



Bunbury City Council

Notice of Meeting & Agenda 23 March 2010



City of Bunbury
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Bunbury WA 6230
Western Australia

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GLOSSARY OF ABBREVIATED TERMS

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

GLOSSARY OF ABBREVIATED TERMS

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

Bunbury City Council Notice of Meeting

TO: Council Members

The next Ordinary Meeting of the Bunbury City Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on **Tuesday, 23 March 2010** at 6.00pm.

Greg Trevaskis
Chief Executive Officer
(Date of Issue: 18/03/2010)

Agenda

23 March 2010

NOTE: The recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the meeting.

Council Members:

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

- 1. Declaration of Opening by the Mayor**

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

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

At the Council Meeting held 2 March 2010, a question was asked during Public Question Time that could not be answered during the meeting. A copy of the question and the written response is provided below for public information:

Arpad Mencshelyi, 6 Sampson Road, Bunbury

Question: As per Cathedral Development Approval (Council Decision 10/08), will that paling fence also be extracted from the current building licence??

Response: No, it will not be.

Question: City of Bunbury Functional Review Report October 2009 – Is it possible to provide a list of all recipients of the above Functional Review document under the following three headings; Councillors, City Admin Officers, Ratepayers?

Response: The Mayor and all Councillors, all of the City of Bunbury Staff and one (1) Ratepayer

Question: Responses to 'Questions on Notice & Motions on Notice' to the General Meeting of Electors (26 November 2009) – I am not satisfied with the answers given and I am seeking further clarification.

Response: Development Services has provided Mr Mencshelyi with a comprehensive written set of answers to those raised at the Meeting of Electors.

4. Public Question Time

In accordance with Reg. 7(4)(a) of the Local Government (Administration) Regulations 1996, members of the public in attendance at the meeting may stand, state aloud their name and address, and ask a question in relation to any matter over which the municipality of Bunbury has jurisdiction or involvement.

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

6. Confirmation of Previous Minutes

The minutes of the Council Meeting held 2 March 2010, have been circulated.

Recommendation

The minutes of the Council Meeting held 2 March 2010, be confirmed as a true and accurate record.

7. Disclosures of Interest Under the Local Government Act 1995

Members should fill in <i>Disclosure of Interest</i> forms for items in which they have a financial, proximity or impartiality interest and forward these to the Mayor <u>before</u> the meeting commences.

8. Announcements by the Mayor (No Discussion Permitted)

9. Chief Executive Officer Reports/Discussion Topics

9.1 Request for Tender – Collection, Processing and Banking of Monies from City of Bunbury Ticket Issuing Machines RTF 2009 2010 - 23

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

Summary

The City has invited suitably qualified companies to provide a tender for the collection, processing and banking of monies from all of the City's Pay and Display ticket issuing parking machines.

Background

Tenders were invited in The West Australian on Wednesday 3 February 2010 and the South West Times on Thursday 4 February 2010 for a suitably qualified and experienced company to undertake the collection of monies from all of the City's Pay and Display ticket issuing parking machines. The Request for Tender closed at 3.00pm on Thursday 18 February 2010.

The collection of monies from the existing ticket machines operated by the City is undertaken by officers from Community Law and Safety section. Once collected the monies is taken back to the Administration Building where it is collected by the City's current cash collection contractor to be counted and banked. Due to the number of collections increasing with the introduction of on-street parking machines, the current arrangement for money collection will be inadequate to deal with the volume of collections.

Council previously dealt with the tender for the supply, delivery and commissioning of on-street Pay-and-Display parking machines.

Council Decision 259/09

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"

Details of the response and evaluation process for the collection, processing and banking of parking machine monies tender 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 issuing machines in the Bunbury Central Business District is a critical component of the CBD Parking Strategy which forms one of the implementation plans within the 2007 – 2012 Strategic Plan.

Comprehensive maintenance of the machines is critical to ensure their operation.

Community Consultation

Community consultation was not carried out as part of the tender process. As stated previously in this report, a Request for Tender was advertised both on a state wide and local basis.

Councillor/Officer Consultation

Tender specifications were developed in consultation with Executive Management and other relevant Council staff.

Analysis of Financial and Budget Implications

A budget amount of \$70,000 has been allocated for the Maintenance of the ticket issuing machines in the 2009/10 budget.

Economic, Social, Environmental and Heritage Issues

The successful implementation of the CBD Parking Strategy is important to ensure the continued viability of the CBD. The introduction of on-street ticket issuing machines is an important component of this strategy and is critical to its overall success. Once installed it is vital that the machines are maintained to the highest possible standard to ensure customer satisfaction and maximum operating 'up' time.

There are no environmental or heritage implications to consider as a result of the cash collection from the ticket issuing machines.

Council Policy Compliance

The tender process complies with the requirements of Work Procedure WP4.6 'Tender Procedure' and associated legislation including the City's "Buy Local Policy" as three of the tenders submitted are based in Bunbury.

Legislative Compliance

Advertising and process of the tenders has been conducted in accordance with Local Government (Functions and General) Regulations 1996, Part 4 – Tenders for Providing Goods and Services (S3.57)

Delegation of Authority

As the 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 Services (S.3.57).

Relevant Precedents

Council have previously dealt with other tenders of this amount.

Options

Option 1

Per the recommendation listed in this report.

Option 2

That the City does not accept any of the Tenders received.

Conclusion

The Tender Evaluation Panels determined that both of the tenders received were conforming however the service offered by Linfox Armaguard was the most suitable for the City. Details of the panel's evaluation are detailed in the Confidential Report circulated to members **under separate cover**.

Recommendation

1. That Council resolves to accept the Tender received from Linfox Armaguard for the collection, processing and banking of monies from City of Bunbury Ticket Issuing Machines RFT 2009 2010 – 23
2. Record all Tenders in the Tender Register

9.2 Proposed Transition Groups - Local Government Reform

File Ref:	A00978-12
Applicant/Proponent:	Minister for Local Government
Author:	Jack Dyson, Senior Administration Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary

Council is aware that along with the Shires of Capel, Dardanup and Harvey, it had been requested by way of letter from the Minister for Local Government to consider the formation of a Regional Transition Group (RTG) to assist with the reform process proposed for the sector.

Background

Council at its meeting on 29 September 2009 in its submission on Local Government Reform agreed to support an amalgamation of local governments in the Greater Bunbury area as recommended by the Local Government Advisory Board in its reports in 1998 and 2006.

In February 2010, a Departmental Information Sheet was issued, which required Local Governments to engage with their neighbouring councils to determine whether forming an RTG would be beneficial to the long term needs of their communities. A copy of the Minister for Local Government's letter is attached at *Attachment 1* in report issued **under separate cover** in relation to the proposed formation of RTG's, along with a copy of the draft Agreement to participate in the RTG process which is attached at *Attachment 2* in report issued **under separate cover**)

Council needs to now formally resolve its position on this matter for referral back to the Minister

A decision is required to be notified to the Minister by Friday 26 March 2010.

