

## Council (Standing) Committee

### Meeting Minutes 8 December 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).....	3
6.	Confirmation of Previous Minutes .....	4
7.	Disclosures of Interest Under the Local Government Act 1995 .....	4
8.	Announcements by the Presiding Member (No Discussion Permitted).....	4
9.	Chief Executive Officer Reports/Discussion Topics .....	4
10.	Reception of Formal Petitions and Memorials .....	5
10.1	Petition - Request for Building Restrictions on Lot 4 Blair Street and Lot 3 Spencer Street, Bunbury.....	5
11.	Reception of Reports and Recommendations from Officers & Advisory Committees.....	9
11.1	Visitor Parking ( <i>was listed as Item 11.17 on the meeting agenda</i> ).....	9
11.2	Request for Tender - Supply, Delivery and Commissioning of Pay-and-Display Parking Ticket Machines ( <i>was listed as Item 11.12 on the meeting agenda</i> ).....	15
11.3	December 2009 Budget Review ( <i>was listed as Item 11.5 on the meeting agenda</i> ).....	20
11.4	Proposed Funding Allocation to Community Groups - Community Funding Policy ( <i>was listed as Item 11.7 on the meeting agenda</i> ) .....	23
11.5	Proposed Redevelopment of Fire Damaged Railway Institute (Bunbury Rowing Club) Lot 759 (No. 358) Cobblestone Street ( <i>was listed as Item 11.6 on the meeting agenda</i> ).....	27
11.6	Amendment to Delegations Register 2009 - Delegations 4.5 "Building and Sign Licence Applications" and 4.9 "Demolition Applications" (and Subsequent Grant of Building Licences and	

---

## Table of Contents

Item No	Subject	Page
	Certificate of Classification) <i>(was listed as Item 11.8 on the meeting agenda)</i> .....	48
11.7	Proposed Renewal of Lease – Garry Alan Utterson, Lot 3 South Western Highway, Bunbury <i>(was listed as Item 11.1 on the meeting agenda)</i> .....	54
11.8	Bunbury Airport Site No. 27A - Deed of Partial Assignment of Lease from Karatamoglou to Northey <i>(was listed as Item 11.2 on the meeting agenda)</i> .....	59
11.9	Bunbury Airport Hangar Site No. 46 - Deed of Partial Assignment of Lease from Schaffner to Loton <i>(was listed as Item 11.3 on the meeting agenda)</i> .....	64
11.10	Bunbury Airport Site No. 20 – Deed of Assignment of Lease Blair Howe to Matheson & Johnson <i>(was listed as Item 11.4 on the meeting agenda)</i> .....	69
11.11	Financial Statements - November 2009 <i>(was listed as Item 11.9 on the meeting agenda)</i> .....	74
11.12	Proposed Amendment to Local Planning Policy Titled "Detailed Area Plan for Lot 100 (No. 85-89) Clarke Street" - Garage Width and Setback Provisions <i>(was listed as Item 11.10 on the meeting agenda)</i> .....	76
11.13	Request for Installation of a Memorial Plaque at Wyalup Reserve (Rocky Point) to Commemorate People Lost at Sea <i>(was listed as Item 11.11 on the meeting agenda)</i> .....	81
11.14	Tender - Road Re-Seal Program rft 2009/2010-14 <i>(was listed as Item 11.13 on the meeting agenda)</i> .....	84
11.15	Final Approval of Town Planning Scheme Amendment No. 35 to Allow Unrestricted Residential Development at the Sanctuary Golf Course <i>(was listed as Item 11.14 on the meeting agenda)</i> .....	88
11.16	Town Planning Scheme No. 7 (Amendment No. 36) - Proposed Rezoning From Residential r30 to su33 - Bunbury Forum Shopping Centre Staff Car Park, Lots 1 and 2 (No. 128-130) Strickland Street, Bunbury <i>(was listed as Item 11.15 on the meeting agenda)</i> .....	101
11.17	Request for Nominations to fill a Vacancy on the South West Development Commission Board of Management <i>(was listed as Item 11.16 on the meeting agenda)</i> .....	106

---

## Table of Contents

Item No	Subject	Page
11.18	Regional and Local Community Infrastructure Program - Strategic Projects Round No. 2 (2009-2010) <i>(was listed as Item 11.18 on the meeting agenda)</i> .....	109
11.19	South Western Regional Grants Scheme - Royalties for Regions <i>(was listed as Item 11.19 on the meeting agenda)</i> .....	113
11.20	Advisory Committee and/or Project Control Group Minutes to be Noted at the Council Committee Meeting.....	118
12.	Motions on Notice .....	119
12.1	Motion on Notice - Youth Engagement Program (Withers) <i>(was listed as Item 12.3 on the meeting agenda)</i> .....	119
12.2	Motion on Notice - Council Policy Review Procedure & Proposed Appointment of a Policy Review Committee <i>(was listed as Item 12.1 on the meeting agenda)</i> .....	121
12.3	Motion on Notice - Alternative Traffic Management and Pedestrian Access Options for Parade Road/Washington Avenue, Centenary Road and Dalyellup, and; Lockwood Crescent (Primary School Area) <i>(was listed as Item 12.2 on the meeting agenda)</i> .....	124
13.	Urgent Business <i>(With Approval of Majority of Members Present as Permitted Under Standing Order 5.1.13)</i> .....	127
14.	Items to be Noted or Endorsed.....	127
14.1	Items to be Noted (No Discussion) at the Council Committee Meeting .....	127
14.2	Items to be Endorsed (No Discussion) at the Council Committee Meeting.....	128
15.	Confidential Business as Stipulated Under Section 5.23(2) of the Local Government Act 1995 .....	128
16.	Close of Meeting .....	128

---

## 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
LEMC	Bunbury Local Emergency Management Committee

## Glossary of Abbreviated Terms

Term	Explanation
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
PSP	Principal Shared Path
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
RSP	Recreational Shared Path
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, 8 December 2009.

### Minutes 8 December 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 meeting was declared open at 6.01pm.

#### 2. Record of Attendance, Apologies and Leave of Absence

*PRESENT*

<b>Council Committee Members</b>	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member:	Deputy Mayor, Councillor B Kelly
Members:	Councillor J Jones
	Councillor S Craddock
	Councillor W Major
	Councillor N Whittle
	Councillor R Slater
	Councillor A Leigh
	Councillor J Harrop
	Councillor K Steele
<b>Executive Management Team (Non-Voting)</b>	
Chief Executive Officer:	Mr G Trevaskis
Executive Manager - Corporate Services:	Mr J Beaton (Acting for Mr K Weary)
Executive Manager - City Services:	Mr M Scott
Executive Manager - City Development:	Mr G Klem
Executive Manager - City Life:	Mr D Marzano

*PRESENT (continued)*

<b>Council Officers (Non-Voting):</b>	
Manager Economic & Social Development	Ms J Massey
Manager Development Services	Mr G Fitzgerald
Parking Coordinator	Mr N Dyer
Manager Bunbury Visitor Centre	Ms F Anderson
Administration Officer	Ms D Ryan
Administration Officer	Ms N Hribar
<b>Others (Non-Voting):</b>	
Members of the Public:	5
Members of the Press:	1

*APOLOGIES:*

Councillor M Steck - Apology  
Councillor D Spencer - 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**

**Dr E Manea, 55 Forrest Avenue, Bunbury**

*Question: At the General Meeting of Electors held 26 November 2009, the Mayor stated that the City may close the portion of Blair Street near Symmons Street. I would like to know when (and why) this decision was made by the Council and whether residents of North Shore and Marlston Hill (as well as businesses in those areas) have been consulted? I would also like to know whether those residents from the south of Bunbury who use Blair Street to get to the Dolphin Discovery Centre and the Bunbury Yacht Club, have been consulted?*

**Response:** The Mayor and Executive Manager City Development confirmed that the prospect of constructing a 4-lane road was considered within the context of the Marlston and Waterfront Development Projects, so most of the planning advice received says that a roundabout will be difficult. The proposal to close off portion of Blair Street and replace the existing roundabout with a 4-way traffic light system was canvassed through public advertising for the Eastside Precinct Plan (and had been previously flagged in the City Vision document).



However, there is no formal Council decision. This will be considered by the Council following public advertising of the Structure Plan for the Waterfront Development Project and when planning applications are received.

The traffic lights and connection of the Bunbury CBD with the waterfront is in the best interests of pedestrian safety but nothing is locked in yet.

We are hopeful that in relation to the Waterfront Project, the State will agree to advertise amendments to the GBRS and that will trigger preparation of the Structure Plan for the waterfront which will determine the road layout. This will take up to 2 years. Any major amendments to the GBRS will need to go to Parliament for consideration. However, minor amendments are made under delegation by the Minister. We are expecting that it will be a major amendment and that it will need to go to Parliament for a decision following public advertising.

**Mr Martin Howard, 245 Spencer Street, Bunbury**

*Question: In relation to item 10.1 on the meeting agenda, could the Council please confirm what type of development the current zoning of Lot 4 Blair Street and Lot 3 Spencer Street permits?*

*Response:* The Executive Manager City Development confirmed that the zoning is 'Service Station' and that the proposed development is a car wash which is a permitted use under the zoning. So it comes down to 'conditions' to be placed on the Development Approval.

*Question: Can the conditions be changed?*

*Response:* The Mayor advised that the Council is in the position to impose conditions and is aware of the conditions that local residents are concerned about.

Mr Howard was invited to address the Council in support of his petition when it is discussed later during the meeting.

**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 17 November 2009, have been circulated.

### **Outcome – Committee Meeting 8 December 2009**

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

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

#### **Committee Decision**

**The minutes of the Council (Standing) Committee Meeting held 17 November 2009, be confirmed as a true and accurate record.**

CARRIED  
11 Votes "For" / Nil Votes "Against"

## **7. Disclosures of Interest Under the Local Government Act 1995**

Nil

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

Nil

## **9. Chief Executive Officer Reports/Discussion Topics**

Nil

## 10. Reception of Formal Petitions and Memorials

### 10.1 Petition - Request for Building Restrictions on Lot 4 Blair Street and Lot 3 Spencer Street, Bunbury

<b>File Ref:</b>	P00890
<b>Applicant/Proponent:</b>	Martin Howard, 245 Spencer Street, Bunbury
<b>Author:</b>	Not Applicable
<b>Executive:</b>	<i>If adopted, refer to:</i> Geoff Klem, Executive Manager City Development

#### Background

A letter has been received from Mr Martin Howard of Lot 1 (No. 245) Spencer Street, South Bunbury. Mr Howard has attached a petition containing 123 signatures to his letter, which requests:

*"We, the undersigned residents of South Bunbury surrounding Lot 4 Blair Street and Lot 3 Spencer Street, South Bunbury, respectfully request the Bunbury City Council to implement building restrictions on the aforementioned property per the attached cover letter and as listed below:*

- 1. All traffic access (both vehicular and pedestrian) to the site, to be limited to Blair Street only.*
- 2. A large wall to be constructed to reduce noise pollution and to maintain the privacy of neighbouring residents at Lot 2 Spencer Street and Lot 5 Spencer Street.*
- 3. A large wall to be constructed on the Spencer Street boundary to reduce noise pollution and to restrict vehicle and pedestrian access.*

*Your petitioners humbly pray that the City of Bunbury will take all action necessary to rectify the situation in line with this request."*

#### Supporting Comments - Petitioners

The initiator of the petition, Mr Howard, states the following as reasons for the request:

- Stop the unnecessary increase in traffic volumes to Spencer Street, Goldsmith Street, Mangles Street and surrounds.
- Reduce the impact to neighbouring property from possible airborne chemicals in the event of a car wash being erected on the site.
- Reduce the noise levels from machinery, added traffic and consumers especially if the business is allowed to operate 24 hours, 7 days per week such as a car wash or fast food outlet.

- Attraction of hoons and unwanted late night activity that is currently a problem in this area and is already difficult to control.

A copy of Mr Howard's letter and the petition are **attached** at Appendix 1.

### **Executive Comments**

The Executive Manager City Development advises that the Land is zoned "Service Station" under Town Planning Scheme No. 7. A motor vehicle car wash is a "P" use (permitted) under the scheme and a Fast Food Outlet (drive through Coffee Shop) is a "D" use (permitted at discretion of Council).

The proponent for the development of the service station site has a current Development Approval for both a motor vehicle car wash and a fast food outlet (approved October 2008). The Development Approval is subject to 27 conditions including:

- "(7) Plans submitted with the Building Licence are to show the following modifications generally as indicated in red on the approved plans to the satisfaction of the Manager Development Services:*
  - (i) Any fence along Spencer Street and the southern boundary to be high quality open style fencing (i.e. metal infill).*
  - (ii) Any fence along the northern boundary, adjacent to the residential zone, to be limestone or masonry wall of 2 metres in height.*
- (11) The approved use shall be undertaken so that no undue nuisance or disturbance is caused to neighbouring properties by reason of emission of noise, dust, grit, slurry or other materials or liquids. It should also be noted that there will be noise restrictions under the City's Local Laws.*
- (12) All loading and unloading to take place within the boundaries of the premises.*
- (17) Arrangements shall be made to the satisfaction of the City Engineer for the submission of an approved independent traffic planning study for the development of the subject land together with the necessary traffic management measures being installed at the cost of the applicant prior to the building licence being issued. The issue of entry and exit from both Spencer and Blair Streets will be addressed in this study.*
- (23) Satisfactory arrangements shall be made with the City of Bunbury for the upgrading/construction of Spencer Street and Blair Street (including grading, kerbing, draining, sealing, bus stops, pedestrian crossing and lighting) to the satisfaction of the City Engineer."*

The proponents have recently submitted a fresh application for Planning Approval for a car wash only. The completion of a traffic study is needed to progress the current proposal. The October 2008 approval remains valid until its expiry date (October 2010) or is superseded by the issuing of a new Development Approval for the car wash only.

### **Conclusion**

Standing Order 9.4 states that the only motions to be considered by the Council upon presentation of a petition, shall be, that:

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

### **Recommendation**

The petition be accepted and referred to a Committee of Council for consideration and report.

### **Outcome – Committee Meeting 8 December 2009**

Mayor D Smith tabled the petition from Mr Martin Howard requesting building restriction on Lot 4 Blair Street and Lot 3 Spencer Street, Bunbury.

Mr Howard indicated that the petitioners' concerns are as outlined in the letter and petition but added that (ultimately) the residents surrounding the proposed development would like to see the land rezoned.

The Executive Manager Development Services advised that as the zoning of the land in the Town Planning Scheme permits a car wash, rezoning the land would expose the City to a significant compensation claim as the applicant in this case, is a property developer and the car wash will be part of a business plan.

The Planning Approval (when granted) will address the residents' concerns by imposing conditions to retain the amenity of the area through fencing, landscaping, etc. The configuration of the development will prohibit its use as a through-road between the highway and Spencer Street.

It was confirmed that there are no strategic planning policies for car washes.

Cr Slater moved, Cr Leigh seconded the following motion which was adopted to become the Committee's recommendation in this matter.

*(Full Committee recommendation shown overleaf)*

**Committee Recommendation**

**Pursuant to clause 9.4 of the City of Bunbury Standing Orders, the Council accepts the petition requesting building restrictions to be placed on Lot 4 Blair Street and Lot 3 Spencer Street, Bunbury received from Mr Martin Howard of Lot 1 (No. 245) Spencer Street South Bunbury as is referred to a Committee of Council for consideration and report.**

CARRIED  
11 Votes "For" / Nil Votes "Against"

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

### 11.1 Visitor Parking *(was listed as Item 11.17 on the meeting agenda)*

<b>File Ref:</b>	A00449
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jason Gick, City Engineer & Felicity Anderson, Visitor Centre Manager
<b>Executive:</b>	Jackie Massey, Acting Executive Manager City Life

#### Summary

Visitor and tourist parking has long been inadequate within Bunbury. With the Public Transport Authority (PTA) development this is an opportune time to make improvements.

Although a new visitor centre has been identified, construction is still a number of years away and visitor needs must be addressed now.

The following areas are of concern in relation to existing visitor parking:

- Current parking has been identified as insufficient and access to it is confusing
- Current situation does not provide a pleasant welcome and arrival to Bunbury
- Bus company clientele and locals regularly use the visitor parking allocation

#### Safety Issues

These arise when visitor vehicles:

- Enter against traffic signs and flow
- Park in an adhoc fashion within the bus section. Please refer to images as examples **attached** at Appendix 13.
- Visitors must traverse an area with moving buses and other vehicles to access the visitor centre

#### First impressions

The existing visitor parking provides:

- Poor welcome and first impression to Bunbury – inadequate and confusing parking
- Poor visual welcome and impression – bus station, rubbish, vandalism
- A welcome which regularly includes foul language, drinking, arguments and anti social behaviours by bus clientele and people that “hang out” at the bus station

#### How to address concerns

The proposed concept will: (Please refer to Concept Plan **attached** at Appendix 14)

- Provide adequate parking that is targeted to visitors and visitor centre clientele
- Remove the confusion of access and “where within the bus station do I park?”
- Remove the safety concern of visitors having to traverse an area with moving vehicles
- Remove the poor first impression of a bus station with anti social behaviour and provide a welcome through Bicentennial Square direct to the visitor centre
- Assist the PTA development of the Bunbury Bus Station and improve general safety

### **Background**

At the Council Meeting 9 June 2009 Council passed the following decision in relation to the Public Transport Authority lease and upgrade of the area which currently contains the visitor parking.

#### Council Decision 123/09

*The Council agrees to lease portions of Council-owned land at Lot 2 Blair Street and Lot 5 Carmody Place, Bunbury, to the Public Transport Authority for a ten (10) year term for the purpose of upgrade (and upkeep) of the Bunbury Bus Station utility areas, based on the lease conditions as stipulated in the report, and, the following:*

1. *The Public Transport Authority to make a one-off payment to the City of Bunbury to fully-fund the cost of the Bunbury Bus Station Upgrade Project at the date of commencement of the lease.*
2. *The Chief Executive Officer and City Engineer are authorised to ensure the Scope of Works is within the estimated costs for the project and that the proposed bus station upgrade will place no financial impost on the City of Bunbury.*
3. *The lease is not to affect the existing rights and privileges of the coffee lounge or City of Bunbury Visitor Centre co-located with the bus station office within the Old Railway Station Complex on Lot 5 Carmody Place, Bunbury.*

### **Details of Proposed Works**

The western side of the Old Railway Station was converted into a bus drop off and pickup area in the mid 1980's.

An area was also set aside for visitors to park. Access was to be via a laneway from Symmons Street.

The area previously allocated for visitor parking is to be used for buses and a new visitor parking area is to be allocated adjacent to the north bound carriageway off Blair Street.

During construction works on the existing bus area, the buses will use the Blair Street area for pickups and set downs.



A public awareness campaign will precede the works so as to minimise confusion amongst bus users.

The Public Transport Authority (PTA) have provided funding of \$377,000 to refurbish the existing hardstand area by creating new refuge islands, increasing the area for bus parking and provision of lighting.

At completion of the renewal works, the area adjacent to Blair Street will be allocated for visitor parking use. Suitable signage will be erected to reinforce the changed uses of the areas.

If the visitor parking area is required for various events or special festivals, an alternate visitor parking area will be provided at the Lot 4 parking area near Koombana Bridge.

### **Strategic and/or Regional Outcomes**

In the Corporate Strategic Plan the Vision highlights the goal of facilitating desired tourism growth identifying the number of visitors to Bunbury as a measure.

To encourage visitors the City must provide adequate and appropriate facilities. This includes parking for visitors in cars, buses, with caravans or trailers. The ability to access visitor friendly parking and visitor services has a great impact on a visitor's experience. It has influence as to repeat visitation and the on-selling of their experience in Bunbury to other travellers.

One of the key issues which was identified during the investigation into the development of a new Bunbury Visitor Centre was the allocation of sufficient and visitor-friendly parking and services.

The City of Bunbury Tourism Strategy highlights a number of areas to which the provision of appropriate visitor parking may be aligned. They include:

- P5 – Identify and develop infrastructure to support events to attract visitors to Bunbury
- P8 – Improve the visitor experience through a customer focus
- P12 – Deliver excellent visitor information and customer service through Visitor Centre Services and products

### **Community Consultation**

As part of the Bus Station Development the project manager will be undertaking extensive consultation with stakeholders including the PTA, bus and taxi companies, Centrepoint Shopping Centre, bus users, Old Station Café, the Bunbury Visitor Centre and others as identified.

The objective of this consultation is to inform and to minimise disturbance to stakeholders day to day activities.

### **Councillor/Officer Consultation**

The Bunbury Visitor Centre, Engineering and Parking Coordinator have had several meetings to discuss the logistics of this project.

The proposal has been presented to EMT for consideration.

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

There is funding available to complete the works.

The Public Transport Authority (PTA) have provided funding of \$377,000 to refurbish the existing hardstand area by creating new refuge islands, increasing the area for bus parking and provision of lighting.

The proposed Bunbury Visitor Centre parking area is identified as a bus parking bay in the budget and has \$45,000 allocated to it.

### **Economic, Social, Environmental and Heritage Issues**

Bunbury Visitor Centre services over 140,000 visitors a year. This is 14 - 15% of the total visitor numbers to Bunbury. The visitor centre has the ability to influence extra stay and spend in the area providing increased economic and employment benefits. However to access the visitor centre appropriate and adequate parking must be available to visitors.

The proposed concept plan will:

- Provide adequate parking that is targeted to visitors and visitor centre clientele
- Remove the confusion of access and "where within the bus station do I park?"
- Remove the safety concern of visitors having to traverse an area with moving vehicles
- Remove the poor first impression of a bus station with anti social behaviour and provide a welcome through Bicentennial Square direct to the visitor centre
- Assist the PTA development of the Bunbury Bus Station and improve general safety

The proposed concept should have little or no impact on the site from a visual perspective. The current paving format is expected to be kept to maintain the integrity of Bicentennial Square.

It is identified that several large events per year will require access to this area e.g, Christmas Carnival, Australia Day. For such key events re-directional signage and alternative parking allocations at Lot 4 Car Park may be provided.

There are no identified environmental issues identified.

The site is listed as a heritage site and needs to be considered in this context.

### **Council Policy Compliance**

The site is listed as a heritage site and needs to be considered in this context.

### **Legislative Compliance**

The site is listed as a heritage site and needs to be considered in this context.

### **Delegation of Authority**

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

### **Relevant Precedents**

There are no relevant precedents.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

Council NOT approve the provision of visitor parking per the concept plan

### **Conclusion**

The proposed Concept Plan will help deliver improved services, specifically parking and first impressions to visitors while also providing a safer bus station.

As noted in the summary the Concept Plan will

- Provide adequate parking that is targeted to visitors and visitor centre clientele
- Remove the confusion of access and “where within the bus station do I park?”
- Remove the safety concern of visitors having to traverse an area with moving vehicles
- Remove the poor first impression of a bus station with anti social behaviour and provide a welcome through Bicentennial Square direct to the Visitor Centre
- Assist the PTA development of the Bunbury Bus Station and improve general safety

### **Recommendation**

Council approve the provision of visitor parking adjacent to Blair Street per the concept plan.

### **Outcome – Committee Meeting 8 December 2009**

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

Felicity Anderson, Manager Bunbury Visitor Centre was available to answer questions from members. She did confirm that the initial time allocation for the bays was thirty (30) minutes and that the shuttle buses from the Bunbury Port would still be able to have access to the bays.

During discussion, the mover and seconder agreed to amend the motion due to the proposed relocation of the Bunbury Visitor Centre.

The recommendation (as amended) was moved Cr Craddock, seconded Cr Major.

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

### **Committee Recommendation**

**Council approve the temporary provision of visitor parking adjacent to Blair Street per the concept plan and the plan be reviewed in twelve (12) months time.**

CARRIED  
8 Votes "For" / 3 Votes "Against"

A request was made for the votes to be recorded:

For: Deputy Mayor Kelly, Cr Craddock, Cr Jones, Cr Harrop, Cr Major, Cr Steele, Cr Punch, Cr Whittle  
Against: Mayor D Smith, Cr Leigh, Cr Slater

**11.2 Request for Tender - Supply, Delivery and Commissioning of Pay-and-Display Parking Ticket Machines** *(was listed as Item 11.12 on the meeting agenda)*

<b>File Ref:</b>	A00471
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Neil Dyer, Parking Coordinator
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

The City has invited companies to tender for the supply, delivery and commissioning of pay-and-display parking ticket machines.

