 9 Roberts Crescent, Bunbury also spoke against the recommendation. He confirmed that he has no objection to the development of the site as long as it is in keeping with the rest of the neighbourhood. He stated that at the Council Meeting 3 June 2008 the original development proposal was rejected and GWN's representatives had been advised that any future proposal should only be brought to Council after it had been discussed with (and had the approval of) the residents in the neighbourhood. Mr Back confirmed that they had not had any consultation with TME.

Cr Steck moved (pro forma), seconded Cr Slater moved the following Option 2:

'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 advise Thompson McRobert Edgeloe (TME) that in respect of lots 27, 28, 29 and 45 Pickersgill Street, Bunbury, it is not prepared to initiate a Scheme Amendment to allow an amendment to the current Town Planning Scheme from the current designation, Local Scheme Reserve (Public Purposes) – Local Government, to Residential R40 for the following reasons:

Reasons as determined by Council as part of its deliberations on the matter.'

After further discussion between the committee members the Presiding Member proposed that the reason for the Council's decision to move Option 2 be as follows:

'The fact that the proposed R40 coding would be inconsistent with the current R coding of the neighbourhood and the character of the neighbourhood.'

The mover and seconder agreed to the addition and 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 in that behalf pursuant to the Planning and Development Act 2005 hereby resolves to advise Thompson McRobert Edgeloe (TME) that in respect of lots 27, 28, 29 and 45 Pickersgill Street, Bunbury, it is not prepared to initiate a Scheme Amendment to allow an amendment to the current Town Planning Scheme from the current designation, Local Scheme Reserve (Public Purposes) – Local Government, to Residential R40 for the fact that the proposed R40 coding would be inconsistent with the current R coding of the neighbourhood and the character of the neighbourhood.

CARRIED

8 Votes "For" / 2 Votes "Against"

11.3 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 *(was listed as Item 11.2 on the meeting agenda)*

File Ref:	A00472 & A03762
Applicant/Proponent:	City of Bunbury
Author:	Thor Farnworth, Coordinator Strategic & Environmental Planning
Executive:	Geoff Klem, Executive Manager City Development

Summary

This report has been resubmitted to Council for its consideration due to the need to provide further background information and justification in relation to matters dealt with implicitly by the previous report and proposal documentation. Specifically, the implications of the recent gazettal of Scheme Amendment number 27 to the City of Bunbury Town Planning Scheme No. 7.

Documents supporting this item were issued at the Council Special Briefing held 20 August.

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 the Attachment 1 of documents issued at Special Council Briefing**), 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 the Attachment 2 of documents issued at Special Council Briefing**), 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 19 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 fourfold.

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 summarises 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. It should be noted that the term "Other Retail" has a specific definition under State Planning Policy that defines it as showroom like activity. This then creates potential contradiction, as it has been the practice to grant planning approval for Showroom / Wares use in the Mixed Business Zone, yet it may be argued that such uses should have been treated as "Other Retail" under Table 2 of 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.

Fourthly, the unit of floorspace measurement frequently used in the existing Table 2 refers to the term "gross floor area", which is not defined under Schedule 1 – General Definitions under the Scheme. The use of units of measurement that are not defined under the Scheme introduces unnecessary misunderstanding or inconsistency of interpretation. Consequently, it is recommended that the defined terms "gross leasable area" and "net lettable area" (a Model Scheme Text definition) be used instead.

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 documents issued at Special Council Briefing**).

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 documents issued at Special Council Briefing**) 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 Polices 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 not less than 42 days.

In accordance with Part 2 of the *City of Bunbury Town Planning Scheme No. 7*, the proposed draft Local Planning Policy must be publicly advertised for comment during a formal advertising period of not less than 21 days. However, it is recommended that this should be extended to 42 days in order provide the opportunity for submissions to be made up until the same closing date as that for the Scheme Amendment.

Hence, it is recommended that the proposed Scheme Amendment and draft Local Planning Policy be concurrently advertised for a period of 42 days.

Subject to Council's resolution to public advertise the proposal, it is intended that the proposed Scheme Amendment and draft Local Planning Policy be presented to members of the development industry at the next Development Services Industry Forum scheduled for late September 2009, in order to gain constructive comments and suggestions for incorporation into the development of the amendment and policy.

Councillor/Officer Consultation

Extensive consultation has occurred internally, particularly in the areas of Development Services, Community Law and Safety, and Engineering Services. A presentation of the draft Local Planning Policy was given to the CBD Parking

Strategy Project Control Group on 4 May 2009. 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. A subsequent presentation and discussion was held with the CBD Parking Strategy Project Control Group on 20 July 2009, which focused upon the proposed Scheme Amendment.

The draft Local Planning Policy was referred to McLeods Barristers & Solicitors for initial legally vetting in order to ensure its efficacy. McLeods made a number of minor modifications and corrections to the initial draft of the Policy, but provided a detailed critique of the existing clauses under 5.7 of the Scheme dealing with car parking. It is recommended that a final legal vetting occur prior to adoption of the proposed Scheme Amendment and Local Planning Policy to ensure harmony of the statutory instruments, particular where any significant modifications are proposed to either as a result of the submission received during the public advertising period.

