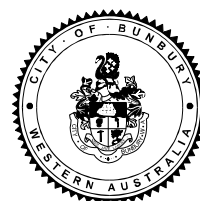




Bunbury City Council

Minutes 8 June 2010



CITY OF BUNBURY
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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 Minutes

Minutes of an Ordinary Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 8 June 2010.

Minutes 8 June 2010

NOTE: These minutes are subject to confirmation at the next Ordinary meeting of the Council 29 June 2010.

1. Declaration of Opening by the Presiding Member

His Worship the Mayor, Mr David Smith, declared the meeting open at 6.01pm.

2. Record of Attendance, Apologies and Leave of Absence

PRESENT

Council Committee Members	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member:	Deputy Mayor, Councillor B Kelly
Members:	Councillor J Jones
	Councillor W Major
	Councillor H Punch
	Councillor R Slater
	Councillor A Leigh
	Councillor J Harrop
	Councillor D Spencer
	Councillor K Steele
Executive Management Team (Non-Voting)	
Chief Executive Officer:	Mr G Trevaskis
Executive Manager Corporate Services:	Mr K Weary
Executive Manager City Services:	Mr M Scott
Executive Manager City Development:	Mr G Klem
Executive Manager City Life:	Mr D Marzano

Council Officers (Non-Voting):	
Admin Officer Corporate Services	Ms M Lloyd
Manager Economic & Social Development	Ms J Massey
Cultural Development Officer	Jenelle Dunn
Manager Development Services	Gary Fitzgerald
BRAG Curator	Greg White
Sport & Recreation Development Officer	Ms J Gibellini
Others (Non-Voting):	
Members of the Public:	29 (approx.)
Members of the Press:	1

APOLOGIES:

Councillor Stephen Craddock an apology.
Councillor Noel Whittle an apology

ABSENT

Councillor Michelle Steck

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

At the Council Meeting held 18 May 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:

Mr Jason Gard, 4 Harrison Place, Bunbury

Question: Can Council confirm that the land is R40 zoning and is there any development restrictions on the block?

Response: Ron Boardley, Senior Property Officer, forwarded the following response to Jason Gard on 1 June 2010 : "The land is zoned R40. Prior to marketing the land for sale, a suitable endorsement will be placed on the title to protect the "Visual Privacy" of Wattle Hill Lodge, to ensure compliance with the Residential Design Codes".

Question: What method of disposal is the City of Bunbury going to be using?

Response: Ron Boardley, Senior Property Officer, forwarded the following response to Jason Gard on 1 June 2010 : "Subject to final approval of the Minister for Lands, it is proposed that the sale of the property will proceed and will be listed for sale with one of the local Real Estate Agents. The sale will also be drawn to the attention of nearby residents".

4. Public Question Time

Nil

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

Nil

6. Confirmation of Previous Minutes

The minutes of the Council Meeting held 18 May 2010, have been circulated.

The minutes of the Special Council Meeting held 28 April 2010, have been circulated.

The minutes of the Special Council Meeting held 4 May 2010, have been circulated.

Recommendation

The minutes of the Special Council Meeting held 28 April 2010, the Special Council Meeting held 4 May 2010 and the Council Meeting held 18 May 2010, be confirmed as a true and accurate record.

Outcome - Council Meeting 23 March 2010

The recommendation was moved Cr Leigh, seconded Cr Spencer.

The motion (as printed) was put to the vote and it was adopted to become the Council's decision on this matter.

Council Decision 92/10

The minutes of the Special Council Meeting held 28 April 2010, the Special Council Meeting held 4 May 2010 and the Council Meeting held 18 May 2010, be confirmed as a true and accurate record.

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

7. Disclosures of Interest Under the Local Government Act 1995

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 Presiding Member <u>before</u> the meeting commences.
--

Cr Spencer disclosed an impartiality interest in the item titles '*Emergency and Community Services Hub*' as he is Vice Chairman of Community Home Care. He will stay and participate in the discussion and vote.

Deputy Mayor Cr Kelly disclosed an proximity interest in the item titled '*Proposed Medical Centre (Bunbury Skin Clinic) – Lots 172 & 173 Mary Street, South Bunbury*' as he is part owner in a property 500 metres away. He will stay and participate in the discussion and vote.

His Worship the Mayor disclosed a financial interest in the item titled '*Legal Advise – Defamation – Code of Conduct*'. He will leave the chambers and not participate in the discussion or vote.

Mr G Klem, Executive Manager City Development, disclosed a financial interest in the item titled '*Legal Advise – Defamation – Code of Conduct*'. He will leave the chambers and not participate in the discussion or vote.

Mr G Fitzgerald, Manger Development Services, disclosed a proximity interest in the item titled '*Proposed Medical Centre (Bunbury Skin Clinic) – Lots 172 & 173 Mary Street, South Bunbury*' as he owns a property adjoining the subject site.

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

The Mayor acknowledged the receipt of the CEO's, Mr G Trevaskis, letter of resignation and accepted it with best wishes for his future.

The Mayor announced that Cr Craddock's father had passed away and offered condolences. A one (1) minute silence was observed.

9. Chief Executive Officer Reports/Discussion Topics

9.1 Proposed Development Former Bunbury Dental Clinic, 120 Spencer Street, Bunbury (was listed as item 9.1 in the meeting agenda)

File Ref:	P07399
Applicant/Proponent:	Mr J Monaco
Author:	Leigh Barrett, Planning Officer (Heritage)
Executive:	Geoff Klem, Executive Manager City Development

Summary

The City of Bunbury wishes to sell the former Bunbury Dental Clinic at 120 Spencer Street, Bunbury as it is surplus to requirements. Council resolved (Resolution 39/10) on 2 March 2010 to accept the contract of sale for Lot 102 (#120) Spencer Street, Bunbury as follows:

Council accepts the Contract of Sale received for Lot 102 Spencer Street (C/Title Vol 2698 Fol 573) from Cantalupo Pty Ltd and Tony Monaco for the price of \$825,000 inc GST, subject to the proposed sale being advertised for public information per Section 3.58 of the Local Government act 1995 and any objecting submissions received being forwarded to the Council for consideration.

The place has been assessed as having cultural heritage significance to the City and guidelines for the future development of the site have been identified.

The prospective purchaser does not wish to comply with the identified development guidelines.

Background

The former Bunbury Dental Clinic was constructed in 1959 as the first purpose built, publicly funded dental clinic outside the Perth metropolitan area. It was one of only three regional clinics constructed under the government policy to extend the Perth Dental Hospital facilities to major country centres.

The place is included on the City of Bunbury Municipal Inventory 2001. The consultants undertaking the review of the Municipal Inventory have recommended the place for inclusion on the City's Heritage List and have prepared the following statement of significance for the building.

Bunbury Dental Clinic, 120 Spencer Street, a single storey stone, brick, fibro and tile building constructed in 1959, in the Post War period has cultural heritage significance as an example of a purpose built functional building providing dental services to a regional area. The place has some rarity value which further research could confirm. The place contributes significantly to the streetscape being of a distinctive design with prominent features and being located on a major arterial road.

(See report issued under separate cover Attachment 1 for the Consultants' full report).

Subsequent research has uncovered plans which confirm that the place was purpose built for the Board of Management, Perth Dental Clinic, to a design by Marshall Clifton, Architect (see report issued under separate cover Attachment 2). Marshall Clifton was a prominent Perth architect and artist of the inter-war and post-war years. Clifton also had strong family links to the Bunbury region, being the great-great-grandson of Marshall Clifton, who was instrumental in the original settlement of Australind.

Heritage advice from the City's Regional Heritage Advisor and the consultants undertaking the review of the City's Municipal Inventory indicates that the sale of the property will not in itself impact on the heritage values of the place however the building should be retained and incorporated into any proposed development on the site.

Partial demolition of the rear portion of the building may be acceptable subject to a positive conservation outcome for the portion to be retained (from the half-cross gable forward). Sympathetic adaptation of the building for a new use and replacement of deteriorated and non-original fabric in a sympathetic manner would be supported subject to consideration of detailed proposals. Full demolition would not be supported from a heritage perspective (Refer Regional Heritage Advisor's report dated 13 May 2010 for further information – report issued under separate cover Attachment 3).

This advice has been provided to the prospective purchaser and his architect both verbally and in writing.

The prospective purchaser has submitted proposed plans (see under separate cover Attachment 4) which do not comply with the guidance provided by the Regional Heritage Advisor. These plans propose the demolition of the front portion of the building and retention (and adaptation) of the rear. The prospective purchaser has advised that independent heritage advice obtained forms a different conclusion to that of the City's consultant and Regional Heritage Advisor. This information has not been provided to the City in writing.

Please note that this proposal is in its preliminary stages and does not constitute a formal Development Application at this time.

Strategic and/or Regional Outcomes

The City Vision Strategy identifies the following social goal:

To plan and develop cohesive, inclusive, educated and healthy communities with a strong sense of place, access to all essential services and facilities and housing to meet diverse needs.

The identification, protection and management of significant heritage and cultural areas and sites was considered to be one of nine objectives required to meet this goal, specifically:

Identify, protect and manage significant heritage and cultural areas and sites.

Strategy 5.1 of the *City of Bunbury Strategic Plan 2007-2012* states that *“the City of Bunbury will strive to protect Bunbury’s unique natural environment and cultural and built heritage for the benefit of current and future generations”*.

Community Consultation

The matter was discussed at a meeting of the City of Bunbury Heritage Advisory Committee held on 19 May 2010. The Committee resolved to support the advice of the Regional Heritage Advisor and the consultants undertaking the review of the Municipal Inventory.

Councillor/Officer Consultation

Councillors Kelly and Harrop were present at the abovementioned meeting of the Heritage Advisory Committee and supported the Committee resolution.

The matter has also been discussed with Development Services officers and at Executive Management team level.

Analysis of Financial and Budget Implications

The income from the proposed sale will be allocated to capital projects as detailed in Council’s Five (5) Year Financial Plan.

Economic, Social, Environmental and Heritage Issues

There are no economic, social or environmental implications relating to this item.

Council’s support for the retention of at least a portion of this building will demonstrate Council’s continuing commitment to the protection of heritage in the City of Bunbury. Heritage matters are discussed further elsewhere in this report.

Council Policy Compliance

The City of Bunbury Local Planning Strategy for Heritage and Character (adopted by Council in November 2007) states that *“it is imperative that the community is assured that the City of Bunbury is committed to ensuring the retention of its heritage assets”* and that the City *“will seek to lead by example by managing heritage places in the City’s ownership in accordance with this Strategy and the associated policies”*.

Whilst the City seeks to dispose of the building, it is considered appropriate that the prospective purchasers be required to comply with the provisions of the Strategy. Retention of at least the front portion of the building is consistent with the Local Planning Strategy.

Legislative Compliance

Nil

Delegation of Authority

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

Relevant Precedents

This proposal seeks to demolish a portion of a building which is considered to have local heritage significance.

Council has considered the proposed demolition of heritage places in 2006 (Resolution 238/06) and 2007 (Resolution 171/07) not to support the proposed demolition of residential dwellings in the Stirling Street Heritage Area as the proposals were contrary to the aims and objectives of the City's local planning policies that guide development in heritage areas.

Options

Option 1

That Council does not provide "in principle" support for the proposed redevelopment of the former Bunbury Dental Clinic at 120 Spencer Street, Bunbury as the proposed demolition of a portion of the place is contrary to the aims and objectives of the City's local planning policies that guide the development of such places.

Option 2

That Council provide "in principle" support for the proposed redevelopment of the former Bunbury Dental Clinic at 120 Spencer Street, Bunbury. Demolition, or part demolition, would be subject to the preparation and implementation of a heritage interpretation plan by a suitably qualified and experienced professional.

Conclusion

The development proposed by the prospective purchaser requires the demolition of a portion of a building which is considered to have a high level of local heritage significance. Heritage advice provided to the City indicates that the front portion of the building should be retained whilst allowing for re-development at the rear. The submitted proposal is inconsistent with this advice.

The recommendation supports the Heritage advice received.

Council has approved the conditional sale of the site and the purchaser has submitted plans that propose the demolition of the front portion of the building and retention (and adaption) of the rear.

The income from the proposed sale will be allocated to capital projects as detailed in Council's Five (5) Year Financial Plan

Option 2 above, allows Council to consider the option to provide "in principle" support for demolition or part demolition, but subject to the preparation and implementation of a Heritage Interpretation Plan by a suitably qualified and experienced professional.