**Background**

Tenders were invited in *The West Australian* on Wednesday, 21 October and Saturday, 24 October 2009, for the supply, delivery and commissioning of pay-and-display parking machines to be installed in the Central Business District of Bunbury.

The installation of the machines forms part of the overall Central Business District Parking Strategy adopted by Council on 28 August 2007, as follows:

Council Decision 181/07

Council resolves as follows in relation to a parking strategy for the Bunbury CBD:

1. *Determine the submissions received during the advertising of the AARB Consulting Report and subsequent advice from the Bunbury Chamber of Commerce and Industry in accordance with the recommendations contained in the Schedule of Submissions.*
2. *Council resolves to adopt the following actions as outcomes from the review of the AARB Consulting Report:*
  - 2.1 *Maintain informative and ongoing communication with all stakeholders and the community.*
  - 2.2 *Change parallel parking in relevant streets to angle 45 parking as part of on-street parking improvements. The relevant streets are Edward Street, Eliot Street, Prinsep Street (East) and Wellington Street (East). In the case of Prinsep and Wellington Streets, a review of this change may be necessary following a full analysis of the Stirling Centre redevelopment.*
  - 2.3 *Prepare a new CBD Local Planning Policy (for consideration at the last committee and council meetings in October 2007) for Parking and Town Planning Scheme No. 7 changes that include (but are not limited to) the following matters:*
    - (a) *The cash-in-lieu amount per parking bay and the circumstances under which cash-in-lieu is applied.*

- (b) *The discretionary threshold of 2,000m<sup>2</sup> GLA for the provision of parking.*
  - (c) *The appropriateness of the current Specified Area Rate that covers parking and traffic management.*
  - (d) *Concessions for heritage buildings and existing floor space as part of a redevelopment site.*
  - (e) *The adequacy of provisions to support residential development in the Bunbury CBD.*
  - (f) *Conditions under which reciprocal rights apply (e.g. after working hours).*
  - (g) *The parking requirements for different land uses.*
- 2.4 *Improve directional signs to ensure the City's car parks can be easily located by residents and visitors.*
- 2.5 *Introduce on-street parking fees for high demand short stay areas. Further advice to be provided on the streets (or parts of streets) to be metered, as well as charges.*
- 2.6 *Introduce all-day parking fees for off-street parking areas as well as a two (2) hour free incentive for shoppers/workers to not use on-street parking bays. Further advice to be provided on the off-street parking areas to be included and the charges that will be applied.*
- 2.7 *Implement a "Park and Walk" program for long stay parkers using fringe CBD car parks.*
- 2.8 *Introduce new technology with more convenient payment systems.*
- 2.9 *Improve car park presentation and aesthetics as per the AARB report set of design principles.*
- 2.10 *Review the adequacy of parking enforcement resources.*
- 2.11 *Re-invest surplus parking income into the provision of alternative transport infrastructure. Priority is to be given in the short term to improvements to pedestrian and cyclist facilities and the potential for a CAT bus system servicing the Bunbury Waterfront Project and the CBD and remote commuter parking such as the South West Sports Centre in Hay Park.*
- 2.12 *Create dedicated bays for trailers and caravans on the periphery of the CBD.*

- 2.13 *Appoint a Parking Coordinator. The role of this position will include regular reviews of utilization, occupancy levels and parking fees. In addition to establishing paid parking at the Rivers Car Park (as specified in the report titled "Parking Planning Units - Summary of Issues and Proposals") paid parking will also be established at the Stuart Street Car Park. The combined income from these parks will underwrite the Coordinator position.*
3. *Council resolves to adopt the set of Actions associated with the eight physical planning units described and reported on in the Schedule of Submissions.*
4. *Council further resolves to prepare an Implementation Program that includes a schedule of works and costings based on the above decisions for consideration at the last committee and council meetings in October 2007.*
5. *The Terms of Reference of the CBD Project Control Group be expanded to include monitoring of implementation of the new parking strategy.*

Details of the tender responses and the evaluation process are included in the confidential report that has been circulated to members **under separate cover**.

### **Strategic and/or Regional Outcomes**

The installation of on-street ticket machines in the Bunbury Central Business District is a critical component of the CBD Parking Strategy and forms one of the implementation plans within the 2007-2012 Strategic Plan.

### **Community Consultation**

Community consultation was not carried out as part of the tender process.

### **Councillor/Officer Consultation**

Tender specifications were developed in consultation with operational staff within the Community Law and Safety Division as well as staff from the Information Services Section.

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

Funding of \$1,400,000 has been allocated for the installation of parking machines in the 2008/2009 budget.

### **Economic, Social, Environmental and Heritage Issues**

The implementation of the CBD Parking Strategy is important to ensure the continued viability of the CBD. The introduction of pay-and-display parking ticket machines is an important component of this strategy and is critical to its overall success.

There are no environmental or heritage implications to consider as a result of the installation of the machines.

### **Council Policy Compliance**

The tender process complies with the requirements of Work Procedure WP4.6 'Tender Procedure' and associated legislation.

All companies who submitted tenders are located outside of Bunbury and therefore application of the 'Buy Local Policy' does not apply or affect the outcome of this tender.

### **Legislative Compliance**

Advertising and processing of tenders has been conducted in accordance with Local Government (Function and General) Regulations 1996, Part 4 – Tenders for Providing Goods and Services (S.3.57)

### **Delegation of Authority**

As the total cost of the contract will exceed \$100,000 it has been dealt with in accordance with the Local Government (Functions and General) Regulations 1996, Part 4 Tenders for providing Goods or Service (S.3.57)

### **Relevant Precedents**

Council have previously dealt with other tenders that have exceeded \$100,000.

### **Options**

No alternative options are provided.

### **Conclusion**

The Tender Evaluation Panel determined that the ticket machines offered by APARC were the most suitable for the City. Details of the evaluation of the tenders are contained within Appendix A of the Confidential Report that has been circulated to members **under separate cover**. Notwithstanding, the suitability of the APARC ticket machine conditions relating to the ticket machine warranty (particularly in relation to the maintenance of the ticket machines) still requires further negotiation and agreement by the City.

Although further negotiation and agreement is still required in relation to the ticket machine warranty, this aspect is an operational issue and to ensure that the installation of the machines occurs at the scheduled time, it is important that Council resolves to accept the APARC tender subject to further negotiations on warranty conditions by City staff.

### **Recommendation**

1. Council accepts the tender submitted by APARC for the supply, delivery and commissioning of Pay-and-Display parking machines subject to successful negotiations between Council Officers and APARC concerning the provisions of the warranty for the Ticket machines.



2. The tender price to be recorded in the City's Tender Register.

**Outcome – Committee Meeting 8 December 2009**

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

Pursuant to City of Bunbury Standing Order 15.10, Cr Leigh moved, Deputy Mayor Kelly seconded "The meeting exclude members of the public to permit Confidential Business (as defined by the Local Government Act 1995) to be discussed". The motion was put to the vote and CARRIED. The members of the public and press were asked to leave the chambers.

Cr Major moved, Deputy Mayor Kelly seconded that the meeting be re-opened to the public and press. The motion was put to the vote and CARRIED. The members of the public and press were allowed back into the chambers.

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

**Committee Recommendation**

1. **Council accepts the tender submitted by APARC for the supply, delivery and commissioning of Pay-and-Display parking machines subject to successful negotiations between Council Officers and APARC concerning the provisions of the warranty for the Ticket machines.**
2. **The tender price to be recorded in the City's Tender Register.**

CARRIED  
10 Votes "For" / 1 Vote "Against"

It was requested that the votes be recorded:

For: Mayor D Smith, Deputy Mayor Kelly, Cr Craddock, Cr Jones, Cr Whittle, Cr Steele, Cr Slater, Cr Harrop, Cr Major, Cr Punch  
Against: Cr Leigh

### 11.3 December 2009 Budget Review *(was listed as Item 11.5 on the meeting agenda)*

<b>File Ref:</b>	A00284
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Harrison, Budget Accountant
<b>Executive:</b>	John Beaton, Acting Executive Manager Corporate Services

#### **Summary**

Council adopted the 2009/2010 Budget on 29 July 2009 (total budget of \$68M comprising \$25.5M capital works, \$1.7M debt reduction and \$40.8M in operating expenditure).

The City of Bunbury reviews its annual budget in December and March each year. The reviews are comprehensive and identify additional expenditures (where unavoidable) and additional income and/or expenditure savings to offset funding requirements.

This budget review maintains the 2009/2010 budget in a balanced position.

#### **Background**

The draft December Budget Review identifies expenditure of \$1,033,110 for general works, variations and new projects. Funding of \$1,033,110 inclusive of reduction in expenditures, adjustment of grant funding, additional revenue and reserve funding; has been identified in this review to maintain a balanced budget.

A copy of the draft December 2009 Budget Review has been issued **under separate cover**.

#### **Strategic and/or Regional Outcomes**

The proposal complies with the City's Strategic Plan 2007-2012 in providing efficient financial management and accounting services to all strategic directions for the City of Bunbury.

#### **Community Consultation**

It was not necessary to undertake community consultation in respect to this Budget Review.

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

Executives, managers and officers with budget responsibility are consulted in the preparation of the Budget Review. Councillors were given an overview of the draft Budget Review at the Councillor Briefing session held on Tuesday, 1 December 2009.

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

Budget reviews assist in (and form part of) the financial management processes within the City of Bunbury. The scope of financial management is to ensure a sufficient cash supply is available to meet expenditure demand. Council's Executive Management together with Corporate Services staff monitor the City's monthly revenue and expenditure activities and (as required) refer any variances requiring remedial action to the Council.

Approved budget amendments are recorded in the financial statements to reflect Council's current budget and financial position at all times.

### **Council Policy Compliance**

The proposal does not contravene any Council Policies or Work Procedures.

### **Legislative Compliance**

In accordance with Section 6.8 (1b) of the Local Government Act 1995 (Expenditure from municipal fund not included in the Annual Budget) Council is required to authorise the advance expenditure by an absolute majority vote.

### **Delegation of Authority**

The Chief Executive Officer does not have the delegated authority of the Council to adopt Budget Reviews.

### **Relevant Precedents**

Council reviews its Budget in December and March each year.

### **Options**

#### Option 1

Per the recommendation contained in this report.

#### Option 2

Adopt the December 2009 Budget Review for the City of Bunbury with amendments (as specified by the Council).

### **Recommendation**

Council adopts the December 2009 Budget Review.

NOTE: AN ABSOLUTE MAJORITY VOTE BY COUNCIL IS REQUIRED.

### **Outcome – Committee Meeting 8 December 2009**

The Mayor asked if there was anyone in the public gallery who wished to speak on this item. Ms Maureen Noonan, President of the Bunbury Senior Citizens Centre and

Mr Nick Zaknich, Treasurer of the Bunbury Senior Citizens Centre advised the Committee that they were grateful for the \$3,178 allocated to the Centre for the installation of a security gate.

They invited Councillors to contact them if they would like to look at other features of the Centre that require attention to improve the safety and security of the building.

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

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

**Committee Recommendation**

**Council adopts the December 2009 Budget Review.**

CARRIED  
11 Votes "For" / Nil Votes "Against"

#### 11.4 Proposed Funding Allocation to Community Groups - Community Funding Policy *(was listed as Item 11.7 on the meeting agenda)*

<b>File Ref:</b>	A001327
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jackie Massey, Acting Executive Manager City Life
<b>Executive:</b>	Jackie Massey, Acting Executive Manager City Life

##### Summary

In order to improve the process by which community groups apply for Council funding for a range of purposes, the City of Bunbury adopted a Community Funding Policy on 9 June 2009. This policy is **attached** at Appendix 7.

As required by the policy, the Community Funding Assessment Panel has met to consider the applications received by the second closing date (end September). The Community Budget submission which includes the Panel's recommendation for Council approval is **attached** at Appendix 8. It is recommended that a total of \$8,000 (including in-kind council services) be allocated to community groups through this process

##### Background

Every year community groups seek support from the Council for a range of purposes including assistance to help provide community services, to support community events, cultural projects or special events and to provide corporate sponsorship which will enhance the corporate image of the City.

The Community Funding Policy is designed to make the application process a transparent and equitable one for all applicants.

At its meeting on 28 July 2009, the Council reviewed applications received by the first closing date in 2009 (end March) which had been considered in detail by an assessment panel comprising both elected members and staff as appointed by Council at its meeting on 9 June 2009. The panel composition is as follows:

- Presiding Member of the City Promotions Committee (i.e., Councillor Stephen Craddock)
- An Elected Member Representative (i.e., Councillor Derek Spencer)
- Executive Manager City Life (i.e., Dom Marzano)
- City Life Division Staff Representative - Manager Economic & Social Development (i.e., Jackie Massey)

Council resolved unanimously at its meeting on 28 July to allocate the funds identified for distribution in 2009/2010 under the Community Funding Policy. Given the worthy nature of the applications received, the full amount available for 2009/2010 was allocated. It was recognised therefore that there would be no remaining funds to cover applications submitted by the September closing date and

that a budget review request would be made at the appropriate time for an amount to be determined.

The Community Assessment Funding Panel met on 6 November to review the six applications received by the second round closing date of end September. A budget review request has been submitted for the amount required for the one application recommended by the Panel.

In order to put the current applications in context, a 10-year history of expenditure on community groups and community facilities is **attached** at Appendix 9.

### **Strategic and/or Regional Outcomes**

The Community Funding Policy directly addresses Strategy 6.2 of the City's Strategic Plan, "*Community participation, partnership and support*". One of the deliverables in this section is to "*develop a grants and sponsorship policy*".

### **Community Consultation**

The application forms have been available on the City's website since the beginning of the year. Previous and prospective grant recipients have been invited to submit a completed application form. Assistance in applying for funds has been provided.

### **Councillor/Officer Consultation**

As required by section 7 of the Policy, an internal report was prepared by staff for consideration by the Community Funding Assessment Panel. Staff comment was based on consultation from across the organisation.

As noted earlier the Community Funding Assessment Panel comprises two elected members and two senior staff.

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

As noted earlier, given the worthy nature of the applications received during the first round of applications, the full amount available for distribution in the 2009/2010 year was allocated in the first round. It was noted at this time that as there were insufficient funds to cover the September round of applications, a budget review request would be made at the appropriate time for additional resources.

### **Economic, Social, Environmental and Heritage Issues**

Support for community groups, their services and events is one of the methods by which the City can develop social capital in the Greater Bunbury area.

### **Council Policy Compliance**

The Community Funding Policy was adopted by Council at its meeting on 9 June 2009.

### **Legislative Compliance**

Not applicable.

### **Delegation of Authority**

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

### **Relevant Precedents**

There are no relevant precedents to consider.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

Council varies the recommendations made by its Community Funding Assessment Panel for the allocation of funds under the Community Funding Policy, as follows (Council to specify).

### **Conclusion**

The adoption of the Community Funding Policy has provided a transparent and equitable process for the consideration of community requests for funding. In accordance with the Policy the Community Funding Assessment Panel has considered all applications in detail and has made recommendations to Council for approval.

A total of \$8,000.00 (including Council in-kind and services) has been recommended for allocation to the Bunbury RSL to continue the City's support for the ANZAC Day services. This allocation will mainly be used for traffic management, the hire of the Graham Bricknell Memorial Music Shell and sound reproduction services.

As noted earlier in the year when funding was approved by Council for first round applications, a budget review request is required in order to cover the cost of any second round applications which the Council wishes to support. A budget review request has therefore been submitted.

### **Recommendation**

Council agrees to allocate funds under the Community Funding Policy, as recommended by the Community Funding Assessment Panel subject to the outcome of a December Budget Review request for the required funding.

### **Outcome – Committee Meeting 8 December 2009**

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

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

**Committee Recommendation**

**Council agrees to allocate funds under the Community Funding Policy, as recommended by the Community Funding Assessment Panel subject to the outcome of a December Budget Review request for the required funding.**

CARRIED  
10 Votes "For" / 1 Vote "Against"

Councillor Major requested that his objection to the funding assessment be recorded and that he supports the 2010 Anzac Day Celebrations.



**11.5 Proposed Redevelopment of Fire Damaged Railway Institute (Bunbury Rowing Club) Lot 759 (No. 358) Cobblestone Street** *(was listed as Item 11.6 on the meeting agenda)*

<b>File Ref:</b>	P01819
<b>Applicant/Proponent:</b>	Bunbury Rowing Club
<b>Author:</b>	Ann-Kristin Jank, Planning Officer
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

### Summary

Council is in receipt of a development application from the Bunbury Rowing Club. Approval is requested for the redevelopment of the fire damaged Railway Institute, which would include the retention of the Rowing Club building as is, and rebuilding and renovating the Railway Institute (which was previously destroyed by fire) with dance hall, conference hall and bar at Lot 759 (Lot 358) Cobblestone Street Bunbury. A location plan is **attached** at Appendix 6.

The subject land is designated as Greater Bunbury Region Scheme Reserve – “Regional Open Space” in the current Town Planning Scheme No.7. In accordance with the Greater Bunbury Region Scheme (GBRS) a person must not commence or carry out development without first having obtained planning approval. Any approval in regard to GBRS will be determined by the Western Australian Planning Commission (WAPC); subsequently the application has been referred to the WAPC for determination. As part of the process the City of Bunbury is required to provide its recommendations in relation to the development to the WAPC. In considering the proposal Council must principally have due regard to the ultimate purpose intended for the Reserve.

After the GBRS approval has been issued, the City will issue another approval under Town Planning Scheme No.7 referencing the GRBS approval and conditions as already recommended during the GBRS approval process.

A redevelopment proposal was previously considered by Council in December 2008. Council determined to support the proposal subject to conditions, in particular subject to a contribution of 31 car parking spaces.

### Background

A development application for the redevelopment of the Rowing Club site including the retention of the Rowing Club facility, the provision of a public function centre, a restaurant/kiosk, a gymnasium (fitness club), a sports medicine facility and a sports administration facility has been previously considered by Council on 16 December 2008 at which time it resolved as follows:

#### Council Decision 244/08

*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 grant planning approval to the Bunbury Rowing Club in respect of the proposed re-development (as indicted*

*on Drawing A1 dated 7/7/08) of the Bunbury Rowing Club and the Railway Institute Building, at lot 759 Cobblestone Street Bunbury, subject to the following conditions:*

1. *The Sports Administration facility being considered as an "office" which is incidental to the overall facility.*
2.
  - a) *An agreement (to be prepared by the City of Bunbury) between the Bunbury Rowing Club and City of Bunbury being formulated (and executed at an appropriate time to the satisfaction of the City) to determine that the Rowing Club will provide (as its cost) 31 (thirty-one) car parking spaces (along with associated kerbing and other necessary infrastructure to the satisfaction of the City Engineer) on Reserve land adjoining the subject land. Such agreement is to include provision for the fact that the City of Bunbury will concomitantly provide a further 58 (fifty-eight) car parking spaces on land in close proximity to the subject land, and that the Rowing Club will be able to use such spaces (along with the existing public spaces) on a reciprocal basis in accordance with Clause 5.7 of the current Town Planning Scheme (TPS 7). The agreement will also include provision for the construction time scheduling, and specifications for car-parking and related works and is to be to the satisfaction of the CEO of the City of Bunbury.*
  - b) *The matter be referred to the Council Committee responsible for CBD Parking.*
3. *The applicant taking all necessary steps to ensure that there would be no adverse impact(s) in respect of the proposed development in terms of the possibility of the existence of acid sulphate soils and/or in respect of the possibility of the site having some level of contamination in respect of environmental considerations, and any such action in this regard is to be the satisfaction of the City.*
4. *The applicant undertaking clean site protocols with a view to ensuring that any waste generated during the construction phase of the proposed development would not have any adverse impact on the ecological health of the Leschenault Inlet.*
5. *The connection of the facility to mains sewerage (and any necessary upgrading of the existing facility) to the satisfaction of the Water Corporation.*
6. *The development being formally approved by the Department for Planning and Infrastructure, State Planning Services, in respect of the provisions of the Crown Grant in Trust, and in respect of any other relevant agreement between the Bunbury Rowing Club and the State.*
7. *The external stairs being deleted from the Western elevation and an alternate escape facility being proposed by the applicant for further consideration and approval.*
8. *Standard Development Conditions as follows:*

- 8.1 *The premises being used only in accordance with the definition of “Club Premises”, “Consulting Rooms”, “Restaurant”, “Reception Centre” & “Recreational Facilities” (“Office” to be incidental) contained in Schedule 1 of Town Planning Scheme No. 7 unless otherwise approved by Council*
- 8.2 *All development shall be generally in accordance with the approved development plans which form part of this Planning Approval.*
- 8.3 *This approval shall expire unless the works hereby authorised have been substantially commenced within 2 years of the date of issue or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.*
- 8.4 *A schedule of exterior colours and finishes for the proposed development is to be submitted to, and approved by Council’s Planning Department prior to the submission of a building licence.*
- 8.5 *All external surfaces of concrete tilt panel to be painted to the satisfaction of the Mgr Development Services*
- 8.6 *Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the City Engineer at the developer’s expense.*
- 8.7 *Road assets Damage bond of \$1000.00 shall be paid by the applicant prior to the issue of the building licence as per Council’s Local Planning Policy “Bonds”.*
- 8.8 *The access way(s), parking areas(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, linemarked and finished with a sealed or paved surface or equivalent by the developer to an approved design to satisfaction of the City Engineer. Once constructed, the access way(s), parking area(s) and turning area(s) shall be maintained at all times to the satisfaction of the City Engineer. (Advice Note: Design and construction shall be in accordance with the City of Bunbury Engineering Design and Construction Standards , Austroads Part 11 Guide to Traffic Engineering Practice: Parking, Australian Standard AS2890.1-2004 Off-street car parking & Australian Standard AS2890.2-2002 – Off-street commercial vehicle facilities) The design shall be approved prior to the issue of a building licence.*
- 8.9 *Street lighting shall be provided for the access way(s), parking areas(s) and turning area(s) by the developer. (Advice Note: Design and construction standards shall be in accordance with the relevant Australian Standards)*
- 8.10 *The applicant shall dispose of stormwater onsite. Plans and specifications relating to the disposal of stormwater and groundwater for the development shall be submitted and approved by the City Engineer prior to the issue of a building licence. (Refer Local Planning Policy – Stormwater Disposal From Private Property).*

*(Advice Note: The applicant is to provide 1m<sup>3</sup> of underground stormwater storage for each 65m<sup>2</sup> of impervious area, including parking, driveways, other paved and sealed areas and roof areas.)*

- 8.11 *This property is situated on the Preston River Flood Plain and is susceptible to flooding. Habitable rooms in any building construction shall have a minimum finished floor level of 1.5 metres AHD.*
- 8.12 *The applicant shall provide aged/disabled access to the existing Council path network and public transport network in accordance with Austroads Part 13: Pedestrians. Plans shall be approved by the City Engineer prior to the issue of a Building Licence.*
- 8.13 *Property shall be connected to Water Corporation sewer.*
- 8.14 *The landscaped area(s) as shown in green on the approved development plan and including all areas not used for buildings, parking and access being planted, established and reticulated at the time of occupancy, and to be maintained as landscaped area at all times.*
- 8.15 *All verge areas abutting the property to be suitably grassed or planted and maintained at all times. The verge areas shall not be used for the purpose of parking or be gravel sealed.*
- 8.16 *A landscaping plan is to be prepared to address the area(s) as shown in green on the approved development plan. The landscaping plan is to be submitted to and approved by Council, prior to the issuance of a building licence. The landscaping plan is to include the following:*
- Building layout (external walls, windows and roof) and property boundary*
  - The location, species and size of existing vegetation*
  - Details of any significant vegetation to be removed.*
  - Exact location and number of species proposed*
  - Mature height of any proposed trees*
  - Treatment of paved areas (parking and pedestrian areas)*
  - Fence material, height and treatment*
  - A key or legend detailing species type grouped under the subheadings of tree, shrub and ground cover.*
  - Mulching or similar treatments of garden beds including edges*
  - Contours including any alternation to natural ground levels*
  - Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility of maintenance.*
- 8.17 *Existing trees located in verge areas to be retained except where otherwise approved for removal by Manager Parks and Urban Design. Should removal be approved costs associated with the removal to be the responsibility of the developer.*
- 8.18 *Existing outdoor boat storage to be relocated inside of the proposed building or otherwise approved by the Manager Development Services.*

8.19 *Any other operational conditions to the satisfaction of the Manager Development Services.*

*Advice Notes:*

- *The Department of Indigenous Affairs advises that there is a requirement to comply with the Aboriginal Heritage Act 1972, which protects all Aboriginal heritage sites in Western Australia whether they are known to the Department or not.*