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 Policies 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 33 to the City of Bunbury Town Planning Scheme No. 7.
2. Subject to authorisation by the Western Australian Planning Commission (WAPC) and the advice of the Environmental Protection Authority (EPA), the proposed Scheme Amendment is to be advertised for public comment during a submission period of not less than forty two 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 is 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:
 - (a) "Local Planning Policy: Central Business District Parking";
 - (b) "Local Planning Policy: Car Park Development on Road Verges"; and
 - (c) "Local Planning Policy: Vehicle Crossovers".

Outcome - Council Committee Meeting 1 September 2009

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

Cr Steck disclosed an impartiality interest as she knows the Director of Citygate Properties personally.

The Presiding Member invited Mr Frank Comito of 71 Strickland Street, Bunbury and private car park owner to address the committee members. Mr Comito stated that if the City does not support local car park owners they may end up selling or developing their car park sites leaving Bunbury with an even greater car park shortage. He said that there needs to be something done to prevent people being able to park in disused properties around the CBD.

The Executive Manager City Services confirmed that the City can control only parking on road reserves, not on properties privately owned.

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

Committee Recommendation

- 1. Council, pursuant to the Planning and Development Act 2005, resolves to initiate Scheme Amendment 33 to the City of Bunbury Town Planning Scheme No. 7.**
- 2. Subject to authorisation by the Western Australian Planning Commission (WAPC) and the advice of the Environmental Protection Authority (EPA), the proposed Scheme Amendment is to be advertised for public comment during a submission period of not less than forty two 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 is 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 Policies in accordance with clause 2.4 of the Scheme:**
 - (a) "Local Planning Policy: Central Business District Parking";**
 - (b) "Local Planning Policy: Car Park Development on Road Verges";**
and
 - (c) "Local Planning Policy: Vehicle Crossovers".**

CARRIED

10 Votes "For" / Nil Votes "Against"

The Presiding Member asked the Minute Taker to record Council's appreciation of Mr Thor Farnworth's and his team's outstanding work and dedication that was required to get the above policy and also the policy in Item 11.1 finalised.

11.4 Spencer Street Localised Enhancement Project *(was listed as Item 11.4 on the meeting agenda)*

File Ref:	R00567
Applicant/Proponent:	Internal Report
Author:	Domenic Marzano, Executive Manager City Life
Executive:	Domenic Marzano, Executive Manager City Life

Summary

With regards to the Spencer Street Localised Enhancement Project, on the 16 December 2008 Council resolved under Decision 250/08 that:

Full Project and \$250,000 Municipal Fund Contribution

- a) *The City undertakes the community survey of the affected ratepayers within the full project area – Spencer Street (Stirling Street to Beach Road) to ascertain the level of community support for the project.*
- b) *The following payment options be included in the community survey: -
Option 1: Payment in full within the first year (No Interest)
Option 2: Payment over 5 years (with interest charged)*
- c) *The contribution from the affected ratepayers is based on the current 5 year Corporate Financial Plan which shows a \$250,000 contribution from the City's Municipal Funds and the remainder of the contribution, which is \$951,843, being contributed by the affected ratepayers.*
- d) *Once the community survey has been completed then this project is referred back to Council for final decision.*

Savant Surveys and Strategies were engaged to survey the affected rate payers and have provided a report indicating that 72% of respondents surveyed are not willing to contribute to the costs involved in supplying power to their property. The report is attached at Appendix 1 in **report circulated to members under separate cover**. As a result this matter is referred to Council for a decision on whether the project should go ahead.

Background

Council Decision 221/05 from 20 September 2005 called for Council to obtain costings for the undergrounding of power along the western side of Blair Street (between Teede and Stirling Streets) and both sides of Spencer Street (between Stirling Street and Beach Road).

As a result of this Council Decision, in January 2007 the City submitted grant applications (Expression of Interest) to the Office of Energy under Round 4 of their Localised Enhancement Program (LEP) to obtain funding assistance and costings for these two projects.

In early June 2007, the City was advised by the Office of Energy that the Spencer Street submission had been successful in being short listed as a project in the Office of Energy's Round 4 of the LEP. The Blair Street Expression of Interest was unsuccessful in being short listed but the City was advised that this project is listed as a reserve project.

The guidelines for these underground power projects stipulate that a Local Government Authority will only receive one project in each round. The funding basis of these LEP grants is that the State Government contributes 50% of the project value up to \$250,000.

After Western Power provided the City with these cost estimates, the next stage of this project involved the City completing a Survey of the ratepayers (similar to the recent Withers Underground Power Survey) to gauge the level of support of this project amongst the ratepayers. The survey was undertaken by Savant Surveys and Strategies in July 2009 and 36 respondents out of a possible total of 69 replied to the survey (52.17%). The results indicated that 72% of respondents surveyed are not willing to contribute to the costs involved in supplying power to their property.