Recommendation

That Council does not provide “in principle” support for the proposed redevelopment of the former Bunbury Dental Clinic at 120 Spencer Street, Bunbury as the proposed demolition of a portion of the place is contrary to the aims and objectives of the City’s local planning policies that guide the development of such places.

Outcome - Council Meeting 8 June 2010

The recommendation was moved by Deputy Mayor Cr Kelly, seconded Cr Major.

John Monaco, proposed purchaser addressed the Council and stated that the building held Social Heritage value. The building is in a state of disrepair and fails at present regarding the Code of Conduct practises. He is prepared to place a plaque facing the road and inside the building detailing the buildings social significance. For it to be a viable business proposal, it will require demolition.

Cr Punch foreshadowed that in the event the recommendation not pass then Council should consider Option 2.

The recommendation (as printed) was put to the vote 4 votes “For” / 6 votes “Against
LOST

Cr Slater Moved Option 2, seconded Cr Spencer

It was requested the votes be recorded

For: Deputy Mayor Cr Kelly, Cr Major, Cr Harrop, Cr Leigh

Against: The Mayor, Cr Jones, Cr Punch, Cr Spencer, Cr Slater, Cr Steele

The Mayor put Option 2 to the vote and it was adopted to become Council’s decision on this matter.

Council Decision 103/10

That Council provide “in principle” support for the proposed redevelopment of the former Bunbury Dental Clinic at 120 Spencer Street, Bunbury. Demolition, or part demolition, would be subject to the preparation and implementation of a heritage interpretation plan by a suitably qualified and experienced professional.

CARRIED

7 Votes “For” / 3 Votes “Against”

It was requested that the votes be recorded

For: The Mayor, Cr Jones, Cr Steele, Cr Slater, Cr Harrop, Cr Spencer, Cr Punch

Against: Deputy Mayor Cr Kelly, Cr Major, Cr Leigh

9.2 Expressions of Interest – Purchase of Lots 210 & 211 Holywell Street and Lot 66 Ocean Drive, Bunbury (was listed as item 9.2 in the meeting agenda)

File Ref:	A00420
Applicant/Proponent:	Internal Report
Author:	Ron Boardley, Senior Property Officer
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

This report relates to the “Expressions of Interest” received for the purchase of Lots 210 & 211 Holywell Street and Lot 66 Ocean Drive, Bunbury and recommends that the properties be now listed for sale at declared prices.

Background

At the Ordinary Meeting of Council held on 2 March 2010, Council considered a report relating to the appointment of Joint Marketing and Selling Agents for the sale of Lots 210 & 211 Holywell Street and Lot 66 Ocean Drive, and resolved as follows:-

- 1. Council appoints Jones Land LaSalle – Commercial Realty Bunbury as the joint Marketing and Selling Agent to sell Lots 210 & 211 Holywell/Pendal Streets and Lot 66 Ocean Drive, Bunbury for a period of four (4) months with a possible extension of time granted at the City’s absolute discretion.*
- 2. That 2% of the Nett proceeds of the sales be reserved for the Land Rationalisation and Acquisitions Committee for the purpose of furthering the objectives of the Committee.*

Expressions of Interest were invited for the purchase of the lots and closed at 4 pm on Thursday 27 May 2010. During the Expression of Interest period, 25 genuine enquiries were received in regard to the Holywell Street property and 35 genuine enquiries were received in regard to the Ocean Drive property. One Expression of Interest was received for the Holywell property and three for the Ocean Drive property.

Advice from the Marketing/Selling agents is that the property market in both Perth and Bunbury has slowed down in recent times, caused by the prevailing uncertainty in the financial sector which is impacting upon the funding of development sites, with many Banks either unwilling to lend or requiring challenging (in many instances unachievable) criteria to be met.

The assessed market valuations provided by Landgate Valuation Services on 29 March 2010, are as follows:

- Lots 210 & 211 Holywell Street – \$6,820,000, inclusive of GST.
- Lot 66 Ocean Drive – \$2,640,000, inclusive of GST.

In view of the low number of Expressions of Interest received, the Marketing/Selling Agents have recommended that the two properties be now listed for sale at the following declared prices;-

- Lots 210 & 211 Holywell Street - \$6,820,000, inclusive of GST.
- Lot 66 Ocean Drive - \$2,640,000, inclusive of GST.

The recommended selling prices are approximately 5% above the Landgate Valuation Services valuations.

The properties will be first offered to the parties who submitted Expressions of Interest. If this does not produce a positive result, the properties will then be offered to the parties who made the genuine enquiries referred to above, following which the properties would be listed for sale.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Per the recommendation listed in this report, with amendments as suggested by council members.

Recommendation

1. Council proceed with the sale of Lots 210 & 211 Holywell Street and Lot 66 Ocean Drive, Bunbury and the properties be listed for sale at the following declared prices:-
 - Lots 210 & 211 Holywell Street – \$6,820,000, inclusive of GST.
 - Lot 66 Ocean Drive – \$2,640,000, inclusive of GST
2. The properties be first offered to the parties who submitted an Expression of Interest and if this does not produce a positive result, the properties be offered to the parties who made genuine enquires but did not proceed with an Expression of Interest.
3. If either of the actions outlined in 2 above, does not produce a positive result, the properties be listed for sale.

Outcome - Council Meeting 8 June 2010

The following motion was moved Cr Slater, seconded Cr Major.

The motion (as printed) was put to the vote and it was adopted to become Council's decision on this matter.

Council Decision 104/10

1. *Council proceed with the sale of Lots 210 & 211 Holywell Street and Lot 66 Ocean Drive, Bunbury and the properties be listed for sale at the following declared prices:-*

- *Lots 210 & 211 Holywell Street – not less than \$6,820,000, inclusive of GST.*
- *Lot 66 Ocean Drive – not less than \$2,640,000, inclusive of GST . - with the final price to be determined after consultation with Landgate and a private valuer.*

2. *The properties be first offered to the parties who submitted an Expression of Interest and if this does not produce a positive result, the properties be offered to the parties who made genuine enquires but did not proceed with an Expression of Interest.*

3. *If either of the actions outlined in 2 above, does not produce a positive result, the properties be listed for sale.*

CARRIED

10 Votes "For" / Nil Votes "Against"

10. Reception of Formal Petitions and Memorials

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

Pursuant to Standing Order 16.1.1, the Council adopted 'en bloc' (i.e. without discussion) those recommendations listed for items 11.1, 11.7, 11.8, 11.9, 11.10, 11.11, 11.12, 11.13 and 11.15 of the meeting agenda.

Items 11.2, 11.3, 11.4, 11.5, 11.6 and 11.14 of the meeting agenda was then discussed and voted on separately.

Please note that the items listed in this section of the meeting minutes have been rearranged (and re-numbered) so that they appear in the order that they were discussed at the meeting. The items voted on 'en bloc' are listed first.

11.1 Petitions and Coupons – Request for the Bunbury City Council to Move Positively to Preserve a Sizable Portion of Bunbury’s Timber Jetty *(was listed as item 11.1 on the meeting agenda)*

File Ref:	A00502-13
Applicant/Proponent:	Bunbury Timber Jetty Conservation Society
Author:	N/A
Executive:	<i>If petitions adopted by Council refer to: Michael Scott, Executive Manager City Services</i>

A letter, petition and coupons have been received from the residents of Bunbury and surrounding districts respectfully requesting the Bunbury City Council to move positively to preserve a sizable portion of Bunbury’s Timber Jetty. They suggest that at least 20% of the present area be preserved. The petition contained one thousand, two hundred and ninety two (1292) signatures from residents of Bunbury, four hundred and eighty eight (488) signatures from residents from Greater Bunbury, three hundred and forty six (346) signatures from other residents and one hundred and eight (108) coupons.

For a copy of the petition please contact the City of Bunbury Administration.

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 1 June 2010

Moved Cr Whittle, seconded Cr Major that the letter, petition and coupons 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, letter and coupons from the Residents of Bunbury and the surrounding districts be accepted and a report be prepared by Officers for the information of Council on the issue.

Outcome – Council Meeting 8 June 2010

Pursuant to Standing Order 16.1.1 the recommendation (as printed) was moved Cr Major, seconded Cr Harrop and adopted (‘en bloc’) to become the Council’s decision on this matter:

Council Decision 93/10

Pursuant to clause 9.4 of the City of Bunbury Standing Orders, the petition, letter and coupons from the Residents of Bunbury and the surrounding districts be accepted and a report be prepared by Officers for the information of Council on the issue.

CARRIED

10 Votes "For" / Nil Votes "Against"

11.2 Community Funding Policy *(was listed as item 11.7 in the meeting agenda)*

File Ref:	A00374-32
Applicant/Proponent:	Jackie Massey, Manager Economic & Social Development
Author:	Jackie Massey, Manager Economic & Social Development
Executive:	Domenic Marzano, Executive Manager City Life

Summary

The Community Funding Policy was adopted by Council on 9 June 2009 to provide a fair and open process through which Council determines its financial assistance to community groups. The policy has now been in place for a year and several changes are recommended in order to improve the operation of the policy, in particular the increase of elected members on the Community Funding Assessment Panel. The Panel also wishes to recommend on the basis of the 2009 experience an increase in the overall pool of funds available for allocation.

Background

Following adoption of the Community Funding Policy, Council allocated funds to community groups in two rounds in 2009 based on the recommendations from the Community Funding Assessment Panel.

In light of experience gained in 2009 in the operation of this Policy, several amendments have been submitted to Council's Policy Review Committee for consideration. One of the changes includes a request by the Panel to increase the number of elected members on the Panel from two (2) to four (4).

A copy of the current Community Funding Policy is **attached** at Appendix 9.

The Community Assessment Panel would also like to request that Council consider in the 2010/11 budget increasing the overall funds available for allocation to \$300,000 (after deduction of allocations for BREC, BRAG, Stirling St Arts Centre and King Cottage). This will enable the Panel to allocate \$250,000 in the first round (when most applications are submitted) and retain \$50,000 for second round applications.

By way of comparison, in 2009/10 applications for the first round totalled \$367,742 and were deemed so worthwhile that Council did not retain funds for the second round of applications. As a consequence only one second round application was funded through the budget review process. In total a cash allocation of \$174,803 and an in-kind allocation of \$22,786 were approved by Council. In 2010 for the first round the City has received applications to date totalling \$439,365. Currently the proposed draft budget provides for a cash allocation of \$167,934 and an in-kind allocation of \$22,000.

Strategic and/or Regional Outcomes

The Community Funding Policy directly addresses Strategy 6.2 of the City's Strategic Plan 2007-2012 – "Community participation, partnership and support". One of the deliverables in this section is to *"develop a grants and sponsorship policy"*.

Community Consultation

Community feedback is received on an ongoing basis as applicants discuss their applications with City staff. Several amendments have been made to the application form over the past year to take account of feedback received. No feedback has been received concerning the Policy.

Councillor/Officer Consultation

The recommendations in this report are mainly from the Community Funding Assessment Panel which comprises two elected members and two staff. A couple of recommendations submitted to the Policy Review Committee also flow from suggestions made by individual Councillors at or immediately after the 2009 allocation process.

Analysis of Financial and Budget Implications

One of the recommendations is for Council to consider in the 2010/11 budget increasing the overall funds available for allocation under the Community Funding Policy to \$300,000 (after deduction of allocations for BREC, BRAG, Stirling St Arts Centre and King Cottage).

Economic, Social, Environmental and Heritage Issues

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

Council Policy Compliance

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

Legislative Compliance

Not applicable.

Delegation of Authority

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

Relevant Precedents

There are no relevant precedents.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council amends the recommendation concerning an increase of elected members on the Community Funding Assessment Panel and amends the proposal that Council consider in the 2010/11 budget increasing the overall funds available for allocation to \$300,000

Conclusion

The Community Funding Policy was approved by Council on 9 June 2009 with an annual review date. Amendments have been proposed to the Policy arising from experience operating the Policy for two rounds in 2009. The purpose of increasing the number of elected members on the Community Funding Assessment Panel is to include a greater involvement of elected members at the committee assessment stage. The purpose of increase the proposed funding is to enable Council to fund a larger number of worthwhile applications from the community.