*It is advised that proponents liaise with the Department prior to conducting works in order to determine their statutory obligations under the Act. The Department of Indigenous Affairs can be contacted on (08) 9964 5470 or (08) 9235 8000.*

*Damaging or altering an Aboriginal heritage site constitutes an offence under the Aboriginal Heritage Act 1972 and is punishable by law.*

- *This is not a Building Licence. This development is subject to a building licence approval – an application shall be made with Council's Building Services prior to commencement of works on-site.*
- *Until a Certificate of Classification has been issued by the Department of Development Services under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the land for the purposes in accordance with this approval.*
- *A sign licence application, including a plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted and approved by the Council's Department of Development Services, prior to the erection of any signage on the site and/or building.*
- *A Geotechnical Site Report covering the whole site, must be prepared in accordance with AS 2870, by a Practising Structural Engineer on behalf of the applicant and must be submitted to ascertain the soil type and classification and is required prior to the issue of the Building Licence.*
- *Prior to the removal of any structure, a Demolition Licence shall be obtained from the Council pursuant to the Building Regulations 1989.*
- *The applicant is reminded of their obligations to ensure that all sand drift, waste, building materials and equipment is contained within the boundaries of the site during the construction period.*
- *All documentation submitted with the application shall be in accordance with the Building Regulations 1989 and the Building Code of Australia – Volume 1, including in particular, detailed plans and specifications for the site works (including finished ground and floor levels), storm water and roof run-off disposal, existing easements, parking areas (including pavement type), to the satisfaction of Council.*

- *The Plans and Specifications must be submitted to the Fire Emergency and Safety Authority (FESA), Postal Address is, PO Box P1174 Perth WA 6844, Contact No: 08) 9323 9300.*
- *The Plans and Specifications must indicate the positions of any Exit Doors and Exit Signs and they are to be in accordance with the BCA – Parts D1 and E4 (Volume 1).*
- *The Plans and Specifications must indicate the position of and required Fire Hydrants and Fire Hose Reels and they are to be in accordance with the BCA – Part E1 (Volume 1).*
- *Should the Plans and Specifications indicate that the external walls are within 3 metre of a boundary, then the walls must have a Fire Resistance Level (FRL) of 90/90/90 in accordance with the BCA – Part C3 (Volume1).*
- *The Plans and Specifications must indicate all provisions of Access for People With Disabilities, into and within the building, in accordance with the BCA – Part D3 (Volume 1) and AS 1428.1.*
- *The Plans and Specifications for the Building Application must provide Sanitary Facilities for people with disabilities in accordance with the BCA – F2 (Volume 1) and AS 1428.1.*
- *Fire compartments and fire walls to be demonstrated.*
- *Access and egress to be confirmed.*
- *Numbers of WC to be confirmed.*
- *Compliance with the Health (Public Buildings) Regulations 1992 will be required. The building shall not be opened to the public until a Certificate of Approval has issued in accordance with Section 178 of the Health Act 1911.*
- *Any demolition work involving asbestos shall be in accordance with the Health (Asbestos) Regulations 1992.*
- *Owners, Builders and Developers undertaking development and/or construction of any kind are hereby advised of their responsibility to comply with the requirements of the Disability Discrimination Act 1992. For your convenience, Council has a copy of the documentation of the requirements at the front counter for your perusal.*
- *Compliance with the Health (Food Hygiene) Regulations 1993 will be required. Fit-out plans should be submitted to the Environmental Health Service of the Council prior to construction.*
- *Compliance with City of Bunbury Health (Eating House) Local Laws 2000 will be required.*

- *Compliance with the Health Act 1911 is required.*
- *Compliance with the City of Bunbury Health Local Laws 2001 is required.*
- *Status of contamination to be classified by DEC.*
- *The City notes that there may be a possibility of the existence of Acid Sulphate Soils (ASS) on the land concerned. At the time of subdivision and/or, at the time of the construction of any buildings/structures on the land, the applicant is to ensure compliance with all relevant legislation and/or standards in this regard.*
- *The City of Bunbury contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning.*
- *This Planning Consent issued by the City of Bunbury does not remove any responsibility the applicant may have in obtaining a vegetation Clearing Permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment and Conservation.*
- *This Planning Consent issued by the City of Bunbury does not remove any responsibility the applicant may have in notifying Department of Environment and Heritage of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Department of Environment and Heritage*

### **Proposal**

The current proposal is different to the previous redevelopment proposal in that the scale has been reduced to rebuild the Railway Institute only, without proposing additional land-uses to the existing building.

The proposal is best described by reference to the submitted plan which indicates the partial redevelopment of the Railway Institute with renovation of the existing dance hall (274m<sup>2</sup>), and the construction of a new conference hall (102m<sup>2</sup>), a new bar area (12m<sup>2</sup>) and a new kitchen/service area (82m<sup>2</sup>), providing a total floor area of 532m<sup>2</sup>, which is increased by 64m<sup>2</sup> than the area of the previously existing building. The redevelopment also includes an additional service yard.

The following criteria are considered relevant in terms of properly considering the proposal and to determine whether Council wishes to support the application.

### **Land-Use**

The land is indicated as Regional Open Space in the GBRS and TPS7. In considering the proposal Council must have due regard to the ultimate purpose intended for the Reserve.

Under Part 3 Clause 10 (Purpose of Reserves) of the GBRS the following provision applies:

*“Land is reserved under the Scheme for the following public purposes:*

*(a) Regional Open Space – to protect the natural environment, provide recreational opportunities, safeguard important landscapes and provide for public access.”*

The matter of land-use relative to the provision of the GBRS is considered to be in order especially as the proposed development replaces a previous building and does not change the previously established/approved land-use.

### **Bulk and Setback requirements**

TPS7 and the GBRS do not list any specific bulk and setback requirements in respect of development on land that is designated as “Public Open Space”. The proposed development is proposed on the same location as the previously existing building. In terms of bulk the proposal is 64m<sup>2</sup> bigger than the previously existing building. There is also an additional service yard (45m<sup>2</sup>) surrounded by brick walls proposed fronting Cobblestone Street.

### **Car parking and Access**

In that almost the entire lot area is proposed to be developed for the building complex, there is not enough land remaining for the provision of a sufficient number of car parking spaces.

In terms of numbers, Development Services has carried out an analysis of car-parking requirements relative to the land-uses and the proposed additional floor space. In effect 87 car parking spaces are required to meet TPS7 requirements for the two function halls (without Rowing Club facility). Existing car parking spaces on adjoining reserve land total 59 and currently an additional 36 bays are under construction, which provides for a total of 95 car parking spaces.

These car parking spaces are intended for public use for convenient overflow parking close to the Central Business District (CBD) and are not specifically related to the Bunbury Rowing Club and the proposal.

It is considered that the current demand of car parking spaces for the Bunbury Rowing Club for day to day business is satisfied. However, the car parking demand of events cannot be fulfilled with the current configuration. The redevelopment of the Railway Institute will put additional pressure on the car parking demand as the number of events and functions catering for a high number of people will increase. Therefore, the matter of car parking is most important for the overall consideration of the proposal.

Generally Development Services does not require additional car parking bays to be provided for existing floor areas relevant to its uses in a redevelopment proposal, but requires that any additional floor areas meet the current car parking requirements. In this case an additional 64m<sup>2</sup> floor area is proposed - 16m<sup>2</sup> of conference hall, 12m<sup>2</sup> of bar area and 36m<sup>2</sup> of kitchen/service area, which require an additional 10 car parking spaces.



After further discussions with the applicant and upon his request, Development Services re-evaluated the car parking requirement and considered that a requirement of 7 car parking spaces is appropriate, if the bar area is considered to form part of the dance hall.

However, the applicant provided a different approach in calculating the car parking requirements and proposes to provide only 5 car parking spaces on site, which results in a difference of 2 car parking spaces.

As indicated in the Report Recommendation the preferred method of resolving the matter is by way of supporting the application subject to the applicant entering into an agreement with the City of Bunbury to provide the required number of car parking spaces. The provision of any further car parking on the portion of the reserve adjoining the Bunbury Rowing Club facility would in effect play a dual role of servicing the proposed new Railway Institute building complex, as well as supplying overflow car parking for the CBD.

In summary it is considered that the proposal is generally in order subject to the provision of 7 additional car parking spaces at the applicant's cost.

#### **Strategic and/or Regional Outcomes**

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

#### **Community Consultation**

The City is not required to publicly advertise the proposal. However, the previous proposal has been advertised by the WAPC pursuant to the provisions of the GBRS and no submissions were received.

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

The various issues relating to the matter have been broadly canvassed at officer level. Council has considered a similar proposal for the subject site previously.

#### **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 applicable.

#### **Economic, Social, Environmental and Heritage Issues**

##### Economic

It is considered that the proposed development would provide economic benefits.

### Social

It is considered that there would not be any adverse social impact should the development proceed. In fact it is considered that the social and community benefits to the City would be significant.

### Environmental

The following specific issues may need to be considered:

- Acid sulphate soils
- Contaminated sites
- Clean site protocols (ensuring that waste generated during the construction phase does not impact upon the Inlet); and
- Aboriginal heritage.

### Heritage

Nil impact.

### **Council Policy Compliance**

It is considered that the recommendation does not contravene any known Council policy.

### **Legislative Compliance**

The City is required to comply with provisions contained within the Development and Planning Act 2005. The recommendation is considered to be in keeping with the requirements of this legislation.

### **Delegation of Authority**

Delegation of authority is not applicable in this case.

### **Relevant Precedents**

Council has supported a similar proposal for the subject site on 16 December 2008 (Council decision 244/08)

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

Should Council determine not to support the proposal a suggested format for such action is as follows:

*"Council under the Planning and Development Act 2005 resolves that it does not support the proposed redevelopment of the Railway Institute Building (Bunbury*

*Rowing Club) as indicated on drawing A1 and A2 dated 28 October 2009 at Lot 759 (No. 358) Cobblestone Street for the following reasons:*

*(reasons to be determined by Council as part of its deliberations on the matter)"*

### **Conclusion**

Pure land-use considerations are seen to be broadly in order. One key issue relates to the provision of car parking for the proposed development. As indicated above, the applicant has proposed to provide 5 car parking bays on site. Additional car parking required will be required to be located on land controlled by the City of Bunbury as detailed in the Report Recommendation.

An initial assessment resulted in the requirement of 10 car parking spaces for the proposal. After further discussions with the applicant and upon his request, Development Services re-evaluated the car parking requirement and considered that the requirement of 7 car parking spaces is appropriate.

However, the applicant provided a different approach in calculating the car parking requirements and proposes to provide only 5 car parking bays on site, which results in a difference of 2 car parking spaces.

It is recommended, consistent with Councils previous approach, that the proposal should be supported subject to an agreement in respect of the provision of 7 car parking spaces (instead of 31 spaces) at the applicant's cost and all other conditions which formed part of the previous approval under Town Planning Scheme No.7.

### **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 support the Bunbury Rowing Club in respect of the proposed re-development (as indicted on Drawing A1 and A2 dated 28/10/2009) of the Railway Institute building complex, at lot 759 (lot 358) Cobblestone Street Bunbury, and make the following recommendations to the Western Australian Planning Commission:

1. An agreement between the Bunbury Rowing Club and the City of Bunbury being formulated prior to the issue of the certificate of classification (and executed at an appropriate time to the satisfaction of the City of Bunbury) to determine that the Bunbury Rowing Club will provide (at its cost) 7 (seven) car parking spaces in accordance with Town Planning Scheme No.7 to the satisfaction of the City of Bunbury.
2. The applicant taking all necessary steps to ensure that there would be no adverse impact(s) in respect of the proposed development in terms of the possibility of the existence of acid sulphate soils and/or in respect of the possibility of the site having some level of contamination in respect of environmental considerations, and any such action in this regard is to be the satisfaction of the City.
3. The applicant undertaking clean site protocols with a view to ensuring that any waste generated during the construction phase of the proposed

development would not have any adverse impact on the ecological health of the Leschenault Inlet.

4. The connection of the facility to mains sewerage (and any necessary upgrading of the existing facility) to the satisfaction of the Water Corporation.
5. The development being formally approved by the Department for Planning and Infrastructure, State Planning Services, in respect of the provisions of the Crown Grant in Trust, and in respect of any other relevant agreement between the Bunbury Rowing Club and the State.
6. Standard Development Conditions as follows:
  - 6.1 The premises being used only in accordance with the definition of "Club Premises", "Reception Centre", "Recreational Facilities" & "Storage" contained in Schedule 1 of Town Planning Scheme No. 7 unless otherwise approved by Council.
  - 6.2 All development shall be generally in accordance with the approved development plans which form part of this Planning Approval.
  - 6.3 This approval shall expire unless the works hereby authorised have been substantially commenced within 2 years of the date of issue or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.
  - 6.4 A schedule of exterior colours and finishes for the proposed development is to be submitted to, and approved by Council's Planning Department prior to the submission of a building licence.
  - 6.5 All external surfaces of concrete tilt panel to be painted to the satisfaction of the Senior Manager Development Services
  - 6.6 The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City of Bunbury.
  - 6.7 Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the City Engineer at the developer's expense.
  - 6.8 Road assets Damage bond of \$1000.00 shall be paid by the applicant prior to the issue of the building licence as per Council's Local Planning Policy "Bonds".
  - 6.9 The access way(s), parking areas(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, linemarked and finished with a sealed or paved surface or equivalent by the developer to an approved design to satisfaction of the City Engineer. Once constructed, the access way(s), parking area(s) and turning area(s) shall be maintained at all times to the satisfaction of the City Engineer. (Advice Note: Design and construction shall be in accordance with the City of Bunbury Engineering Design and Construction Standards ,

Austrroads Part 11 Guide to Traffic Engineering Practice: Parking, Australian Standard AS2890.1-2004 Off-street car parking & Australian Standard AS2890.2-2002 – Off-street commercial vehicle facilities)

The design shall be approved prior to the issue of a building licence.

- 6.10 The applicant shall dispose of stormwater onsite. Plans and specifications relating to the disposal of stormwater and groundwater for the development shall be submitted and approved by the City Engineer prior to the issue of a building licence. (Refer Local Planning Policy – Stormwater Disposal From Private Property).

(Advice Note: The applicant is to provide 1m<sup>3</sup> of underground stormwater storage for each 65m<sup>2</sup> of impervious area, including parking, driveways, other paved and sealed areas and roof areas.)

- 6.11 This property is situated on the Preston River Flood Plain and is susceptible to flooding. Habitable rooms in any building construction shall have a minimum finished floor level of 1.5metres AHD.
- 6.12 The applicant shall provide aged/disabled access to the existing Council path network and public transport network in accordance with Austrroads Part 13: Pedestrians. Plans shall be approved by the City Engineer prior to the issue of a Building Licence.
- 6.13 Property shall be connected to Water Corporation sewer.
- 6.14 The existing landscaping shall be upgraded and maintained, with respect to the quantity and intensity of vegetation species.
- 6.18 The dragon boat storage area does not form part of this approval.
- 6.19 Any other operational conditions to the satisfaction of the Manager Development Services.
- 6.20 Advice Notes:
- This is not a Building Licence. This development is subject to a building licence approval – an application shall be made with Council's Building Services prior to commencement of works on-site.
  - Until a Certificate of Classification has been issued by the Department of Development Services under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the land for the purposes in accordance with this approval.
  - A sign licence application, including a plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted and approved by the Council's Department of Development Services, prior to the erection of any signage on the site and/or building.

- Prior to the removal of any structure, a Demolition Licence shall be obtained from the Council pursuant to the Building Regulations 1989.
- The applicant is reminded of their obligations to ensure that all sand drift, waste, building materials and equipment is contained within the boundaries of the site during the construction period.
- All documentation submitted with the application shall be in accordance with the Building Regulations 1989 and the Building Code of Australia – Volume 1, including in particular, detailed plans and specifications for the site works (including finished ground and floor levels), storm water and roof run-off disposal, existing easements, parking areas (including pavement type), to the satisfaction of Council.
- The Plans and Specifications must be submitted to the Fire Emergency and Safety Authority (FESA).
- The Plans and Specifications must indicate the positions of any Exit Doors and Exit Signs and they are to be in accordance with the BCA – Parts D1 and E4 (Volume 1).
- The plans and specifications must indicate the position of Fire Fighting Equipment required in BCA Vol1 Part E (Fire Hose Reel – AS 2441 and Fire Hydrants – AS 2419).

As part of the requirement for Fire Hydrants, the sites water pressure and flow test results will be required (at the point of proposed water main access) as part of the building licence approval.

AS 2419 covers installation details and minimum required pressure and flow rates. If minimum requirements cannot be obtained at the point of supply, the design of pumps and tanks would need to be considered.

- Compliance with the Health (Public Buildings) Regulations 1992 will be required. The building shall not be opened to the public until a Certificate of Approval has issued in accordance with Section 178 of the Health Act 1911.
- Any demolition work involving asbestos shall be in accordance with the Health (Asbestos) Regulations 1992.
- Owners, Builders and Developers undertaking development and/or construction of any kind are hereby advised of their responsibility to comply with the requirements of the Disability Discrimination Act 1992. For your convenience, Council has a copy of the documentation of the requirements at the front counter for your perusal.

For any further information on this Act, inquiries are to be directed to the Disability Services Commission.

- Compliance with the Health Act 1911 is required.
- Compliance with the City of Bunbury Health Local Laws 2001 is required.
- Compliance with Environmental Protection (Noise) Regulations 1997 will be required.
- The Department of Indigenous Affairs advises that there is a requirement to comply with the Aboriginal Heritage Act 1972, which protects all Aboriginal heritage sites in Western Australia whether they are known to the Department or not.

It is advised that proponents liaise with the Department prior to conducting works in order to determine their statutory obligations under the Act.

Damaging or altering an Aboriginal heritage site constitutes an offence under the Aboriginal Heritage Act 1972 and is punishable by law.

- Status of contamination to be classified by DEC.
- The City notes that there may be a possibility of the existence of Acid Sulphate Soils (ASS) on the land concerned. At the time of subdivision and/or, at the time of the construction of any buildings/structures on the land, the applicant is to ensure compliance with all relevant legislation and/or standards in this regard.
- The City of Bunbury contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs.
- This Planning Consent issued by the City of Bunbury does not remove any responsibility the applicant may have in obtaining a vegetation Clearing Permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment and Conservation.
- This Planning Consent issued by the City of Bunbury does not remove any responsibility the applicant may have in notifying Department of Environment and Heritage of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further

information can be obtained from Department of Environment and Heritage.

### **Outcome – Committee Meeting 8 December 2009**

A memorandum was circulated to members with additions to the recommendation.

The recommendation (as amended) was moved Cr Slater, seconded Cr Whittle.

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 support the Bunbury Rowing Club in respect of the proposed re-development (as indicated on Drawing A1 and A2 dated 28/10/2009) of the Railway Institute building complex, at lot 759 (lot 358) Cobblestone Street Bunbury, and make the following recommendations to the Western Australian Planning Commission:**

- 1. An agreement between the Bunbury Rowing Club and the City of Bunbury being formulated prior to the issue of the certificate of classification (and executed at an appropriate time to the satisfaction of the City of Bunbury) to determine that the Bunbury Rowing Club will provide (at its cost) 7 (seven) car parking spaces in accordance with Town Planning Scheme No.7 to the satisfaction of the City of Bunbury.**
- 2. The applicant taking all necessary steps to ensure that there would be no adverse impact(s) in respect of the proposed development in terms of the possibility of the existence of acid sulphate soils and/or in respect of the possibility of the site having some level of contamination in respect of environmental considerations, and any such action in this regard is to be the satisfaction of the City.**
- 3. The applicant undertaking clean site protocols with a view to ensuring that any waste generated during the construction phase of the proposed development would not have any adverse impact on the ecological health of the Leschenault Inlet.**
- 4. The connection of the facility to mains sewerage (and any necessary upgrading of the existing facility) to the satisfaction of the Water Corporation.**
- 5. The development being formally approved by the Department for Planning and Infrastructure, State Planning Services, in respect of the provisions of the Crown Grant in Trust, and in respect of any other relevant agreement between the Bunbury Rowing Club and the State.**
- 6. Standard Development Conditions as follows:**



- 6.1 The premises being used only in accordance with the definition of “Club Premises”, “Reception Centre”, “Recreational Facilities” & “Storage” contained in Schedule 1 of Town Planning Scheme No. 7 unless otherwise approved by Council.**
- 6.2 All development shall be generally in accordance with the approved development plans which form part of this Planning Approval.**
- 6.3 This approval shall expire unless the works hereby authorised have been substantially commenced within 2 years of the date of issue or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.**
- 6.4 A schedule of exterior colours and finishes for the proposed development is to be submitted to, and approved by Council’s Planning Department prior to the submission of a building licence.**
- 6.5 All external surfaces of concrete tilt panel to be painted to the satisfaction of the Senior Manager Development Services**
- 6.6 The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City of Bunbury.**
- 6.7 Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the City Engineer at the developer’s expense.**
- 6.8 Road assets Damage bond of \$1000.00 shall be paid by the applicant prior to the issue of the building licence as per Council’s Local Planning Policy “Bonds”.**
- 6.9 The access way(s), parking areas(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, linemarked and finished with a sealed or paved surface or equivalent by the developer to an approved design to satisfaction of the City Engineer. Once constructed, the access way(s), parking area(s) and turning area(s) shall be maintained at all times to the satisfaction of the City Engineer.**

**(Advice Note: Design and construction shall be in accordance with the City of Bunbury Engineering Design and Construction Standards , Austroads Part 11 Guide to Traffic Engineering Practice: Parking, Australian Standard AS2890.1-2004 Off-street car parking & Australian Standard AS2890.2-2002 – Off-street commercial vehicle facilities)**

**The design shall be approved prior to the issue of a building licence.**

- 6.10 The applicant shall dispose of stormwater onsite. Plans and specifications relating to the disposal of stormwater and groundwater for the development shall be submitted and approved by the City Engineer prior to the issue of a building licence. (Refer Local Planning Policy – Stormwater Disposal From Private Property).**

**(Advice Note: The applicant is to provide 1m<sup>3</sup> of underground stormwater storage for each 65m<sup>2</sup> of impervious area, including parking, driveways, other paved and sealed areas and roof areas.)**

- 6.11 This property is situated on the Preston River Flood Plain and is susceptible to flooding. Habitable rooms in any building construction shall have a minimum finished floor level of 1.5metres AHD.**

- 6.12 The applicant shall provide aged/disabled access to the existing Council path network and public transport network in accordance with Austroads Part 13: Pedestrians. Plans shall be approved by the City Engineer prior to the issue of a Building Licence.**

- 6.13 Property shall be connected to Water Corporation sewer.**

- 6.14 The existing landscaping shall be upgraded and maintained, with respect to the quantity and intensity of vegetation species.**

- 6.18 The dragon boat storage area does not form part of this approval.**

- 6.19 Any other operational conditions to the satisfaction of the Manager Development Services.**

- 6.20 Advice Notes:**

- This is not a Building Licence. This development is subject to a building licence approval – an application shall be made with Council’s Building Services prior to commencement of works on-site.**

- **Until a Certificate of Classification has been issued by the Department of Development Services under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the land for the purposes in accordance with this approval.**
  
- **A sign licence application, including a plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted and approved by the Council's Department of Development Services, prior to the erection of any signage on the site and/or building.**
  
- **Prior to the removal of any structure, a Demolition Licence shall be obtained from the Council pursuant to the Building Regulations 1989.**
  
- **The applicant is reminded of their obligations to ensure that all sand drift, waste, building materials and equipment is contained within the boundaries of the site during the construction period.**
  
- **All documentation submitted with the application shall be in accordance with the Building Regulations 1989 and the Building Code of Australia – Volume 1, including in particular, detailed plans and specifications for the site works (including finished ground and floor levels), storm water and roof run-off disposal, existing easements, parking areas (including pavement type), to the satisfaction of Council.**
  
- **The Plans and Specifications must be submitted to the Fire Emergency and Safety Authority (FESA).**
  
- **The Plans and Specifications must indicate the positions of any Exit Doors and Exit Signs and they are to be in accordance with the BCA – Parts D1 and E4 (Volume 1).**
  
- **The plans and specifications must indicate the position of Fire Fighting Equipment required in BCA Vol1 Part E (Fire Hose Reel – AS 2441 and Fire Hydrants – AS 2419).**

**As part of the requirement for Fire Hydrants, the sites water pressure and flow test results will be required (at the point of proposed water main access) as part of the building licence approval.**

**AS 2419 covers installation details and minimum required pressure and flow rates. If minimum requirements cannot be obtained at the point of supply, the design of pumps and tanks would need to be considered.**

- **Compliance with the Health (Public Buildings) Regulations 1992 will be required. The building shall not be opened to the public until a Certificate of Approval has issued in accordance with Section 178 of the Health Act 1911.**
- **Any demolition work involving asbestos shall be in accordance with the Health (Asbestos) Regulations 1992.**
- **Owners, Builders and Developers undertaking development and/or construction of any kind are hereby advised of their responsibility to comply with the requirements of the Disability Discrimination Act 1992. For your convenience, Council has a copy of the documentation of the requirements at the front counter for your perusal.**

**For any further information on this Act, inquiries are to be directed to the Disability Services Commission.**

- **Compliance with the Health Act 1911 is required.**
- **Compliance with the City of Bunbury Health Local Laws 2001 is required.**
- **Compliance with Environmental Protection (Noise) Regulations 1997 will be required.**
- **The Department of Indigenous Affairs advises that there is a requirement to comply with the Aboriginal Heritage Act 1972, which protects all Aboriginal heritage sites in Western Australia whether they are known to the Department or not.**

**It is advised that proponents liaise with the Department prior to conducting works in order to determine their statutory obligations under the Act.**

**Damaging or altering an Aboriginal heritage site constitutes an offence under the Aboriginal Heritage Act 1972 and is punishable by law.**

- **Status of contamination to be classified by DEC.**
- **The City notes that there may be a possibility of the existence of Acid Sulphate Soils (ASS) on the land concerned. At the time of subdivision and/or, at the time of the construction of any buildings/structures on the land, the applicant is to ensure compliance with all relevant legislation and/or standards in this regard.**

- **The City of Bunbury contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs.**
  - **This Planning Consent issued by the City of Bunbury does not remove any responsibility the applicant may have in obtaining vegetation Clearing Permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment and Conservation.**
  - **This Planning Consent issued by the City of Bunbury does not remove any responsibility the applicant may have in notifying Department of Environment and Heritage of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Department of Environment and Heritage.**
- 7. Detailed drawings in relation to the proposed car parking spaces, loading bays and crossovers (including relocation of roller door to boat storage) shall be submitted to the City of Bunbury prior to the final approval under the Town Planning Scheme No. 7.**
- 8. The location of the proposed crossovers shall not result in the loss of public car parking spaces.**

CARRIED  
10 Votes "For" / 1 Vote "Against"

It was requested that the votes be recorded:

For: Mayor D Smith, Deputy Mayor Kelly, Cr Jones, Cr Craddock, Cr Whittle, Cr Leigh, Cr Steele, Cr Slater, Cr Harrop, Cr Punch.  
Against: Cr Major

**11.6 Amendment to Delegations Register 2009 - Delegations 4.5 "Building and Sign Licence Applications" and 4.9 "Demolition Applications" (and Subsequent Grant of Building Licences and Certificate of Classification)** *(was listed as Item 11.8 on the meeting agenda)*

<b>File Ref:</b>	A00276
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Leigh Barrett, Planning Officer
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

### Summary

On 29 September 2009, the Council reviewed its Delegations Register and modified Delegation 4.5 "Building and Sign Licence Applications". This resulted in all building licence, sign licence, strata certificate and certificate of classification applications having to be referred to the City of Bunbury Heritage Advisory Committee for advice and subsequent referral to Council, causing significant resource implications for Development Services Officers as well as extensive delays in the processing of applications.