Strategic and/or Regional Outcomes

The Strategic Plan 2007-2012 promotes establishment and fostering of partnerships with Government, businesses and communities and have well planned, developed and maintained City infrastructure in accordance with Council priorities, community expectations and funding requirements.

Community Consultation

Savant Surveys were engaged to survey the affected property owners with regards to the Spencer Street Localised Enhancement Project. The consultants have provided an independent report indicating that 72% of respondents surveyed are not willing to contribute to the costs involved in supplying power to their property.

Councillor/Officer Consultation

This project was initiated as a result of Council Decision 221/05. Since the Expression of Interest was submitted in January 2007, update information has been provided on a regular basis to both Council and the City's Executive Management Team. Council endorsement for the Community Consultation stage has been approved on 16 December 2008.

Analysis of Financial and Budget Implications

The project is listed in the five year financial plan in the 2009/2010 budget year. It is costed at \$1.45 million, of which \$0.95 million will be funded from business property owners in the area, Western Power/State Government \$0.25 million and municipal funds \$0.25 million.

Economic, Social, Environmental and Heritage Issues

Underground power removes existing timber poles and excessive wires thereby improving the visual amenity of the streetscape, thereby having a positive influence on property values.

Replacement of overhead power grids with underground systems broadly reduces the level of maintenance, repairs and fault-rectification associated with overhead power systems but it is unknown whether this will have any flow-on effect on employment in the region.

Council Policy Compliance

Council Policy CEO-6 "Infrastructure Asset Management" applies to the street-lighting upgrade component of the project only - a copy of the policy is attached at Appendix 2 in **report circulated to members under separate cover**.

Legislative Compliance

Section 6.37 of the Local Government Act 1995 permits a Council to impose a specified area rate on rateable land within portion of its district for the purpose of meeting the cost of the provision of services to those who will benefit from the supply of underground power.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to make a decision on this matter.

Relevant Precedents

The City has undertaken similar local enhancement projects in Ocean Drive, Stirling Street and has a preliminary commitment to a similar programme for the Major Residential Underground Power Project for the Withers / Usher / Glen Padden area. (Refer to previous Council Decisions 81/08 and 215/08.)

There is no previous precedent for Council to make a contribution for an enhancement programme of this nature.

Options

Option 1

Due to the feedback from the property owners affected, the Spencer Street Localised Enhancement Project does not proceed.

Option 2

The Spencer Street Localised Enhancement Project does proceed.

Conclusion

Savant Surveys were engaged to survey the affected rate payers with regards to the Spencer Street Localised Enhancement Project. The consultants have provided an independent report indicating that 72% of respondents surveyed are not willing to contribute to the costs involved in supplying power to their property. As a result of this feedback it is recommended that this project should not proceed.

Recommendation

Due to the feedback from the property owners affected, the Spencer Street Localised Enhancement Project does not proceed.

Outcome - Council Committee Meeting 1 September 2009

At the invitation of the Presiding Member the following people addressed the committee members:

- **Mr Robert Geldert** of 3 Elizabeth Crescent, Bunbury spoke in support of the recommendation stating that the cost to have the power connected was excessive.

- **Mr John Barnes** of 5 Fern Street, Bunbury also spoke in favour of the recommendation. He confirmed that he and many others he had spoken to would like to have the underground power put in but believed that it was bad timing due to the current economic climate and not many residents could afford to go ahead with it.

After discussion between the members the recommendation (as printed) was moved Cr Slater and seconded Cr Leigh.

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

Committee Recommendation

Due to the feedback from the property owners affected, the Spencer Street Localised Enhancement Project does not proceed.

CARRIED

7 Votes "For" / 3 Votes "Against"

Cr Punch requested that the votes be recorded:

For: Mayor D Smith, Crs Slater, Harrop, Jones, Spencer, Leigh and Steck

Against: Crs Kelly, Punch and Whittle

11.5 City of Bunbury “Destination” Tourism Strategy (was listed as Item 11.5 on the meeting agenda)

File Ref:	A00161-17
Applicant/Proponent:	Felicity Anderson, Manager Bunbury Visitor Centre
Author:	Felicity Anderson, Manager Bunbury Visitor Centre
Executive:	Domenic Marzano, Executive Manager City Life

Summary

A City of Bunbury Tourism Strategy (issued as a report circulated to members under separate cover) is one of five functional strategies proposed in the City of Bunbury Corporate Strategic Plan.

This proposed Tourism Strategy is to address that need.

Vision for Tourism

“As the major regional city for the South West of Western Australia, Bunbury will continue contributing to the economic wellbeing of the region through a sustained commitment to tourism. It will aspire to promote the region’s diversity, attractions and activities to enhance the visitor experience while embracing the city’s lifestyle and culture.”

It is proposed that the draft City of Bunbury “Destination” Tourism Strategy be endorsed to enable the progression of identified activities to enhance Tourism in Bunbury and the region.

Background

In 2008 acknowledging the need for a specific Tourism Strategy for Bunbury, an Expression of Interest called for consultants to help develop a City of Bunbury (Destination) Tourism Strategy. A formal brief was provided to interested consultants and a formal assessment process was undertaken.