Recommendation

1. Council appoint two additional elected members to the Community Funding Assessment Panel (current membership of the panel: Chair of the Promotions Committee (Councillor Craddock), one elected member (Councillor Spencer), Executive Manager City Life (Domenic Marzano) and another City Life staff member (Jackie Massey):

Appoint: Councillor _____

Appoint: Councillor _____

2. Council refer for consideration as part of the 2010/11 annual budget process the request from the Community Funding Assessment Panel to increase the overall funds available for allocation to \$300,000 (after deduction of allocations for BREC, BRAG, Stirling St Arts Centre and King Cottage).

Outcome - Council Committee Meeting 1 June 2010

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

It was suggested to the mover and seconder that an addition to the motion be made. This was agreed to. The addition is as follows:

Remove the words *“after deductions of...”* from the bracket in point 2 and replace with *“not including the...”*

Remove the word *“and”* from between Centre and King Cottage. Replace with a comma and add the following: *“and any Council committee”*.

Cr Craddock nominated Cr Jones as a representative and Cr Harrop was nominated for the other position. Cr Jones and Cr Harrop both accepted the nominations.

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

Item 1: 12 votes “for” / Nil votes “against” CARRIED

Item 2: 9 votes “for” / 3 votes “against” CARRIED

Committee Recommendation

- 1 Council appoint two additional elected members to the Community Funding Assessment Panel (current membership of the panel: Chair of the Promotions Committee (Councillor Craddock), one elected member (Councillor Spencer), Executive Manager City Life (Domenic Marzano) and another City Life staff member (Jackie Massey):

Appoint: Councillor Jones
Appoint: Councillor Harrop
2. Council refer for consideration as part of the 2010/11 annual budget process the request from the Community Funding Assessment Panel to increase the overall funds available for allocation to \$300,000 (not including the allocations for BREC, BRAG, Stirling St Arts Centre, King Cottage and any Council committee).

Outcome – Council Meeting 8 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Major, seconded Cr Harrop and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 94/10

- 1 *Council appoint two additional elected members to the Community Funding Assessment Panel (current membership of the panel: Chair of the Promotions Committee (Councillor Craddock), one elected member (Councillor Spencer), Executive Manager City Life (Domenic Marzano) and another City Life staff member (Jackie Massey):
Appoint: Councillor Jones
Appoint: Councillor Harrop*
2. *Council refer for consideration as part of the 2010/11 annual budget process the request from the Community Funding Assessment Panel to increase the overall funds available for allocation to \$300,000 (not including the allocations for BREC, BRAG, Stirling St Arts Centre, King Cottage and any Council committee).*

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

11.3 City of Bunbury 'Healthy Clubs Scheme' - Small Equipment Grants (was listed as item 11.8 in the meeting agenda)

File Ref:	A03462
Applicant/Proponent:	Internal Report
Author:	Jo Gibellini, Sports Club Development Officer
Executive:	Domenic Marzano, Executive Manager City Life

Summary

The City of Bunbury Healthy Clubs Scheme aims to engage and reward local sport and recreation clubs who are proactively developing the health of their clubs. Through the scheme the Sports Club Development Officer receives valuable information on how local sporting groups are being managed to assist the City in better catering for the needs of local sporting clubs in the future. The scheme requires clubs to fill in a "Healthy Club Audit" and attend two Club Development Workshops to be eligible to apply for the \$500 small equipment grant.

Ten applications for funding were received totalling \$4690 out of a possible \$3800 available (summarised in table below). Several clubs asked for the total budget to be funded which contravenes the guidelines of providing matching funds of an amount up to the value of \$500.

The amount requested was greater than the available funds by \$160. To accommodate the \$160 shortfall, the two clubs that had previously received grant funds from this scheme in 2009 (Bunbury Rowing Club and South West Phoenix Soccer Club T/as Bunbury Forum Force), had their total grant amount reduced from \$500 to \$420.

Club Name	Project Cost	Amount Sought	Amount Granted (\$ for \$)	Purpose	Club Audit received	Workshops attended
Bunbury Rowing Club	\$1200	\$500	\$420	Set of Junior Oars	Yes	Responsible Service Alcohol
Bunbury Central Croquet	\$730	\$500	\$365	4 x Croquet Mallets and a kitchen urn	Yes	Responsible Service Alcohol, Show Me the Money.
Ex-Students Hockey Club	\$500	\$500	250	Junior Goalie Set	Yes	Show Me the Money.
South Bunbury Football Club	\$1200	\$500	\$500	Lap Top Computer for scoring	Yes	Will attend 2 workshops by December 2010
Dynamos Soccer Club	\$1500	\$500	\$500	Nets, cones & training aids	Yes	Responsible Service Alcohol, Show Me the Money.
Associates	\$440	\$440	\$220	Sets of	Yes	Show Me

Hockey Club				balls & satchels		the Money.
SW Phoenix T/as Bunbury Forum Force Soccer Club	\$1000	\$500	\$420	Stretcher & First Aid Kits	Yes	Responsible Service Alcohol
Ultimate Frisbee Bunbury	\$250	\$250	\$125	Frisbees & Bibs	Yes	Will attend 2 workshops by December 2010
Bunbury Netball Association	\$1500	\$500	\$500	Kitchen Boiling Water Unit	Yes	Will attend 2 workshops by December 2010
Bunbury & Districts Little Athletics	\$7560	\$500	\$500	First Aid Kits & Shade marquees	Yes	Will attend 2 workshops by December 2010
TOTAL	\$15880	\$4690	\$3800			

Background

The 'Healthy Clubs Scheme' information is captured in a Healthy Club Checklist. The benefits of this scheme are:

- The Healthy Club Checklist provides the City with information on finances, membership and condition of the City asset that a club occupies or uses. This information is critical in assessing the viability and performance of clubs and to assist if required or where possible.
- The data enables recreational services to be measured in quantitative and qualitative terms for reporting on the outcomes of implementation of the City of Bunbury Recreation Plan.

A small equipment grant of up to \$500 per club (provided on a matching funds basis) was implemented to reward sport and recreation clubs who are proactively developing the 'health' of their clubs. To be eligible for the grant Clubs are required to fill out the checklist and attend two club development workshops.

Strategic and/or Regional Outcomes

The Healthy Clubs Scheme is consistent with the aims and goals within the City of Bunbury Strategic Plan 2007-2012 and objectives and recommendations of the City Vision Strategy (2007), both of which support the Bunbury Recreation (Implementation) Plan.

Community Consultation

Sport and recreation clubs were notified of the grant 8 weeks prior to the closing date.

Councillor/Officer Consultation

The recommended applications have been assessed by the Sports Club Development Officer and the Community Recreation Liaison Officer.

Analysis of Financial and Budget Implications

The budget of \$4650 for this grant scheme is in the 2009/10 budget endorsed by Council. Two applications from last year's scheme, totalling \$850, have already been allocated funds from the current budget which has reduced the total amount for the year's scheme to \$3800.

Economic, Social, Environmental and Heritage Issues

No immediate economic, social, environmental and heritage issues have been identified.

Council Policy Compliance

Not Applicable.

Legislative Compliance

The proposal does not contravene any legislative requirements.

Delegation of Authority

There is no relevant delegation of authority in respect of this proposal.

Relevant Precedents

There are no known relevant precedents for Council's consideration.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council refuses the submitted applications for small equipment grants under its Healthy Clubs Scheme.

Conclusion

The City of Bunbury Healthy Clubs Scheme aims to engage and reward local sport and recreation clubs who are proactively developing the 'health' of their clubs. Through the scheme the Sports Club Development Officer receives valuable information on how local sporting groups are being managed to assist the City in

better catering for the needs of local sporting clubs in the future. The scheme requires clubs to fill in a “Healthy Club Audit” and attend two Club Development Workshops to be eligible to apply for the \$500 small equipment grant. All clubs who have submitted applications have met the guidelines of scheme and have registered to attend two club development workshops before December 2010.

Recommendation

Council endorses the following applications for small equipment grants under the Healthy Clubs Encouragement Scheme:

1. Bunbury Rowing Club - \$420 for the purchase of oars for juniors.
2. Bunbury Central Croquet Club - \$365 for the purchase of four new mallets and kitchen urn.
3. Ex-Students (Exies) Hockey Club - \$250 for the purchase of junior goalie gear.
4. South Bunbury AFL Football Club - \$500 towards the purchase of a lap top computer for scoring.
5. Dynamos Soccer Club - \$500 towards the purchase of training aids.
6. Associates Hockey Club - \$220 for the purchase of balls and satchels.
7. SW Phoenix T/as Bunbury Forum Force Soccer Club - \$420 towards the purchase of stretcher and first aid kits.
8. Ultimate Frisbee Bunbury - \$125 for the purchase of Frisbees and bibs.
9. Bunbury Netball Association - \$500 towards the purchase of a new kitchen water boiling unit.
10. Bunbury and Districts Little Athletics Club - \$500 towards the purchase of first aid kits and shade marquees.

Outcome - Council Committee Meeting 1 June 20 April 2010

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

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

Committee Recommendation

Council endorses the following applications for small equipment grants under the Healthy Clubs Encouragement Scheme:

1. Bunbury Rowing Club - \$420 for the purchase of oars for juniors.
2. Bunbury Central Croquet Club - \$365 for the purchase of four new mallets and kitchen urn.

3. Ex-Students (Exies) Hockey Club - \$250 for the purchase of junior goalie gear.
4. South Bunbury AFL Football Club - \$500 towards the purchase of a lap top computer for scoring.
5. Dynamos Soccer Club - \$500 towards the purchase of training aids.
6. Associates Hockey Club - \$220 for the purchase of balls and satchels.
7. SW Phoenix T/as Bunbury Forum Force Soccer Club - \$420 towards the purchase of stretcher and first aid kits.
8. Ultimate Frisbee Bunbury - \$125 for the purchase of Frisbees and bibs.
9. Bunbury Netball Association - \$500 towards the purchase of a new kitchen water boiling unit.
10. Bunbury and Districts Little Athletics Club - \$500 towards the purchase of first aid kits and shade marquees.

Outcome – Council Meeting 8 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Major, seconded Cr Harrop and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 95/10

Council endorses the following applications for small equipment grants under the Healthy Clubs Encouragement Scheme:

1. *Bunbury Rowing Club - \$420 for the purchase of oars for juniors.*
2. *Bunbury Central Croquet Club - \$365 for the purchase of four new mallets and kitchen urn.*
3. *Ex-Students (Exies) Hockey Club - \$250 for the purchase of junior goalie gear.*
4. *South Bunbury AFL Football Club - \$500 towards the purchase of a lap top computer for scoring.*
5. *Dynamos Soccer Club - \$500 towards the purchase of training aids.*
6. *Associates Hockey Club - \$220 for the purchase of balls and satchels.*
7. *SW Phoenix T/as Bunbury Forum Force Soccer Club - \$420 towards the purchase of stretcher and first aid kits.*
8. *Ultimate Frisbee Bunbury - \$125 for the purchase of Frisbees and bibs.*
9. *Bunbury Netball Association - \$500 towards the purchase of a new kitchen water boiling unit.*
10. *Bunbury and Districts Little Athletics Club - \$500 towards the purchase of first aid kits and shade marquees.*

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

11.4 Proposed Public Art Strategy *(was listed as item 11.9 in the meeting agenda)*

File Ref:	A02507-02
Applicant/Proponent:	Greg White, City Art Curator and Jenelle Dunn, Cultural Development Officer
Author:	Jackie Massey, Manager Economic & Social Development
Executive:	Dom Marzano, Executive Manager City Life

Summary

Bunbury has an extensive and well-recognised collection of public art. In order to allow for long term planning of this collection, a Public Art Strategy and accompanying Operational Guidelines have been developed. These were presented to Council at a briefing on 24 May 2010 and are now submitted to Council for consideration, together with funding recommendations.

Background

The proposed City of Bunbury Public Art Strategy is designed to enable the City to implement a 'best practice' approach to the commissioning, support and long-term management of public art activity in Bunbury. It is intended to ensure that public art is integrated into future town planning and development projects, thereby enabling the City to capitalise on the positive outcomes public art has to offer.

The proposed Public Art Strategy was initially prepared by an independent consultant and has been finalised by City of Bunbury staff in keeping with City of Bunbury procedures and protocols. As a result of the Council briefing on 24 May, some minor amendments have been made to the documents, primarily concerning community consultation (report issued under separate cover).

As foreshadowed at the briefing, the recommendations to Council include funding considerations for the City's 2010/11 budget.