Development of any place within the City that is on the City of Bunbury Municipal Inventory, the Heritage List or included in a designated heritage area requires a planning approval. Notwithstanding that, the Heritage Advisory Committee did not specifically discuss *Delegation of Authority* as it relates to Demolition Applications. In fact, a Demolition Licence cannot be issued until a Demolition Proposal has been considered as a Planning Application. Matters relating to heritage would therefore be considered formally prior to consideration of the issuance of any Building Licence. All matters relating to heritage are dealt with at this time. There is no capacity for the Heritage Advisory Committee to have further input at the building licence stage.

It is considered therefore that the changes to the Delegations Register as adopted by Council on 29 September 2009, would result in significant resource implications and potential time delays for little gain as all developments for places on the heritage list or within a heritage area would have been comprehensively assessed during the development application/planning process

### Background

Council, at its meeting of 29 September 2009, resolved as follows:

Council Decision 189/09

*That Council subject to the variations in delegations 4.5 and 4.9 referred to below endorses the Delegations of Authority as circulated under separate cover, including the variations outlined in Attachment 1, 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”.*

*Amend delegations 4.5 and 4.9 by adding the following words:*

*“except in the case of property being registered on any heritage list or the City Municipal Inventory, in which case the application should be referred to the City’s Heritage committee for advice and referral to Council for decision.”*

*Delegation 4.5 “Building and Sign License Applications’ subsequently read as follows:*

*Pursuant to the Provisions of Section 5.42 of the Local Government Act 1995, the Local Government (Miscellaneous Provisions) Act 1960 and the Strata Titles Act 1985 the Chief Executive Officer is delegated authority to exercise discretion and approve, refuse and apply conditions to building, sign licence applications, all local authority Strata Certificates and Certificates of Classification except in the case of property being registered on any heritage list or the City Municipal Inventory, in which case the application should be referred to the City’s Heritage Committee for advice and referral to Council for decision.*

*Delegation 4.9 “Demolition Applications” subsequently read 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 is delegated authority to approve Demolition Applications except in the case of property being registered on any heritage list or the City Municipal Inventory, in which case the application should be referred to the City’s Heritage Committee for advice and referral to Council for decision.*

As a result, all building licences, amendments to building licences sign licences, strata certificates, certificates of classification and demolition applications for properties on the City’s Municipal Inventory and Heritage List or located within a heritage area must now be referred to the Heritage Advisory Committee for a recommendation to Council.

Meeting the requirements of these delegations will have a significant resource implication for the committee with extended Minutes and meetings. There will also be a significant time delay in issuing building licences, sign licences, strata certificates, certificates of classification and demolition licences due to the need to meet Heritage Advisory Committee and Council Minutes deadlines. This is likely to result in SAT appeals due to applications not being finalised within the statutory time frames, which under the Local Government (Miscellaneous Provisions) Act 1960 is within 35 days of the building licence specifications and plans being submitted.

At its meeting of 18 November 2009, the Heritage Advisory Committee resolved, that:

*"The Heritage Advisory Committee recommend to the Bunbury City Council that clause 4.5 of the City of Bunbury Delegations Register (adopted 29 September 2009) be amended to read as follows:*

*4.5 Building and Sign Licence Applications*

*Pursuant to the provisions of Section 5.42 of the Local Government Act 1995, the Local Government (Miscellaneous Provisions) Act 1960 and the Strata Titles Act 1985 the Chief Executive Officer is delegated authority to exercise discretion and approve, refuse and apply conditions to building, sign licence applications, all local authority Strata Certificates and Certificates of Classification."*

In order to comply with the requirements of the Delegations Register the Heritage Advisory Committee (18 November 2009) resolved, that:

*"(a) The Heritage Advisory Committee has no objection to the issue of the following building licences in accordance with the Planning Approvals already issued.*

<i>BL 27462</i>	<i>7 Jarrah Street (Additions)</i>
<i>BL 27540</i>	<i>47 Moore Street (Carport/Decking)</i>
<i>BL 27653</i>	<i>55 Moore Street (Patio)</i>
<i>BL 27943</i>	<i>91 Stirling Street (Additions)</i>
<i>BL 27939</i>	<i>16 Edward Street (Office Fit-out)</i>
<i>BL 27973</i>	<i>99B Stirling Street (New Dwelling/Rear Lot)</i>
<i>BL 27986</i>	<i>16 Park Street (Additions)</i>

*(b) The Heritage Advisory Committee has no objection to the issue of the following Certificate of Classification in accordance with the Planning Approvals already issued.*

*18 Carey Street, Bunbury"*

### **Strategic and/or Regional Outcomes**

The purpose of delegations is to free up the Council's time and enable it to set broad directions in regard to Strategic and Financial Planning, Budget and formulation of Council policy. Amendment to this delegation will not have any impact on this.

### **Community Consultation**

The City of Bunbury Heritage Advisory Committee which comprises four community members, has been consulted.

### **Councillor/Officer Consultation**

Deputy Mayor Kelly and Councillor Whittle have been consulted in this regard as has the Executive Manager City Development, Senior Manager Development Services and Coordinator Statutory Planning.



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

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

### **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.

### **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 adopted by an absolute majority vote of the Council.

### **Delegation of Authority**

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

### **Relevant Precedents**

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

### **Conclusion**

It is considered that the changes to Delegations 4.5 and 4.9 as adopted by Council on 29 September 2009, have resulted in significant resource implications and potential for an unnecessary waste of time, as all developments for places on the heritage list or within a heritage area are comprehensively assessed during the development application/planning process

Should Council resolve NOT to adopt Part A (to amend Delegations 4.5 and 4.9) then Part B will require consideration by Council in order to comply with the requirements of Delegation 4.5.

### **Recommendation**

#### **PART A**

1. Council amends Delegations 4.5 and 4.9 of its Delegations Register adopted 29 September 2009, to read as follows:

- 1.1 Delegation 4.5 "Building and Sign License Applications":

Pursuant to the Provisions of Section 5.42 of the Local Government Act 1995, the Local Government (Miscellaneous Provisions) Act 1960 and the Strata Titles Act 1985 the Chief Executive Officer is delegated authority to exercise discretion and approve, refuse and apply conditions to building, sign licence applications, all local authority Strata Certificates and Certificates of Classification.

1.2 Delegation 4.9 "Demolition Applications":

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 is delegated authority to approve Demolition Applications.

**PART B - Only to be considered if Part A is NOT adopted**

1. Council approves the following building licences:

- |     |          |   |
|-----|----------|---|
| 1.1 | BL 27462 | 7 Jarrah Street (Additions)                 |
| 1.2 | BL 27540 | 47 Moore Street (Carport/Decking)           |
| 1.3 | BL 27653 | 55 Moore Street (Patio)                     |
| 1.4 | BL 27943 | 91 Stirling Street (Additions)              |
| 1.5 | BL 27939 | 16 Edward Street (Office Fit-out)           |
| 1.6 | BL 27973 | 99B Stirling Street (New Dwelling/Rear Lot) |
| 1.7 | BL 27986 | 16 Park Street (Additions).                 |

2. Council approves the issue of a Certificate of Classification for 18 Carey Street, Bunbury.

**Outcome – Committee Meeting 8 December 2009**

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

Executive Manager City Development requested that an amendment be made to point 1.2 of the recommendation. The mover and seconder agreed to the amendment.

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

*(Full Committee recommendation shown overleaf)*

**Committee Recommendation**

- 1. Council amends Delegations 4.5 and 4.9 of its Delegations Register adopted 29 September 2009, to read as follows:**

- 1.1 Delegation 4.5 “Building and Sign License Applications”:**

**Pursuant to the Provisions of Section 5.42 of the Local Government Act 1995, the Local Government (Miscellaneous Provisions) Act 1960 and the Strata Titles Act 1985 the Chief Executive Officer is delegated authority to exercise discretion and approve, refuse and apply conditions to building, sign licence applications, all local authority Strata Certificates and Certificates of Classification.**

- 1.2 Delegation 4.9 “Demolition Applications”:**

**To be referred back to the Heritage Advisory Committee for further consideration.**

**CARRIED**  
**10 Votes “For” / 1 Vote “Against”**

**11.7 Proposed Renewal of Lease – Garry Alan Utterson, Lot 3 South Western Highway, Bunbury** *(was listed as Item 11.1 on the meeting agenda)*

<b>File Ref:</b>	A00420
<b>Applicant/Proponent:</b>	Garry Alan Utterson
<b>Author:</b>	John Beaton, Manager Admin. & Property Services
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

**Summary**

An application has been received from Garry Alan Utterson seeking Council consideration to renew the lease over City of Bunbury freehold Lot 3 (Certificate of Title 1388-38A) South Western Highway, Bunbury for a further two years.

Mr Utterson owns the adjoining properties at Lots 10 and 12 on which he operates his business, Coastal Machinery Pty Ltd. The lease site provides Mr Utterson with additional space for open storage and parking. A location plan is **attached** at Appendix 2.

**Background**

At the Council meeting held on 4 November 2008, Council agreed to lease Lot 3 for an initial term of 12 months commencing 1 December 2008 for the purpose of open storage and vehicle parking. The applicant was prevented from making any capital improvements to the land, other than erecting perimeter fencing and application of road base or gravel material suitable as a hard stand.

The applicant had also sought consideration to purchase the Lot if the City decided to sell. Council did not support the disposal of the Lot as it forms part of the medium-to-long term Bunbury Port Road Access Plan in addition to road works currently under construction in close proximity.

The applicant has complied with the current lease terms and conditions.

Granting a renewal of the lease for a further two (2) years will not conflict with the City's need for the land. Should the City require the whole or part of the Lot for redevelopment or if the proposed Bunbury Port Road Access is brought forward, the City may terminate the lease by giving the lessee three months' notice in writing.

Current Lease Details

Commencement Date:	1 December 2008
Term:	Twelve (12) months
Expiry Date:	30 November 2009
Rent:	\$6,000 plus GST per annum
Permitted Use:	Open storage and vehicle parking

Land Area:	2,714m <sup>2</sup>
Outgoings:	Responsibility of lessee
Insurance:	Lessee required to hold Public Liability cover of \$10M and appropriate Workers Compensation and General Insurance cover.
Preparation and Registration of Lease Documents:	Lessee is responsible for the full cost of document preparation, advertising and market valuation assessment
Special Conditions:	<ol style="list-style-type: none"> <li>1. No capital improvements are to be made to the land during the lease term except for the following items which will be at the applicant's cost:           <ul style="list-style-type: none"> <li>- Application of road base to the ground to make the property suitable for storage of machinery, and;</li> <li>- fencing.</li> </ul> </li> <li>2. Should the City require the whole or part of the lease property for redevelopment or ground rationalisation during the lease term, the City may terminate the lease by giving the Lessee three months' notice in writing.</li> </ol>

Proposed Lease Details

Commencement Date:	1 December 2009
Term:	Two (2) years
Expiry Date:	30 November 2011
Rent:	\$6,200 per annum plus GST and indexed by CPI annually
Permitted Use:	Open storage and vehicle parking
Land Area:	2,714m <sup>2</sup>
Outgoings	Lessee responsible for all outgoings
Insurance	Lessee responsible to hold Public Liability Cover of \$10M and appropriate Workers Compensation and General Insurance cover.
Preparation and Registration of Lease Documents	Lessee responsible for full cost of document preparation, advertising and market valuation assessment.
Special Conditions:	<ol style="list-style-type: none"> <li>1. No capital improvements are to be made to the land during the term without approval of the City.</li> <li>2. Should the City require the whole or part of the lease property for redevelopment or ground rationalisation during the lease term, the City may terminate the lease by giving the Lessee three months' notice in writing.</li> </ol>

## **Strategic and/or Regional Outcomes**

### Strategic Outcomes

The proposal complies with the City of Bunbury Strategic Plan 2007-2012 and in particular Strategy 2.4 which states: *“that the City will develop a property strategy that benefits the City’s residents, businesses, community and sporting organisations”*.

### Regional Outcomes

The Greater Bunbury Region Scheme designates approximately 1,950m<sup>2</sup> of the Lot as part of the road reserve for the proposed longer term Bunbury Port Road Access.

## **Community Consultation**

Subject to Council’s approval to renew the lease, the proposal will be advertised in accordance with Section 3.58(3) of the Local Government Act 1995, inviting public submission during a 14-day submission period.

## **Councillor/Officer Consultation**

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

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

The lease rental on the land has been independently assessed at \$6,200 plus GST with the lessee responsible for all outgoings.

The applicant is responsible for full costs of preparation of the Deed of Renewal of Lease, advertising, market valuation and all outgoings.

## **Life-cycle Maintenance Costs (Capital Works Projects Only)**

Not applicable

## **Economic, Social, Environmental and Heritage Issues**

### Economic Issues

The land was previously under-utilised and the intention to renew the lease will enable the continuation of the business from the Lot and ensure the site is maintained.

### Social Issues

The site is zoned “Industrial” and forms part of other Industrial precinct businesses.

### Environmental Issues

Storm water flow is retained on the property. There are no other known environmental issues to consider.

### Heritage Issues

There are no known Heritage issues associated with the proposal.

### **Council Policy Compliance**

There is no Council Policy relevant to the proposal.

### **Legislative Compliance**

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

### **Delegation of Authority**

Clause 6.5 under “Delegation of Authority Operations” in the Council’s Delegations Register, allows the Chief Executive Officer to negotiate the terms and conditions of leases provided settled terms and conditions are presented to Council for endorsement prior to the document being finalised.

### **Relevant Precedents**

The applicant has held the lease for twelve months and has complied with the terms and conditions.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

Per the recommendation as listed in this report (with amendments as suggested by Council Members).

#### Option 3

Council refuses the proposal to renew the lease over Lot 3 South Western Highway, Bunbury.

### **Conclusion**

At its meeting held 4 November 2008, Council granted Garry Alan Utterson approval to lease Lot 3 South Western Highway, Bunbury. The proposal to renew the lease will enable the applicant to continue to utilise the land as an extension to his adjoining business and will not conflict with any alternative use for the land.

### **Recommendation**

Council agrees to renew the lease over Lot 3 South Western Highway, Bunbury to Garry Alan Utterson for a term of two years effective 1 December 2009 for the purpose of open storage and vehicle parking subject to the terms and conditions in this report and the following:

1. The intention to lease to be advertised pursuant to Section 3.58(3) of the Local Government Act 1995, locally in the City Focus column in the Bunbury Mail and on public notice boards in the City's public libraries and on the City's website.
2. Subject to no objecting submissions being received as a result of part 1 above, the Deed of Renewal of Lease to be finalised.
3. The applicant to pay full cost of document preparation, advertising and market valuation assessments.

### **Outcome – Committee Meeting 8 December 2009**

Councillor Major left the chambers at 8.12pm and was absent for the duration of the discussion. He had not returned in time to vote.

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

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

#### **Committee Recommendation**

**Council agrees to renew the lease over Lot 3 South Western Highway, Bunbury to Garry Alan Utterson for a term of two years effective 1 December 2009 for the purpose of open storage and vehicle parking subject to the terms and conditions in this report and the following:**

1. **The intention to lease to be advertised pursuant to Section 3.58(3) of the Local Government Act 1995, locally in the City Focus column in the Bunbury Mail and on public notice boards in the City's public libraries and on the City's website.**
2. **Subject to no objecting submissions being received as a result of part 1 above, the Deed of Renewal of Lease to be finalised.**
3. **The applicant to pay full cost of document preparation, advertising and market valuation assessments.**

CARRIED  
10 Votes "For" / Nil Votes "Against"



**11.8 Bunbury Airport Site No. 27A - Deed of Partial Assignment of Lease from Karatamoglou to Northey** *(was listed as Item 11.2 on the meeting agenda)*

<b>File Ref:</b>	F00139
<b>Applicant/Proponent:</b>	Alexandros Karatamoglou
<b>Author:</b>	John Beaton, Acting Executive Manager Corporate Services
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

**Summary**

An application has been received from Mr Alexandros Karatamoglou ("Assignor") seeking Council's consideration to assign his fifty per cent (50%) portion of the Lease held with Mr Zaki Nicholas Dorkham over Bunbury Airport Site No. 27A (300m<sup>2</sup>) South Western Highway, Bunbury to Mr Lester James Northey ("Assignee"). The Lease is due to expire on 30 June 2011.

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

**Background**

The Bunbury Airport is located on Reserve 27686, Lot 501 (Deposited Plan 62343) South Western Highway, Bunbury. The land is held by the City of Bunbury under Management Order Crown Land Record 3040/63 (Crown Land Title Vol. 3007 Fol. 583) for the purpose of an "Aerodrome" with the power to lease for a term of up to twenty one (21) years.

Pursuant to Section 18 of the Land Administration Act 1997, the Department for Regional Development and Lands (State Lands) has provided the City with its "in principle" approval to the partial assignment of lease.

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

Fees for airport hangar sites have previously been endorsed by Council at the 2009/2010 Budget Meeting held on 29 July 2009. The proposal has been referred to Bunbury Airport Advisory Committee which advises that it has no objection to the proposal.

**Lease Details**

Current Lease Commenced:	1 November 2001 (exercised further five year option in 1 July 2006)
Current Term:	Five (5) years
Expiry Date:	30 June 2011
Annual Rental:	\$1243.44 per annum + GST
Administration Fee:	\$36.13 per annum + GST

Rent Review	The Annual Lease Rental and Administration Fee are adjusted annually in accordance with Council's Commercial and Industrial Municipal Rate.
Permitted Use:	Storage of Aircraft
Lease Area:	300m <sup>2</sup>
Outgoings:	Responsibility of Lessee
Insurance:	Lessee to maintain Public Risk Insurance and General Insurance on the building. Public Liability to be set at \$10(M)
Preparation of Lease:	The applicant shall be responsible for the full cost of documentation, registration and statutory advertising.

The City's Executive, the Assignor and Assignee have mutually agreed on the Terms and Conditions of this partial assignment of the lease for the unexpired term.

### **Strategic and/or Regional Outcomes**

#### Strategic Outcomes

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

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

#### Regional Outcomes

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

### **Community Consultation**

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

Pursuant to Section 18 of the Land Administration Act 1997, the Office of the Minister for Lands has provided "in principle" approval for the proposal subject to formal approval being granted upon receipt of the Variation to Lease document.

### **Councillor/Officer Consultation**

Council officers have held discussions with the Assignor and Assignee and have mutually agreed on the terms and conditions of the Partial Assignment for the unexpired term.

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

Fees for airport hangar sites were previously endorsed by Council at the 2009/10 Budget Meeting. The annual lease rental, administration fee and municipal rates are to be increased annually in line with Council's Commercial and Industrial Rate increases throughout the balance of the lease term.

### **Economic, Social, Environmental and Heritage Issues**

#### Economic Issues

The use of aircraft provides economic benefits to suppliers.

#### Social Issues

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

#### Environmental Issues

The application does not conflict with the "*Bunbury Airport Location Analysis Study City of Bunbury*" compiled by Connell Wagner Pty Ltd in April 2004.

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

#### Heritage Issues

There are no known heritage issues associated with the proposal.

### **Council Policy Compliance**

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

### **Legislative Compliance**

The intention for a Partial Assignment of the Lease will be advertised for a period of fourteen (14) days in accordance with Section 3.58 (3) and (4) of the Local Government Act 1995.

Pursuant to Section 18 of the Land Administration Act 1997, the Office of the Minister for Lands has provided "in principle" approval for the proposal subject to formal approval being granted upon receipt of the Variation to Lease document.

### **Delegation of Authority**

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

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

### **Relevant Precedents**

Council currently leases fifty-one (51) hangar sites at the Bunbury Airport and regularly considers requests for new and assigned leases due to the growing demand for hangar space at the facility.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

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

#### Option 3

Council advise the applicant that his application for partial assignment of the lease over Bunbury Airport Site No. 27A on Reserve 27686, Lot 501 South Western Highway, Bunbury, is refused.

### **Conclusion**

Messrs Alexandros Karatamoglou and Zaki Nicholas Dorkham have held the lease over Site 27A since 2001. The proposal is for Mr Karatamoglou to relinquish his 50% interest in the site and subject to Council approval, assign it to Mr Lester John Northey.

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

1. The City will meet its responsibilities for the management, care and control of Reserve 27686, Lot 501 South Western Highway, Bunbury for the permitted purpose of "Airport".
2. The Partial Assignment will provide Mr Lester James Northey with security of tenure over the use of the site for the purpose of storage of aircraft.
3. The terms and conditions of the Partial Assignment have been mutually agreed to by the City's Executive, the Assignor and the Assignee.

### **Recommendation**

1. Council agrees to grant the Partial Assignment of Lease over Bunbury Airport Site No. 27A, Reserve 27686, Lot 501 South Western Highway, Bunbury from Mr Alexandros Karatamoglou to Mr Lester James Northey for the unexpired term of the lease (to 30 June 2011) in accordance with the terms and conditions specified in the report.
2. Public notice of the intention to Assign the Lease will be provided in accordance with Section 3.58(3) and (4) of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration

centre, at both the City's libraries, published in the City Focus column of the Bunbury Mail Newspaper and on the City's website.