The successful consultant was Edge Tourism and Marketing, Ms Robyn Fenech.

The consultants brief required Tourism Strategy to consider the growth and development of Bunbury as both a place to live and to visit. The Tourism Strategy was also required to align with the following City of Bunbury Strategic documents:

1. City of Bunbury Strategic Plan
2. City of Bunbury City Vision Plan
3. Local Planning Strategy for Tourism – Bunbury
4. City of Bunbury Marketing Strategy

In addition the Tourism Strategy was expected to establish the foundations and set clear direction for the growth and sustainability of the Tourism industry in Bunbury.

That is the strategy needed to:

- Identify the strategic direction;
- Provide a clear set of objectives;
- Provide key result areas;
- Deliver a map and time line over the 5 years identifying how to achieve the objectives; while linking and considering the other key City of Bunbury Strategic documents.

Consultant Robyn Fenech presented the completed final draft of the Tourism Strategy at a Council briefing on the 4 August 2009.

Strategic and/or Regional Outcomes

The Tourism Strategy is one of five functional strategies proposed in the City of Bunbury Corporate Strategic Plan.

It is aligned with the following City of Bunbury Strategic documents:

- City of Bunbury Strategic Plan
- City of Bunbury City Vision Plan
- Local Planning Strategy for Tourism – Bunbury
- City of Bunbury Marketing Strategy

Community Consultation

As part of the consultants brief it was noted:

“Community and industry engagement must be undertaken, with two stakeholder workshops. This is a very important part of developing the new Tourism Strategy. Engagement will enable stakeholders to participate and identify specific issues to be considered as part of the development of a City of Bunbury Tourism Strategy (5 year plan).”

In response:

- Two workshops were undertaken in August 2008.
- The workshops were advertised to the general public and stakeholders for several weeks in advance through “City Focus”.
- A direct e-Newsletter Invitation was sent to the “Tourism Stakeholder” database (approx. 300 businesses) several weeks prior to the workshops.
- Invitations were sent directly to Councillors, Executive Management and City of Bunbury staff.

Approximately 50 people attended the workshops held by the consultant, representing Bunbury and the Geopraphe sub region.

Councillor/Officer Consultation

An invitation to attend the Tourism Strategy workshops was sent to Councillors and City of Bunbury staff.

The following Councillors attended workshops:

- Deputy Mayor Stephen Craddock
- Cr Alfred Leigh
- Cr Juliet Harrop

In keeping with the brief the consultant and the project manager also liaised directly with relevant City of Bunbury officers on multiple occasions. Those being:

- Kelvin Storey - Snr Planning officer Strategic & Environment (Local Planning Strategy for Tourism – Bunbury)
- Kristina Knight - Marketing Officer (City of Bunbury Marketing Strategy)
- Thor Farnworth - Coordinator Strategic & Environmental Planning Coordinator Strategic & Environmental Planning (City of City Vision Strategy and associated City Vision Action Plan)
- Felicity Anderson – Manager Bunbury Visitor Centre (Tourism Strategy Project Manager)
- City Life Team
- Executive Management team

Analysis of Financial and Budget Implications

There are budget implications for specific projects identified within of the Tourism Strategy.

The strategy will require human resources to address these matters as part of the annual budget process. Some projects will need to be costed.

Life-cycle Maintenance Costs (Capital Works Projects Only)

Projects identified within the Tourism Strategy of a capital nature may require planning and ongoing maintenance.

Economic, Social, Environmental and Heritage Issues

A copy of the draft Tourism Strategy presented to the Council briefing 4 August provided detail of proposed activity.

Improved and new tourism development identified within the Tourism Strategy such as services, attractions, accommodation, access, amenities, marketing and facilitation is expected to lead further growth. Therefore providing the opportunity for investment, new business and job creation.

Council Policy Compliance

There is no Council Policy applicable to this proposal.

Legislative Compliance

Not applicable.

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 in relation to a Tourism (Destination) Strategy.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Not endorse the City of Bunbury (Destination) Strategy.

Conclusion

The proposed City of Bunbury Tourism Strategy has been developed through a consultative process by a highly respected WA based tourism consultant who has considerable experience in the field.

The City of Bunbury Tourism Strategy is a strategy developed in consultation with the community and stakeholders. One that provides the detail for the City to start moving forward by addressing the issues and activities identified in the implementation plan.

Recommendation

Council endorse the City of Bunbury Tourism (Destination) Strategy as presented.

Outcome - Council Committee Meeting 1 September 2009

The Manager Bunbury Visitor Centre addressed the committee and answered various general questions.

Cr Harrop requested a copy of the *City of Bunbury Events Unit Business Plan 2006 / 2007*.

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

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

<p>Committee Recommendation</p>
--

<p>Council endorse the City of Bunbury Tourism (Destination) Strategy as presented.</p>
--

<p>CARRIED 10 Votes "For" / Nil Votes "Against"</p>

11.6 Bunbury Timber Jetty – Fee Proposal for Provision of Engineering Services
(was listed as Item 11.6 on the meeting agenda)

File Ref:	A00502
Applicant/Proponent:	Michael Scott Executive Manager City Services
Author:	Michael Scott Executive Manager City Services
Executive:	Greg Trevaskis Chief Executive Officer

Summary

This agenda item seeks Council's endorsement for the utilisation of up to \$25,000 of preserved Bunbury Historic Timber Jetty funds for an updated and costed plan to make the facility safe and restored to an extent agreed by all parties.