Strategic and/or Regional Outcomes

The proposed Public Art Strategy is a specified deliverable in the City's 2007-2012 Strategic Plan under Strategic Objective 6.3 Community Planning and Infrastructure which states: "*Community planning and infrastructure achieves a City that is inclusive and accessible*".

Community Consultation

The Public Art Strategy was developed in consultation with local artists, arts enthusiasts, professional art consultants and other local stakeholders. Further consultation with these groups and individuals was sought upon completion of the strategy to ensure that its content is relevant and appropriate.

Councillor/Officer Consultation

The City's Art Collection Management Committee has been consulted at various stages of the development of the Strategy and again upon completion. Professional staff at the City from a range of areas have contributed their expertise to the development of the Strategy and accompanying operational documents.

Analysis of Financial and Budget Implications

The recommendations contain requests for Council to consider additional funding allocations in the 2010/11 year: an increase of 0.2 FTE for the Curator (\$14,724), an annual allocation of \$50,000 for the purpose of new public art commissions, and an increase in the annual public art maintenance budget from \$12,135 to \$25,000.

Economic, Social, Environmental and Heritage Issues

Public art contributes to cultural, economic and social development. Benefits include: contributing to a sense of place and identity, improving the amenity of the public domain, fostering community values and encouraging interaction, stimulating economic growth, assisting in the interpretation of history and heritage, and promoting cultural awareness.

Council Policy Compliance

There is no Council policy applicable to this proposal.

Legislative Compliance

Not applicable

Delegation of Authority

The Chief Executive Officer does not have delegated authority to approve the recommendations contained in this report.

Relevant Precedents

There are no relevant precedents.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council propose amendments to the Public Art Strategy and budget requests.

Conclusion

The Public Art Strategy and accompanying Operational Guidelines are designed to facilitate the future long term management of the City's public art, ensuring that it is co-ordinated into the City's planning processes and adequately resourced. Endorsement of this Strategy by Council is a deliverable of the City's 2007-2012 Strategic Plan.

Recommendation

1. Council endorse the Public Art Strategy and note the Operational Guidelines, work procedure and flow charts.
2. Council consider in the 2010/11 annual budget allocation an increase of 0.2 FTE (\$14,724) in the City Art Collection Curator's appointment in order to fulfil additional duties as set out in the Operational Guidelines.
3. Council consider an annual budget allocation of \$50,000 commencing in 2010/11 for the purpose of new public art commissions.
4. Council consider increasing the annual budget allocation from \$12,135 to \$25,000 commencing in 2010/11 for the maintenance of existing City of Bunbury public artworks.

Outcome - Council Committee Meeting 1 June 2010

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

During discussion Councillors expressed their concerns over some items in the report. The Mayor has asked the Executive to address these issues in time for the Council meeting to be held on 8 June 2010.

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

Committee Recommendation

1. Council endorse the Public Art Strategy and note the Operational Guidelines, work procedure and flow charts.
2. Council consider in the 2010/11 annual budget allocation an increase of 0.2 FTE (\$14,724) in the City Art Collection Curator's appointment in order to fulfil additional duties as set out in the Operational Guidelines.
3. Council consider an annual budget allocation of \$50,000 commencing in 2010/11 for the purpose of new public art commissions.
4. Council consider increasing the annual budget allocation from \$12,135 to \$25,000 commencing in 2010/11 for the maintenance of existing City of Bunbury public artworks

Outcome – Council Meeting 8 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Major, seconded Cr Harrop and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 96/10

1. *Council endorse the Public Art Strategy and note the Operational Guidelines, work procedure and flow charts.*
2. *Council consider in the 2010/11 annual budget allocation an increase of 0.2 FTE (\$14,724) in the City Art Collection Curator's appointment in order to fulfil additional duties as set out in the Operational Guidelines.*
3. *Council consider an annual budget allocation of \$50,000 commencing in 2010/11 for the purpose of new public art commissions.*
4. *Council consider increasing the annual budget allocation from \$12,135 to \$25,000 commencing in 2010/11 for the maintenance of existing City of Bunbury public artworks*

CARRIED

10 Votes "For" / Nil Votes "Against"

11.5 Crosslands/Hay Park Pedestrian Crossing Facility *(was listed as item 11.10 in the meeting agenda)*

File Ref:	R00056
Applicant/Proponent:	Engineering Department
Author:	Jason Gick, City Engineer
Executive:	Michael Scott, Executive Manager City Services

Summary

A study has been undertaken to determine the most suitable pedestrian crossing device across Bussell Highway adjacent to the Crosslands Shopping Centre. It is recommended that an overpass be adopted as the preferred treatment.

Background

Council Decision 233/09 of 24 Nov 2009 was recorded as follows:

“Council seek a safe solution for a pedestrian crossing to be situated on or near the Bussell Highway/Brittain Road roundabout that links Crosslands and Hay Park – the form of that crossing to be subject to broad consultation and a technical analysis prior to next year’s budget.”

As the ‘safe crossing for school children’ and other road users is the main driver for this proposal, the study investigated three possible options: an underpass, an overpass and at grade controlled crossing.

Strategic and/or Regional Outcomes

This proposal complies with the City of Bunbury Strategic Plan 2007-2012 and in particular Strategy 3.2 which states that the City will: *“have well planned, developed and maintained City infrastructure”*.

Community Consultation

No community consultation has been undertaken.

Councillor/Officer Consultation

Internal discussions regarding the engineering feasibility has taken place.

Analysis of Financial and Budget Implications

The recommended option to address this proposal has been broadly estimated to cost in the order of \$1.0M, however this has not been refined as no detailed design drawings were prepared. The project has not been included in the 2010/11 budget; however \$20,000 is available for further detailed design.

Economic, Social, Environmental and Heritage Issues

Hay Park, Newton Moore Senior High School and Crosslands Shopping Centre are areas of social interest with high volumes of pedestrians.

Council Policy Compliance

There is no Council policy applicable to this proposal.

Legislative Compliance

Any regulatory devices on roads need to be approved and installed by Main Roads Western Australia.

Delegation of Authority

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

Relevant Precedents

There are no relevant precedents.

Options

Option 1

A grade separated underpass meets the requirement to provide a 'safe crossing for school children' and others. It will result in negligible vehicular delay on Bussell Highway, but is likely cost in the order of \$2.0M. An underpass in this environment is also likely to require significant ongoing maintenance and operating costs associated with dewatering.

This option is likely to require a 3 – 6 month construction period with extensive disruption to traffic and pedestrians.

Anecdotal evidence suggests that anti – social behaviour may become a problem, especially located adjacent a 24hr service station and fast food restaurant. The underpass will likely be about 50m long and may be uncomfortable for pedestrians to use if the site becomes an anti social hot spot.

To its advantage, this option will have minimal visual impact of the structure from a motorist's perspective.

Option 2

An at grade signal controlled crossing will provide a 'safe crossing for school children' and others, but does not physically separate pedestrians and vehicles.

This option is likely to cost in the order of \$0.5M but is likely to cause problems by halting the traffic stream, particularly during the PM peak period. Driver frustration may also increase and there is still potential for pedestrian / vehicle crashes for rear-end vehicle crashes.

An operational concern is the risk that the signals will be activated by a pedestrian who then crosses before the pedestrian green phase is actuated. This forces the traffic stream to stop for a non event.

This option will require a 4-6 week construction period.

Option 3

A grade separated overpass will provide a 'safe crossing for school children' and others. It is likely to cause negligible vehicular delay on Bussell Highway and can be constructed in 2-4 months with moderate disruption to the traffic flow.

An overpass is likely to cost in the order of \$1.0M and will require moderate ongoing maintenance with minimal operational costs.

There is some risk of anti-social behaviour on the over pass with potential missiles being dropped onto passing motorists. Recently a case in Chadstone, Victoria resulted in a man being hospitalised after a large rock was dropped from an overpass.

The overpass will be visible to motorists but can be designed to not constrict safe sight lines along Bussell Highway and the side road intersections.

Conclusion

Based on the objective of 'safe crossing for school children' and others as the primary driver for this proposal, the grade separated overpass provides the best physical separation of pedestrians and vehicles, at moderate expense. This option causes negligible vehicular delay on Bussell Highway, has moderate ongoing maintenance costs and provides pedestrian amenity.

The issue of anti-social behaviour on the overpass can be partially addressed using principles of designing out crime at the detailed design stage, but the attractiveness of a 24-hour service station and nearby fast food restaurants suggests that there will be a constant human presence at this location.

Recommendation

That Council:

1. Adopts the a grade separated overpass across Bussell Highway between Crosslands Shopping Centre and Hay Park as its preferred pedestrian crossing treatment.
2. Develops this option to preliminary design for future implementation.

Outcome - Council Committee Meeting 20 April 2010

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

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

Committee Recommendation

1. Adopts a grade separated overpass across Bussell Highway between Crosslands Shopping Centre and Hay Park as its preferred pedestrian crossing treatment.
2. Develops this option to preliminary design for future implementation.

Outcome – Council Meeting 8 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Major, seconded Cr Harrop and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 97/10

1. *Adopts a grade separated overpass across Bussell Highway between Crosslands Shopping Centre and Hay Park as its preferred pedestrian crossing treatment.*
2. *Develops this option to preliminary design for future implementation*

CARRIED

10 Votes "For" / Nil Votes "Against"

11.6 Outer Harbour Taskforce *(was listed as item 11.11 in the meeting agenda)*

File Ref:	A0217-02
Applicant/Proponent:	Internal
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary

To confirm the Terms of Reference of Council's Outer Harbour Taskforce and its membership.

Background

Council at its meeting on 27 April 2010 resolved:-

Council Decision 74/10

- 1. The City of Bunbury approves the establishment of an Outer Harbour Taskforce for the purposes of fast-tracking negotiations for the development of a structure plan, development plan and funding to the area.*
- 2. Council request Landcorp, the Department of Planning and Infrastructure, Bunbury Port Authority and the Bunbury Sailing Club to provide an urgent briefing on any proposed plans for improvements to the Outer Harbour and Koombana Bay*

Invitations have now been sent to LandCorp, Department of Planning, Bunbury Port Authority and Bunbury Sailing Club to meet with elected members and executive staff and advise on their respective plans for improvements to the Outer Harbour and Koombana Bay. Arrangements will be made for separate meetings to be held once each of the organisations contacted advise on their availability and willingness to address Council.

The purpose for the Taskforce, terms of reference, executive support and suggested membership base is outlined within the **attached** 'Advisory Committee' template (Appendix 12)

As part of proposing the establishment of the Outer Harbour Taskforce at Council's meeting on 27 April 2010 the following comments were made in relation to its membership:-

- Three dedicated Councillors,
- A representative from the South West Development Commission, Bunbury Port Authority,
- Plus two other positions to be advertised.

Analysis of Financial and Budget Implications

There are no additional budgetary requirements for establishing the Taskforce. Associated resources will be provided within the CEO's office allocation.

Legislative Compliance

The Council had no power under the “local Government Act 1995’ to establish any body other than a committee (under section 5.8). Consistently with this, the Council can delegate any of its powers or duties only to a committee (under sections 5.16 and 5.17) or to the CEO (under section 5.42). If the committee has any delegated powers (section 5.43) all meetings held must be open to the public. A Committee’s minutes, decision making and activities are also open to public examination.

For the purposes of the Local Government Act 1995 the Bunbury Outer Harbour Taskforce would be considered a Committee of Council and subject to the provisions of the Act.

The Taskforce would therefore have a governance role and reporting to Council for authority to undertake specific actions and allocation of any resources. The Taskforce does not have authority to instruct the CEO or any staff. Implementation of Council decisions and managing the day to day operations of the City remain with the CEO (sections 5.41(c) and (d)).

Recommendation

That Council approves:

1. The establishment, purpose and Terms of Reference for the Bunbury Outer Harbour Taskforce as detailed in Appendix 12
2. The membership of the Taskforce to consist of:-
 - Cr. _____
 - Cr. _____
 - Cr. _____
 - One representative from South West Development Commission
 - One representative from Bunbury Port Authority
 - Two community representatives.
3. Public advertisement calling for two community representatives to be included on the Taskforce.
4. For the CEO to request the South West Development Commission and Bunbury Port Authority to each nominate a representative onto the Outer Harbour Taskforce.

Outcome - Council Committee Meeting 1 June 2010

Cr Slater nominated himself as a member of the taskforce, Cr Steck also nominated herself to join the taskforce.