3. Subject to no objecting submissions being received the Deed of Partial Assignment of Lease be finalised.
4. Obtain Minister for Lands approval.
5. The Assignee to be responsible for the full costs of documentation, registration and statutory advertising associated with the Partial Assignment of the lease.

#### **Outcome – Committee Meeting 8 December 2009**

Councillor Major had returned to the chambers during discussion (8.15pm). He was present for the vote.

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

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

#### **Committee Recommendation**

1. **Council agrees to grant the Partial Assignment of Lease over Bunbury Airport Site No. 27A, Reserve 27686, Lot 501 South Western Highway, Bunbury from Mr Alexandros Karatamoglou to Mr Lester James Northey for the unexpired term of the lease (to 30 June 2011) in accordance with the terms and conditions specified in the report.**
2. **Public notice of the intention to Assign the Lease will be provided in accordance with Section 3.58(3) and (4) of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration centre, at both the City's libraries, published in the City Focus column of the Bunbury Mail Newspaper and on the City's website.**
3. **Subject to no objecting submissions being received the Deed of Partial Assignment of Lease be finalised.**
4. **Obtain Minister for Lands approval.**
5. **The Assignee to be responsible for the full costs of documentation, registration and statutory advertising associated with the Partial Assignment of the lease.**

CARRIED  
11 Votes "For" / Nil Votes "Against"

**11.9 Bunbury Airport Hangar Site No. 46 - Deed of Partial Assignment of Lease from Schaffner to Loton** *(was listed as Item 11.3 on the meeting agenda)*

<b>File Ref:</b>	F00139
<b>Applicant/Proponent:</b>	Susan Elizabeth Schaffner
<b>Author:</b>	John Beaton, Acting Executive Manager Corporate Services
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

**Summary**

An application has been received from Ms Susan Elizabeth Schaffner (“Assignor”) seeking Council’s consideration to assign a fifty per cent (50%) portion of the Lease held over Bunbury Airport Site No. 46 (270m<sup>2</sup>) South Western Highway, Bunbury to Mr Jeffrey Richard Loton (“Assignee”). The initial term of the Lease is due to expire on 30 June 2011 and has a further five (5) year option to 30 June 2016.

It is the Assignee’s intention to continue to use his portion of the site for the storage of aircraft. A copy of the site plan is **attached** at Appendix 4.

**Background**

The Bunbury Airport is located on Reserve 27686, Lot 501 (Deposited Plan 62343) South Western Highway, Bunbury. The land is held by the City of Bunbury under Management Order Crown Land Record 3040/63 (Crown Land Title Vol. 3007 Fol. 583) for the purpose of an “Aerodrome” with the power to lease for a term of up to twenty one (21) years.

Pursuant to Section 18 of the Land Administration Act 1997, the Department for Regional Development and Lands (State Lands) has provided the City with its “in principle” approval to the partial assignment of lease.

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

Fees for airport hangar sites have previously been endorsed by Council at the 2009/2010 Budget Meeting held on 29 July 2009. The proposal has been referred to Bunbury Airport Advisory Committee which has advised it has no objection to the proposal.

**Lease Details**

Current Lease Commenced:	1 February 2009
Current Term:	Two (2) years and five (5) months (with a further five (5) year option at 1 July 2011)
Expiry Date:	30 June 2011 (with a further five (5) year option to 30 June 2016)
Annual Rental:	\$1,116.51 per annum + GST
Administration Fee:	\$36.13 per annum + GST

Rent Review	The Annual Lease Rental and Administration Fee are adjusted annually in accordance with Council's Commercial and Industrial Municipal Rate.
Permitted Use:	Storage of Aircraft
Lease Area:	270m <sup>2</sup>
Outgoings:	Responsibility of Lessee
Insurance:	Lessee to maintain Public Risk Insurance and General Insurance on the building. Public Liability to be set at \$10(M)
Preparation of Lease:	The Assignee shall be responsible for the full cost of documentation, registration and statutory advertising.

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

### **Strategic and/or Regional Outcomes**

#### Strategic Outcomes

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

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

#### **Regional Outcomes**

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

#### **Community Consultation**

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

Pursuant to Section 18 of the Land Administration Act 1997, the Office of the Minister for Lands has provided "in principle" approval for the proposal subject to formal approval being granted upon receipt of the Variation to Lease document.

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

Council officers have held discussions with the Assignor and Assignee and have mutually agreed on the terms and conditions of the Partial Assignment for the unexpired term.

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

Fees for airport hangar sites were previously endorsed by Council at the 2009/10 Budget Meeting. The annual lease rental, administration fee and municipal rates are to be increased annually in line with Council's Commercial and Industrial Rate increases throughout the balance of the lease term.

### **Economic, Social, Environmental and Heritage Issues**

#### Economic Issues

The use of aircraft provides economic benefits to suppliers.

#### Social Issues

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

#### Environmental Issues

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

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

#### Heritage Issues

There are no known heritage issues associated with the proposal.

### **Council Policy Compliance**

The lease expiry date of 30 June 2011 and further five (5) year option to 30 June 2016 complies with the Bunbury Airport Strategic Plan Direction 2000-2010.

### **Legislative Compliance**

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

Pursuant to Section 18 of the Land Administration Act 1997, the Office of the Minister for Lands has provided "in principle" approval for the proposal subject to formal approval being granted upon receipt of the Variation to Lease document.

### **Delegation of Authority**

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

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



### **Relevant Precedents**

Council currently leases fifty-one (51) hangar sites at the Bunbury Airport and regularly considers requests for new and assigned leases due to the growing demand for hangar space at the facility.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

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

#### Option 3

Council advise the applicant that it refuses to support the proposal for the partial assignment of the lease over Bunbury Airport Site No. 46 on Reserve 27686, Lot 501 South Western Highway, Bunbury.

### **Conclusion**

Ms Susan Elizabeth Schaffner has held the lease over Site 46 since 1 February 2009 and is seeking Council approval to assign fifty per cent (50%) of the lease to Mr Jeffrey Richard Loton for the purpose of storage of aircraft.

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

1. The City will meet its responsibilities for the management, care and control of Reserve 27686, Lot 501 South Western Highway, Bunbury for the permitted purpose of "Airport".
2. The Partial Assignment will provide Mr Jeffrey Richard Loton with security of tenure over the use of the site for the purpose of storage of aircraft.
3. The terms and conditions of the partial assignment have been mutually agreed to by the City's Executive, the Assignor and the Assignee.

### **Recommendation**

1. Council agrees to grant the Partial Assignment of Lease over Bunbury Airport Site No. 46, Reserve 27686, Lot 501 South Western Highway, Bunbury from Ms Susan Elizabeth Schaffner to Mr Jeffrey Richard Loton for the unexpired term of the lease (to 30 June 2011) and the further five (5) year option (to 30 June 2016) in accordance with the terms and conditions specified in the report.
2. Public notice of the intention to assign the lease will be provided in accordance with Section 3.58(3) and (4) of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration

centre, at both the City's libraries, published in the City Focus column of the Bunbury Mail Newspaper and on the City's website.

3. Subject to no objecting submissions being received the Deed of Partial Assignment of Lease, be finalised.
4. Obtain Minister for Lands approval.
5. The Assignee to be responsible for the full costs of documentation, registration and statutory advertising associated with the partial assignment of the lease.

#### **Outcome – Committee Meeting 8 December 2009**

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

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

#### **Committee Recommendation**

- 1. Council agrees to grant the Partial Assignment of Lease over Bunbury Airport Site No. 46, Reserve 27686, Lot 501 South Western Highway, Bunbury from Ms Susan Elizabeth Schaffner to Mr Jeffrey Richard Loton for the unexpired term of the lease (to 30 June 2011) and the further five (5) year option (to 30 June 2016) in accordance with the terms and conditions specified in the report.**
- 2. Public notice of the intention to assign the lease will be provided in accordance with Section 3.58(3) and (4) of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration centre, at both the City's libraries, published in the City Focus column of the Bunbury Mail Newspaper and on the City's website.**
- 3. Subject to no objecting submissions being received the Deed of Partial Assignment of Lease, be finalised.**
- 4. Obtain Minister for Lands approval.**
- 5. The Assignee to be responsible for the full costs of documentation, registration and statutory advertising associated with the partial assignment of the lease.**

CARRIED  
11 Votes "For" / Nil Votes "Against"

**11.10 Bunbury Airport Site No. 20 – Deed of Assignment of Lease Blair Howe to Matheson & Johnson** (was listed as Item 11.4 on the meeting agenda)

<b>File Ref:</b>	F00139
<b>Applicant/Proponent:</b>	Blair Howe
<b>Author:</b>	John Beaton, Manager Administration & Property Services
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

**Summary**

An application has been received from Blair Howe (“Assignor”) seeking Council’s consideration to assign the Lease he holds over Bunbury Airport Site No. 20 (279m<sup>2</sup>) South Western Highway, Bunbury to Messrs Kim Anthony Matheson and Mathew William Johnson (“Assignees”). The Lease is due to expire on 30 June 2011.

It is the Assignee’s intention to continue to use the site for the storage of aircraft. A copy of the site plan is **attached** at Appendix 5.

**Background**

The Bunbury Airport is located on Reserve 27686, Lot 501 (Deposited Plan 62343) South Western Highway, Bunbury. The land is held by the City of Bunbury under Management Order Crown Land Record 3040/63 (Crown Land Title Vol. 3007 Fol. 583) for the purpose of an “Aerodrome” with the power to lease for a term of up to twenty one (21) years.

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

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

Fees for airport hangar sites have previously been endorsed by Council at the 2009/2010 Budget Meeting held on 29 July 2009. The proposal has been referred to Bunbury Airport Advisory Committee which has advised they have no objection to the proposed assignment.

Lease Details

Current Lease Commenced:	1 April 2002 (exercised further five year option in 1 July 2006)
Current Term:	Five (5) years
Expiry Date:	30 June 2011
Annual Rental:	\$1,155.94 per annum + GST
Administration Fee:	\$36.13 per annum + GST
Rent Review	The Annual Lease Rental and Administration Fee are adjusted annually in accordance with Council’s Commercial and Industrial Municipal Rate.

Permitted Use:	Storage of Aircraft
Lease Area:	279m <sup>2</sup>
Outgoings:	Responsibility of Lessee
Insurance:	Lessee to maintain Public Risk Insurance and General Insurance on the building. Public Liability to be set at \$10(M)
Preparation of Lease:	The applicant shall be responsible for the full cost of documentation, registration and statutory advertising.

The City's Executive, the Assignor and Assignees have mutually agreed on the Terms and Conditions of the Assignment of Lease for the unexpired term.

### **Strategic and/or Regional Outcomes**

#### Strategic Outcomes

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

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

#### Regional Outcomes

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

### **Community Consultation**

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

Pursuant to Section 18 of the Land Administration Act 1997, the Office of the Minister for Lands has provided "in principle" approval for the proposal subject to formal approval being granted upon receipt of the Variation to Lease document.

### **Councillor/Officer Consultation**

Council officers have held discussions with the Assignor and Assignees and have mutually agreed on the Terms and Conditions of the Assignment for the unexpired term.

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

Fees for airport hangar sites have previously been endorsed by Council at the 2009/10 Budget Meeting. The annual lease rental, administration fee and municipal rates are to be increased annually in line with Council's *Commercial and Industrial Rate* increases throughout the balance of the lease term.

## **Economic, Social, Environmental and Heritage Issues**

### Economic Issues

The use of aircraft provides economic benefits to suppliers.

### Social Issues

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

### Environmental Issues

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

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

### Heritage Issues

There are no known heritage issues associated with the proposal.

## **Council Policy Compliance**

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

## **Legislative Compliance**

The intention for a Partial Assignment of the Lease will be advertised for a period of fourteen (14) days in accordance with Section 3.58 (3) and (4) of the Local Government Act 1995.

Pursuant to Section 18 of the Land Administration Act 1997, the Office of the Minister for Lands has provided "in principle" approval for the proposal subject to formal approval being granted upon receipt of the Variation to Lease document.

## **Delegation of Authority**

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

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

## **Relevant Precedents**

Council currently leases fifty-one (51) hangar sites at the Bunbury Airport and regularly considers requests for new and assigned leases due to the growing demand for hangar space at the facility.

## **Options**

### Option 1

Per the recommendation listed in this report.

### Option 2

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

### Option 3

Council refuses to support the proposal for the assignment of the Lease over Bunbury Airport Site No. 20 on Reserve 27686, Lot 501 South Western Highway, Bunbury.

## **Conclusion**

Mr Blair Howe has held the lease over Site 20 since 2002 and is seeking Council approval to assign the lease to Messrs Kim Anthony Matheson and Mathew William Johnson for the purpose of storage of aircraft.

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

1. The City will meet its responsibilities for the management, care and control of Reserve 27686, Lot 501 South Western Highway, Bunbury for the permitted purpose of "Airport".
2. The assignment will provide Messrs Kim Anthony Matheson and Mathew William Johnson with security of tenure over the use of the site for the purpose of storage of aircraft.
3. The Terms and Conditions of the Assignment have been mutually agreed to by the City's Executive, the Assignor and the Assignees.

## **Recommendation**

1. Council agrees to grant the Assignment of Lease over Bunbury Airport Site No. 20, Reserve 27686, Lot 501 South Western Highway, Bunbury from Blair Howe to Messrs Kim Anthony Matheson and Mathew William Johnson for the unexpired term of the lease (to 30 June 2011) in accordance with the terms and conditions specified in the report.
2. Public notice of the intention to Assign the Lease will be provided in accordance with Section 3.58(3) and (4) of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration centre, at both the City's libraries, published in the City Focus column of the Bunbury Mail Newspaper and on the City's website.
3. Subject to no objecting submissions being received the Deed of Assignment of Lease be finalised.

4. Obtain Minister for Lands approval.
5. The Assignees to be responsible for the full costs of documentation, registration and statutory advertising associated with the assignment of the lease.

**Outcome – Committee Meeting 8 December 2009**

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

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

**Committee's Recommendation**

1. **Council agrees to grant the Assignment of Lease over Bunbury Airport Site No. 20, Reserve 27686, Lot 501 South Western Highway, Bunbury from Blair Howe to Messrs Kim Anthony Matheson and Mathew William Johnson for the unexpired term of the lease (to 30 June 2011) in accordance with the terms and conditions specified in the report.**
2. **Public notice of the intention to Assign the Lease will be provided in accordance with Section 3.58(3) and (4) of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration centre, at both the City's libraries, published in the City Focus column of the Bunbury Mail Newspaper and on the City's website.**
3. **Subject to no objecting submissions being received the Deed of Assignment of Lease be finalised.**
4. **Obtain Minister for Lands approval.**
5. **The Assignees to be responsible for the full costs of documentation, registration and statutory advertising associated with the assignment of the lease.**

CARRIED  
11 Votes "For" / Nil Votes "Against"

**11.11 Financial Statements - November 2009** *(was listed as Item 11.9 on the meeting agenda)*

<b>File Ref:</b>	A02838
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, City Accountant
<b>Executive:</b>	John Beaton, Acting Executive Manager Corporate Services

**Summary/Background**

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

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

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

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

**Recommendation**

The Financial Statements for the period ending 30 November 2009, be received.

**Outcome - Committee Meeting 8 December 2009**

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

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



**Committee Recommendation**

**The Financial Statements for the period ending 30 November 2009, be received.**

CARRIED  
11 Votes "For" / Nil "Against"

**11.12 Proposed Amendment to Local Planning Policy Titled "Detailed Area Plan for Lot 100 (No. 85-89) Clarke Street" - Garage Width and Setback Provisions** *(was listed as Item 11.10 on the meeting agenda)*

<b>File Ref:</b>	P01702
<b>Applicant/Proponent:</b>	Dale Alcock Homes
<b>Author:</b>	Paul Davies, Planning Consultant
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

A request has been received from Dale Alcock Homes to amend the provisions for garage width and setbacks under the Local Planning Policy titled "Detailed Area Plan – Lot 100 Clarke Street".

It is proposed to delete the requirement for a garage width of a maximum 50% of the frontage of the lot from the Local Planning Policy. Also, it is proposed to include garages with a requirement for a minimum setback of 3 metres consistent with the current setback requirement for carports.

The proposed modifications are generally considered of a minor nature and do not impact on the overall intent of the Local Planning Policy and will not significantly impact on the streetscape and amenity of the overall development area. It is recommended that Council resolve;

- 1) To advertise modifications to the Local Planning Policy – Detailed Area Plan – Lot 100 Clarke Street for a period of 28 days in accordance with Clause 2.3.1 of Town Planning Scheme No. 7 including.
  - a) Delete the requirement that "Double Garages are only permissible when garage width is less than 50% of the lot frontage, otherwise must be a carport."
  - b) Insert in the setback requirements for carports "and garages"
- 2) Subject to no objections being received during the advertising period adopt the modifications to the Local Planning Policy – Detailed Area Plan for Lot 100 Clarke Street in accordance with Clause 2.3.3 of Town Planning Scheme No. 7

**Background**

Council at its meeting on 12 December 2006 resolved to adopt the Local Planning Policy, Detailed Area Plan – Lot 100 Clarke Street. The Detailed Area Plan was prepared to satisfy condition 1 of the Western Australian Planning Commission subdivision approval for the subject land.

A copy of the Local Planning Policy, Detailed Area Plan – Lot 100 Clarke Street is **attached** at Appendix 10.

The purpose of the Local Planning Policy is to establish a relatively high residential design standard for the small lots and generally promote a quality development as far as possible. Since the subdivision was approved only two dwellings have been approved in the subject area.

A request has been received from Dale Alcock Homes to amend the provisions for garage width under the Local Planning Policy, Detailed Area Plan – Lot 100 Clarke Street. The proponents advise that for a garage to work most effectively a minimum width of 6 metres is generally required.

It is proposed to delete the requirement for garage width to be a maximum 50% of the frontage from the Local Planning Policy. The majority of lots in the Detailed Area Plan area have a narrow frontage of 11.31 metres.

With the 50% requirement on the garage width a maximum garage width of 5.65 metres can be achieved. Under the Local Planning Policy there is no provision for variation of the policy requirement. The Residential Design Codes (R Codes) also generally require garages to occupy a maximum 50% of the frontage of the property.

The R Codes also, however, allow for consideration of variations of the width of the garage based on performance criteria defined as “The extent of frontage and building façade occupied by garages assessed against the need to maintain a desired streetscape not dominated by garage doors.

By deletion of the specific requirement for a maximum 50% frontage for garages from the Local Area Plan then proposed garage width can be considered in accordance with the R Codes requirements. It is considered that a minor increase in garage width will not significantly increase impact on the streetscape and amenity of the area.

The Local Planning Policy also requires a minimum front setback of 3 metres for carports. The Local Planning Policy does not specifically mention a setback for garages therefore it is proposed to modify the Local Planning Policy to include garages with a 3 metre setback to be consistent with the setback for carports.

The 3 metre setback for garages and carports is considered appropriate to ensure that garages are setback behind the general dwelling setback of 2.5 metres. Setback of garages behind the dwelling setback reduces the potential for the garage to dominate the streetscape consistent with the performance criteria of the R Codes

In accordance with Town Planning Scheme requirements proposed Local Planning Policies or modifications to policies are required to be advertised for a period of 21 days. In view of the time being close to the Christmas holiday period it is proposed that the modifications be advertised for a 28 day period.

### **Strategic and or Regional Outcomes**

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

### **Community Consultation**

It is proposed to advertise the proposed modifications to garage width and setbacks under the Local Planning Policy – Detailed Area Plan – Lot 100 Clarke Street for a period of 28 days in accordance with Clause 2.3.1 of Town Planning Scheme No. 7.

### **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.

### **Economic, Social, Environmental and Heritage Issues**

#### Economic

Economic impact, however marginal, would be positive.

#### Social

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

#### Environmental

Not relevant.

#### Heritage

There are no heritage issues relative to the proposed development.

### **Council Policy Compliance**

It is considered that the report recommendation does not contravene any known Council policy.

### **Legislative Compliance**

The proposed amendment to the LPP is in accordance with the requirements of the City of Bunbury, Town Planning Scheme No 7 under the Planning and Development Act 2005.

### **Delegation of Authority**

Delegation of authority does not apply in this instance.

## **Relevant Precedents**

Council has previously resolved to modify Local Planning Policies and Design Guidelines including the Local Planning Policy - Tuart Street Precinct Development Design Guidelines.

## **Options**

### Option 1

Per the recommendation listed in this report.

### Option 2

Should Council determine not to resolve to approve the proposed modifications, a suggested format for such action is as follows:

*"Council under the Planning and Development Act 2005, resolves not to modify the provisions for garage width and setbacks under Local Planning Policy – Detailed Area Plan – Lot 100 Clarke Street for the following reasons; (Reasons to be determined by Council as part of deliberations)."*

## **Conclusion**

It is proposed to modify the requirements under the Local Planning Policy – Detailed Area Plan – Lot 100 Clarke Street to delete the requirement for garage width from a maximum 50% of the frontage of the lot. Garage widths will then be assessed in regard to the Residential Design Codes (R Codes) requirements.

Also, it is proposed to include garages with a requirement for a minimum 3 metre front setback consistent with the requirement for a 3 metre setback to carports.

The proposed modifications are considered of a minor nature and do not impact on the overall intent of the Local Planning Policy and will not significantly impact on the streetscape and amenity of the overall development area.

## **Recommendation**

Council under the Planning and Development Act 2005, resolves to:

1. Advertise modifications to the Local Planning Policy – Detailed Area Plan for Lot 100 Clarke Street for a period of 28 days in accordance with Clause 2.3.1 of Town Planning Scheme No 7, including.
  - 1.1 Deletion of the requirement that *"Double Garages are only permissible when garage width is less than 50% of the lot frontage, otherwise must be a carport."*
  - 1.2 Insert in the setback requirements for carports *"and garages"*
2. Subject to no objections being received during the advertising period, adopt modifications to the Local Planning Policy – Detailed Area Plan for Lot 100

Clarke Street in accordance with Clause 2.3.3 of the Town Planning Scheme No. 7.

**Outcome – Committee Meeting 8 December 2009**

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

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

**Committee Recommendation**

**Council under the Planning and Development Act 2005, resolves to:**

- 1. Advertise modifications to the Local Planning Policy – Detailed Area Plan for Lot 100 Clarke Street for a period of 28 days in accordance with Clause 2.3.1 of Town Planning Scheme No 7, including;**
  - 1.1 Deletion of the requirement that “*Double Garages are only permissible when garage width is less than 50% of the lot frontage, otherwise must be a carport.*”**
  - 1.2 Insert in the setback requirements for carports “*and garages*”**
- 2. Subject to no objections being received during the advertising period, adopt modifications to the Local Planning Policy – Detailed Area Plan for Lot 100 Clarke Street in accordance with Clause 2.3.3 of the Town Planning Scheme No. 7.**

CARRIED  
8 Votes “For” / 3 Votes “Against”

**11.13 Request for Installation of a Memorial Plaque at Wyalup Reserve (Rocky Point) to Commemorate People Lost at Sea** *(was listed as Item 11.11 on the meeting agenda)*

<b>File Ref:</b>	F00101
<b>Applicant/Proponent:</b>	Ms Christine Fox
<b>Author:</b>	Myles Bovell, Landscape Architect
<b>Executive:</b>	Michael Scott, Executive Manager City Services

**Summary**

In line with City of Bunbury Work Procedure WP4.19 *"Guidelines - Provision of Bench Seats and Memorial Plaques"* it is proposed to identify a location at the Wyalup Reserve (Rocky Point) for the installation of a memorial plaque for those lost at sea. The suggested location is on the ocean facing side of the basalt rock wall - refer to the location map **attached** at Appendix 11.

A copy of Work Procedure WP4.19 is **attached** at Appendix 12 for councillor information.

**Background**

The City receives the occasional request for a memorial plaque or memorial seat to commemorate the passing of a loved one or someone of public interest (on average once or twice per year). City Officers consider that due to Bunbury's strong association with the sea, a nominated location for memorial requests specific to those lost at sea would be appropriate.

The basalt rock walls are existing interpretative components of Stage 1 of the Back Beach Project, with educational plaques explaining various periods of Bunbury's history. The second wall from the south has been nominated as it has a 'blank canvas' on the ocean-facing side and the bench seat at the southern end of the blank wall provides an intimate setting for reflection.

**Strategic and/or Regional Outcomes**

Nil.

**Community Consultation**

The author of a letter to the City requesting a memorial plaque to commemorate a family friend lost at sea has been the impetus for this proposal.

**Councillor/Officer Consultation**

Nil

**Analysis of Financial and Budget Implications**

Refer to "Life-cycle Maintenance Costs" below.