The Western Australian Local Government Association circulated an info page on 10 March 2010 informing Mayors, Presidents and Chief Executive officers of the status of the Regional Transition Group process from its perspective. A copy of that info page dated 10 March 2010 is attached at *Attachment 3* in the report issued **under separate cover**.

Consultation

An industry wide seminar was held in Perth on 9 February 2010 where the Minister outlined the RTG program and answered questions on local government reform.

The Mayor and Chief Executive Officer (CEO) also attended a further meeting arranged by the Department of Local Government on 22 February 2010 with councils of the Bunbury-Wellington Region. At this meeting the Department was requested to finalise a Business Plan model to enable councils to understand key elements to be

investigated should a RTG be formed. Unfortunately, this model has not been completed at the time of writing this report.

Councillor/Officer Consultation

This matter was canvassed with councillors at a Briefing Session on 27 January 2010.

Conclusion

The City of Bunbury has previously supported various reports and efforts to explore the benefits of amalgamating the councils of the Greater Bunbury area. The formation of a Greater Bunbury RTG is consistent with Council's established position and the associated process is designed to provide a voluntary but structured approach to working through key issues and efficiencies that may be delivered through discussions with adjoining councils should amalgamation occur.

Recommendation

That the City of Bunbury advise the Honourable Minister for Local Government that it wishes to join in with the Shires of Harvey, Capel and Dardanup as a regional Transition Group with a view to formal amalgamation and reform of participating LGA's in 2013.

10. Reception of Formal Petitions and Memorials

11. Reception of Reports and Recommendations from the Council (Standing) Committee Meeting held 16 March 2010

Standing Order 16.1.1 permits the Council to adopt the Committee Recommendations listed in Section 11 of this agenda "en bloc".

At the meeting, councillors to identify any items requiring individual attention.
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11.1 Petitions – Concerns over the Erection of Billboards on Lot 100 Sandridge & King Roads, Bunbury

File Ref:	R00719
Applicant/Proponent:	Residents of Forum Way & King Road, Bunbury
Author:	N/A
Executive:	<i>If petitions adopted by Council refer to:</i> Geoff Klem, Executive Manager City Development

A letter and petitions have been received from the Residents of Forum Way and King Road expressing their concerns over the intention to erect billboards on Lot 100 corner of Sandridge and King Roads Bunbury. The petition contained twenty-four (24) signatures. A copy of the petition is **attached** at Appendix 10 (attached to the minutes).

Pursuant to City of Bunbury Standing Order 9.4, the only questions to be considered at the Council Meeting upon presentation of a petition, are:

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

Outcome – Council Committee Meeting 24 November 2009

Moved Cr Leigh, seconded Cr Major that the letter and petition be received and adopted to become the Committee's recommendation on this matter.

Committee Recommendation

Pursuant to clause 9.4 of the City of Bunbury Standing Orders, the petition and letter from the Residents of Forum Way and King Road (re Lot 100 Sandridge / King Road billboards) be accepted and a report be prepared by Officers for the information of Council on the issue.

CARRIED

11 Votes "For" / Nil Votes "Against"

11.2 Final Approval of Town Planning Scheme Amendment No. 35 to Allow Unrestricted Residential Development at the Sanctuary Golf Course

File Ref:	A00398
Applicant/Proponent:	Thompson McRobert Edgeloe
Author:	Sam McNeilly, Coordinator Statutory Planning & Tesh Tadesse, Senior Planner
Executive:	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 (7,281sq.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 sixty-four (64) new short stay residential units (currently there are 38 short stay existing residential units on the site) and twelve (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 twelve (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, thirty-eight (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**.

The City has previously listed the matter for submission to Council. However due to the applicant requesting additional time the matter was withdrawn. The City has now been advised by the applicant that the matter can proceed and can be submitted to Council for its consideration.

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: sixty-four (64) new short stay units (thirty-two (32) dual key); seventy-one (71) new car-parking spaces for the short stay units; six (6) new visitor car-parking spaces for the unrestricted residential development, and; twelve (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 ear-marked 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 thirty-eight (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 twelve (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 twelve (12) of the proposed seventy-six (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 to insert additional uses and conditions into Special Use No 34 "Sanctuary Golf Resort Lot 105 Australind Bypass" of Schedule 2 – Special Use Zones as follows:-

No.	Description of land	Special Use(s)	Conditions
34	Sanctuary Golf Resort Lot 105 Australind Bypass Road	<ul style="list-style-type: none"> - Single Dwelling/Unrestricted Residential Accommodation - Grouped Dwelling/Unrestricted Residential Accommodation - Multiple Dwelling Unrestricted Residential 	<ul style="list-style-type: none"> 4. Residential/URA use is limited to development on strata Lot 40. 5. Land Use and Development on lot 40 Old Coast Road shall be in accordance with a Detailed Area Plan approved by Council.