Background

Progress on the restoration of the jetty under the agreement reached with the Council and the State Government had stalled while decisions relating to the Koombana development are in train. In meetings with Council and staff, representatives of the State Government emphasised the funding link between the proposed development and the restoration of the jetty.

Council's adopted budget and 5 Year Plan includes \$3.5M to match the State Government's contribution for this purpose.

The Honourable Premier Colin Barnett has now considered the possibility of not linking the State's proposed contribution to the development, in part because of the risk the structure presents to the community. This became evident when the Department for Planning and Infrastructure (DPI) closed the Ski Beach following early winter storms.

Recently His Worship the Mayor, the Chief Executive Officer, the Deputy Mayor and engineering staff met with the specialist marine engineers originally engaged by Landcorp to discuss the proposal and to develop a scope of works which would assist with obtaining agreement between all parties. (Fee Proposal and Scope of Works **attached** at Appendix 3)

In order to bring this matter closer to completion, a costed plan for the restoration and preservation of jetty needs to be available for discussion so that it can be implemented as soon as is practical.

Strategic and/or Regional Outcomes

The Bunbury Timber Jetty Conservation and Environment Society (BTJCES) has the stated view that the facility has regional recreation and tourism potential.

The jetty is on the state heritage register and of interest to the Heritage Council of W.A.

Community Consultation

The engineering consultants met with members of the BTJCES while they were in Bunbury.

No issues relating to this proposal have been received from the BTJCES following this discussion.

Councillor/Officer Consultation

Council officers are in agreement that a solution to the risks associated with the dilapidated jetty need to be addressed.

Analysis of Financial and Budget Implications

A total of \$7M has been tagged against this project, based on cost estimates undertaken in 2007. This is made up of \$3.5M from Council and \$3.5M from the State Government, linked to the Koombana Bay development.

Council holds \$326,000 in preserved funds originally provided by the State Government for demolition and preservation works. It is proposed to utilise \$25,000 of these funds to develop the plan.

Life-cycle Maintenance Costs (Capital Works Projects Only)

A detailed cost for general maintenance of the proposed refurbished section of the jetty will be developed by the consultants and is preferred to in the scope of works.

Economic, Social, Environmental and Heritage Issues

The jetty is listed on the state heritage register.

Council Policy Compliance

Council approval is required because this proposal is outside the original approval to expend the jetty's preserved funds on specific restoration and conservation works.

Legislative Compliance

N/A

Delegation of Authority

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

Relevant Precedents

Council has previously authorised expenditure of preserved funding for planning. (eg: Parking Strategy)

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council does not support the recommendation listed in this report.

Conclusion

The recommended expenditure will be used for the development of a costed plan that may enable early release of funding held by the State Government, agreement on the extent of demolition and restoration; and make safe the historic Bunbury Jetty.

Recommendation

Council supports the expenditure of \$25,000 of preserved funding to achieve the scope of works presented in the Fee Proposal for Provision of Engineering Services presented by TABEC Civil Engineering Consultants.

Outcome - Council Committee Meeting 1 September 2009

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

During discussion the Presiding Member confirmed there is a need to progress the item as a matter of urgency due to public safety concerns. The updated costed plan is required to ascertain updated costs of retaining or demolishing portions of the Bunbury Jetty. Until these costs are known no plans can be made.

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

Committee Recommendation

Council supports the expenditure of \$25,000 of preserved funding to achieve the scope of works presented in the Fee Proposal for Provision of Engineering Services presented by TABEC Civil Engineering Consultants.

CARRIED

9 Votes "For" / 1 Vote "Against"

11.7 Bunbury Setagaya Sister Cities Committee – Proposal to Remain a Council Advisory Committee *(was listed as Item 11.7 on the meeting agenda)*

File Ref:	A00443-27
Applicant/Proponent:	Bunbury Setagaya Sister Cities Committee
Author:	Jenelle Dunn, Cultural Development Officer
Executive:	Domenic Marzano, Executive Manager City Life

Summary

At its December 2008 meeting, the members of the Bunbury Setagaya Sister Cities Committee decided to recommend that Council disband the Committee so that its members could reform as a separate Association incorporated under the Associations Incorporation Act 1987.

The item was raised at the Council Meeting on 10 February, resulting in Council Decision 14/09 below:

- 1. The Bunbury Setagaya Sister Cities Committee to work with City of Bunbury officers in lodging an application for incorporation of an Association with the Department of Consumer and Employment Protection – upon approval of the application, the committee to disband and its members to reform as the Bunbury Setagaya Sister Cities Association (this name subject to change depending on incorporation/business name registration restrictions).*
- 2. The Bunbury Setagaya Sister Cities Committee, as part of its transition from Council Advisory Committee to incorporated Association, to work with City of Bunbury officers in developing a Service Level Agreement that satisfies the requirements and concerns of both parties.*

Since this time, the Bunbury Setagaya Sister Cities Committee has decided to remain a Council Advisory Committee, primarily due to lack of members required to proceed effectively with incorporation.