### **Life-cycle Maintenance Costs**

Per Work Procedure WP4.19, the costs of this project would be borne by the applicant and ongoing maintenance undertaken by the City. The City has operational budgets which adequately cover the cost of this maintenance.

### **Economic, Social, Environmental and Heritage Issues**

There will be a minor social impact in creating a place for commemoration and reflection for those lost at sea.

### **Council Policy Compliance**

There is no relevant Council Policy applicable to this proposal. However, one of the City's existing Work Procedures (WP4.19) provides guidelines for the provision of bench seats and memorial plaques. Work procedures are regularly reviewed and amended (in line with Council policy) by the City's Executive Management Team.

### **Legislative Compliance**

Nil

### **Delegation of Authority**

Not applicable.

### **Relevant Precedents**

WP 4.19 Guidelines - Provision of Bench Seats and Memorial Plaques allows for the installation of bench seating and memorial plaques at the cost of the applicant and it has been actioned on several cases in the past.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

The applicant to be advised that the ocean-facing side of the basalt rock wall (second rock wall from the south) is to be left blank for the following reason: (Council to specify).

### **Conclusion**

Option 1 is preferred because allows some flexibility in the Work Procedure to set aside particular areas for memorial of a similar nature.



### **Recommendation**

Council endorses the proposal for the ocean-facing side of the basalt rock wall (second rock wall from the south) on Wyalup Reserve/Rocky Point to be reserved for memorial plaques to commemorate those lost at sea.

### **Outcome – Committee Meeting 8 December 2009**

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

During discussion an amendment to the recommendation was made concerning the location of the plaque as members were concerned that it might not be visible enough from the walkway. As the eastern side of the bench is allocated for use by the traditional owners of the land, it was decided that their permission needed to be sought. The mover and seconder agreed to the amendment.

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

### **Committee Recommendation**

**Council endorses the proposal for the placing of suitably placed memorial plaques on Wyalup Reserve/Rocky Point to commemorate those lost at sea, after consultation with the traditional owners**

CARRIED  
11 Votes "For" / Nil Votes "Against"

**11.14 Tender - Road Re-Seal Program RFT 2009/2010-14** (was listed as Item 11.13 on the meeting agenda)

<b>File Ref:</b>	R00817
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Mark Robson, Contract Coordinator
<b>Executive:</b>	Michael Scott, Executive Manager City Services

**Summary**

Council has invited suitably experienced contractors to tender on the Annual Road Re-seal Program. This is a lump sum tender and the works in order of priority include:

- Re-sealing sections of 13 nominated roads with asphaltic concrete (due to budget restraints road number 13 has now been deleted from this tender)
- Supply, delivery and installation of road construction materials for a period of 12 months.

**Background**

The tender was advertised in *The West Australian* on 4 November 2009 and in the *South Western Times* on 5 November 2009.

Tenders closed at 3:00pm on Thursday, 26 November 2009. The City's Contract Coordinator and Customer Service Officer opened the tender box.

A total of four interested companies requested (and received) tender documents. However, by closing, only two tenders had been received, as follows.

- Pioneer Road Services - 6 Harris Road, Picton WA
- Malatesta Road Paving & Hot Mix- Lot 2 Southwest Highway, Bunbury WA

An evaluation panel comprising the City's Senior Engineer for Design and Development, Senior Engineering Technical Officer and the Contract Coordinator, assessed the responses on 27 and 30 November 2009. The tenders were evaluated using compliance, qualitative and price criteria - details are as follows:

Compliance Criteria

The following compliance criteria were used to assess the tender:

- a) Standard of tender submission: Have you complied with the *Conditions of Tendering* in this request? (Yes/No)
- b) Have you complied with (and completed) the Price Schedules? (Yes/No)
- c) Confirm you are able to complete the works in the time period nominated. (Yes/No)
- d) Confirm you are in a financial position to complete the works? (Yes/No)

- e) Confirm you currently hold Public Liability and Employee Insurance per AS4000-1997 (Yes/No)

Qualitative Criteria

The following Qualitative Criteria were used to assess the tender:

	Weighting
a) Quality assurance/ systems	5
b) Understanding/ Methodology	5
c) Demonstrated experience	5

Price

Evaluation of the tender prices (and ranking) has been assessed but because the results are "commercial in confidence" details are listed in a Confidential Report that has been circulated to members **under separate cover**.

**Strategic and/or Regional Outcomes**

Acceptance of the recommendation listed in this report is consistent with the City of Bunbury Strategic Plan 2007-2012, in continuing to maintain and service its buildings, assets, and infrastructure and will enhance the City's road networks.

**Community Consultation**

Community consultation was not carried out during this process.

**Councillor/Officer Consultation**

The tender specifications were developed in consultation with the City's Engineering Services Officers.

**Analysis of Financial and Budget Implications**

Funding for this project is provided from Council's Capital Works Program and 'Roads to Recovery' Program.

**Life- cycle Maintenance Costs (Capital Works Projects Only)**

The allocated maintenance budget will continue to be implemented for road construction and maintenance.

**Economic, Social, Environmental and Heritage Issues**

Local purchasing will assist the local economy

**Council Policy Compliance**

The tender process complies with the requirements of the City's Work Procedure WP4.12 "Tender Procedure and Associated Legislation."

Council's CD2 "Purchasing - Local Preference Policy" was applied during evaluation of the tenders but did not affected the outcome.

### **Legislative Compliance**

Advertising and processing of tenders was conducted in accordance with the Local Government (Function and General) Regulations 1996, Part 4 "Tenders for Providing Goods or Services".

### **Delegation of Authority**

The total costs of this contract exceed \$100,000. Therefore, it has been dealt with in accordance with Local Government (Functions and General) Regulations 1996 (Part 4 - Tenders for Providing Goods or Services).

### **Relevant Precedents**

Council has dealt with all tenders previously called.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

With respect to Tender RFT 2009/2010-14 for the Road Reseal Program, Council resolves to reject all tenders.

*Comment: This is NOT supported by the Tender Evaluation Panel.*

### **Conclusion**

Based on the panel's evaluation of the tender documents submitted by both respondents the recommended tenderer is Pioneer Road Services (ABN 54 000 538 689) as this company has provided the City with competitive prices, demonstrated its ability to provide quality products and services, is within the available budget and its tender is considered to be the most advantageous tender to the City.

### **Recommendation**

With respect to Tender RFT 2009/2010-14 for the Road Reseal Program, Council resolves to:

1. Accept the tendered lump sum fee and schedule of rates submitted by Pioneer Road Services (ABN 54 000 538 689)
2. Record details of the successful tender in the City of Bunbury Tender Register.

**Outcome – Committee Meeting 8 December 2009**

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

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

**Committee Recommendation**

**With respect to Tender RFT 2009/2010-14 for the Road Reseal Program, Council resolves to:**

- 1. Accept the tendered lump sum fee and schedule of rates submitted by Pioneer Road Services (ABN 54 000 538 689)**
- 2. Record details of the successful tender in the City of Bunbury Tender Register.**

CARRIED  
11 Votes "For" / Nil Votes "Against"

**11.15 Final Approval of Town Planning Scheme Amendment No. 35 to Allow Unrestricted Residential Development at the Sanctuary Golf Course** *(was listed as Item 11.14 on the meeting agenda)*

<b>File Ref:</b>	A00398
<b>Applicant/Proponent:</b>	Thompson McRobert Edgeloe
<b>Author:</b>	Sam McNeilly, Coordinator Statutory Planning
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

Thompson McRobert Edgeloe ('TME') acting on behalf of Azuna Pty Ltd has lodged an application with the City to amend the current Town Planning Scheme No. 7 ('TPS 7') in respect of the Sanctuary Golf Resort which is located at the intersection of the Old Coast Road and Australind Bypass. A location plan is provided in the **report under separate cover**.

TME advises that in terms of the objective of the Scheme Amendment, Azuna Pty Ltd is seeking the approval of Council, endorsement of the WA Planning Commission, and approval of the Hon Minister for Planning to modify TPS 7 to facilitate the next stage of development at the Sanctuary Golf Resort.

It is proposed to action a Scheme Amendment to TPS 7 to permit construction of "unrestricted residential" accommodation on strata Lot 40 (7,281 sq.m) contained within Lot 105 Old Coast Road Certificate of Title 1937-304 (Sanctuary Golf Resort) in addition to additional short-stay residential units - currently only motel and short-stay residential accommodation is permitted on the site.

The proposal is for 64 new short stay residential units (currently there are 38 short stay existing residential units on the site) and 12 built strata unrestricted residential apartments/townhouses. It is estimated that the construction value of the new development will be in the order of \$12M.

Advertising of the proposed development has recently closed and 12 submissions have been received. The matter is now submitted to Council for its further consideration in terms of formal adoption.

The principal issues resulting from a study of the proposed development and the public submissions, have been considered and Development Services Officers have formed the view that, notwithstanding such submissions, the proposed development is in order and that the Scheme Amendment should be further supported.

A copy of TME's Scheme Amendment Report is contained in the report **under separate cover**.

**Background**

Council has previously considered this matter as follows:

- Council Meeting - 29 May 2001: Council determined to support a similar Town Planning Scheme Amendment with support for permanent occupancy

up to 50% of the total accommodation complement. However, this was not subsequently supported by the Minister.

- Council Meeting - 2 June 2008: Council determined to “initiate” the most recently proposed Scheme Amendment.

The City has been involved in detailed discussions with the applicant on the matter over the last number of months.

The Sanctuary Golf Resort consists principally of an 18-hole golf course, a clubhouse and associated golfing facilities, conference facilities, a restaurant, a bar, tennis courts, parking, maintenance assets, residential lots fronting the golf course and 38 strata titled short-stay resort style units incorporating a swimming pool and terrace adjacent to the main resort facilities.

Strata Lot 40 is a currently undeveloped portion of the short stay accommodation component of the Sanctuary Golf Resort. To date, 38 short-stay accommodation units have been developed and are incorporated in a strata scheme developed in 1998.

TME has advised that Strata Lot 40 (a sub-lot of Lot 105 Old Coast Road Certificate of Title 1937–304 being the Sanctuary Golf Resort) was previously planned as an extension to the existing accommodation already developed at the resort and that services planning for connection to water, sewerage, drainage, power, telecommunications and gas has already been provided for as part of a more comprehensive strata development. TME also advises that the availability of services is not expected to place any limitations on development of the site.

The ownership schedule for Lot 105, its associated Strata Lots and the golf course are listed on the data in the report circulated to members **under separate cover**.

The broad details of the existing development can best be appreciated from an aerial photo supplied by TME - refer to report provided **under separate cover**.

### **Proposal**

The proposal is, essentially, to request Council’s approval to further support (post advertising) an amendment to TPS 7 whereby the construction of unrestricted residential accommodation would be permitted (in addition to the construction of further short-stay accommodation units) on strata Lot 40 (7,281sqm) which is a sub-part of Lot 105 Old Coast Road Certificate of Title 1937-304 i.e., the Sanctuary Golf Resort.

The proposal is best described by reference to the submitted data marked “020609” and which provides plans, elevations and various views relating to the proposed development - a copy is provided in the report circulated to members **under separate cover**.

The design concept by TME provides principally for: 64 new short stay units (32 dual key); 71 new car-parking spaces for the short stay units; 6 new visitor car-parking spaces for the unrestricted residential development, and; 12 new built-strata unrestricted residential apartments/townhouses.

The following criteria are considered relevant in terms of properly considering the matter and in terms of the Council determining whether it will agree to further support the proposed Scheme Amendment:

Land-use

The land is currently zoned Special Use Zone 34 "Sanctuary Resort Development" in TPS 7. The adjoining and integral golf course is currently designated "Parks and Recreation" in TPS 7.

In terms of the Greater Bunbury Region Scheme (GBRS), Lot 105 (containing the building complex) is zoned "Urban" and the juxtaposed, and integral, 18-hole golf course is zoned "Private Recreation".

Currently, TPS 7 does not permit the use of the land for unrestricted residential living accommodation; only short-stay residential living accommodation is permitted.

Therefore, in terms of land-use, it is considered that residential accommodation and either short-stay or unrestricted, would be in order in respect of the provisions of TPS 7 and the GBRS, subject to the satisfaction of the Council with respect to the tenure and type of accommodation. As TME has indicated, the subject land has been earmarked for residential type development and services have been provided for this possible eventuality.

Tourism Planning Taskforce Report

Four key points from the Tourism Planning Taskforce Report (TPTR) which are considered to be relevant in terms of this report are set out as follows:

- A maximum of 25% of residential units in a non-strategic tourist development is permitted to be used for permanent residential accommodation; reference also the State Government's *Tourist Accommodation Strata Title Guidelines* issued by the South West Region Planning Committee.
- All accommodation units are required to be designed primarily for tourism occupation and to form part of an integrated complex.
- Design differentiation between tourism and residential no-occupancy restriction units within a development shall be limited to that required to accommodate the various components of the tourist market.
- The short-stay component part of any such development should be located on the "best part" of the site.

It is considered, that for the purposes of considering the Scheme Amendment, TME has addressed such considerations satisfactorily in its planning report.

In terms of a point made in the TPTR to the effect that any short stay component part of any such development should be located on the "best part" of the site, it is noted that a value judgement has to be made in this instance. TME has made a design compromise in the circumstances which is considered by Development Services Officers to be correct. TME's design is such that the new short-stay units are located



close to the existing 38 units and in such a way as to close the quadrangle which was previously only partly created. Furthermore the location of such units is, relatively, ideal, in that they are located close to the existing communal facilities.

The area set aside for the 12 permanent residential units is located in such a way that the units are, whilst forming an integral part of the overall development complex, marginally removed, which in turn allows for benefits in terms of land-use and noise separation.

### Tourism WA

The tourist sector of the State and National economies has increased in importance over the years. It has been seen to be sufficiently important for the State to initiate a re-consideration of the matter of permanent residential accommodation on tourist sites in WA (in the form of the TPTR). The State has obviously therefore determined that the tourist sector of the economy requires a specific level of support in the new more globalised economy.

Arguably, direction, in terms of policy, has been given by the State, and a logical follow-through is seen to be in order in terms of consideration of the current proposal before Council.

Tourism WA (TWA) has advised that it is supportive of the location and footprint of the permanent residential component as proposed in the Scheme Amendment.

The proponent has advised that the residential units should be able to be used for short stay (as well as for permanent occupation). TWA has recommended not supporting such a recommendation for the reason that conflicts can arise when mixing residents and short stay visitors in grouped and multiple dwellings. Development Services Officers are of the view that TWA's advice in this regard should not be accepted.

Development Services Officers have noted that there is a conflict between the latter-noted recommendation by TWA and the broad determination by the State in respect of the provisions of the Tourism Planning Taskforce Report. There does not appear to be any provision in the TPTR which would prohibit or recommend prohibiting the exclusion of short-stay accommodation being provided within the permanent stay units.

TWA has also made recommendations for inclusion on any proposed Management Statement, and in terms of future strata titling (TWA's submission is submitted under separate cover for Council's information) and such recommendations are as indicated in the recommendation contained in this report.

### General Efficacy of the Proposed Development

The Liveable Neighbourhoods Policy (LNP) is broadly relevant to the matter at hand. This policy document has been adopted by the WA Planning Commission and operates as a development policy or code to facilitate the development of sustainable communities. In summary, the key elements of the LNP are: the provision of "walkable neighbourhoods" (i.e., to minimise car-dependence); to ensure active street/land-use interfaces; the provision of a variety of lot sizes and housing types; and to maximise land efficiency.

The resort facility in question does not “fit” within an established Neighbourhood area in terms of the provisions of the LNP, nor does it constitute a neighbourhood (per se) on its own. In effect it is a unique and stand-alone resort facility with a completely different and unique function to that of a residential neighbourhood. The position of Development Services Officers is that the provisions of the LNP do not apply in this instance because of the uniqueness of the facility from a social and demographic perspective.

Therefore, TME’s position in respect of the LNP is supportable as whilst a neighbourhood centre *per se* is not currently within easy reach in terms of the provisions of the LNP, the resort facility provides a high level of servicing to the current (and future inhabitants) of the development in the form of recreational facilities such as an 18-hole golf course, a swimming pool, a restaurant, a tennis court and bar facilities, etc.

Development Services Officers noted in their initial report to the Council that the matter of the potential long-term development of the Golf Course Reserve should ideally be considered relative to any support for the proposed Scheme Amendment in that the existence of the residential accommodation complex was premised and dependent on the creation (and continued existence) of the 18-hole golf course. TME advised Development Services Officers at the time of early discussions on the matter that it would be difficult to add any such commitment (to guarantee the longer term life of the golf course) to a Management Statement relating solely to the area subject of the strata-titling (Lot 105).

Development Services Officers accept that the matter of the possible future development of the golf course cannot reasonably be linked to consideration of the proposed Scheme Amendment. TME has suggested that the Scheme be amended such that three additional use-classes (dwelling house, attached dwelling and “residential unrestricted use”) are added to the current list of permitted uses on the subject land. Development Services has determined the appropriate use-classes should be Multiple Dwelling/Unrestricted Residential Accommodation (URA), Grouped Dwelling/URA and Single House/URA as outlined in the recommendation contained in this report.

#### Road Buffer Considerations

TME has provided data stating that buffer distances (in accordance with South West Region Planning Committee practice) from the Old Coast Road and the Australind Bypass are acceptable (see Plan marked “Buffer Considerations” submitted **under separate cover**). TME has also indicated that buffer distances from the future services corridor (running beside the juxtaposed railway line) and the future Port Access Road are acceptable relative to South Western Region Planning Committee practice.

It should be noted however, that the applicant has not supplied any specific scientific data in this respect and it is therefore suggested that the applicant be required to submit as part of the future Detailed Area Plan (DAP), an acoustic report from a suitably qualified consultant.

Car Parking and Traffic Management

Development Services Officers require that the matter of car-parking be appropriately addressed as part of any future DAP (refer to report recommendation).

Planning Bulletin No. 83 – Planning for Tourism

Planning Bulletin No. 83 "Planning for Tourism" sets out the interim policy of the WA Planning Commission (WAPC) in terms of implementing the recommendations of the TPTR.

Essentially this latter report was a State initiative aimed at tackling the issue recent of moves by the development industry to establish part of the complement of accommodation in tourist developments as permanent residential accommodation. Development Services Officers consider that some level of permanent residential accommodation in tourist developments would be beneficial in terms of residential mix from a social perspective, and in terms of benefiting the tourism industry in terms making the industry more competitive and financially viable in a more globalised market.

Planning Bulletin No. 83 states that tourist sites identified as "non-strategic" may accommodate up to 25% of the number of units and developable land as permanent residential accommodation.

The City has prepared a new Local Planning Policy (LPP) to address the matter of tourism planning. The land in question, as far as the new LPP is concerned, is not considered as a strategic site and on that basis it is considered that it would be in order for the City to consider, and support, the proponent's proposal to have a level of permanent residential development in the Sanctuary Golf Resort development complex. It is considered that the proposed upper limit of 25% limit can be supported.

Submitters Data

Twelve submissions have been received - refer to the Schedule of Submissions that has been provided to members **under separate cover**.

In terms of determining the efficacy of the proposed scheme amendment, the key submission is from the Bunbury Port Authority. The Port has indicated that it objects to the proposed development proceeding on the basis that (in summary):

- The amenity of any permanent residential area being compromised by road and rail noise associated with port transport and from general port activity;
- any move to set aside some of the Sanctuary Resort to permanent residential may be the first step in the eventual takeover of the whole site including the existing golf course area as residential.
- Having this potential development right on the border of the Port Reserve presents the Bunbury Port Authority with a neighbouring land use which is incompatible with the future inland expansion of the port per the *Inner Harbour Structure Plan* which is expected to be endorsed as a Strategic

Planning Document by the Port Authority Board of Directors in the near future.

- The proposal *“completely ignores the issue of the future inland expansion of the port towards the south east”*.

The points made by the BPA are commented on as follows.

It is considered that the matter of road/rail noise can be considered formally within the acoustic study which is proposed to occur as part of any future DAP. Whilst the Port only refers to the development as if all the residential development will be used for “permanent” (unrestricted residential) accommodation, in fact, only 12 of the proposed 76 units will be for unrestricted residential accommodation. Development Services Officers consider that the preferred method of resolving the issue may be to consider placing a memorial on the titles of any “unrestricted residential development” so that any future owners will be aware of the possibility of a level of noise which future owners may find objectionable. An allied method of resolving the issue may be to consider requiring the developer to acoustically insulate the housing in line with contemporary environmental standards and methods.

The Port has indicated that it is concerned regarding the possibility of having an “incompatible” land-use near the Port reserve. It is understood that the Port Structure Plan was prepared (by TME) having regard to the existing and established housing precincts, including the Sanctuary Reserve. Bearing this in mind lower order, least-impact, commercial and related port uses were planned (as part of the Port Structure Plan) to be located on the eastern portion of the Port reserve which is closest to established residential land (including Pelican Point) and the Sanctuary Resort.

The provisions of TPS 7 are such that “short-stay” residential development is considered to be an acceptable land-use within the bounds of the respective Special Use Zone (SU 34) and subject to the required studies as listed in TPS 7. The key point in this regard is that whilst “motel/short stay residential accommodation” is broadly acceptable subject to, in principle, the approval of a “development guide plan”, the matter of “permanent” residential development is what necessitates a Scheme Amendment determination. The issue in this regard, it is considered, is as to whether the matter of “permanent” residential development is any different from “short-stay” residential development in terms of compliance with environmental standards.

From a purely land-use perspective, it may be able to be argued that higher order standards should apply in the case of “permanent” residential development than is the case with “short-stay” residential development. Holiday-makers, for example, may be able to accept a lesser standard in terms of, say, noise, than people who may live permanently in any development. It may also be argued that in the case of “permanent” residential development, standards should ideally be higher for reasons of investment, permanency, and higher expectations, etc. Conversely, an argument could be made to the effect that holiday-makers should be allowed to live (even for a short time), in peaceful and quiet surroundings, and this is what, in effect they may expect.

Notwithstanding, it is considered that the matter of noise (which can be determined from the required acoustic study) could be designed-out by way of insulation for

example and by detailed architectural design by locating, say living/ bedrooms away from any potential sources of noise. As indicated above also, “memorials” (a memorial acts like a flag on a title document) may be considered as an acceptable means of alerting future owners of such properties of the potential of having a level of noise which they may consider unacceptable.

The BPA’s reference to an eventual take-over of the entire golf course is, on analysis, and at this stage of consideration of the Scheme Amendment, arguably, separate to the issue at hand. The only issue which is to be determined at this point in time, in the opinion of Development Services, is as to whether the currently proposed Scheme Amendment is in order, and as to whether Council wishes to support the Scheme Amendment post advertising.

Main Roads WA has advised the City that:

- A traffic study would be necessary.
- The proponents need to address current and future noise issues based on the WAPC Statement of Planning Policy Road and Rail Transport Noise (May 2005).
- The MRWA should be given the opportunity to consider any future signs facing Australind Bypass.

Accommodation for the submissions made by Main Roads WA is made in the report recommendation.

TME has commented to the effect that, in terms of Council’s last decision on the matter (at the time of “initiation”), wording to a Clause relating to the requirement for a DAP should be amended – i.e. the proposal by TME is to delete reference to a dot point reading: “*reference to Council’s resolution dated 9 June 2009*”. It is considered that this request by TME is in order and this is reflected in the report recommendation.

Whilst the submissions are important in terms of contributing to the final outcome of the decision-making process, it is considered that they do not carry such weight as to preclude consideration of granting final approval for the proposed Scheme Amendment by Council and the forwarding of such determination to the WAPC for its determination.

In conclusion, therefore, it is considered that the planning report prepared by TME is in order and subject to qualifications as listed in the report recommendation, and; that the proposed Scheme Amendment is sufficient to allow the matter to proceed to the next stage of consideration.

### **Strategic Outcomes**

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

### **Community Consultation**

Community consultation has concluded in the form of public advertising of the proposed Scheme Amendment. Twelve submissions were received.

### **Applicant Consultation**

In order to progress the matter, discussions have been undertaken with the applicant and his planning consultant on a number of occasions.

### **Councillor/Officer Consultation**

The various issues relating to this matter have been broadly canvassed at staff level within Development Services 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 as a result of the Scheme Amendment being approved.

### **Economic, Social, Environmental and Heritage Issues**

#### Economic

It is considered that the proposed development would provide significant economic benefits to the City as it proceeds to take up its second-city status in the State.