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

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

Committee Recommendation

That Council approves:

1. The establishment, purpose and Terms of Reference for the Bunbury Outer Harbour Taskforce as detailed in Appendix 12
2. The membership of the Taskforce to consist of:-
Mayor D.Smith
Cr. Slater
Cr. Steck
One representative from South West Development Commission
One representative from Bunbury Port Authority
Two community representatives.
3. Public advertisement calling for two community representatives to be included on the Taskforce.
4. For the CEO to request the South West Development Commission and Bunbury Port Authority to each nominate a representative onto the Outer Harbour Taskforce.

Outcome – Council Meeting 8 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Major, seconded Cr Harrop and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 98/10

1. *The establishment, purpose and Terms of Reference for the Bunbury Outer Harbour Taskforce as detailed in Appendix 12*
2. *The membership of the Taskforce to consist of:-
Mayor D.Smith
Cr. Slater
Cr. Steck
One representative from South West Development Commission
One representative from Bunbury Port Authority
Two community representatives.*
3. *Public advertisement calling for two community representatives to be included on the Taskforce.*
4. *For the CEO to request the South West Development Commission and Bunbury Port Authority to each nominate a representative onto the Outer Harbour Taskforce.*

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

11.7 Financial Statements - April 2010 *(was listed as item 11.12 in the meeting agenda)*

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 30 April 2010 have been circulated to members **under separate cover**. The statements include the following:

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

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

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

Recommendation

The Financial Statements for the period ending 30 April 2010 be received.

Outcome - Council Committee Meeting 20 April 2010

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

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

(Committee Recommendation shown overleaf)

Committee Recommendation

The Financial Statements for the periods ending 31 April 2010 be received.

Outcome – Council Meeting 8 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Major, seconded Cr Harrop and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 99/10

The Financial Statements for the periods ending 31 April 2010 be received.

CARRIED

10 Votes "For" / Nil Votes "Against"

11.8 Advisory Committee and/or Project Control Group Minutes to be Noted at the Council Committee Meeting *(was listed as item 11.13 in the meeting agenda)*

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

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

Recommendation

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

1. Title: Minutes –Bunbury Airport Advisory Committee (13/05/2010)
Author: Nigel Archibald, Airport Reporting Officer
File: F00080-24
2. Title: Minutes – Bunbury Environment & Sustainability Advisory Committee (06/05/2010)
Author: Ben Deeley, Environmental Officer
File: A02445
3. Title: Minutes – Land Rationalisation & Acquisitions Committee (06/05/2010)
Author: Paul Davies, Town Planner
File: A03518
4. Title: Minutes – Policy Review & Development (Standing) Committee (21/04/2010)
Author: Jack Dyson, Senior Administration Officer
File: A04051
5. Title: Minutes – New Bunbury Visitor Centre Project Group (20/05/2010)
Author: Kym Nicol, Administration Assistant Bunbury Visitor Centre
File: A03985

Outcome - Council Committee Meeting 20 April 2010

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

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

Committee Recommendation

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

1. Title: Minutes –Bunbury Airport Advisory Committee (13/05/2010)
Author: Nigel Archibald, Airport Reporting Officer
File: F00080-24
2. Title: Minutes – Bunbury Environment & Sustainability Advisory Committee (06/05/2010)

Author: Ben Deeley, Environmental Officer
File: A02445

3. Title: Minutes – Land Rationalisation & Acquisitions Committee (06/05/2010)
Author: Paul Davies, Town Planner
File: A03518
4. Title: Minutes – Policy Review & Development (Standing) Committee (21/04/2010)
Author: Jack Dyson, Senior Administration Officer
File: A04051
5. Title: Minutes – New Bunbury Visitor Centre Project Group (20/05/2010)
Author: Kym Nicol, Administration Assistant Bunbury Visitor Centre
File: A03985

Outcome – Council Meeting 8 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Major, seconded Cr Harrop and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 100/10

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

1. Title: Minutes – Bunbury Airport Advisory Committee (13/05/2010)
Author: Nigel Archibald, Airport Reporting Officer
File: F00080-24
2. Title: Minutes – Bunbury Environment & Sustainability Advisory Committee (06/05/2010)
Author: Ben Deeley, Environmental Officer
File: A02445
3. Title: Minutes – Land Rationalisation & Acquisitions Committee (06/05/2010)
Author: Paul Davies, Town Planner
File: A03518
4. Title: Minutes – Policy Review & Development (Standing) Committee (21/04/2010)
Author: Jack Dyson, Senior Administration Officer
File: A04051
5. Title: Minutes – New Bunbury Visitor Centre Project Group (20/05/2010)
Author: Kym Nicol, Administration Assistant Bunbury Visitor Centre
File: A03985

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

11.9 Motion on Notice – Team Development Day Report to Council (*was listed as item 11.15 in the meeting agenda*)

File Ref:	A00217
Applicant/Proponent:	Councillor Juliet Harrop
Author:	Councillor Juliet Harrop
Executive:	<i>If adopted by Council refer to:</i> Greg Trevaskis, Chief Executive Officer

Cr Harrop has given notice that she intends to move the following motion at the Council Committee Meeting on 1 June 2010:

- "a) *That the combined report of The City of Bunbury Team Development Day at Eveden Park, Burekup 28 March, 2010, and that of the 13 April 2010 (held at the Council Chambers), be received.*
- b) *That City of Bunbury Councillors meet for a day with facilitator Rebecca Cotton to workshop the governance section of Council's Strategic Plan.*

Comments - Cr Harrop

In support of her motion, Cr Harrop states that, *"In reference to Council Decision 266/09 of 15 December 2009, the Team Development Day was held on Sunday 28 March 2010 at Eveden Park, Burekup.*

In attendance were the Mayor David Smith, Deputy Mayor Brendan Kelly, Cr Ross Slater, Cr Michelle Steck, Cr Helen Punch, Cr Juliet Harrop, Cr Noel Whittle, Cr Alfred Leigh, and Cr Karen Steele.

Councillor's Craddock, Spencer, Jones and Major were unable to attend.

Rebecca Cotton was chosen by Councillors as the facilitator for the first two Team Development Workshops. The second meeting was held in the Council Chambers on Tuesday April 13, 2010. It was decided at the 13 April 2010 meeting that Rebecca Cotton facilitate the Governance portion of the Strategic Plan with councillors by the end of May or as soon as possible thereafter.

The Confidential Report describing the outcome of the two meetings has been previously issued to Councillors."

Cr Harrop's Motions

- a) That the combined report of The City of Bunbury Team Development Day at Eveden Park, Burekup 28 March, 2010, and that of the 13 April 2010 (held at the Council Chambers), be received.
- b) That City of Bunbury Councillors meet for a day with facilitator Rebecca Cotton to workshop the governance section of Council's Strategic Plan.

Outcome - Council Committee Meeting 1 June 2010

Cr Harrop moved, Deputy Mayor Cr Kelly seconded.

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

Committee Recommendation

- a) That the combined report of The City of Bunbury Team Development Day at Eveden Park, Burekup 28 March, 2010, and that of the 13 April 2010 (held at the Council Chambers), be received.
- b) That City of Bunbury Councillors meet for a day with facilitator Rebecca Cotton to workshop the governance and vision section of Council's Strategic Plan.

Outcome – Council Meeting 8 June 2010

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Major, seconded Cr Harrop and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 101/10

- a) *That the combined report of The City of Bunbury Team Development Day at Eveden Park, Burekup 28 March, 2010, and that of the 13 April 2010 (held at the Council Chambers), be received.*
- b) *That City of Bunbury Councillors meet for a day with facilitator Rebecca Cotton to workshop the governance and vision section of Council's Strategic Plan.*

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

11.10 Emergency & Community Services Hub, Reserve 23839, Bussell Highway (was listed as item 11.2 in the meeting agenda)

File Ref:	F00101-32
Applicant/Proponent:	City of Bunbury
Author:	Neville Dowling (Consulting Strategic Planner), Thor Farnworth (Coordinator Strategic & Environmental Planning)
Executive:	Geoff Klem (Executive Manager City Development)

Summary

Reserve 23839 lies immediately north of the St John Ambulance facility on the west side of Bussell Highway, east side of Parade Road and south of Adam Road, Withers.

This proposal is for the creation of an Emergency & Community Services Hub, and has come about as a result of approaches made by the Fire and Emergency Services Authority (FESA) and a not-for-profit organisation called Home and Community Care (HACC). The opportunity therefore exists to consolidate the vacant reserve land with the St John Ambulance facility to create a multiple purpose emergency and community care service centre for the region.

It is proposed to allocate 6,500m² of Reserve 23839 for the purposes of an emergency services site and the remaining 3,000m² for a community purposes site. As the subject land is located adjacent to Bussell Highway, further detailed site planning will be required in relation to traffic management.

The Concept Plan for the Emergency & Community Services Hub, enclosed **attached** at Appendix 8, provides an illustration of the above proposal. It must be stressed however that Council will need to consider the overall situation regarding community care agencies and their needs through further detailed site planning, and it is to be noted that the layout and footprint of the FESA and HACC buildings are indicative only.

Background

Emergency Services Site

It has recently been established that FESA wish to use part of Reserve 23839 for the new Bunbury Fire and Emergency Services complex. Reserve 23839 (Lot 4656) is located directly north of the existing St John Ambulance facility and has a total area of 9560m².

The current facility in Forrest Avenue, Bunbury, constructed in 1968 is considered to be obsolete and inappropriate to cater for the growing requirements of the City of Bunbury.

The emergency services site development will likely to include career and volunteer elements of the Bush Fire Service (BFS), State Emergency Service (SES), Fire and Rescue Service (FRS) and possibly the Volunteer Marine Rescue Service (VMRS).

Following meetings and correspondence with FESA it has been agreed that an area of at least 6,500m² is required to cater for the accommodation needs of the new Bunbury Fire and Emergency Services complex up to the year 2025. Therefore, the prerequisites for the emergency services site are believed to be met by the 6,500m² portion of Reserve 23839.

Community Purpose Site

A proposal has been received from HACC to utilise the northern portion of Reserve 23839 as a home and community care oriented facility. Building floor plans have been submitted that show the extent and scale of the proposal. Nevertheless, the opportunity exists for developing the site as a regionally important shared facility by considering the City's overall community development needs and the needs of other not-for-profit organisations.

Currently a study funded by Lotterywest, City of Bunbury and the South West Development Commission is being carried out by consultants CT Management Group. The study came about mainly because of a number of small to medium size not-for-profit organisations having contacted Lotterywest for assistance with the purchase of office accommodation and facilities, usually due to the organisations outgrowing their existing buildings. The buildings are currently scattered throughout the City, and are of variable quality and suitability. The aim of the study is to explore options for the co-location of a number of not-for-profit organisations into one or two multi-purpose buildings that are centrally located.

It is therefore imperative that consideration of the site for a proposed community purposes on Reserve 23839 should be reviewed in the context of the overall situation regarding the not-for-profit community services sector.

Given the allocation of land for the FESA site of 6,500m², Reserve 23839 has a remaining balance area of 3,060m² available for the development of a multi purpose community services facility. However an additional 3,660m² may be utilised with the inclusion of the unused road reserve area indicated on the Concept Plan map (**attached** at Appendix 8), resulting in a total available area of 6,720m². There may also be potential for a portion of the adjoining road reserve to be utilised for parking if required, which further expands the capacity of the site.

Reserve 28408

Reserve 28408 Bussell Highway lies adjacent to land occupied by "Special Use Zone No. 35" which covers Lots 50 and 51 Bussell Highway. Lot 50 is occupied by the Honda Kia Car Sales Outlet and Lot 51 is undeveloped.

Reserve 28408 is held by the City of Bunbury for the purpose of "public parking" with the power to lease for a period of up to 21 years. The Reserve is currently leased by Rayjohn Nominees for the purpose of "public parking and landscaping". To rationalise access in the vicinity of Lots 50 and 51 it has been recognised that it is necessary to create a road reserve within the area of R28408 covered by the lease for parking.

In December 2009 a request for dedication of road reserve for a portion of R28408 was submitted to the Department of Regional Development and Lands and the

Department of Planning to excise a portion of R28408 for the creation of a road reserve. Both Departments have indicated that they have no objection to the proposal and a formal process for the creation of the road reserve is currently underway. The proposed creation of the road reserve is indicated on the Concept Plan map enclosed **attached** at Appendix 8.