		<p style="text-align: center;">Accommodation</p> <p>For the purposes of this Special Use Zone:</p> <p>Unrestricted Residential Accommodation (URA) means:</p> <p><i>“a dwelling or dwellings (either single, grouped or multiple) that may be occupied permanently as a residential dwelling, or temporarily for short-stay accommodation.”</i></p> <p>Short Stay Accommodation means:</p> <p><i>“A building or buildings used for the purpose of providing accommodation for a person or persons on a temporary basis for a period not exceeding three months in duration within a 12 month period.”</i></p>	<p>6. Prior to receipt by the City of any subdivision and/or development application, the DAP associated with strata Lot 40 shall incorporate design principles appropriate to the designation of the site as a ‘Non Strategic Tourism Site’* and as a minimum shall address (to the satisfaction of the City of Bunbury) the following matters:</p> <ul style="list-style-type: none"> - Height - Boundary Setbacks - Fencing - Site Coverage/Land Use distribution - Outdoor Living Areas - Surveillance - Architectural Form and Building Appearance - Car parking - Landscaping - Overall site layout to clearly identify the existing and proposed development - Plot ratio - Traffic management plan relative to impact on the existing road network and vehicle access and egress and on site car parking. - Noise Attenuation Measures (employed within the building design) - Pedestrian and Cycle Paths to, from and within the proposed development;. <p><i>* Further advice in this regard is provided by the LPS for Tourism (CoB 2009) and the Tourism Planning Taskforce Report (DPI 2006), in particular Recommendation 10.</i></p> <p>7. The preparation and endorsement of the</p>
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			<p>Detailed Area Plan replaces the need of a Development Guide Plan for development on Lot 40.</p> <p>8. The Applicant undertaking traffic study in the immediate locality including the intersection of Old Coast Road and the Australind By Pass to determine the level of integration of the development relative to the adjacent road network and improvements to the satisfaction of the City Engineer.</p> <p>9. The applicant submitting (concurrent with the submission of the DAP) an acoustic report prepared by a suitably qualified acoustic engineer to demonstrate that the buffer distances/ treatments proposed in respect of the Old Coast Road, the Australind Bypass and the future Port Access and associated Port Railway are acceptable in respect of contemporary environmental standards. Such Acoustic Report is to be to the satisfaction of the Manager Development Services</p> <p>10. The applicant submitting a Traffic Management Plan (concurrent with the submission of the DAP) to the satisfaction of both the City of Bunbury and Main Roads WA .</p> <p>11. The DAP associated with strata Lot 40 shall include a Design Statement that as a minimum:</p>
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			<p>a. sets out the rationale/justification for seeking permanent residential development at the desired level;</p> <p>b. demonstrates how the design layout achieves a high level of integration across the site / surroundings;</p> <p>12. Unless otherwise agreed by Council, the maximum percentage of residential/URA unit development determined as appropriate on Lot 40 shall be equal to or less than 25%, and limited to those units allocated and agreed for such use on the approved DAP.</p> <p>13. The applicant submitting (concurrent with the submission of a Detailed Area Plan) a draft strata management statement to be to the satisfaction of the City of Bunbury and the Western Australian Planning Commission. Such management statement (to be approved by the City prior to the issuance of any planning approval) is to address the management of the short stay accommodation and the relationship to the permanent accommodation units and is to include provisions proposed by Tourism WA as indicated in its letter to the City dated 9 Feb 2009.</p> <p>14. All Residential / URA units shall be designed having due regard (and to the satisfaction of the City of Bunbury) to provisions</p>
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			<p>contained within the Residential Design Codes.</p> <p>15. 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.</p> <p>16. 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 5.4 Road and Rail Transport Noise. Such report is to be submitted and approved by the City prior to the approval of any development application.</p> <p>17. The applicant submitting (concurrent with any Detailed Area Plan) a Staging Plan/Program for construction and completion of the unrestricted residential and</p>
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			<p>short stay accommodation units to be prepared and implemented to ensure that the development is constructed within a timeframe deemed acceptable to the City.</p> <p>18. At the subdivisional stage, 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:</p> <p>"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."</p> <p>19. 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.</p> <p>20. Any advertising signage along the Australind Bypass requires the approval of Main Roads.</p>
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3. 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.
4. To authorise the Mayor and the Chief Executive Officer to execute the Town Planning Scheme Amendment documents.
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 - Council Committee Meeting 16 March 2010

The Mayor asked if there were any members of the public who wished to speak to this item and invited them to address the Committee.

Mr Stuart Thompson, 17 McKenna Place, South Bunbury – representing Thomas McRobert Edgeloe (TME) – addressed the Committee. During discussion, the following points were raised:

- For many years sections of the land for the Sanctuary Golf Resort has been set aside for short-stay development. Not all of the land that has been set aside has been developed.
- Rezoning is to allow a component of permanent occupancy in the short stay units. Council has previously approved an application but the Western Australian Planning Commission did not approve.
- Both the short-stay and permanent residents' development is part of the one strata title and there will be consistency in regards to landscaping.
- There is no additional increase in the existing development.
- This proposal is consistent with the Western Australian Tourism policy and the Western Australian Planning Commission policy.
- The noise issues that the Bunbury Port Authority raised in their submission will be addressed when an acoustic report has been completed. Looking at solutions to the possible noise from the Port, rail and access roads such as sound buffers for the units.
- The amendments provided on memorandum from Senior Manager City Development to Committee members are supported by TME.

Deputy Mayor Cr Kelly asked that the Councillors be informed as to the progress of the pedestrian footpaths/cycleways (dual use paths) just for information for Councillors how the paths are being used in the Bunbury area.

The amendments provided on the memorandum is that Condition 9 to be deleted and Condition 16 to modified to read:

16. 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/treatments 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 5.4 Road and Rail Transport Noise. Such report is to be submitted and approved by the City prior to the approval of any development application.

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

Deputy Mayor Cr Kelly asked that when the consultation with the Minister of Indigenous Affairs begins that the Councillors be notified when this happens.

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

**due to the amendment (deleting Condition 9) the conditions have been renumbered.*

Committee 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 to insert additional uses and conditions into Special Use No 34 "Sanctuary Golf Resort Lot 105 Australind Bypass" of Schedule 2 – Special Use Zones as follows:-

No.	Description of land	Special Use(s)	Conditions
34	Sanctuary Golf Resort Lot 105 Australind Bypass Road	<ul style="list-style-type: none"> - Single Dwelling/Unrestricted Residential Accommodation - Grouped Dwelling/Unrestricted Residential Accommodation - Multiple Dwelling Unrestricted Residential Accommodation <p>For the purposes of this Special Use Zone:</p> <p>Unrestricted Residential Accommodation (URA) means:</p>	<p>4. Residential/URA use is limited to development on strata Lot 40.</p> <p>5. Land Use and Development on lot 40 Old Coast Road shall be in accordance with a Detailed Area Plan approved by Council.</p> <p>6. Prior to receipt by the City of any subdivision and/or development application, the DAP associated with strata Lot 40 shall incorporate design principles</p>

		<p><i>“a dwelling or dwellings (either single, grouped or multiple) that may be occupied permanently as a residential dwelling, or temporarily for short-stay accommodation.”</i></p> <p>Short Stay Accommodation means:</p> <p><i>“A building or buildings used for the purpose of providing accommodation for a person or persons on a temporary basis for a period not exceeding three months in duration within a 12 month period.”</i></p>	<p>appropriate to the designation of the site as a ‘Non Strategic Tourism Site’* and as a minimum shall address (to the satisfaction of the City of Bunbury) the following matters:</p> <ul style="list-style-type: none"> - Height - Boundary Setbacks - Fencing - Site Coverage/Land Use distribution - Outdoor Living Areas - Surveillance - Architectural Form and Building Appearance - Car parking - Landscaping - Overall site layout to clearly identify the existing and proposed development - Plot ratio - Traffic management plan relative to impact on the existing road network and vehicle access and egress and on site car parking. - Noise Attenuation Measures (employed within the building design) - Pedestrian and Cycle Paths to, from and within the proposed development; <p><i>* Further advice in this regard is provided by the LPS for Tourism (CoB 2009) and the Tourism Planning Taskforce Report (DPI 2006), in particular Recommendation 10.</i></p> <p>7. The preparation and endorsement of the Detailed Area Plan</p>	
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			<p>replaces the need of a Development Guide Plan for development on Lot 40.</p> <p>8. The Applicant undertaking traffic study in the immediate locality including the intersection of Old Coast Road and the Australind By Pass to determine the level of integration of the development relative to the adjacent road network and improvements to the satisfaction of the City Engineer.</p> <p>9. The applicant submitting a Traffic Management Plan (concurrent with the submission of the DAP) to the satisfaction of both the City of Bunbury and Main Roads WA .</p> <p>10. The DAP associated with strata Lot 40 shall include a Design Statement that as a minimum:</p> <ul style="list-style-type: none"> a. sets out the rationale/justification for seeking permanent residential development at the desired level; b. demonstrates how the design layout achieves a high level of integration across the site / surroundings; <p>11. Unless otherwise agreed by Council, the maximum percentage of residential/URA unit development determined as appropriate on Lot 40</p>	
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			<p>shall be equal to or less than 25%, and limited to those units allocated and agreed for such use on the approved DAP.</p> <p>12. The applicant submitting (concurrent with the submission of a Detailed Area Plan) a draft strata management statement to be to the satisfaction of the City of Bunbury and the Western Australian Planning Commission. Such management statement (to be approved by the City prior to the issuance of any planning approval) is to address the management of the short stay accommodation and the relationship to the permanent accommodation units and is to include provisions proposed by Tourism WA as indicated in its letter to the City dated 9 Feb 2009.</p> <p>13. All Residential / URA units shall be designed having due regard (and to the satisfaction of the City of Bunbury) to provisions contained within the Residential Design Codes.</p> <p>14. 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</p>	
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			<p>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.</p> <p>15. 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 5.4 Road and Rail Transport Noise. Such report is to be submitted and approved by the City prior to the approval of any development application.</p> <p>16. 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</p>	
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			<p>timeframe deemed acceptable to the City.</p> <p>17. At the subdivisional stage, 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:</p> <p>"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."</p> <p>18. The proponent gaining the consent of the Minister for Indigenous Affairs under S18 of the Aboriginal Heritage Act 1972 in terms of the proximity of artefact sites on or near the site of the proposed development, prior to the approval of any Detailed Area Plan.</p> <p>19. Any advertising signage along the Australind Bypass requires the approval of Main Roads.</p>	
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- 3. 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.**
- 4. To authorise the Mayor and the Chief Executive Officer to execute the Town Planning Scheme Amendment documents.**
- 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.**