Background

As outlined in the minutes from the Bunbury Setagaya Sister Cities Committee meeting, held on 10 December 2008, the Committee initially supported a move towards incorporation for numerous reasons, including:

- Committee members are unhappy with the current arrangement and feel they are unable to deliver the desired number and variety of projects/programs due to limited availability of Council resources.
- The Committee is in favour of the parents of the Goodwill students being able to fundraise on an individual basis, in addition to the efforts of the Committee. This is only possible if the Committee becomes an incorporated body as it is currently prohibited according to Council policies and procedures.
- The Committee feels that incorporation would result in fewer restrictions. The new association would be able to deliver more activities, more efficiently and effectively, while still maintaining a positive link with the City of Bunbury.

- The Committee feels incorporation would work very well, provided there is a mutually beneficial Service Level Agreement in place between the City of Bunbury and the (proposed) Sister Cities Association.

The Committee has been advised that fundraising is possible under certain parameters. Individuals cannot fundraise under the auspices of the City of Bunbury, however, the Committee can fundraise as a group providing permission in writing is obtained from the City prior to the event.

The Committee has expressed concern over the lack of current members and are no longer comfortable in pursuing incorporation at this time.

Strategic and/or Regional Outcomes

The Bunbury Setagaya Sister Cities Committee's terms of reference are consistent with the City of Bunbury Strategic Plan 2007-2012, Strategic Objective 6.1 which states that: "Bunbury is an attractive, vibrant city of people from diverse social, cultural, religious and economic backgrounds. The City of Bunbury will acknowledge and celebrate the character of the community." As there has been no change to pursue incorporation, the Committee's terms of reference will remain in place at this time.

Community Consultation

The Bunbury Setagaya Sister Cities Committee comprises six community representatives. The Committee had a quorum for the meeting held on 15 July 2009, and all voted against incorporation. Those who were unable to attend the meeting were consulted informally and were either against incorporation, or were happy to go with the majority vote.

Councillor/Officer Consultation

As members of the Bunbury Setagaya Sister Cities Committee, Councillors Alfred Leigh and Ross Slater have been involved in discussions pertaining to this issue. Relevant members of staff, including CEO Greg Trevaskis, Executive Manager Domenic Marzano and Manager Economic and Social Development Jackie Massey have been consulted.

Analysis of Financial and Budget Implications

The Bunbury Setagaya Sister Cities Committee receives a regular funding allocation from Council for activities associated with the Setagaya Sister City relationship.

Life-cycle Maintenance Costs (Capital Works Projects Only)

NA.

Economic, Social, Environmental and Heritage Issues

The Bunbury Setagaya Sister Cities Committee's Terms of Reference are reflective of the Council's commitment to positive social and economic development. These Terms of Reference remain unchanged.

Council Policy Compliance

There is no policy relating to this matter.

Legislative Compliance

The Committee recommends no change to its current situation.

Delegation of Authority

NA.

Relevant Precedents

There are no relevant precedents associated with this proposal.

Options

Option 1

To accept the Bunbury Setagaya Sister Cities Committee's decision not to proceed with incorporation at this time.

Option 2

Not to accept the Bunbury Setagaya Sister Cities Committee's decision not to proceed with incorporation at this time.

Conclusion

At its December 2008 meeting, the members of the Bunbury Setagaya Sister Cities Committee decided to recommend that Council disband the Committee so that its members could reform as a separate Association incorporated under the Associations Incorporation Act 1987.

Since this time, the Bunbury Setagaya Sister Cities Committee has decided to remain a Council Advisory Committee, primarily due to lack of members required to proceed effectively with incorporation.

Recommendation

Accept the Bunbury Setagaya Sister Cities Committee's decision not to proceed with incorporation at this time.

Outcome - Council Committee Meeting 1 September 2009

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

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

(The Committee Recommendation is in full overleaf)

Committee Recommendation

Accept the Bunbury Setagaya Sister Cities Committee's decision not to proceed with incorporation at this time.

CARRIED

10 Votes "For" / Nil Votes "Against"

11.8 Review – Delegations Register *(was listed as Item 11.8 on the meeting agenda)*

File Ref:	A00276
Applicant/Proponent:	Internal Report
Author:	Ron Boardley, Relief Senior Administration Officer
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

This report relates to the review of the City of Bunbury “Delegations Register” and recommends that Council endorses the existing specific delegations and also a proposed new delegation, number “4.14 - Right of Entry”.

Background

Under the provisions of the Local Government Act 1995, Council’s Delegations of Authority are to be reviewed at least once every financial year.

The City of Bunbury currently has 91 specific items of delegation within the “Delegations Register”.

Council’s Executive Managers and Managers have recently conducted an internal review of the ‘Delegations Register’. During the review process, it was established that an additional delegation relating to “Right of Entry” to enter and inspect buildings on behalf of the City of Bunbury, is required.