Strategic and/or Regional Outcomes

The Greater Bunbury Region Scheme

The Greater Bunbury Region Scheme (GBRS) indicates that the subject land is included in the “Urban Zone”. The proposed use of the land for community purposes is not in conflict with the regional zone’s purpose, and can be considered to come under the category of a community facility.

City of Bunbury Strategic Plan

In the in the Caring for the Community/Values section of the Strategic Plan on page 11 it is stated that:

“The City will actively consult with the members of its community to tailor services so that they create a quality of life in Bunbury that is in step with people’s needs and stimulates increased community interaction and goodwill thereby strengthening social capital.”

One of the recommendations of the Strategic Plan is the preparation of the Community Development Plan. This was prepared in 2007 and is to guide community development up to 2012. The establishment of the Emergency & Community Services Hub is generally in keeping with the Community Development Plan.

As outlined, the CT Management Group have been appointed to undertake a study to identify needs, options and opportunities for office accommodation and facilities for not-for-profit community organisations. The proposal for the community purpose site is in support of the outcomes of this study, as it assists in providing for more options for accommodating not-for-profit organisations in a purpose built shared facility.

City Vision Strategy

The City Vision Strategy was formed to deliver a future vision, consistent with its terms of reference, which would help to redefine Bunbury’s image and provide a strategic framework for its development over the next 25 years. The Strategy does not have specific comments relating to the subject land; however, it provides the impetus for the compilation of the Local Planning Strategy for Activity Centres & Neighbourhoods (LPSACN).

Local Planning Strategy for Activity Centre & Neighbourhoods (LPSACN)

The draft LPSACN has recently completed public advertising and will shortly be presented to Council for final adoption (with modifications). The subject land is contained within the area identified as the “Racecourse Commercial Precinct”. This precinct is identified as such mainly because of the existing racecourse, car sales and caravan park premises - with the potential for more commercial development on vacant private land in the future. Taking into account the existing commercial uses

the LPSACN recommends that the establishment of retail-other (i.e. showrooms) and limited office floorspace should be encouraged in order to consolidate the character and function of this corridor into a coherent precinct (i.e. with a more attractive and walkable urban form).

The proposal for the Emergency & Community Services Hub on Reserve 23839 is considered to be consistent with the LPSACN as it involves activities that are compatible with commercial land uses. As part of the Racecourse Commercial Precinct the location is also in close proximity to the Crosslands Neighbourhood Centre, and is favourable in terms of its proximity to other regional services and facilities (e.g. hospitals and highways).

Executive Manager City Life Comments

City Life is undertaking a study into the growing need for improved office accommodation for the Not-For-Profit Community Services sector in the region. The study is funded by Lotterywest, with a contribution from the South West Development Commission and the City of Bunbury. CT Management Group have been appointed to undertake the community consultation process, and to explore feasible options for the development of shared offices and facilities. The study was prompted by the fact that Lotterywest and the South West Development Commission are receiving frequent applications from our region to fund the development of NFP office facilities. The City of Bunbury is also regularly approached for the donation of suitable vacant land to be used for community purposes, which has planning and zoning implications. Lotterywest are indicating their desire to invest in one or more multi-purpose co-located facilities to help meet the needs of the Not-For-Profit sector in the region, but wish to proceed in a coordinated manner. At present, the process an organisation needs to go through to develop feasible options and secure new office facilities is unclear, and there is no process for exploring the potential for agencies to co-locate. There are a number of funding bodies to be negotiated, as well as planning regulations. It is anticipated that the study will identify a clearer, more coordinated process for Not-For-Profit agencies seeking new premises, that will take the many considerations into account such as ideal location (e.g. access for clients to public transport), types of facilities required, size, etc, as well as co-location potential. The study is expected to be completed by the end of October 2010, and a report containing recommendations will be provided to all stakeholders. Given the scarcity of land available for community purposes in the Bunbury region at present, it is preferable that any existing proposals before the City of Bunbury be considered in the light of the Not-For-Profit Agency Accommodation Study to ensure an equitable outcome for all parties.

Community Consultation

The main purpose of this report is to confirm the allocation of land for the purpose of an Emergency & Community Services Hub, whilst having regard to traffic management issues. Thus far there has been no statutory requirement for community consultation. Proposals for the site's development will however be required to conform to the procedure for making and approving an application for planning approval as laid out by the City of Bunbury Town Planning Scheme No. 7 (the Scheme), which involves advertising of the application for public comment if required.

Preliminary consultation was undertaken with the Bunbury Turf Club regarding the

1964 lease over the site for the purpose of car parking. Initial discussions suggested that the Turf Club may not have been fully aware of the existence of the lease. A formal meeting with the Turf Club has been scheduled for Monday 31 May 2010 to discuss the matter and the future of the race course master plan in relation to meeting the Turf Club's car parking demand.

Councillor / Officer Consultation

Up until the compilation of this report there have been two formal meetings (15 December 2009 and 29 April 2010) between senior staff of FESA and senior staff of Council's Development Services in relation to the proposal to utilise Reserve 23839. There has also been numerous follow up telephone discussions and correspondence throughout this period.

In relation to the HACC plans which were submitted to the City of Bunbury on the 9 February 2010 there has been discussion and emailed correspondence between HACC and City of Bunbury's Development Services staff. Councillor Harrop has also been involved in discussions with HACC and Development Services staff.

On the 3 May 2010 a meeting was held between key stakeholders and staff from both Engineering Services and Development Services in relation to the Honda Kia site (Lots 50 & 51 Bussell Highway), which is included in "Special Use Zone No. 35" for commercial purposes. The aim of this meeting was to review options for vehicle access relating to the site in a manner that did not detrimentally affect future proposals for the area.

Analysis of Financial and Budget Implications

Lease arrangements or re-vesting orders will need to be determined and administered by Council's Property and Administrative Services in conjunction with the organisations that will occupy the site.

Life-cycle Maintenance Costs (Capital Works Projects Only)

Not applicable.

Economic, Social, Environmental and Heritage Issues

Economic

The proposal to change the vesting of Reserve 23839 for "Public Purposes" and to accommodate emergency and community services facilities does not involve the sale of the land and will be a re-arrangement of vesting orders and leasing arrangements. It is unlikely that there will be any financial benefits from the situation.

Social

The proposal has social benefits in terms of providing an efficient and well organised central facility for emergency and community services. The community purpose site also has direct social benefits to the community in providing a multi community service centre for those in the community who are most in need.

Environmental

Reserve 23839 is for the most part cleared and has some sparse vegetation of no recognised environmental value.

In relation to Reserve 28408 (reserve adjacent to the Honda Kia Site) there are a number of paperbarks that have aesthetic value and a high degree of local community interest. In reviewing future options for the development of the site there appears to be no need for removal of any existing trees. Whilst the Concept Plan map shows possible future vehicle access over the Reserve, this access can be located in such a way that none of the trees need to be damaged or removed.

Heritage Issues

There are no known heritage issues relating to the study area.

Council Policy Compliance

As applicable.

Legislative Compliance

Local Planning Scheme

City of Bunbury Town Planning Scheme No. 7 indicates that Reserve 23839 is included in the "Parks and Recreation Reserve". Given that the Reserve has no apparent recreational value, and that a portion of the site has already been developed for an emergency service facility, development approval may be given for a "Community Purpose" use in accordance with section 3.4 of the Scheme.

Under section 3.4 all development proposals for local reserves require a planning approval under Part 9 of the Scheme. Further, under clause 3.4.2 it is stated that:

"In determining an application for planning approval the local government is to have due regard to –

(a) the matters set out in clause 10.2:"

Note: clause 10.2 deals with planning principles as addressed in the previous sections of this report.

"(b) the ultimate purpose intended for the Reserve;"

Note: the ultimate purpose, if endorsed by Council is to provide for the accommodation of the emergency and community services uses, as presently provided for by the St John Ambulance facility.

"(c) in the case of land not owned or vested in a public authority, the likely date of the acquisition of the affected land;"

Note: not applicable or relevant.

"(d) the reasonable beneficial use which may be made of the land pending its acquisition by the public authority concerned"

Note: not applicable or relevant.

"(e) the representations and/or recommendations made by the

affected authorities or other parties consulted.”

Note: as addressed through the formal community consultation procedure conducted in accordance with Part 9 of the Scheme.

Therefore subject to the Scheme, it is considered that Council may approve the proposal for “Community Purpose” uses on the site within the present local reserve. Nevertheless, it is envisaged that the re-reservation of the land from “Parks and Recreation Reserve” to “Public Purpose Reserve” will occur through the current omnibus scheme amendment (Scheme Amendment number 30) in line with the Concept Plan map **attached** at Attachment 8.

Reserve 23839 Vesting, Purpose and Use

Reserve 23839 is currently vested in the City of Bunbury for "parking purposes". It is a condition of the vesting "that the said Reserve shall be made available to the Bunbury Race Club (Incorporated) free of charge and for its exclusive use as a Parking Area on all days on which the Club conducts race meetings or public racing trials". The office of State Lands - South West has advised that it is possible to amend the Management Order to permit the proposal, however this will require the approval of the Bunbury Turf Club.

Delegation of Authority

Under clause 3.16 of Councils Delegation Register the Chief Executive Officer has delegated authority to approve any reserve administration matters which do not expressly require a resolution of Council including such matters as closures of pedestrian access ways, public right of ways, private right of ways, leasing of reserves, modifications to reserve areas and accepting or surrendering management orders.

Proposal

The proposal for the subject area is indicated on the Emergency & Community Services Hub Concept Plan, which can be found **attached** at Appendix 8.

Relevant Precedents

There are no relevant precedents.

Options

Option 1

As per the recommendation listed in this report.

Option 2

That Council does not support for use of Reserve 23839 for the purpose of emergency and community services, and does not support the Emergency & Community Services Hub Concept Plan.

Conclusion

The development and use of Reserve 23839 for the purposes of establishing an Emergency & Community Services Hub is considered to be appropriate for the following reasons:

- It is centrally located in terms of accessing the Bunbury City area and surrounding regional areas.
- It has ready access to the primary district road system.
- For emergency vehicles heading out of town there are few traffic lights to negotiate in comparison to sites located closer to the CBD.
- It is located in close proximity to the Bunbury Regional Hospital and adjacent to the existing St John's Ambulance site.
- It is consistent with the desired outcomes for the rest of the Racecourse Commercial Precinct.
- The site area is of sufficient size to cater for the emergency and community land uses as proposed in this report.
- The adjoining area of Parade Road reserve is 40 metres in width and can if necessary be used to accommodate car parking and will also aid in facilitating a vegetation buffer to the residential area to the west.
- The site has no significant worth as a Parks and Recreation Reserve.
- For the purpose of the community services site the Reserve 23839 area can be expanded to include approximately 3,660m² of unused road reserve resulting in a total site area of around 6,720m².

Recommendation

That Council resolves to:

1. Following the outcome of discussions with the Bunbury Turf Club, undertake procedures through the Department for Regional Development and Lands to rescind the lease for car parking over Reserve 23839.
2. Agree to support the proposed use of Reserve 23839 for the accommodation of emergency and community services generally in accordance with the Emergency & Community Services Hub Concept Plan enclosed under separate cover at Attachment 1, and subject to development approval being granted in accordance with the requirements of Part 9 of the City of Bunbury Town Planning Scheme No. 7.
3. Subject to the CT Management Group study findings, the development and use of the community purposes site is to take account of the City's overall community development needs and the needs of other not-for-profit organisations as determined by Council.

Outcome - Council Committee Meeting 1 June 2010

The Mayor asked if there were any members of the public wishing to speak to the item.

Ms Trisha Ward, Chief Executive Officer of Community Home Care addressed the committee and stated she would like to speak against the motion. She gave an

overview of what the organisation does, including employees and volunteers. The organisation is strategically managed by a management committee and has grown to provide many different services. It is the only Home and Community Care (HACC) funded program to provide home maintenance services. Community Home Care is looking to expand its service with a view to provide future proofing regarding its service. Community Home Care has been looking for new premises since April 2009 without success due to the size that is required. Lottery West has agreed in principle to assist with funding with a commitment from the Council for land to be granted for the purpose of the Community Home Care building.