CARRIED

8 Votes "For" / 3 Votes "Against"

11.3 Community Sport and Recreation Facilities Fund ("CSRFF") Small Grant Applications – South West Sports Centre and Bunbury BMX Club Inc.

File Ref:	A03462
Applicant/Proponent:	Internal Report
Author:	Elizabeth Watkins, Community Recreation Liaison Officer
Executive:	Domenic Marzano, Executive Manager City Life

Summary

Council has received two (2) Community Sport and Recreation Facilities Fund ("CSRFF") small grant applications, one from the City of Bunbury South West Sports Centre ("SWSC") and one from the Bunbury BMX Club Inc. requiring support for:

- Implementation of Energy Audit recommendations – Pool covers / ventilation doors and upgrade of Olympic pool filtration system.
- Rebuild the BMX track, install electronic starting gates and construct a new starting ramp.

Background

The Department of Sport and Recreation ("DSR") administers the CSRFF grant funding program for small, annual and forward-planning grants. Priority is given to projects that lead to facility sharing and rationalisation. Multi-purpose facilities reduce infrastructure required to meet similar needs and increase sustainability.

The CSRFF Program operates on a reimbursement system. Grantees are required to demonstrate that the project is complete and they have expended the funds equivalent to the full cost of the project before CSRFF grants can be paid in full. CSRFF grants are paid to the grantee only. Applicants will need to ensure they are able to carry the full cost of the project for the period between project completion and CSRFF grant payment.

The maximum CSRFF grant approved by the State Government will be no greater than one-third of the total estimated cost of the applicant's project and must be matched by the applicant's own cash or in-kind contribution. Furthermore the balances of one-third funds required are to be sourced by the applicant. A development bonus can be requested by applicants who meet certain criteria which enable CSRFF grants to cover up to 50% of the total project costs.

Applicants must be either a local government authority, not for profit sport, recreation or community organisation and incorporated under the WA Associations Incorporation Act 1987. Clubs must demonstrate equitable access to the public on a short-term and casual basis.

The types of projects which will be considered for funding include:

- Upgrade and addition to existing facilities where they will lead to an increase in physical activity or more rational use of facilities.

- Construction of new facilities to meet sport and recreation needs.
- New or replacement (not resurfacing) of synthetic surfaces. Where an application is made for a new or synthetic surface, evidence of long-term planning for all nearby facilities is required.

It is a requirement that applicants first discuss their proposal with the DSR's Regional Manager to be able to receive the formal application CSRFF form. The DSR will also identify any shortcomings and offer assistance to bring an application up to an acceptable standard.

CSRFF applications for the February 2010 round close at the end of February 2010 with Local Government Authorities required to assess applications, allocate priorities and rank applications prior to making submissions to the DSR South West Regional Manager by March 30 2010. Successful applicants are expected to be advised in May/June 2010.

The table below identifies the cost (including GST) of each project together with Council required contribution:

Application summary:

Funding Source	City of Bunbury (SWSC Pool covers, building ventilation, Olympic pool filtration)	Bunbury BMX Club track rebuild, electronic start gates and construct new start ramp
Council Contribution	\$70,692.60	\$50,875
Applicant's Cash	\$0	\$16,691.75
Voluntary Labour	\$0	\$21,234.00
Other (e.g. self-supporting loan)	\$0	\$0
Donated Materials	\$0	\$8,800.00
Other state or federal funding	\$0	\$0
CSRFF Grant Requested	\$47,128.40	\$50,121.50
Development Bonus Requested	\$23,564	\$0
Total Cost of Project	\$ 141,385	\$147,722.25

The Department of Sport and Recreation requires projects to be rated and ranked by Council using the following criteria:

Project Rating

- Well planned and needed by the municipality
- Well planned and needed by the applicant
- Needed by the municipality - more planning required
- Needed by the applicant – more planning required

- Idea has merit – more preliminary work needed
- Not recommended

Priority Ranking

Each proposal is to be listed as a 1, 2 or 3 priority.

A summary of the applications received together with the proposed project rating and priority ranking is provided in the next table.

Council has the opportunity to amend the project rating and re-prioritise the proposed ranking.

Applicant	Project Summary	Council Funds Required	Proposed Project Rating	Proposed Priority Ranking
City of Bunbury SWSC	Installation of pool blankets / installation of pool hall ventilation doors and upgrade Olympic Pool filtration to increase pool efficiency and user comfort. Potentially the savings per annum could be as high as \$57,000 in energy costs and will reduce greenhouse gas emissions by 227 tonnes per annum.	Yes. Funds are included in the SWSC 2009/10 budget	Well planned and needed by the municipality and supported by an independent energy audit	1
Bunbury BMX Club	Rebuild existing track, install electronic start gates and rebuild start ramps	Yes. These funds are requested in the City of Bunbury 2010/2011 budget	Well planned and needed by the municipality – subject to engineering approval and building licence	2

South West Sports Centre Application Summary

The South West Sports Centre is currently experiencing 490,000 annual visitations and has an energy consumption of \$435,000 per annum at current tariff rates.

Energy consumption is the second largest operational cost of the facility (15%) and the fixed gas price contract is set to increase by 60% commencing 2011. This will add a further \$130,000 to the centre's energy consumption.

The South West Sports Centre's Energy Audit 2008/9 made a number of immediate and longer term implementation recommendations in an effort to reduce energy consumption and reduce green house gas emissions.