A copy of Council’s Delegations Register was circulated to Councillors under memorandum dated 6 August 2009 and is again **circulated under separate cover.**

A Local Government the size of the City of Bunbury cannot operate without utilising Council’s power under the Local Government Act to delegate functions to the Chief Executive Officer. The purpose of delegations is to free up councillors time to enable them to set broad directions in regard to the Strategic Plan, Five Year Financial Plan and Budget; thereby enabling the Chief Executive Officer to efficiently put into effect Council decisions and implement Council Policy. Delegations need to be provided to ensure that the organisation can operate efficiently.

Delegations to the Chief Executive Officer are not an abolishment of Councils authority or control. A council is the controlling body of a local authority and the Chief Executive Officer and his staff are accountable through the following:

- Council Policies
- Strategic Plan
- Five Year Financial Plan
- Budget
- Performance reporting and direction set by Council through the Chief Executive Officer’s Performance Contract.

A local government may delegate to its Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, other than those as specified. The powers that may not be delegated under the provisions of Section 5.43 of the Local Government Act 1995 are as follows:

1. Any power or duty requiring a decision of an absolute majority or a 75% majority (Special Majority) of the local government – for example, establishing advisory committees, appointing members to committees, making local laws, imposition of fees and charges, etc.
2. Accepting a tender that exceeds \$100,000.
3. Appointing an Auditor.
4. Acquiring or disposing of property valued at or above \$50,000.
5. Any of the City's powers under Sections 5.98, 5.99 and 5.100 of the Act which relate to fees, allowances, and meeting fees for council members including the annual allowance for the Mayor/Deputy Mayor and payments to committee members who are not council members.
6. Borrowing money on behalf of the Local Government.
7. Hearing or determining an objection of a kind referred to in Section 9.5 – where a person lodges an objection to a council decision.
8. Any power or duty that requires the approval of the Minister or Governor.
9. Such other powers or duties as may be prescribed (Note: There are no items prescribed to date).

Likewise, the Chief Executive Officer is able to be delegated all allowable delegations from the following Acts, including regulations and local laws made under these Acts:

- Trustees Amendment Act
- Council Town Planning Scheme
- Planning and Development Act 2005
- Residential Planning Codes
- Reserved Street Names Register – Land Administration Act 1997
- Town Planning Scheme 'R' Codes
- Building Regulations of Western Australia 1989
- Council Local Laws
- Health Act 1911
- Litter Act 1979
- Bush Fires Act 1954
- Environmental Protection Act 1986
- Road Traffic Act 1974

- Control of Vehicles (Off Road Areas) Act 1978
- Dog Act 1976 and Amendment Act 1976
- Strata Titles Act 1985
- Local Government (Miscellaneous Provisions) Act 1960
- Health (Treatment of Sewerage and Disposal of Liquid Waste) Regulations 1974
- Caravan Parks and Camping Grounds Act 1995
- Caravan Park and Camping Grounds Regulations 1997
- Parks and Reserves Act 1895

The Chief Executive Officer may delegate to any employee of Council, the exercise of any of the CEO's powers or the discharge of any of his duties under the provisions of the Act, other than the power of delegation. On-delegated powers and duties are identified at the rear of each section of the Delegations Register.

Council has been operating successfully over the past years with these delegations and they have proved suitable for the efficient management of the organisation.

Strategic and/or Regional Outcomes

As stated earlier in this report, the purpose of delegations is to free up councillors time to enable Council to set broad directions in regard to Strategic and Financial Planning, Budget and Council Policy.

Community Consultation

Community consultation is not necessary on this matter.

Councillor/Officer Consultation

Council's Executive Managers and Managers have recently conducted an internal review of the Delegations Register as circulated to Councillors' under memorandum dated 6 August 2009.

Analysis of Financial and Budget Implications

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

Life-cycle Maintenance Costs (Capital Works Projects Only)

Not applicable.

Economic, Social, Environmental and Heritage Issues

There are no Economic, Social, Environmental or Heritage Issues associated with this item.

Council Policy Compliance

The proposal does not contravene existing Council policies or work procedures.

Legislative Compliance

Under the provisions of the Local Government Act 1995, Council's Delegations of Authority are to be reviewed at least once every financial year.

Section 5.42 of the Local Government Act 1995 requires that delegations to the Chief Executive Officer must be by an absolute majority of the Council.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to alter the content of the Delegations Register.

Relevant Precedents

Council has approved delegations to the Chief Executive Officer since the implementation of the Local Government Act 1995.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Per the recommendation listed in this report, with amendments determined by Council.

Conclusion

The preferred option is for Council to endorse the existing delegations and also the proposed new delegation as the use of delegations has been in operation over the past years, most since 1995, and have proven to be suitable to date.