Community Home Care recommends that the council resolves to, following the outcome of its discussion with Bunbury Turf Club undertake procedures to the Department of Regional Development to rescind the lease over the car park in Reserve 23839 with an agreement in principle over the lease of 3000m² to be used for accommodation of a multi purpose facility for Community Home Care to enable Community Home Care to seek community funding in this years round of funding with the assurance that no development take place until the HACC funding has been confirmed. Failing the ability to receive funding Community Home Care will investigate a no or low interest government loan.

Cr Spencer moved the recommendation with an addition item (3) to include an agreement in principle for 3000m² to be used for accommodation of a multipurpose facility by Community Home Care Inc to enable Community Home Care Inc to seek Home and Community Care Funding in this years growth funding., seconded Cr Major, with amendments.

It was requested that the motion be voted on separately and adopted to become the Committee's recommendation on this issue. The results are as follows

Item 1: 12 votes "for" / Nil votes "against" CARRIED
Item 2: 10 votes "for" / 2 votes "against" CARRIED
Item 3: 9 votes "for" / 3 votes "against" CARRIED

It was requested that the votes for part 3 be recorded as follows:

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

Committee Recommendation

That Council resolves to:

1. Following the outcome of discussions with the Bunbury Turf Club, undertake procedures through the Department for Regional Development and Lands to rescind the lease for car parking over Reserve 23839.
2. Agree to support the proposed use of Reserve 23839 for the accommodation of emergency and community services generally in accordance with the Emergency & Community Services Hub Concept Plan enclosed under separate cover at Attachment 1, and subject to development approval being granted in accordance with the requirements of Part 9 of the City of Bunbury Town Planning Scheme No. 7.

3. An agreement in principle of 3000m2 to be used for accommodation of a multipurpose facility by Community Home Care Inc to enable Community Home Care Inc to seek Home and Community Care Funding in this years growth funding.

Outcome - Council Meeting 8 June 2010

The recommendation from the Council Standing Committee was moved Cr Spencer, seconded Cr Major.

Cr Jones moved to amend Option 3 as follows, seconded Cr Punch.

“In relation to Reserve 23839, in addition to Community Home Care, expressions of interest be called from not-for-profit community-based organisations which are seeking land for the purpose of building office accommodation and allied facilities in Bunbury”

The Mayor put this to the vote, 3 votes “For” / 7 votes “Against”, amendment was lost.

The motion (as printed) was put to the vote and it was adopted to become Council's decision.

Council Decision 102/10

That Council resolves to:

1. *Following the outcome of discussions with the Bunbury Turf Club, undertake procedures through the Department for Regional Development and Lands to amend the Management Order for car parking over Reserve 23839.*
2. *Agree to support the proposed use of Reserve 23839 for the accommodation of emergency and community services generally in accordance with the Emergency & Community Services Hub Concept Plan enclosed under separate cover at Attachment 1, and subject to development approval being granted in accordance with the requirements of Part 9 of the City of Bunbury Town Planning Scheme No. 7.*
3. *An agreement in principle of 3000m2 to be used for accommodation of a multipurpose facility by Community Home Care Inc to enable Community Home Care Inc to seek Home and Community Care Funding in this years growth funding.*

It was requested that votes be recorded

Item 1

10 Votes 'For / Nil votes "Against" CARRIED

Item 2

10 Votes 'For / Nil votes "Against" CARRIED

Item 3

For: His Worship the Mayor, Cr Leigh, Cr Steele, Cr Slater, Cr Harrop,
Cr Spencer, Cr Major

Against: Cr Jones, Cr Punch, Deputy Mayor Cr Kelly CARRIED

11.11 Citygate Properties Pty. Ltd. – Planning Solutions (Aust) Pty. Ltd. – DA for an Additional Use not Listed “Other Retail – Apparel” – Unit 7 Block E Lot 107 Blair Street Homemaker Centre Bunbury (was listed as item 11.3 in the meeting agenda)

File Ref:	P09230-18
Applicant/Proponent:	Citygate Properties Pty Ltd – Planning Solutions Pty Ltd
Author:	Sam McNeilly, Coordinator Statutory Planning
Executive:	Geoff Klem, Executive Manager City Development

Summary

The City has received a development application from Planning Solutions Pty Ltd which represents Citygate Properties Pty Ltd for “an additional and unlisted ‘other retail – apparel’ land use within Unit 7 (previously occupied by Classique Furniture) Block E of the Homemaker Centre”. A location plan is **attached** at Appendix 1.

Background

The City has discussed the matter with the applicant over a number of weeks prior to receipt of the development application. Planning Solutions Pty Ltd has advised that the prospective new tenant ‘Spoilt Miss Imported Apparel & Accessories’ wishes to move from the current location of the business in the shopping centre zone (Plaza shopping centre) to Unit 7 (409m²) in the Homemaker Centre. The applicant indicated that the proposed development is unusual in respect of the fact that there is, in the opinion of the applicant, no specific use-class into which the proposed land-use easily fits.

The City has been advised that the directors of Planning Solutions Pty Ltd are Paul Kotsoglo (founding director) and Ben Doyle (associate director)

The City has been advised that the directors of Citygate Properties Pty Ltd are Geoff Prosser and Steve Prosser

Proposal

The City has received a development application (accompanying letter from the applicant dated 19 March 2010 is **attached** at Appendix 2) from Planning Solutions Pty Ltd which represents Citygate Properties Pty Ltd for “*an additional and unlisted ‘other retail – apparel’ land use within Unit 7 (previously occupied by Classique Furniture) Block E of the Homemaker Centre*”.

The land is currently zoned Mixed Business in Town Planning Scheme No. 7 (TPS 7).

An internal floor plan is **attached** at Appendix 3.

The applicant has advised that a breakdown of the various proposed internal areas is as follows:

- Wholesale storage, packing and dispatch – 91m²;
- Wholesale and showroom (ladies accessories) area – 97m²;

- Viewing and service (including cashier) area – 48m²;
- Change rooms – 7.5m²;
- Apparel and accessories display – 135.5m²; and,
- Combined school, work wear and ball gown display area – 30m².

The applicant further advises that *“the total ‘other retail – apparel’ area equates to only 33% of the total floor area of the tenancy and that a total of 91m² (or 22.24% of the total floor area of the tenancy) is not publicly accessible and is to be used solely for product storage, unpacking and repacking purpose and that the proposal therefore possesses a significant product storage, packaging and distribution function.”*

The applicant supports his application by stating that other similar land-uses have been allowed (i.e. uses which look like “shops”). Development Services officers have carried out a file check in this regard and finds that none of the developments mentioned by the applicant can be used to support an argument that the subject development should be allowed.

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

Land-use

The subject land is currently zoned “Mixed Business” in Town Planning Scheme No. 7 (TPS 7). The proposed development is indicated as consisting of three principal parts, viz. “showroom”, “warehouse” and “shop”. The use-class “warehouse” is a “D” (discretionary) use in the relevant zone. The use-class “showroom” is a “P” use (permitted) in the respective zone and the use-class “shop” is an “X” (not permitted) use.

The use-class “warehouse” is defined as: *“means premises used to store or display goods and may include sale by wholesale”*.

The use-class showroom “showroom” is defined as: *“means premises used to display, sell by wholesale or retail, or hire automotive parts and accessories, camping equipment, electric light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature”*.

The use-class “shop” is defined as: *“means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet”*.

General Efficacy of the Development Proposal

The applicant has specifically requested that the City consider the proposal to allow the use “other retail - apparel” as a “use-class not listed” pursuant to the provisions of the current Town Planning Scheme. The relevant provision (Clause 4.4.2) of the Scheme states that:

*“if a person proposes to carry out on land any use that is **not** (**emphasis by writer**) specifically mentioned in the zoning Table and cannot reasonably be*

determined as falling within the type, class or genus of activity of any other use category the local government may –

- a) *Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) *Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
- c) *Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”*

The objectives of the Mixed Business zone are outlined in the current Scheme as follows: *“To provide a wide range of light and service industry, storage, wholesaling, showrooms, trade and professional services and a limited range of other mixed business uses which, by reason of their scale, character, operational or land requirements, are not generally appropriate to be accommodated within the City Centre, Shopping Centre or Industry zones.”*

Development Services is of the view, having regard to legal advice received, that in fact the use-class “Showroom” is not appropriate, as the apparel and accessories involved in the present application are not included in the list of products which can be the subject of a Showroom use. The uses proposed by the applicant can reasonably be determined as falling within the use classes “Warehouse’ and “shop”, and it would not be in order for the Council to deal with the application as involving a use class not listed. Development Services is also of the view that to do otherwise may be in breach of the Scheme and consequently any decision hinging on such determination may be ultra vires.

Having regard to the legal advice received, Development Services is of the view that there is no sound basis to consider the application as involving an additional ‘use not listed’, because the development as proposed can be appropriately categorised as involving the ‘Warehouse’ and ‘Shop’ use classes. It is not appropriate to treat the proposal as involving a new hybrid use, which can be treated as a use not listed. Clause 4.4.2 dealing with ‘use not listed’ category makes it clear that the clause is only to be applied in cases where –

- ‘Any use is not specifically mentioned in the Zoning Table and cannot be reasonably be determined as falling within the type, class or genus of activity of any other use category...’

In the present case, the two component uses of Warehouse and Shop are listed in the Zoning Table, and there is no scope to apply Clause 4.4.2.

It may be appropriate to deal with the application on the basis that the proposed use, as a whole, falls most appropriately within the ‘Shop’ use class, and in that case the use would be ‘not permitted’, and the Council would have no power to approve it. The proposed service area (including cashier and change rooms are not consistent with wholesale selling (as required for the Warehouse use class), and the goods to be sold generally, are not easily categorised as typical wholesale goods categories.

If there is no retailing, then the proposal could be dealt with by the Council as a Warehouse, and a Warehouse can be approved by the Council in its discretion.

Other Referenced Development Approvals

The applicant supports its application by stating that other similar land-uses have been allowed (i.e. uses which look like “shops”). Development Services officers have carried out a file check in this regard and find that none of the developments mentioned by the applicant can in any way be used to support an argument that the subject development should be allowed.

On balance therefore Development Services considers that the correct response to the proposal by Planning Solutions Pty Ltd. is not to approve the application as presented by reason of the fact that it involves the ‘Shop’ use class which is not permitted in the Mixed Business zone. The Council should indicate in its decision either that it is prepared to approve the development to the extent that it only involves the Warehouse use.

Strategic Outcomes

It is considered that the broad direction of the City’s current Strategic Plan may be compromised by supporting the proposal in that essentially the proposed development would be contrary to the provisions of the current Town Planning Scheme.

Community Consultation

Community consultation is not relevant at this point in time in terms of consideration of the matter.

Applicant Consultation

In order to progress the matter, discussions have been undertaken with the applicant on a number of occasions. The Senior Manager Development Services has met with the prospective tenant on two occasions in the City’s offices regarding the matter, and also has had a number of telephonic discussions with the prospective tenant regarding the matter in terms of keeping the party informed on progress of the application.

Councillor/Officer Consultation

Various issues in this regard have been broadly canvassed at staff level within Development Services and within other City Departments 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 proposal being approved.

Economic, Social, Environmental and Heritage Issues

Economic

It is considered that the proposed development would generate economic benefits if located in the correct zone.

Social

Nil adverse impact.

Environmental

Nil impact in this regard.

Heritage

Nil adverse impact in this regard.

Council Policy Compliance

There is no known non-compliance in this regard.

Legislative Compliance

Legislative requirements relating to the Local Government Act 1995, the Planning and Development Act 2005, or any other Act, Local Law or Regulations have been complied with in the processes leading up to the finalisation of this item. It should be noted additionally that the proposed activity will be required to comply with the requirements of the Health Act 1911 and the City of Bunbury Health Local Laws 2001.

Delegation of Authority

Development Services is of the view that it would be preferable that Council make the determination on the application in that the matter may be contentious.

Relevant Precedents

There are no known precisely relevant precedents.

Options

Development Services considers that there is only one option which is possible in light of the specific provisions of the Scheme, viz per the Report Recommendation as set out below and supported by clear legal advice.

Conclusion

On balance, Development Services considers that the correct decision is to refuse the application, but to inform the applicant that the City is prepared to approve the development if it involves only the Warehouse use, and did not include the proposed retailing element, which the City considers should be treated as involving the 'Shop' use class, which is not permitted in the Mixed Business zone. This position is taken for the principal reason that the provisions of TPS 7 (Clause 4.4.2) indicates that

Council only has the power to consider a use class not listed if the land uses proposed cannot reasonably be determined as falling within the type, class or genus of activity of any other use class listed in the Scheme. Clause 4.4.2 is intended to be used in a situation where the development involves a use which is not listed in the Zoning Table. In the present case, the uses which are involved, namely Shop and also Warehouse, are specifically listed in the Scheme.