Installing pool covers to maintain the water temperatures overnight will reduce energy use by 20% at a cost saving of \$57,000 per annum and reduce green house gas emissions by approximately 227 tonnes.

By increasing the level of natural ventilation via installing two large doors in the pool hall this would reduce the need to run the supply air fans when the outside temperature was above 27 degrees Celsius. Thus increasing swimmer comfort and reducing energy consumption which further reduces CO2 emissions.

The City upgraded the leisure pool filtration system in 2009 at a cost of \$30,000. The three large sand filters servicing the Olympic pool are now in urgent need of an upgrade at a cost of \$53,779. A recent asset audit inspection conducted by Norman Disney and Young identified that the lateral membranes in one of the three sand filters of the Olympic pool filtration system has already failed and the other two will require extensive work in the immediate future. An overall project assessment sheet is **attached** at Appendix 8)

It is proposed that:

- Council approve the CSRFF application by the City of Bunbury South West Sports Centre for purchase of Olympic pool covers, ventilation system and filtration system upgrades.

Bunbury BMX Club Application Summary

The Bunbury BMX Club has been established for over 40 years and provides a venue for members to enjoy the social, competition and community benefits of the sport. This has attracted a diverse membership from areas such as Australind, Bunbury, Boyanup, Burekup, Busselton, Collie, Dalyellup, Dardanup, Eaton, Ferguson Valley, Harvey, Gelorup and Leschenault. The Club has deliberately kept fees to a minimum to make the sport affordable for all to participate.

The Club's vision is to respond to the increased professionalism of the sport and the needs of its members by building a world class venue for the sport to produce future Australian Olympians and World Champions.

An upgraded track and associated facilities will ensure Bunbury is retained as a round of the WA state race series and remains a significant event that will attract to the region, riders from throughout Western Australia. The Club will also be in a position to apply with confidence to host the 2011 State Championships, the Western Australian round of the 2011 national Probox and Champbox series and future National Championships.

The track is in an average condition and requires constant repairs. It does not conform to the Cycling World Governing Body (UCI) standards and its level of technicality and difficulty is low compared to recently designed tracks around the world.

The start ramp also does not conform to UCI standards. Its height is less than half the UCI approved height for world class tracks. The proposed extension would meet UCI standards.

The start gate is in average condition and requires constant repairs. It does not conform to UCI standards and the proposed purchase of electronic start gates would meet UCI standards. An overall project assessment sheet is **attached** at Appendix 9

It is proposed that:

- Council approve the CSRFF application by the Bunbury BMX Club subject to an engineering report that ratifies the structural integrity of the construction proposed by the Club and the issuing of a building license.
- Council refer the Club's request for \$50,875 to the 2010/2011 budget process on the condition the Club is successful in obtaining a grant from the CSRFF.

Strategic and/or Regional Outcomes

The proposed improvement of facilities at the SWSC and Bunbury BMX track is consistent with Council's Recreation Plan and Recreation Implementation Plan 2007-12 Strategic Theme 6: Facility Development. The SWSC houses the only 50m Olympic pool in the Greater Bunbury Region and is significant to the South West for elite competitions. The Bunbury BMX track is the only one of its kind in the Greater Bunbury Region and is significant to the South West and WA for elite competitions.

Community Consultation

Proponents are required to describe the consultation processes undertaken in relation to their project. The SWSC undertook an energy audit in 2008/09 as part of the consultation process. The BMX Club has consulted its members and state sporting body to identify the need to upgrade its facilities.

Councillor/Officer Consultation

The SWSC Manager and President of the BMX Club have met and discussed their applications with the Community Recreation Liaison Officer.

Analysis of Financial and Budget Implications

Council's required contribution of \$70,692.60 (inc GST) to the South West Sports Centre application is included in the SWSC 2009/10 budget. The SWSC application will save Council in excess of \$57,000 each year in energy costs and dramatically reduce CO² emissions.

The BMX Club has requested Council contribute \$50,875 (inc GST) to the proposed upgrades which should be referred to the 2010/2011 budget process.

Life-cycle Maintenance Costs (Capital Works Projects Only)

As part of the CSRFF small grants application Clubs are required to provide evidence of management planning and how they will support ongoing maintenance costs. These have been provided within the SWSC and BMX Club applications.

Economic, Social, Environmental and Heritage Issues

Apart from those discussed above, no economic and social issues have been identified.

No heritage issues have been identified.

Council Policy Compliance

There are no Council policies applicable to CSRFF applications.

Legislative Compliance

The proposal does not contravene any legislative requirements.

Delegation of Authority

Council officers do not have delegated authority to finalise the processing of CSRFF grant applications.

Relevant Precedents

The maximum CSRFF grant approved by the State Government will be no greater than one-third of the total estimated cost of the applicant's project and must be matched by the applicant's own cash or in-kind contribution. Furthermore the balances of one-third funds required are to be sourced by the applicant. A development bonus can be requested by applicants who meet certain criteria which enable CSRFF grants to cover up to 50% of the total project costs. All CSRFF grants are required to be processed by the relevant Local Government Authority before being submitted to the Department of Sport and Recreation.

Options

There are no known alternative options in relation to the processing of CSRFF.

Council is required to prioritise projects and may choose to contribute to a single project or any number of projects. A commitment to financially support a project will impact on the 2010/2011 budget. It is strongly recommended that support for a third party application be on the condition that a CSRFF grant and any other funding is first obtained by that party.

Option 1

Per the recommendations listed in this report.

Option 2

Council do not support the CSRFF small grant applications submitted by the City of Bunbury South West Sports Centre and Bunbury BMX Club.

Conclusion

The South West Sports Centre is an aquatic centre of regional significance servicing annual visitations of approximately 490,000. The energy review undertaken in 2008/09 identified the SWSC as consuming approximately 20% more energy than similar facilities.

Funding to implement the Centre's energy audit findings including purchasing Olympic pool covers, installing ventilation to the pool area and upgrading the filtration system will save operational dollars of \$57,000 per annum and reduce green house gas emissions by up to 227 tonnes. These initiatives are considered to be economical, social and environmental priorities.

The Bunbury BMX Club is unique in its position to develop its facilities and host state and national level competition. The committee has a strong strategic direction. Upgrading the track and associated facilities will ensure Bunbury is retained as a round of the WA state race series and will remain a significant event that attracts riders from throughout Western Australia. The Club will also be in a position to apply with confidence to host the 2011 State Championships, the Western Australian round of the 2011 national Probix and Champbix series and future National Championships.

The City of Bunbury's support of the ramp extension is subject to an engineering report that ratifies the structural integrity of the construction proposed by the Club and the issuing of a building license.

Recommendation

Part A

City of Bunbury – South West Sports Centre

1. Council approves the CSRFF application from the City of Bunbury South West Sports Centre.
2. Council ranks the City of Bunbury South West Sports Centre application as Priority 1.

Part B

Bunbury BMX Club Inc.