Recommendation

That Council endorses the existing specific Delegations of Authority as circulated under separate cover and also the new delegation "4.14 – Right of Entry" which reads as follows:

"Pursuant to the provisions of Section 5.42 of the Local Government Act 1995 and the Local Government (Miscellaneous Provisions) Act 1960, the Chief Executive Officer and the Building Surveyor (Senior Manager Development Services) have delegated authority to authorise persons to enter and inspect buildings on behalf of the City of Bunbury under Section 420 of the Local Government (Miscellaneous Provisions) Act 1960".

(Note: Absolute Majority Required)

Outcome - Council Committee Meeting 1 September 2009

Cr Slater moved under section 15.9 of the Standing Orders *“That the Motion Lie on the Table”* which effectively if carried, would cause debate on the motion and any amendment to cease immediately and the meeting to proceed to the next business. This procedural motion was seconded by Cr Leigh.

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

The Presiding Member advised that committee members have ten days in which to read through the Council's Delegations Register and to deliver in writing to the Executive Manager Corporate Services any changes they consider necessary.

Committee Recommendation

That the Motion 'lie on the table'

CARRIED

10 Votes "For" / Nil Votes "Against"

12. Motions on Notice

Nil.

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

13.1 Motion: Cobblestone Car Park Redevelopment

Cr Kelly moved, seconded Cr Leigh (pro forma) the following proposed motion be discussed as urgent business:

“That the tender for the Cobblestone Car Park Redevelopment Project be suspended until a review of the design has been completed and a final design be submitted to Council for approval”

The Presiding Member asked for a reason for the urgency. Cr Kelly replied he has concerns about the way the City is progressing with the car park development while there are outstanding community issues regarding the design which remain unresolved. The urgency is due to the fact that the tender has been put out already and may be accepted without the issues not having been resolved.

The Presiding Member requested Cr Kelly amend the proposed motion to read:

“That the tender for the Cobblestone Car Park Redevelopment Project not be accepted until a review of the design has been completed and a final design submitted to Council for approval”

The Mayor confirmed that the first issue needing to be considered by the committee members is: *“is the matter raised by Cr Kelly urgent?”* The Presiding Member asked for a show of hands and Cr Kelly’s request was supported.

The Presiding Member then invited Mr John Seroka of 22 Latrielle Road to address the committee members. Mr Seroka confirmed he is a member of the Bunbury Rowing Club. He stated the plan did not make the best use of the area. With permission of the Presiding Member Mr Seroka handed out an alternative site plan to the committee members (**attached** at Appendix 4) which showed a mirror image of the proposed car park moved over to Queen’s Gardens. He then made the following comments in favour of the proposed amended site plan:

- The alternative positioning of the car park would be beneficial as there currently are no trees and minimal vegetation there, therefore there would be minimal damage / impact on the reserve area. It would also mean no historical trees would have to be transplanted nor would there be any need to reposition any power, telephone or water mains services.
- Minimal disruption to car park areas with regattas or events on the foreshore.
- The site can support a wide range of uses.

- More car parks can be made available.
- Two entry points into the car park will not be needed.
- No reduction in access to foreshore facilities for tourists and the Bunbury community.
- Does not visually dominate the foreshore area.

The Mayor asked Mr Seroka what are the main objections to the area proposed to be developed as a car park.

Mr Seroka said the objections are:

- Members of the club would be limited to access of the club's facilities.
- Trailer access is reduced to the boat shed
- Function centre on the estuary side of the club buildings will be reduced
- During regattas with the new car park access for trailers can't be accommodated.
- Possibility of taking prime real estate off the City.

The Manager of Development Services confirmed that in the preliminary discussions the area of Queen's Gardens referred to by Mr Seroka was investigated but was rejected on the basis that it is public passive recreation space. It serves as a water compensation area in an extreme storm event and is adjacent to an area the City has established as an eco demonstration site for water sensitive urban design.

The Executive Manager City Services stated that it was discussed with the Project Manager and Parking Coordinator and that it has been established with the consulting engineer that large trailers would be able to do a complete turn in the proposed car park. Following earlier meetings with the Rowing Club representatives, the car park was also reconfigured in such a way that it could be closed off so that the Rowing Club has exclusive use / access to that area when holding regattas. These two matters were considered to have been resolved by Engineering Services.

The Presiding Member requested Cr Kelly add a second point to the motion to include:

"Council forthwith arrange a meeting between the Rowing Club executive members, Mr Seroka and relevant Council executive staff, consultant Mr Steve Brake and Councillors Whittle, Kelly, Slater and the Mayor and Deputy Mayor to discuss outstanding issues".

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

(The Committee Recommendation is in full overleaf)

Committee Recommendation

- 1. That the tender for the Cobblestone Car Park Redevelopment Project not be accepted until a review of the design has been completed and a final design submitted to Council for approval.**
- 2. Council forthwith arrange a meeting between the Rowing Club executive members, Mr Seroka and relevant Council executive staff, consultant Mr Steve Brake and Councillors Whittle, Kelly, Slater and the Mayor and Deputy Mayor to discuss outstanding issues.**

CARRIED

10 Votes "For" / Nil Votes "Against"

14. Items to be Noted or Endorsed

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

There were no items to be noted.

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

There were not items to be endorsed.

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 10.15pm.