#### Social

It is considered that there would not be any adverse social impact(s) should the development proceed. In effect it is also considered that with the provision of a portion of the residential development in the Sanctuary Golf Course Resort being able to be utilised for permanent residential development, social benefits would accrue in terms of providing demographic social mix and in terms providing a greater level of housing choice in the City.

#### Environmental

It is considered that relevant environmental issues include the matter of buffers to the Australind Bypass, the Old Coast Road and the railway and new Port Access Road as detailed above and in the report recommendation.

#### Heritage

The matter of Aboriginal heritage is as set out in the report recommendation.

### **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, the Planning and Development Act 2005, or any other Act, Local Law or Regulations have been complied with in the processes leading up to the finalisation of this report. 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**

Delegation of authority is not applicable in this case. It is the Council's prerogative as to whether it wishes to approve (after advertising) a Scheme Amendment proposal.

## **Relevant Precedents**

Council previously considered the matter at its meeting on 29 May 2001 - a copy of its decision (letter to TME from the City dated 1 June 2001) is contained in the report **under separate cover**.

Council supported a similar Town Planning Scheme Amendment with support for permanent (unrestricted residential) occupancy up to 50% of the total accommodation complement. This TSPS was not supported by the Minister.

## **Options**

### Option 1

Per the recommendation contained in this report.

### Option 2

Should Council determine to resolve not to further support or approve the proposed Scheme Amendment, a suggested format for such action is as follows:

*"Under the provisions of the Planning and Development Act 2005, Thompson McRobert Edgeloe (TME) be advised that subsequent to consideration of community consultation submissions, the Council has decided NOT to adopt Scheme Amendment No. 35 for reasons as determined by Council members as part of its deliberations on the matter."*

## **Conclusion**

Development Services considers that it would be in order for the Council to adopt Scheme Amendment No. 35 subject to certain changes being required to TME's Scheme Amendment report and subject to other matters being addressed prior to the issue of any grant of planning approval for any building works.

Pure land-use considerations are seen to be in order. The Port's submission, is, it is considered, the key submission in respect of Council's determining the matter, and whilst the Port has, in terms of protecting its interests, properly made its concerns known to Council, Development Services Officers consider that it will be possible for

the owner of the Sanctuary Resort to put in place operational controls whereby the proposed development can co-exist with the Port Reserve operations.

Therefore, whilst the submissions which have resulted from the community consultation period are important in terms of contributing to the final outcome of the decision-making process, it is considered that they do not carry such weight as to preclude consideration of granting final approval for the proposed Scheme Amendment by Council and the forwarding of such determination to the WAPC for its consideration.

Development Services therefore recommends that Council adopt the proposed Scheme amendment subject to conditions listed in the report recommendation, and; that after the consultant amends its Scheme Amendment report, the matter be referred to the WA Planning Commission for its consideration.

### **Recommendation**

Pursuant to an application from TME (on behalf of Azuna Pty Ltd) to modify Town Planning Scheme No. 7 to facilitate the next stage of development at the Sanctuary Golf Resort, the Bunbury City Council, under the provisions of the Planning and Development Act 2005, resolves as follows:

1. To determine the submissions as recommended.
2. To adopt Scheme Amendment No. 35 subject to:
  - 2.1 The actioning of following modifications to the Scheme Amendment Report:
    - 2.1.1 Removing any reference to the terms “dwelling house” and “attached dwelling”.
    - 2.1.2 Including the additional use-classes of Multiple Dwelling/Unrestricted Residential Accommodation (URA), Grouped Dwelling/URA, and Single House/URA as Special Uses.
    - 2.1.3 Adding the following definition: “Unrestricted Residential Accommodation” means a dwelling or dwellings (either single, grouped, or multiple) that may be occupied permanently as a residential dwelling or temporarily for short-stay accommodation.
    - 2.1.4 Paragraph 3 of the “Conditions” section of the draft amendment data – remove reference to the word “plan” which is superfluous in terms of the intended meaning.
    - 2.1.5 Paragraph 6 of the “Conditions” section of the draft amendment data – add the following words after the word “units”: “and any other relevant matter to the satisfaction of the City”.
    - 2.1.6 Removing the words “reference to Council’s resolution dated 9 June 2009”.



- 2.1.7 Note: other adjustments to be as determined by Council.
- 2.2 The applicant submitting a Detailed Area Plan (to be considered and approved prior to the approval of any development application) which is to include proposals in respect of plot ratio, building height, site coverage, design parameters, and any other relevant matter to the satisfaction of the Manager of Development Services.
- 2.3 The development being consistent with the Tourist Accommodation Strata Title Guidelines issued by the South West Region Planning Committee (January 2006), and in particular to a requirement that all short-stay accommodation units will be subject to a "Section 6" restriction whereby permanent occupancy of tourist accommodation will be limited to not more than three months in any 12-month period.
- 2.4 The applicant submitting for consideration an acoustic report prepared by a suitably qualified and experienced (to the satisfaction of the City) acoustic engineer to prove up that the buffer distances proposed by the applicant in respect of the Old Coast Road, the Australind Bypass and the future Port Access and associated Port railway are acceptable and should include reference to the WAPC Statement of Planning Policy Road and Rail Transport Noise (May 2005). Such report is to be submitted and approved by the City prior to the approval of any development application.
- 2.5 The applicant submitting (concurrent with any Detailed Area Plan) a Staging Plan/Program for construction and completion of the unrestricted residential and short stay accommodation units to be prepared and implemented to ensure that the development is constructed within a timeframe deemed acceptable to the City.
- 2.6 The applicant ensuring action such that notifications are placed (in accordance with Section 6 of the Strata Titles Act 1985) on the Certificates of Title of the proposed "short-stay" lots confirming that the units are to be used for short stay occupancy only. The Notice(s) are to be included on the Deposited Plans and are to state as follows:
- "No person shall occupy any Tourist Accommodation Unit for more than a total of three months in any one 12-month period. In this regard a register of guests is to be made available for perusal by the City of Bunbury as required."
- 2.7 The applicant submitting (concurrent with the submission of a Detailed Area Plan) a draft Management Statement to the satisfaction of the City, and ultimately the WA Planning Commission, and, to include provisions proposed by Tourism WA in its letter dated 9 February 2009. Such Management Statement is to be subject of a grant of approval from the City prior to the issuance of any planning approval
- 2.8 The proponent demonstrating how it intends to plan for pedestrian and cycle path access to/from and within the development to the satisfaction of the City Engineer.

- 2.9 The proponent gaining the consent of the Minister for Indigenous Affairs under S18 of the Aboriginal Heritage Act 1972 in terms the proximity of artefact sites on or near the site of the proposed development, prior to the approval of any Detailed Area Plan.
3. To authorise the Mayor and the Chief Executive Officer to execute the Town Planning Scheme Amendment documents.
4. All details of the amended Scheme Amendment documentation (as submitted to the WA Planning Commission) to be to the final approval of the Manager of Development Services.
5. To forward the signed and sealed Scheme Amendment documents to the Minister for Planning via the WA Planning Commission with a request for final approval.

**Outcome – Committee Meeting 8 December 2009**

A memorandum was circulated to members advising that this motion has been withdrawn.

**11.16 Town Planning Scheme No. 7 (Amendment No. 36) - Proposed Rezoning From Residential R30 To SU33 - Bunbury Forum Shopping Centre Staff Car Park, Lots 1 and 2 (No. 128-130) Strickland Street, Bunbury** *(was listed as Item 11.15 on the meeting agenda)*

<b>File Ref:</b>	A03779
<b>Applicant/Proponent:</b>	The Planning Group
<b>Author:</b>	Kevin Townroe, Planning Officer
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

### Summary

TPG Consultants (Town Planning and Urban Design) who act on behalf of Atlas Point Pty Ltd, has lodged an application with the City to request initiation to amend the current Town Planning Scheme No. 7 to facilitate the redevelopment of the land for staff car parking associated with the Bunbury Forum Shopping Centre. The subject land is as follows and a location plan is contained within the report circulated to members under separate cover.

1. Lot 1 (No. 128) Strickland Street - rezone from Residential R30 to Special Use SU33 car park.
2. Lot 2 (No. 130) Strickland Street - rezone from Residential R30 to Special Use SU33 car park.

The subject lots would form an extension to the existing 'Special Use zone 33' currently known as Lot 150 (No. 132) Strickland Street which is currently used as staff only car-parking (71 bays) in conjunction with the Bunbury Forum shopping centre. It is proposed that all the subject land be used for staff car-parking only (including the additional 56 bays). This proposed revised car-park layout would create a total of 120 staff car-parking bays. All the subject land is under the same ownership.

It is considered that Scheme Amendment No 36 as proposed is in order and it is recommended that Council resolve to initiate a Scheme Amendment to rezone the portions of land through appropriate amendment/s to Town Planning Scheme No 7.

The existing and proposed zoning maps, the preliminary indicative site layout (as amended) and a copy of TPG's Scheme Amendment Report are contained in the report circulated to members under separate cover.

### Background

The existing Special Use Zone-33 was granted final approval in April 1998 to rezone from Residential 'R15' to Special Use car-park and the relevant amendment to Town Planning Scheme No. 6 was finalised.

The proposal is to rezone the juxtaposed residential land from R30 to 'SU zone 33 – Car-park' to complement and expand the existing staff car-parking arrangements to the northern side of the Forum shopping centre.

## **Strategic Outcomes**

The site is in the frame area where Local Planning Policy – Non-Residential Development in or Adjacent to Residential Areas is applicable. The purpose of this Policy is to provide guidance for ‘non-residential development’ – defined as any use that is a ‘D’ or ‘A’ use within the ‘Residential’ zone (as stipulated by Table 1 – zoning Table) within or adjacent to residential areas.

The newly proposed Local Planning Strategy for Activity Centres & Neighbourhoods, which has recently been approved by Council for advertising (Council decision 177/09), supports residential R20/R40 on the pertinent Lots and some transitional uses (identified as ‘D’ or ‘A’ uses in Town Planning Scheme No.7). While the Strategy does not promote the expansion of the Forum Shopping Centre beyond its presently zoned area, this proposal is not in conflict with the strategy and does not affect the floor space cap under the Strategy’s Activity Centre hierarchy.

This proposal is not considered to have any relevant strategic implications, as the proposed additional car-parking for employees is to address the land-owners desire to create car-parking on site due to the Forum’s regional popularity. As such the proposal does not affect the maximum retail floor space permitted by the WAPC. However, it should be noted that creation of additional off-site car-parking should not be used as a justification to expand the permitted retail floor-space area in the future.

## **Community Consultation**

The proposed scheme amendment will be required to be advertised for public comment and referred to Government agencies for comment during the formal advertising period in accordance with the Western Australian Planning Commission requirements.

### **Consultation with adjoining landowners**

Atlas Point Pty Ltd, the owners of the subject site have stated that they have recently undertaken consultation with the landowners adjoining the subject land, see letter in the report circulated **under separate cover**.

### **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.

### **Economic, Social, Environmental and Heritage Issues**

#### **Economic**

It is considered that the proposed development would result in an economic advantage for the City and local area by virtue of increased car-parking provision

which in turn is likely to contribute to the economic growth of the Bunbury Forum and local the economy.

### Social

Social implications relative to the matter would be fully explored during the advertising period should Council determine to support initiation of the proposal.

### Heritage

There are no known heritage issues relative to the proposed rezoning.

### **Council Policy Compliance**

The Local Planning Policy titled "Scheme Amendments: Application Requirements and Documentation for Purposes of Advertising" is a relevant policy in this case. It is considered that the proposal generally complies with relevant Policies.

### **Legislative Compliance**

Legislative requirements relating to the Local Government Act 1995, the Planning and Development Act 2005, 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**

Delegation of authority is not applicable in this case; it is Council's prerogative as to whether it wishes to initiate, or not consider initiating, a Scheme Amendment proposal.

It should be noted that final approval rests with the Minister for Planning and Infrastructure.

### **Relevant Precedents**

There are no known recent precedents that have been granted for rezoning of this particular nature.

### **Options**

#### Option 1

Council may exercise its discretion and opt to initiate the proposed Scheme amendment to rezone and extend Special Use Zone 33 – Car-Park.

*"Council, under the Planning and Development Act 2005 (as amended), resolves to advise TPG – The Planning Group, that in respect of communication from TPG dated 9 June 2009 regarding Nos. 128 and 130 Strickland Street, it is prepared to initiate a Scheme Amendment to Town Planning Scheme No. 7 to allow the land to be rezoned to 'Special Use Zone 33 (SU33)."*

### Option 2

Council may elect NOT to proceed with the rezoning of the land.

*“Council under the Planning and Development Act 2005 resolves to advise The Town Planning Group (TPG) that in respect of Nos. 128 and 130 Strickland 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, R30 (Residential) Special Use Zone 33 – Car-Parking for the fact that the proposed SU33 would be inconsistent with the current zoning of the neighbourhood and the character of the neighbourhood”.*

### Option 3

Council may elect to proceed with revised amendments.

### **Conclusion**

The proposed rezoning would change the use of two residential lots (704m<sup>2</sup> each – total area 1408m<sup>2</sup>) to a car-park use that would be used for staff car-parking only and to be used in conjunction with the existing Forum Shopping Centre. It should be noted that the Forum shopping centre has current car-parking provision in-line with the provisions of the Town Planning Scheme No.7 – Car-Parking standards.

There are 71 existing car-parking bays in the ‘Special Use Zone 33’. The proposed rezoning would create an additional 49 car-parking bays (in excess of Scheme requirements) having potential to result in a total of 120 car-parking bays for staff car-parking.

Considering the proposed measures that would address the interface with both the adjoining residential properties and the streetscape, including boundary walling and landscaping, it is considered that an extension of the existing Special Use Zone 33 (car-park), onto the subject land would be a minor change and considered not to have a detrimental impact on adjoining residential land and would not adversely affect the established level of amenity, particularly given that the car-park would be for staff use only.

The subject Lots are located within a ‘frame area’ as identified in Local Planning Policy “Development in or Adjacent to Residential Areas”. Uses identified as ‘A’ or ‘D’ (Table No.1 Zoning Table, TPS No.7) would generally be supported and transitional uses such as consulting rooms and medical centre are amongst those uses for consideration. Therefore it is considered that the proposal would not have any greater impact than those uses permissible under this policy.

### **Recommendation**

1. Council, under the Planning and Development Act 2005 (as amended), resolves to advise TPG – The Planning Group, that in respect of communication from ‘TPG’ dated 9 June 2009 regarding Nos. 128 and 130 Strickland Street, it is prepared to initiate a Scheme Amendment to Town Planning Scheme No. 7 to allow the land to be rezoned to ‘Special Use Zone 33 (SU33) being:

- 1.1 Lot 1 (No. 128) Strickland Street from Residential R30 to Special Use SU33 - car park.
- 1.2 Lot 2 (No. 130) Strickland Street from Residential R30 to Special Use SU33 - car park.
2. The proposed Scheme Amendment/s to be advertised for public comment with a submission period of no less than 49 days (inclusive of an extra week due to the Christmas close down).
3. Following public advertising the Scheme Amendment/s application to be returned to Council for further consideration.

**Outcome – Committee Meeting 8 December 2009**

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

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

**Committee Recommendation**

1. **Council, under the Planning and Development Act 2005 (as amended), resolves to advise TPG – The Planning Group, that in respect of communication from ‘TPG’ dated 9 June 2009 regarding Nos. 128 and 130 Strickland Street, it is prepared to initiate a Scheme Amendment to Town Planning Scheme No. 7 to allow the land to be rezoned to ‘Special Use Zone 33 (SU33) being:**
  - 1.1 **Lot 1 (No. 128) Strickland Street from Residential R30 to Special Use SU33 - car park.**
  - 1.2 **Lot 2 (No. 130) Strickland Street from Residential R30 to Special Use SU33 - car park.**
2. **The proposed Scheme Amendment/s to be advertised for public comment with a submission period of no less than 49 days (inclusive of an extra week due to the Christmas close down).**
3. **Following public advertising the Scheme Amendment/s application to be returned to Council for further consideration.**

CARRIED  
11 Votes “For” / Nil Votes “Against”

**11.17 Request for Nominations to fill a Vacancy on the South West Development Commission Board of Management** *(was listed as Item 11.16 on the meeting agenda)*

<b>File Ref:</b>	A00380
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jack Dyson, Senior Administration Officer
<b>Executive:</b>	Greg Trevaskis, Chief Executive Officer

**Background**

The South West Development Commission (SWDC) is inviting nominations from Local Government representatives to fill a vacancy on its Board of Management. The vacancy has been created by the resignation of former Councillor Margaret Smith of the Shire of Capel.

The term of the appointment will range from one to three years.

The SWDC's role is to coordinate and promote economic development in the South West Region. The Commission's specific aims include: maximising job creation; broadening local economies; identifying the need for infrastructure services; providing information and advice to business, and; ensuring access to government services.

The SWDC Board comprises ten members. It meets monthly to set policies and make decisions regarding a broad range of economic development projects and initiatives involving the Commission.

The Minister will assess nominees submitted by Local Governments on their ability to make a significant contribution to the Board together with a demonstrated involvement in either the economic or social development of the region.

An information package and application form is available for intended candidates and nominations must address the selection criteria listed in the package. A brief curriculum vitae is also required.

Nominations close on Friday, 31 December 2009.

**Strategic Outcomes**

This proposal can be aligned with Strategic Direction 1: *"Improve relationships with State, Federal and other Local Governments."*

**Community Consultation**

There is no need for community consultation on this matter.

**Councillor/Officer Consultation**

This report serves to bring the matter to the attention of Council.



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

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

### **Environmental Issues**

There are no environmental issues associated with this matter.

### **Council Policy Compliance**

The Bunbury City Council does not have a policy relating to appointment of its members to external boards of management.

### **Legislative Compliance**

The calling of nominations for Local Government representatives to the Board is permitted under the provisions of the Regional Development Commissions Act 1993.

### **Delegation of Authority**

There is no delegated authority to allow the Chief Executive Officer to nominate elected members.

### **Relevant Precedents**

Council considered a similar matter at the Council Meeting of 14 April 2009, where it was resolved to nominate Councillors Derek Spencer and Shane Rooney to fill vacancies which existed at the time.

The most recent City of Bunbury representatives on the South West Development Commission Board were former Councillor Margaret Lane and former Mayor John Castrilli.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

Council elects NOT to nominate a councillor for Ministerial consideration to fill a vacancy on the South West Development Commission Board of Management.

### **Recommendation**

Council nominates Councillor \_\_\_\_\_ for Ministerial consideration to fill a vacancy on the South West Development Commission Board of Management.

**Outcome – Committee Meeting 8 December 2009**

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

Councillor Punch nominated Mayor D Smith to be the nominee, Councillor Major seconded the nomination. Mayor D Smith accepted the nomination.

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

**Committee Recommendation**

**Council nominates Mayor David Smith for Ministerial consideration to fill a vacancy on the South West Development Commission Board of Management.**

CARRIED

11 Votes "For" / Nil Votes "Against"

**11.18 Regional and Local Community Infrastructure Program - Strategic Projects  
Round No. 2 (2009-2010)** *(was listed as Item 11.18 on the meeting agenda)*

<b>File Ref:</b>	A00964
<b>Applicant/Proponent:</b>	Federal Government
<b>Author:</b>	Greg Trevaskis, Chief Executive Officer
<b>Executive:</b>	Greg Trevaskis, Chief Executive Officer

**Summary**

For Council to select one project for funding under the Regional and Local Community Infrastructure Program (RLCIP). This funding is provided from a pool of \$120 million which local governments can apply for large strategic projects seeking a minimum Commonwealth contribution of \$1 million. It is anticipated that approximately \$12 million will be allocated for WA projects. The City of Bunbury previously received \$2 million under Round 1 of the RLCIP in 2008-09 for the new Bunbury Regional Athletics Track.

**Background**

Projects under the \$120 million RLCIP- Strategic Projects program will be allocated funding on a nationally competitive basis and will be assessed by the Department of Infrastructure, Transport, Regional Development and Local Government.

Preference will be given to projects which can demonstrate community benefit. Partnership funding is required and preference may be given to projects with greater co-contributions. Consideration will be given as to whether Councils have completed their RLCIP- Round 1 Strategic Projects.

Applications will have a greater chance of success if they can quantify or otherwise demonstrate what the project will achieve, what the ongoing community benefits will be and how the project will be sustainable. The maximum total of applications per council is two; one application per council and one as a participant in a group allocation. Local governments may apply on behalf of local non-for-profit organisations.

Eligible projects must be additional, ready to proceed or additional stages of current projects. Additional projects are those which have not been included in local governments financial budget for 2009/10 and can be brought forward as a result of RLCIP-SP funding. Projects that are ready-to-proceed are those that will begin construction within six months of signing the Funding Agreement (contract).

Eligible categories for funding include new works or major renovations and refurbishments such as:

- Social and Cultural Infrastructure (e.g. art spaces, gardens);
- Recreational facilities (e.g. swimming pools, sports stadiums);
- Tourism infrastructure (e.g. walkways, tourism information centres);
- Children, youth and senior facilities (e.g. play group centres, senior citizen centres);

- Access facilities (e.g. boat ramps, footbridges and airports); and
- Environmental initiatives (e.g. drain and sewerage upgrades, recycling plants).

Final complete applications must be received by the Departments by 1:00pm (WA time) on 15 January 2010.

### **Strategic and/or Regional Outcomes**

The projects to be considered are part of the City's 5 Year Financial Plan and are key strategic infrastructure projects for developing community activity and involvement. Receipt of the RLCIP funding will assist Council to meet its strategic objectives including "City Strategic Plan- Objective 3- Deliver major capital projects on time and on budget".

### **Community Consultation**

Media information relating to the availability of funding under the RCLIP has been well publicised in all major media outlets. Community groups have made submissions seeking assistance from Council in accessing funding through this package. A list of potential projects for funding under RCLIP and Royalties for Regions programs has been previously referred to all elected members.

### **Councillor/Officer Consultation**

Elected members have considered potential projects for funding under Federal and State programs at Briefing Sessions on 25 August and 1 December 2009.

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

It is expected that the projects identified to receive funding from the RLCIP will be completed in the 2010/11 Financial Year and are consistent with Council's approved 5 Year Financial Plan objectives for major works.

### **Economic, Social, Environmental and Heritage Issues**

The proposed projects will have positive environmental, social and economic outcomes for the City through the improvement of facilities that promote sport/ arts within the community.

### **Council Policy Compliance**

Not applicable

### **Legislative Compliance**

The funding needs to be expended on projects that fit within the guidelines and timelines required.

### **Delegation of Authority**

The Chief Executive Officer does not have delegated authority to select major projects for funding of this nature.

### **Relevant Precedents**

Council participated in Round 1 of the RLCIP in 2008/09 and received funding of \$2 million for the new Bunbury Regional Athletics Track.

### **Potential Projects**

1. New Soccer/Multi-use Pavilion at Hay Park

RCLIP Funding:	\$2,000,000
State Funding:	\$ 268,000
Community- Soccer:	\$ 70,000
CSRFF (approved):	\$ 331,000
<u>Council:</u>	<u>\$ 331,000</u>
<u>Total Project:</u>	<u>\$3,000,000</u>

2. Bunbury Regional Entertainment Centre Redevelopment

RCLIP Funding:	\$2,500,000
Council:	\$2,500,000
<u>Royalties for Regions (Country Fund):</u>	<u>\$2,500,000</u>
<u>Total Project:</u>	<u>\$7,500,000</u>

3. Netball/Athletics Multi-purpose Pavilion at Hay Park

RCLIP Funding:	\$1,800,000
<u>Council:</u>	<u>\$1,200,000</u>
<u>Total Project:</u>	<u>\$3,000,000</u>

### **Options**

#### Option 1

Council select one of the above projects for funding assistance under Round 2 of the RCLIP- Strategic Projects program.

#### Option 2

That Council not participate in the RCLIP funding program.

### **Recommendation**

Council nominates the proposed "New Soccer/Multi-use Pavilion at Hay Park" as its project for funding under the RLCIP Strategic Projects Program (Round No. 2):

RCLIP Funding:	\$2,000,000
State Funding:	\$ 268,000
Community- Soccer:	\$ 70,000

CSRFF (approved):	\$ 331,000
Council:	<u>\$ 331,000</u>
	\$3,000,000

### **Outcome – Committee Meeting 8 December 2009**

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

During the discussion, a member expressed the belief that the money would be better spent on the Bunbury Regional Entertainment Centre Redevelopment. The Mayor pointed out that the Soccer pavilion would cost the Council the least amount and this project would benefit Community groups - such as the South West Phoenix Soccer club's bid to remain in the WA State League competition - as well as possibly being a venue for the 2018 Soccer World Cup.