1. Council approves the CSRFF application from the Bunbury BMX Club Inc. subject to an Engineer's report that ratifies the structural integrity of the construction proposed by the Club and the issuing of a building license.
2. Council ranks the Bunbury BMX Club application as Priority 2.

3. Council refers the allocation of \$50,875 for the Bunbury BMX Club facilities redevelopment to the 2010/2011 budget process on the condition that the Club is successful in obtaining a grant from the CSRFF.

Outcome - Council Committee Meeting 16 March 2010

The Mayor asked if there were any members of the public who wished to speak to this item and invited them to address the Committee.

Mr Tim Wakeling, 45 Wildflower Way, Leschenault (President of Bunbury BMX Club Inc) addressed the Committee. During discussion the following points were raised:

- The Club has almost completed stage 2 of the development plans.
- The Club wants to improve their existing facilities in order for it to become a world class facility
- They thanked the City of Bunbury for its ongoing support and in particular the financial support received in regards to the new fencing
- Currently there are no world class facilities in Australia
- As a result of the redevelopment the Club has managed to secure a 2010/11 National Probix event for Bunbury. An event of this calibre is a significant tourism boost for Bunbury.

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

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

Committee Recommendation

Part A

City of Bunbury – South West Sports Centre

1. Council approves the CSRFF application from the City of Bunbury South West Sports Centre.
2. Council ranks the City of Bunbury South West Sports Centre application as Priority 1.

Part B

Bunbury BMX Club Inc.

1. Council approves the CSRFF application from the Bunbury BMX Club Inc. subject to an Engineer's report that ratifies the structural integrity of the construction proposed by the Club and the issuing of a building license.
2. Council ranks the Bunbury BMX Club application as Priority 2.

- 3. Council refers the allocation of \$50,875 for the Bunbury BMX Club facilities redevelopment to the 2010/2011 budget process on the condition that the Club is successful in obtaining a grant from the CSRFF.**

CARRIED

11 Votes "For" / Nil Votes "Against"

11.4 Proposed Closure of Public Access Way and Remnant Road Reserve at Doris Street

File Ref:	A00396
Applicant/Proponent:	Richard and Monica Macoun and Grahaem Donovan
Author:	Jason Gick, City Engineer
Executive:	Michael Scott, Executive Manager City Services

Summary

It is proposed that Council approve the closure of a remnant road reserve on Doris Street and its amalgamation into Lot 250 Forrest Avenue and closure of the Public Access Way (PAW) located next to Lot 67 Doris Street and its amalgamation equally into the adjoining properties as shown on **attached** at Appendix 1

Background

In February 2009 Council received a request from Richard and Monica Macoun to acquire the PAW located next to their property at Lot 67 Doris Street. A notice was sent to the adjoining property owner, Andabrook Pty Ltd, requesting notification of any objections to the request. Company owner, Grahaem Donovan advised he wished to purchase a portion of the PAW.

It is proposed that Andabrook Pty Ltd purchase the remnant road reserve and half the PAW with the same being amalgamated into Lot 250 and Richard and Monica Macoun purchase half the PAW with that being amalgamated into Lot 67.

The registered owners of the PAW are Benjamin and Doris Rosenstamin also the original subdividers. The property was subdivided in 1927. Council has not been able to locate any beneficiary legally entitled to consent to the PAW being transferred to State Lands.

Strategic and/or Regional Outcomes

There are no strategic or regional outcomes to consider.

Community Consultation

In accordance with Section 58 of the *Land Administration Act 1997* for the closure of the remnant road reserve an advertisement was published in a Local Newspaper on the 3 December 2009 inviting submissions. At the close of the submission period (8 January 2010) no submissions had been received. A copy of the advertisement is **attached** at Appendix 2. All service providers have been notified. There were no objections received to the closure of the Remnant Road Reserve.

In accordance with Section 52 of the *Land Administration Act 1997*, for the closure of the PAW an advertisement was published in the West Australian Newspaper on the 11 December 2009 inviting submissions. At the close of the submission period (11 January 2010) no submissions had been received. A copy of the advertisement

is **attached** at Appendix 2. All service providers have been notified. There were no objections received to the closure of the PAW.

Councillor/Officer Consultation

The City's Officers have considered the proposal and have no objection to the closures and amalgamations.

Analysis of Financial and Budget Implications

There will be no detrimental affect on the City's Annual Budget as a result of the proposed closures and amalgamations. Having indemnified the City the proponents will be responsible for all fees, charges and costs associated with the proposal.

Economic, Social, Environmental and Heritage Issues

There are no known Economic, Social, Environmental or Heritage issues associated with this proposal.

Council Policy Compliance

It is considered that all Council policies have been adequately assessed and that no policy has been contravened.

Legislative Compliance

Council has complied with the Land Administration Act 1997 (Section 52 and 58). All service providers have commented that they have no objection to the proposals. There are no statutory voting requirements for this item.

Under Section 52, when requesting the closure of a PAW Council is required to indemnify the Department of Planning and Infrastructure (DPI) against all costs associated with the closure. Subsequently a similar indemnity has been obtained from the proponents in favour of the City.

Delegation of Authority

The DPI requires the consent of Council to instigate the closure of the remnant road reserve and PAW.

Relevant Precedents

Council Decision 147/09 approving closure of remnant road reserve on Casuarina Drive and amalgamation into adjoining property.

Council Decision 248/08 approving the closure of the Right of Way between Lot 1 Wittenoom Street and Lot 3 Clifton Street and amalgamation equally into adjoining lots.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council elect not to support the closure of the remnant road reserve and PAW.

Conclusion

The remnant road reserve and Public Access Way are no longer of use to Council and require on going maintenance by the Parks Department. The land owners request to obtain the land will be beneficial to Council by reduced maintenance costs.

Recommendation

Pursuant to the provisions of the *Land Administration Act 1997* Sections 52 and 58:

1. Under Section 58 Council approves the closure of the remnant road reserve and amalgamation into Lot 250 Forrest Avenue.
2. Under Section 52 Council approves the proposed closure of the Public Access Way as shown in the location plan and amalgamation equally into the adjoining properties.
3. Council indemnifies the Department of Planning and Infrastructure against all costs associated with the closure and amalgamation of the PAW having received like indemnity from the Proponents.

Outcome - Council Committee Meeting 16 March 2010

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

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

Committee Recommendation

Pursuant to the provisions of the *Land Administration Act 1997* Sections 52 and 58:

- 1. Under Section 58 Council approves the closure of the remnant road reserve and amalgamation into Lot 250 Forrest Avenue.**
- 2. Under Section 52 Council approves the proposed closure of the Public Access Way as shown in the location plan and amalgamation equally into the adjoining properties.**

- 3. Council indemnifies the Department of Planning and Infrastructure against all costs associated with the closure and amalgamation of the PAW having received like indemnity from the Proponents.**

CARRIED

11 Votes "For" / Nil Votes "Against"

11.5 Support for Dedication Road Widening Estuary Drive and Inner Harbour Access

File Ref:	R00739
Applicant/Proponent:	Main Roads WA
Author:	Jason Gick, City Engineer
Executive:	Michael Scott, Executive Manager City Services

Summary

The City of Bunbury has received correspondence dated the 11 February 2010 from Main Roads Western Australia (MRWA) (**attached** at Appendix 3) seeking support for their application to the Department of Planning and Infrastructure (DPI) to dedicate land they require to accommodate the roundabout that currently exists at the intersection of Estuary Drive and the Inner Harbour Access. The land is owned by the City of Bunbury plan **attached** at Appendix 4

Background

At its meeting on the 4 October 1997 Council resolved to support MRWA's application to formalise the road widening at the intersection of Estuary Drive and the Inner Harbour Road to accommodate the new port access roundabout **attached** at Appendix 5. However the acquisition process was not completed by MRWA and there is now a need to resume the procedure in accordance with the provision of the Land Administration Act (1997).

To satisfy current statutory requirements, MRWA request Council support the future dedication of the land being acquired for road purposes and endorsement of Land Dealing Plans numbered 9702-0017 and 9702-0018-1 **attached** at Appendix 6

Strategic and/or Regional Outcomes

The proposal complies with the City of Bunbury Strategic Plan 2007-2012 and in particular Strategy 3.2 which states that the City will: "*Develop and maintain an integrated and sustainable approach to transport with reference to road hierarchy, traffic management, public transport cycleways and dual-use paths.*"

Community Consultation

Under Section 56 of the Land Administration Act 1997 no community consultation is required.

Councillor/Officer Consultation

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

Analysis of Financial and Budget Implications

There will be no detrimental effect on the City's Annual Budget as a result of the proposed dedication as MRWA will be responsible for and has indemnified the City

against all fees, charges and costs associated with the proposal. A copy MRWA email indemnifying the City is **attached** at Appendix 7.

Economic, Social, Environmental and Heritage Issues

The proposed dedication will have no economic, social, environmental or heritage implications for the City of Bunbury.

Council Policy Compliance

No Council policy applies.

Legislative Compliance

Where (in a district of a Local Government) land is used by the public as a road, then, compliant to Section 56 of the Land Administration Act 1997, the Council is required to pass a decision supporting the dedication of the land as a "Road".

Delegation of Authority

The DPI requires the official consent of the Council to instigate the dedication as a "Road".

Relevant Precedents

At its meeting on 11 July 2006, Council resolved to excise a portion of Reserve 670 and request the Minister to dedicate it as "Road" (Robertson Drive).

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council does not support the dedication of the land shown on Land Dealings Plans numbered 9702-0017 and 9702-0018-1 as a "Road".

Conclusion

MRWA has initiated action to acquire land required to accommodate a roundabout that currently exists at the intersection of Estuary Drive and the Inner Harbour Access. To satisfy the DPI's requirements the City is now requested by way of a Council Decision to support MRWA's application for the land shown on Land Dealings Plans numbered 9702-0017 and 9702-0018-1 as a "Road" under Section 56 of the Land Administration Act.

Recommendation

1. Council request the Department of Planning and Infrastructure to dedicate the land shown on Land Dealings Plans numbered 9702-0017 and 9702-0018-1 as a "Road" under Section 56 of the Land Administration Act.
2. Council indemnify the Department of Planning and Infrastructure against all costs associated with the dedication, having received a like indemnity from Main Road Western Australia.

Outcome - Council Committee Meeting 16 March 2010

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

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

Committee Recommendation

1. **Council request the Department of Planning and Infrastructure to dedicate the land shown on Land Dealings Plans numbered 9702-0017 and 9702-0018-1 as a "Road" under Section 56 of the Land Administration Act.**
2. **Council indemnify the Department of Planning and Infrastructure against all costs associated with the dedication, having received a like indemnity from Main Road Western Australia.**

CARRIED
9 Votes "For" / 2 Votes "Against"

11.6 Proposed Amendment No 40 to Town Planning Scheme No. 7 to Change the Use Class “Tavern” from “X” to “A” in the Mixed Business Zone

File Ref:	A03869
Applicant/Proponent:	MGA Town Planners (on behalf of Highway Hotel)
Author:	Paul Davies, Planning Consultant
Executive:	Geoff Klem, Executive Manager City Development

Summary

An application has been received from MGA Town Planners on behalf of the owners of the Highway Hotel to change the use class “Tavern” from “X” (not permitted), to “A” (a use not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4) in the Mixed Business Zone.

The amendment proposes to make the use class “Tavern” an “A” use consistent with the use class “Hotel” which is currently an “A” use in the Mixed Business zone. The proposed amendment is a simple text amendment to amend Table 1, Zoning Table in Town Planning Scheme No 7 to make the use class Tavern “A” rather than “X”.

Advertising for the proposed amendment closed on 24 February 2010 and no submissions were received. It is recommended that Council resolve to finally adopt the amendment without modification and forward the amendment to the Hon Minister for Planning for final approval.

Background

An application has been received from MGA Town Planners on behalf of the owners of the Highway Hotel to change the use class “Tavern” from “X” to “A” in the Mixed Business Zone.

The Highway Hotel currently has development approval for a new large liquor store to replace the existing drive through bottle shop on the site. The proponents advise that the second stage of the overall upgrading/redevelopment of the site is upgrading the existing hotel to provide improvements to the beverage and meals functions of the premises.

The Proponents indicate that the use class “Hotel” is currently an “A” use in the Mixed Business zone and the amendment will make the use class “Tavern” also an “A” use to be consistent with Hotel use.

The proponents advise that there will be virtually no difference in terms of amenity impacts between the operation of a hotel or a tavern. Both uses attract similar numbers of vehicles and trade over similar hours during day or night. The uses are also so similar in their trading characteristics that there is little difference in distinguishing between them.

Further, the proponents advise that the amendment is proposed to retain flexibility for future upgrading/ redevelopment of the existing Highway Hotel premises. At this

stage, no decisions have been made whether or not to retain the existing Hotel licence or whether an application is to be made to change to a Tavern licence.

The proponents advise that the overall upgrading/revision of the hotel premises will need to be tested against business models and the proposed amendment will enable flexibility for a possible change of the Hotel Licence to a Tavern Licence.

Also, the proposal will have no general impact on the amenity of the locality and will not impact on the conservation value of the existing building.

Advertising for the proposed amendment closed on 24 February 2010 and no submissions were received. It is recommended that Council resolve to finally adopt the amendment without modification and forward the amendment to the Hon Minister for Planning for final approval.

Strategic and/or Regional Outcomes

The recommendation has had regard to Council's 2007-2012 Strategic Plan.

Community Consultation

Advertising for the proposed amendment closed on 24 February 2010 and no submissions were received. It is recommended that Council resolve to finally adopt the amendment without modification and forward the amendment to the Hon Minister for Planning for final approval.

Councillor/Officer Consultation

Development services officers have considered the proposal and consider that the proposed amendment is acceptable.