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

#### **Committee's Recommendation**

**Council nominates the proposed "New Soccer/Multi-use Pavilion at Hay Park" as its project for funding under the RLCIP Strategic Projects Program (Round No. 2):**

<b>RCLIP Funding:</b>	<b>\$2,000,000</b>
<b>State Funding:</b>	<b>\$ 268,000</b>
<b>Community- Soccer:</b>	<b>\$ 70,000</b>
<b>CSRFF (approved):</b>	<b>\$ 331,000</b>
<b>Council:</b>	<b><u>\$ 331,000</u></b>
	<b>\$3,000,000</b>

CARRIED  
10 Votes "For" / 1 Vote "Against"

Councillor Craddock asked that the votes be recorded:

For: Mayor D Smith, Deputy Mayor Kelly, Cr Jones, Cr Whittle, Cr Leigh,  
Cr Steele, Cr Slater, Cr Harrop, Cr Major and Cr Punch  
Against: Cr Craddock

**11.19 South Western Regional Grants Scheme - Royalties for Regions** *(was listed as Item 11.19 on the meeting agenda)*

<b>File Ref:</b>	A03667
<b>Applicant/Proponent:</b>	South West Development Commission
<b>Author:</b>	Greg Trevaskis, Chief Executive Officer
<b>Executive:</b>	Greg Trevaskis, Chief Executive Officer

**Summary**

For Council to determine which projects are to be applied for funding under the SW Regional Grants Scheme.

**Background**

Funding is available to assist the development of infrastructure, services and community projects, including the provision of headworks, and to assist in the broad development of the community, including the establishment of services and programs. Funding is intended to support the development of resilient communities and contribute to regional areas being vibrant and interesting places in which to live.

The Scheme is administered by the South West Development Commission as part of the Royalties for Regions Program. Royalties for Regions is a State Government program designed to promote long-term development in Western Australia's regions. It aims to help local communities grow and prosper through the promotion of local decision-making and is specifically designed to help regions attract the resources needed to support development. The Scheme's broad objectives are to:

1. Increase capacity for local strategic planning and decision-making.
2. Retain and build the benefits of regional communities.
3. Promote relevant and accessible local services.
4. Assist communities to plan for a sustainable economic and social future.
5. Enable communities to expand social and economic opportunities.
6. Assist regional communities to prosper through increased employment opportunities, business and industry development opportunities, and improved local services.

The Scheme is targeted at providing financial assistance to regionally based organisations. Eligible applicants may include local governments, voluntary organisations, business groups, educational institutions, philanthropic foundations and community organisations.

State and Federal Government agencies may apply, but projects deemed to be within their core business functions will not be supported.

Preference will be given to projects that can demonstrate that a grant from this Scheme will lever funds from other sources.

- Demonstrated support from key stakeholders
- Projects are sustainable
- Detailed planning has been completed and all approvals can be achieved in a short time frame
- Project can proceed and can be completed in a timely manner

A total of \$3.5 million has been allocated to this Scheme for the year 2009/10. The current round of contestable funding for the period ending 30 June 2010 will close at 4:30pm on Wednesday, 10 February 2010.

### **Strategic and/or Regional Outcomes**

Attracting Government grant funding is a key strategy for Council and assists with the delivery on key objectives as contained in the City's major strategic planning documents:-

- City Vision
- Five Year Financial Plan
- City of Bunbury Strategic Plan

### **Community Consultation**

The South West Development Commission has publicly called for applications for funding through local media outlets. The City has also received submissions from community groups seeking support to applications and general assistance to access funds through this program.

### **Councillor/Officer Consultation**

Elected members and staff have contributed a list of potential projects for funding under current Federal and State Government programs. A comprehensive list of projects is now available to assist discussion and determination of priorities. Council Briefing Sessions on 25 August and 1 December 2009 gave consideration to associated grant funding opportunities.

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

It is expected that the projects identified to receive funding from this package will not have any impact on Council's current 2009/10 or 2010/11 budgets other than to increase the revenue received for additional projects approved.



### **Economic, Social, Environmental and Heritage Issues**

It is expected that the projects selected will provide a positive contribution to the City's facilities and amenities. No adverse environmental or heritage impacts are anticipated.

### **Council Policy Compliance**

Accords with Council's policy to apply for and actively seek government grant funding for Council programs and infrastructure.

### **Legislative Compliance**

Projects will be completed in accordance with relevant standards, approvals and funding guidelines. No particular legislative requirement is applicable for grant funding on projects under consideration.

### **Delegation of Authority**

The Chief Executive Officer does not have delegated authority to select major projects for funding of this nature.

### **Relevant Precedents**

The City received funding under this program in 2008/09 for the Bunbury Regional Library Digital Public Art project for \$45,000.

### **Proposed Projects**

1. *South West Sports Centre Chlorine Gas Conversion \$120,000*

Conversion from liquid chlorine to chlorine gas will improve the pool water quality and save estimated \$30,000 a year in chemical and energy costs.

2. *South West Sports Centre Building Management System Upgrade \$30,000*

Current BMS needs upgrade to manage the Centre's lighting, heating and cooling needs to save on energy and improve efficiencies.

3. *South West Sports Centre (Access upgrade) Automatic Pool Entrance Doors \$30,000 (4 doors)*

Upgrade will assist people with disabilities and families with young children (babies and young children in prams) large number frequent the pool area.

4. *Bunbury Regional Art Galleries Automatic Doors (4 doors) and access signage \$20,000*

Upgrade will assist people with disabilities and families with young children (babies and young children in prams). These doors can be retrofitted to the existing doors. The signage to be installed is to indicate the wheelchair entrance and location of accessible toilets.

5. *Big Swamp Playground \$100,000*

Additional funding of \$100,000 to further expand the Big Swamp Playground as part of a staged program to make this Reserve a significant attraction and tourism facility.

6. *Sykes Foreshore Playground (adjacent to Powerboat Club Pavilion) \$100,000*

Provision of new and enhanced playground facilities to provide additional activities and interest for this popular venue.

7. *Koombana Bay Toilet disabled access \$140,000*

Refurbishment and modifications to toilet block to allow for wheelchair access and accessible change rooms, as well as storage space for the newly acquired Beach Wheelchairs. Also, installation of a ramp from toilet block/change rooms to the beach.

### **Options**

#### Option 1

Per the recommendation listed in this report.

#### Option 2

Amend the project list to alternative projects for funding.

### **Recommendation**

Council makes application for the following projects to be considered for funding under the Royalties for Regions South West Regional Grants Scheme for 2009/10:

1. South West Sports Centre Chlorine Gas Conversion \$120,000
2. South West Sports Centre Building Management System Upgrade \$30,000
3. South West Sports Centre (access upgrade) Automatic Pool Entrance Doors \$20,000
4. Bunbury Regional Art Galleries Automatic Doors (4 doors) and access signage \$40,000
5. Big Swamp Playground \$100,000
6. Sykes Foreshore Playground (adjacent to Powerboat Club Pavilion) \$100,000
7. Koombana Bay Toilet disabled access \$140,000

### **Outcome – Committee Meeting 8 December 2009**

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

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

**Committee Recommendation**

**Council makes application for the following projects to be considered for funding under the Royalties for Regions South West Regional Grants Scheme for 2009/10:**

- 1. South West Sports Centre Chlorine Gas Conversion \$120,000**
- 2. South West Sports Centre Building Management System Upgrade \$30,000**
- 3. South West Sports Centre (access upgrade) Automatic Pool Entrance Doors \$20,000**
- 4. Bunbury Regional Art Galleries Automatic Doors (4 doors) and access signage \$40,000**
- 5. Big Swamp Playground \$100,000**
- 6. Sykes Foreshore Playground (adjacent to Powerboat Club Pavilion) \$100,000**
- 7. Koombana Bay Toilet disabled access \$140,000**

CARRIED

11 Votes "For" / Nil Votes "Against"

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

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various

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

### Recommendation

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

1. Title: Minutes - Bunbury-Setagaya Sister Cities Committee (19/08/2009, 30/09/2009 & 21/10/2009)  
Author: Jenelle Dunn  
File: A00443

### Outcome – Committee Meeting 8 December 2009

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

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

### Committee Recommendation

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

1. Title: Minutes - Bunbury-Setagaya Sister Cities Committee (19/08/2009, 30/09/2009 & 21/10/2009)  
Author: Jenelle Dunn  
File: A00443

CARRIED  
11 Votes "For" / Nil Votes "Against"

## 12. Motions on Notice

### 12.1 Motion on Notice - Youth Engagement Program (Withers) *(was listed as Item 12.3 on the meeting agenda)*

<b>File Ref:</b>	A00106
<b>Applicant/Proponent:</b>	Councillor Juliet Harrop
<b>Author:</b>	Councillor Juliet Harrop
<b>Executive:</b>	<i>If adopted, refer to:</i> Dom Marzano, Executive Manager City Life

Cr Harrop has given notice that she intends to move the following Motion at the Council Committee Meeting on 8 December 2009:

*"Council grants \$3,000 in the December 2009 Budget Review for a Youth Engagement Program to be held in Withers during the January 2010 school holidays in consultation with appropriate agencies and community members."*

#### **Comments - Cr Harrop**

In support of her motion, Cr Harrop states that:

*"There has been ongoing anti-social behaviour by children and teenagers in Withers over the past several years. This year, this resulted in damage to the Withers Library (due to the reduction of hours there) and harassment and damage to two homes and property on Jacaranda Avenue - a thoroughfare to Minninup Forum and people from quite some distance away use it as a short cut.*

*It has been suggested to me by residents involved that the mood is such at the moment with this group of disaffected youth (ages six to sixteen) that the situation during these school holidays could become unmanageable unless positive intervention is implemented. There have been ongoing discussions with the Police and our rangers but they are unable to maintain a permanent presence so a program that engages youth may deflect their boredom and destructiveness.*

*A low key City Life program designed in consultation with Police and SWAMS (and other concerned agencies) in Bunbury can deliver a Withers-specific low key interaction with youth. Possibly members of the Youth Advisory Council or their friends may wish to become involved as role models for these young people.*

*Details will need to be worked out through the City Life Division but I envisage one day a week for four weeks in January, needing a budget of \$3,000 to cover staff costs and some materials - inventiveness with recyclable materials may be a good option, it is what the disaffected youth do already though destructively!"*

#### **Executive Comments**

The Acting Executive Manager City Life advises that the City Life Division has a varied program of activities to engage Bunbury youth. This includes the *Unleashed* school holiday program, *Adrenalin* underage dance parties, *Outer Spaces* urban art

projects, *BandIT* music events, skate competitions and the *Take 2* media project for at-risk youth. These activities are offered on a Bunbury-wide basis, with particular effort made to include youth from a range of different backgrounds including indigenous and those with disabilities.

Councillor Harrop's proposal is aimed at providing a program in response to a need in a specific suburb. Given the frequency and level of concern expressed about social issues in Withers, City Life would be happy to endeavour to provide some targeted initiatives. As current planning and resources for the summer period, and indeed the rest of the financial year, are already fully committed, the best option would be to include the Withers youth in our existing programs. The Youth Development Officer has proposed to partner with the PCYC and key indigenous groups to find ways to make the *Unleashed* program more accessible to youth from Withers including a door-to-door pick-up service and free (or very low-cost) registration. An amount of approximately \$3,000 would be required to cover the cost of the pick-up service and the subsidy of the *Unleashed* places. In the future with greater lead time for planning, it may be possible to deliver a program in Withers.

As discussed at the Council Briefing Session on 1 December 2010, the proposed December Budget Review is currently a balanced budget. This proposal would require discussion as a new item.

#### **Cr Harrop's Motion**

Council grants \$3,000 in the December 2009 Budget Review for a Youth Engagement Program to be held in Withers during the January 2010 school holidays in consultation with appropriate agencies and community members.

#### **Outcome – Committee Meeting 8 December 2009**

The Motion on Notice (as printed) was moved Cr Harrop, seconded Cr Major (pro-forma) and became the motion under discussion.

During the discussion an amendment to Councillor Harrop's motion to have the funding come from the March budget was made and accepted by the mover and seconder.

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

#### **Committee Recommendation**

**Council finds \$3,000 through the March Budget Review process, for youth in Withers to participate in the City's January Unleashed holiday program by way of transport assistance and a subsidy for places.**

CARRIED  
11 Votes "For" / Nil Votes "Against"

**12.2 Motion on Notice - Council Policy Review Procedure & Proposed Appointment of a Policy Review Committee** *(was listed as Item 12.1 on the meeting agenda)*

<b>File Ref:</b>	A00411
<b>Applicant/Proponent:</b>	Councillor Juliet Harrop
<b>Author:</b>	Councillor Juliet Harrop
<b>Executive:</b>	<i>If adopted by Council, refer to:</i> Greg Trevaskis, Chief Executive Officer

Cr Harrop has given notice that she intends to move the following motion at the Council Committee Meeting on 8 December 2009:

*"A review process for all Council Policies is to be put in place for the Bunbury City Council, as follows:*

- 1. From 2010, each Council meeting round shall review an existing Council Policy, if necessary enabling a referral to a relevant existing committee of Council.*
- 2. No more than one policy per meeting round may be initiated by a councillor.*
- 3. A Policy Review Committee will be established to prioritise and (where necessary) amalgamate and present the policies to Council."*

**Comments - Cr Harrop**

In support of her motion, Cr Harrop states that:

*"Council policies are fundamental to the way a Council decides its actions, goals and the overall approach it takes to areas of Council operations. Convention about policy-making is supported by WALGA, which emphasises the importance of councillors driving the policy of Council.*

*The Minister for Local Government, John Castrilli MLA, has also emphasised that setting policy is a fundamental role of councillors, especially in context of the changes he is driving.*

*The following proposal would bring policies in a regular way to the Council to be reviewed and updated if necessary. A committee of staff and councillors would prioritise and streamline the process."*

**Executive Comments**

Council's Administrative Policies are generally reviewed on an 'as needs' basis and are referred to Council with suggested amendments as required in order to permit Council Officers to fulfil their duties in compliance within statutory and legislative requirements.

When a full review of Council's Administrative Policy Manual is undertaken it is reviewed internally and then referred to Councillors, advising of and requesting further suggested amendments, inclusions, deletions, etc.

Once all suggestions, amendments and other changes have been received (and considered) they are included in a final revised manual, which is then submitted to Council for adoption as a document.

Current Administrative policies appear to be working effectively and an internal review of the Manual is presently being undertaken with a view to submitting the document with suggested amendments to councillors for their consideration early in the new year.

In 2009, the Council considered the following administrative and strategic planning policy issues:

- 18 August 2009 - Local Planning Policy – Minor Structures (Including Outbuildings)
- 19 May 2009 - Local Planning Policy - Building Height
- 19 May 2009 - Local Planning Policy - Preston River Technology Park Design Guidelines
- 9 June 2009 - Community Funding Policy

In 2001, Council resolved to establish a Policies and Delegations Review Committee as a part of its committee structure. The role of this committee was to develop, review and amend Council's policies and delegations registers. Unfortunately, the process of review lapsed due to the unavailability of members to attend meetings of the committee.

As a result, the policy manual was divided into respective areas of responsibility and the Strategic Planning Policies (which were the main area of concern for Council) were separated from the Council Policy Manual to become an individual set of policies.

### **Cr Harrop's Motion**

A review process for all Council Policies is to be put in place for the Bunbury City Council, as follows:

1. From 2010 each Council meeting round shall review an existing Council Policy, if necessary enabling a referral to a relevant existing committee of Council.
2. No more than one policy per meeting round may be initiated by a councillor.
3. A Policy Review Committee will be established to prioritise and (where necessary) amalgamate and present the policies to Council.

### **Outcome – Committee Meeting 8 December 2009**

The Motion on Notice (as printed) was moved Cr Harrop, seconded Deputy Mayor Kelly to become the motion under discussion.



During the discussion various amendments were made to Councillor Harrop's motion to formalise the establishment of the proposed committee. The mover and seconder agreed to the amendments.

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

**Committee Recommendation No. 1**

- 1. A standing policy committee be established to begin a review process for all Council policies and development of new policies**
- 2. The terms of reference for the committee to be drafted by Deputy Mayor Kelly, Councillor Harrop and Councillor Craddock**
- 3. A copy of the manual of policies be sent to each Councillor**
- 4. Councillors and Executive Staff be requested to make suggestions as to which general policy areas they believe need reviewing.**
- 5. That these lists be distributed in the agenda prior to discussion at a briefing session no later than end March 2010**

CARRIED  
11 Votes "For" / Nil Votes "Against"

An additional motion to appoint members to the newly appointed committee was moved Cr Slater, seconded Cr Craddock.

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

**Committee Recommendation No. 2**

**Deputy Mayor Kelly, Cr Harrop, Cr Whittle and Cr Steele be appointed to the Policy (Standing) Committee.**

CARRIED  
11 Votes "For" / Nil Votes "Against"

NOTE: An absolute majority vote will be required for both recommendations at the Council Meeting.

**12.3 Motion on Notice - Alternative Traffic Management and Pedestrian Access Options for Parade Road/Washington Avenue, Centenary Road and Dalyellup, and; Lockwood Crescent (Primary School Area)** *(was listed as Item 12.2 on the meeting agenda)*

<b>File Ref:</b>	A00106
<b>Applicant/Proponent:</b>	Councillor Ross Slater
<b>Author:</b>	Councillor Ross Slater
<b>Executive:</b>	<i>If adopted, refer to:</i> Michael Scott, Executive Manager City Services

Cr Slater has given notice that he intends to move the following Motion at the Council Committee Meeting on 8 December 2009:

*"Council to urgently investigate and/or consider:*

- 1. The option of replacing the proposed traffic control signals at Parade Road/Washington Avenue with a left-hand exclusive slip lane connecting Parade Road (south of Washington Avenue) to Washington Avenue west of Parade Road, to cater for Bunbury CBD-bound traffic.*
- 2. Alternative options for vehicular traffic to and from Centenary Road and Dalyellup, to include the Mosedale/Parade and Mosedale/Centenary connection.*
- 3. A pedestrian underpass connecting Usher to Lockwood Crescent primary school area."*

**Comments - Cr Slater**

In support of his motion, Cr Slater states that:

*"Previous traffic studies should have confirmed that when Parade road is opened into Dalyellup, most traffic from that area travelling to the Bunbury CBD would turn left at the Parade/Washington roundabout travelling west to the Washington/Ocean roundabout before cruising north at 70 km/hr to continue after Mangles Street to the Bunbury CBD at 60 km/hr. This route is only interrupted by three roundabouts: Washington/Ocean, Ocean/Hayward and Symmons/Upper Esplanade.*

*The proposed road works with traffic control signals appear to have been organised around CBD-bound traffic from Dalyellup travelling along Parade Road, left at the Parade/Bussell roundabout and left at Blair/Sandridge lights. This route is interrupted by four roundabouts and seven controlled intersections.*

*Commuting to the CBD from south western suburbs and Dalyellup via Ocean Drive is not only a pleasant, non-stop, no-hassle cruise but is far quicker than the Parade/Bussell/Blair proposal. At the present time, CBD commuters from College Grove, Gelorup and Dalyellup choose to turn left at either Centenary or Washington (both 80 km/hr) and proceed via Ocean Drive thus avoiding the highway hassle of banked up and exiting/entering traffic, bottlenecks, visual pollution and stress.*

*Replacing the roundabout at Washington/Parade by installing traffic signal controls and directing CBD-bound traffic along Parade Road is, I believe, an unrealistic and unsatisfactory solution. I believe the cost of constructing an exclusive left hand slip lane (similar to Robertson/Bussell) with a possible pedestrian underpass is planning for the future and far more practical than the presently proposed system.*

*I also believe a Mosedale extension to Centenary would achieve a similar result in directing traffic along ring roads and way from built up suburbs and school precincts. Both Ocean Drive and Mosedale Avenue have limited traffic entering from one side only, greatly reducing potential accidents compared with the alternative. Mosedale has five streets entering from the north, Washington has one from the north and one from the south, while Ocean Drive has four entering from the west and fifteen streets entering from the east. There are a total of 17 intersections from Parade/Washington to the CBD, via Ocean Drive. There are 40 intersections via Parade/Bussell/Blair.*

*The downgrading of Ocean Drive was short sighted and unnecessary but with modifications can service the increased traffic volume safely. Human nature dictates that serious consideration be given to this motion."*

### **Executive Comments**

The City Engineer advises as follows:

Cr Slater's comments are based on observations of the traffic regime as it relates to today's road network. Traffic studies have been undertaken to demonstrate that traffic volumes from Dalyellup will be attracted to the CBD but also to other areas of Bunbury including the Strickland Street/Denning Road light industrial area, Parks Centre, Bunbury Plaza and Bunbury Forum shopping centres, Davenport and Picton light industrial areas, the Wollaston Train Station and various recreation areas including Hay Park, Hands Oval and the Bunbury Race Track.

The existing drive along Ocean Drive is indeed a pleasant drive but should not be promoted as the predominant route into the CBD as it also traverses several residential areas and is used by tourists as part of the Bunbury Australind tourist route. It should be noted that the RoadWise Committee recently identified the reduction of the speed zone along Ocean Drive as an objective for 2010. This would make the route less attractive to commuting traffic.

Various traffic studies have shown that at full development the anticipated increase in traffic from Dalyellup using Parade Road will be in the order of 20,000 to 30,000 vehicles per day. As a comparison the current section of Bussell Highway adjoining the Parks Centre Shopping Centre carries about 12,000 - 15,000 vehicles per day. So the additional traffic expected at full development is quite significant. It should be understood that not all of this traffic is destined for the CBD as other employment centres will attract a fair share of traffic to places outside the CBD.

The City has undertaken a technical analysis of both traffic control signal locations and a double lane roundabout at the Parade Road/Washington Avenue intersection. Both treatments can cope with the anticipated traffic volumes but the roundabout does not provide adequate protection for pedestrians and cyclists, particularly during the morning peak hour for the adjacent school.

The hazards pedestrians can be exposed to near double lane roundabouts is exhibited at the Parade Road/Brittain Road/Bussell Highway roundabout where pedestrians cannot easily cross the four lanes of Bussell Highway due to a lack of gaps in traffic. The City is now investigating ways of retro-fitting a suitable pedestrian crossing facility and it would be unwise to replicate this situation at the Parade/Washington intersection.

The proposal to upgrade the intersection and install traffic control signals should be supported. The design is nearing completion and works are due to be commenced in January 2010.

### **Cr Slater's Motion**

Council to urgently investigate and/or consider:

1. The option of replacing the proposed traffic control signals at Parade Road/Washington Avenue with a left-hand exclusive slip lane connecting Parade Road (south of Washington Avenue) to Washington Avenue west of Parade Road, to cater for Bunbury CBD-bound traffic.
2. Alternative options for vehicular traffic to and from Centenary Road and Dalyellup, to include the Mosedale/Parade and Mosedale/Centenary connection.
3. A pedestrian underpass connecting Usher to Lockwood Crescent primary school area.

### **Outcome – Committee Meeting 8 December 2009**

The Motion on Notice (as printed) was moved Cr Slater, seconded Cr Major (pro-forma) to become the motion under discussion.

During the discussion, the Mayor decided to take separate votes on each point.

Point 1: Votes – 2 For / 9 Against – LOST  
Point 2: Votes – 1 For / 10 Against – LOST  
Point 3: Not voted on as was an addition to point 1.

The motion was defeated.

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

Nil

**14. Items to be Noted or Endorsed**

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

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various

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

**Recommendation**

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

1. Title: Development Application and Subdivision Approvals - October & November 2009  
Author: Gary Fitzgerald, Manager Development Services  
File: A00566
2. Title: Schedule of Accounts Paid for the Period 1 to 30 November 2009  
Author: David Ransom, City Accountant  
File: A00083

**Outcome – Committee Meeting 8 December 2009**

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

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

**Committee Recommendation**

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

1. Title: Development Application and Subdivision Approvals - October & November 2009  
Author: Gary Fitzgerald, Manager Development Services  
File: A00566

<b>2.</b>	<b>Title:</b>	<b>Schedule of Accounts Paid for the Period 1 to 30 November 2009</b>
	<b>Author:</b>	<b>David Ransom, City Accountant</b>
	<b>File:</b>	<b>A00083</b>

CARRIED  
11 Votes "For" / Nil Votes "Against"

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

There are no items recommended for endorsement.

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

Nil

#### **16. Close of Meeting**

The Presiding member declared the meeting closed at 10.26pm.