Analysis of Financial and Budget Implications

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

Economic, Social, Environmental and Heritage Issues

Upgrading and redevelopment of the existing hotel is likely to provide an improved facility for public benefit. The proposed works will create employment during the construction phase and possibly additional employment with an improved facility.

The existing Hotel is included on the City of Bunbury Municipal Inventory and the Heritage List. The proposed amendment will not impact the conservation value of the property and upgrading has potential to assist in the preservation of the building.

Council Policy Compliance

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

Legislative Compliance

The Scheme amendment is required to be undertaken in accordance with the requirements of the Planning and Development Act 2005.

Delegation of Authority

Delegation of decision-making is not an option in this instance.

Relevant Precedents

Council has previously undertaken amendments to Town Planning Scheme No 7.

Options

Option 1

Per the recommendation printed in this report to Council.

Option 2

Council, under the powers conferred upon it by the Planning and Development Act 2005 (as amended), elects NOT to finally approve an amendment to City of Bunbury Town Planning Scheme No. 7 to change the use-class "Tavern" from "X" to "A" in the Mixed Business Zone and forward the amendment to the Hon Minister for Planning with a recommendation not to grant final approval to the amendment.

Conclusion

The amendment proposes to make the use class "Tavern" an "A" use consistent with the use class "Hotel". The proposed amendment is a simple text amendment to amend Table 1, Zoning Table in Town Planning Scheme No 7 to make the use class Tavern "A" rather than "X".

As outlined by the proponents it is considered that there is virtually no difference in terms of amenity impacts between the operation of a hotel or a tavern. Both uses attract similar numbers of vehicles and trade over similar hours during day or night. The uses are also so similar in their trading characteristics that there is little difference in distinguishing between them.

Advertising for the proposed amendment closed on 24 February 2010 and no submissions were received. It is recommended that Council resolve to finally adopt the amendment without modification and forward the amendment to the Hon Minister for Planning for final approval.

Recommendation

1. Council, under and by virtue of the powers conferred upon it in that behalf of the Planning and Development Act 2005 (as amended), hereby resolves to grant final approval to Amendment No 40 to the City of Bunbury, Town Planning Scheme No. 7 to amend Table 1 (Zoning Table) by deletion of the

symbol "X" in the column headed "Mixed Business" and against the use-class "Tavern", and replacing it with the symbol "A" without modification; and

2. Forward the signed and sealed Scheme Amendment documents to the Minister for Planning via the Western Australian Planning Commission, with a request for final approval.

Outcome - Council Committee Meeting 16 March 2010

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

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

It was requested that the votes be recorded as follows:

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

Committee Recommendation

1. **Council, under and by virtue of the powers conferred upon it in that behalf of the Planning and Development Act 2005 (as amended), hereby resolves to grant final approval to Amendment No 40 to the City of Bunbury, Town Planning Scheme No. 7 to amend Table 1 (Zoning Table) by deletion of the symbol "X" in the column headed "Mixed Business" and against the use-class "Tavern", and replacing it with the symbol "A" without modification; and**
2. **Forward the signed and sealed Scheme Amendment documents to the Minister for Planning via the Western Australian Planning Commission, with a request for final approval.**

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

11.7 March 2010 Budget Review

File Ref:	A00284-02
Applicant/Proponent:	Internal Report
Author:	David Harrison Budget Accountant
Executive:	Ken Weary, 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 March Budget Review identifies \$1,090,903 of expenditures for general works, variations and new projects. Funding of \$1,090,903 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 March 2010 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 Tuesday 9 March 2010

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:

Adopt the March 2010 Budget Review for the City of Bunbury.

Option 2:

Adopt the March 2010 Budget Review for the City of Bunbury with amendments

Recommendation

Council adopt the March 2010 Budget Review.

Outcome - Council Committee Meeting 16 March 2010

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

Cr Harrop requested an explanation as to what Cultural Mapping was. Executive Manager City Life will provide an explanation via memorandum to Councillors with the explanation.

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

Committee Recommendation

Council adopt the March 2010 Budget Review.

CARRIED

11 Votes "For" / Nil Votes "Against"

NOTE: AN ABSOLUTE MAJORITY VOTE BY COUNCIL IS REQUIRED.

11.8 Financial Statements for Period Ending 28 February 2010

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

Summary/Background

Financial Statements for the period ending 28 February 2010, have been circulated to members under separate cover. The statements include the following:

- Income Statement and 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
- Receivables
- Other Financial Assets
- Payables
- Provisions
- Trust Funds
- Explanations to Significant Variations to Income Statement
- Capital Expenditure
- Key Operating Expenditure & Income with a Budget Exceeding \$20,000
- Loan Funds
- Reserve Funds
- Bunbury Timber Jetty
- Investment Funds

Recommendation

The Financial Statements for the period ending 28 February 2010 be received.

Outcome - Council Committee Meeting 16 March 2010

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 28 February 2010 be received.

CARRIED

11 Votes "For" / Nil Votes "Against"

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

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

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

Recommendation

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

1. Title: Minutes –Land Rationalisation & Acquisitions Committee (11/02/2010)
Author: Paul Davies, Town Planner
File: A03518
2. Title: Minutes – Bunbury Airport Advisory Committee (11/02/2010)
Author: Nigel Archibald, Airport Reporting Officer
File: F00080

Outcome - Council Committee Meeting 16 March 2010

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 –Land Rationalisation & Acquisitions Committee (11/02/2010)
Author: Paul Davies, Town Planner
File: A03518
2. Title: Minutes – Bunbury Airport Advisory Committee (11/02/2010)
Author: Nigel Archibald, Airport Reporting Officer
File: F00080

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

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

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

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

Recommendation

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

1. Title: Building Applications/Development Approvals – January 2010 & February 2010
Author: Gary Fitzgerald, Manager Development Services
File: A00566
2. Title: Schedule of Accounts Paid for the Period 1 February 2010 to 28 February 2010
Author: David Ransom, City Accountant
File: A00083

Outcome - Council Committee Meeting 16 March 2010

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

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

Committee Recommendation

1. Title: **Building Applications/Development Approvals – January 2010 & February 2010**
Author: **Gary Fitzgerald, Manager Development Services**
File: **A00566**
2. Title: **Schedule of Accounts Paid for the Period 1 February 2010 to 28 February 2010**
Author: **David Ransom, City Accountant**
File: **A00083**

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

12. Motions on Notice

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

14. Items to be Noted or Endorsed

There are no new items for noting.

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

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

15.1 Determination of the City's Next Course of Action Following the State Administrative Tribunal Ruling in the Case of Citygate Properties Pty Ltd v City of Bunbury – Offices at Strickland Street

File Ref:	P09230-18
Applicant/Proponent:	Internal Report
Author:	Geoff Klem, Executive Manager City Development
Executive:	Greg Trevaskis, Chief Executive Officer

A confidential report and recommendation has been circulated to members under separate cover. Please refer to memorandum 18/03/2010 from Executive Manager City Development circulated to members.

16. Close of Meeting