Recommendation

Council, under and by virtue of the powers conferred upon it in that behalf, pursuant to the provisions of the Planning and Development Act 2005 and the City of Bunbury Town Planning Scheme No. 7 resolves to refuse the application for establishment of an additional use class not listed, namely 'other retail apparel' at Lot 107 Blair Street (The Homemaker Centre), as detailed in connection with Development Application No. 2010.88.1 for the following reasons:

- a) The goods proposed to be displayed and sold do not fall within the categories appropriate to the 'Showroom' use class;
- b) The retailing element of the proposed development falls within the 'Shop' use class in the City's Scheme, and as such is a not permitted use in the Mixed Business zone;
- c) The Council does not have the power to approve the retailing element of the proposed development;
- d) The Council would be prepared to consider an application modified by the deletion of the retailing element in the application under consideration, so that the proposal would fall within the 'Warehouse' use class.

Outcome – Council Committee Meeting 1 June 2010

Cr Steck disclosed her interest. in this item and left the chambers at 8.24pm, she did not take part in the discussion or vote on this matter.

Deputy Mayor Cr Kelly moved procedural motion in accordance with 15.2 of the City of Bunbury Standing Orders, that the matter be deferred until the Council meeting 8 June 2010 in order for Council staff to investigate and advise on matters presented by the proponents at late notice.

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

Committee Recommendation

Council staff have separately provided a memorandum to the Mayor and Councillors dated 2 June 2010 in relation to this matter. The recommendation from staff to Council remains as printed.

Council, under and by virtue of the powers conferred upon it in that behalf, pursuant to the provisions of the Planning and Development Act 2005 and the City of Bunbury Town Planning Scheme No. 7 resolves to refuse the application for establishment of

an additional use class not listed, namely 'other retail apparel' at Lot 107 Blair Street (The Homemaker Centre), as detailed in connection with Development Application No. 2010.88.1 for the following reasons:

- a) The goods proposed to be displayed and sold do not fall within the categories appropriate to the 'Showroom' use class;
- b) The retailing element of the proposed development falls within the 'Shop' use class in the City's Scheme, and as such is a not permitted use in the Mixed Business zone;
- c) The Council does not have the power to approve the retailing element of the proposed development;
- d) The Council would be prepared to consider an application modified by the deletion of the retailing element in the application under consideration, so that the proposal would fall within the 'Warehouse' use class.

Outcome - Council Meeting 8 June 2010

Paul Kotsoglo, from Planning Solutions addressed the Council on behalf of the proponents Joan Rogers, Spoilt Miss proprietor. He advised the Council that they have received legal advice stating that the business is not a listed use in the zoning table and Council can therefore exercise discretion to approve the use under Clause 4.4.2 of Town Planning Scheme 7. The businesses main usage is packaging and repackaging and distribution of wholesale items, not retail.

Cr Spencer moved an alternative motion, seconded Cr Slater –

"Council, under and by virtue of the powers conferred upon it in that behalf, pursuant to the provision of the Town Planning Scheme 7 'Commercial Strategy' approves application for establishment of an Addition Use Class Not Listed, namely 'Other Apparel' at Lot 107 Blair Street, (Homemaker Centre) in connection with Development Application 290.88.1."

Cr Spencer stated that Town Planning Scheme 7 clause 4.4.2 allows the Council to grant approval under Additional Use Class Not Listed therefore Council has legal grounds to make this decision.

Councils legal advice provided strong support to the officers report which concluded that the use included a "shop" which is not permitted in a "Mixed Business" zone. It was therefore not open to the Council to approve the use.

Cr Punch asked why this item came to Council if our Legal advice was not to grant this application.

Mr G Klem stated that the legal advice was not available in full before the matter was on the agenda.

Deputy Mayor Cr Kelly moved procedural motion 15.4.1 of the City of Bunbury standing orders 'that the question under consideration now be put'.

The Mayor put the amended recommendation to the vote, 3 votes “For” / 7 votes “Against” LOST

It was request that the votes be recorded

For: Cr Spencer, Cr Slater, Cr Jones

Against: His Worship the Mayor, Deputy Mayor Cr Kelly, Cr Leigh, Cr Steele, Cr Harrop, Cr Major, Cr Punch

The recommendation (as printed) was moved Deputy Mayor Cr Kelly, seconded Cr Leigh.

Cr Slater requested time to speak on this motion, His Worship the Mayor cited Local Standing Order 13.5 *“that sufficient discussion has taken place even though all Councillors may not have spoken”* and the motion (as printed) was put to the vote and adopted to become the committee’s recommendation on this issue.

Council Decision 105/10

Council, under and by virtue of the powers conferred upon it in that behalf, pursuant to the provisions of the Planning and Development Act 2005 and the City of Bunbury Town Planning Scheme No. 7 resolves to refuse the application for establishment of an additional use class not listed, namely ‘other retail apparel’ at Lot 107 Blair Street (The Homemaker Centre), as detailed in connection with Development Application No. 2010.88.1 for the following reasons:

- a) The goods proposed to be displayed and sold do not fall within the categories appropriate to the ‘Showroom’ use class;*
- b) The retailing element of the proposed development falls within the ‘Shop’ use class in the City’s Scheme, and as such is a not permitted use in the Mixed Business zone;*
- c) The Council does not have the power to approve the retailing element of the proposed development;*
- d) The Council would be prepared to consider an application modified by the deletion of the retailing element in the application under consideration, so that the proposal would fall within the ‘Warehouse’ use class.*

Carried

5 votes “for” / 5 votes “against”

His Worship the Mayor exercised his casting vote and the motion was CARRIED

11.12 Town Planning Scheme No.7 Amendment No.36 - Proposed Rezoning From Residential R30 to SU 33 – Carpark (was listed as item 11.4 in the meeting agenda)

File Ref:	A03779
Applicant/Proponent:	The Planning Group (TPG)
Author:	Kevin Townroe, Planning Officer
Executive:	Geoff Klem, Executive Manager, City Development

Summary

TPG Consultants (Town Planning and Urban Design), who act on behalf of Atlas Point Pty Ltd, has lodged an application with the City to request initiation to amend the current Town Planning Scheme No.7 to facilitate the redevelopment of the land for staff car parking associated with the Bunbury Forum Shopping Centre. At its meeting of the 15 December 2009 Council resolved (Council Decision 253/09) to initiate the Scheme Amendment, advertise for public comment and following public advertising be returned to Council for further consideration.

TPG Consultants letter to the City dated 17 November 2009 stated that *'the adjoining landowners support the proposed Scheme Amendment'* and on the basis of such community support, it was recommended to allow facilitation through to the next stage which was to initiate and formally advertise the proposal for public comment.

As a result of public advertising four (4) submissions have been received and submitted **under separate cover** (Attachment 1). As a result of the submissions and the concerns raised it is recommended that Council resolve not to adopt Scheme Amendment No.36.

Formal advertising has now been carried out and a summary of the comments received by the City are as follows:

- *Lighting spill concern into residential, security cameras and compromised privacy.*
- *Change of land use to car-park would present a busier and noisier environment and "we are not pleased with the change".*
- *Security of residential properties would be comprised especially at night.*
- *Would not like to see 2 houses demolished to fit a few more cars in.*
- *If this happens they will only keep purchasing more houses and keep doing the same.*
- *This changes the whole area but only 1 little bit at a time. Change like this should address the whole area not bits and pieces.*

Development Services have carried out individual visits to all the submitters to ascertain their views of the proposal first hand due to the differing comments by the submitters and the view of the submitters put forward by Atlas Point.

The comments presented to Development Services staff by the residents visited were generally not supportive of the proposal and the manner in which the residents were approached by representatives of Atlas Point was unreasonable. A summary of the comments collated are listed in the Schedule of Submissions.

Background

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

The subject land is as follows and a location plan is submitted **under separate cover** at Attachment 2:

1. Lot 1, number 128 Strickland Street from Residential (R30) to Special Use 33 – car-park.
2. Lot 2, number 130 Strickland Street from Residential (R30) to Special use 33 – car park.

Proposal

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

The existing and proposed zoning maps are submitted **under separate cover** at Attachment 3

The existing Town Planning Scheme No.7 - 'Special Use Zone, Schedule 2' description is submitted **under separate cover** at Attachment 4

The proposed Town Planning Scheme No.7 - 'Special Use Zone, Schedule 2' description is submitted **under separate cover** at Attachment 5

The preliminary indicative site layout (as amended) is submitted **under separate cover** at Attachment 6

A copy of TPG's Scheme Amendment Request is submitted **under separate cover** Attachment 7

Strategic and/or Regional Outcomes

The City's 2007–2012 Strategic Plan states that "*The City will ensure that it maintains a comprehensive and fully integrated planning system to meet community expectations.*" In this case, the proposal has been considered in the context of its compliance with current Scheme and other requirements and the submissions received by the City have been evaluated.

It is considered that the broad direction of the City's 2007–2012 Strategic Plan would be compromised if the proposal was supported.

Community Consultation / Consultation with adjoining landowners

Public advertising has been carried out and as a result four (4) submissions have been received.

Councillor/Officer Consultation

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

Analysis of Financial and Budget Implications

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

Economic, Social, Environmental and Heritage Issues

Economic

It is considered that the proposed development is unlikely to result in an economic advantage for the City and local area.

Social

Social implications relative to the matter have been raised in the submissions to include anti-social behaviour after dark activities, increase in noise and other activities in a residential area.

Heritage

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

Council Policy Compliance

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

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

Legislative Compliance

Legislative requirements relating to the Local Government Act 1995, the Planning and Development Act 2005, or any other Act, Local Law or Regulations have been complied with in the processes leading up to the finalisation of this item. It should be noted additionally that the proposed activity will be required to comply with the requirements of the Health Act 1911 and the City of Bunbury Health Local Laws 2001.

Delegation of Authority

Delegation of authority is not applicable in this case; it is Council’s prerogative as to whether it resolves to adopt Scheme Amendment No.36.

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

Relevant Precedents

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

Conclusion

There are 71 existing car-parking bays in 'Special Use Zone 33'. The proposed rezoning would create an additional 49 car-parking bays having potential to result in a total of 120 car-parking bays for staff car-parking.

It is considered that, in light of the submissions received, that the proposal may adversely affect the current level of residential amenity in the locality and would not be in accordance with orderly and proper planning.

Recommendation

That Council:

1. Under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves not to adopt Scheme Amendment No.36 to the City of Bunbury, Town Planning Scheme No.7.
2. Forward the Schedule of submissions to the Minister for Planning via the Western Australian Planning Commission, with a request that final approval not be granted.

Outcome - Council Committee Meeting 1 June 2010

The Mayor called for any members of the public who wished to speak on this item.

Mr Bill Wetherall, Unit 1/124 Strickland Street addressed the Committee. Mr Wetherall is concerned with the impact of extra traffic in the area and the speed of that traffic.

Mr Neville Jupp, son of Ida Jupp addressed the Committee. Mr Jupp's mother Ida lives next door to the proposed car park. He wishes to speak for the recommendation. Mrs Ida Weatherall is 90 years old. He is concerned over the safety of his mother if this car park is allowed to proceed. Mr Jupp is also concerned for his mother's safety and privacy.

Mr Steve Couzins, Managing Director Atlas Point, owner of the Bunbury Forum addressed the Committee regarding the consultation process undertaken with the surrounding neighbours regarding the placement of the car park. The main concerns that need addressing were the extra traffic, security to surrounding homes, lighting and the landscaping. He assured all Councillors that these issues had been dealt with and that the car park is consistent with the local Town Planning guidelines.

Cr Steck declared a Conflict of Interest as her partner is the owner of shopping centres in the City of Bunbury. She has left the chambers and was not present for further discussion and did not take part in the vote.

The recommendation was moved by Cr Leigh and seconded by Cr Major

The Mayor put the motion (as printed) to the vote and it was adopted to become the Committee's recommendation on this matter.

It was requested that the votes be recorded as follows:

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

Committee Recommendation

That Council:

1. Under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves not to adopt Scheme Amendment No.36 to the City of Bunbury, Town Planning Scheme No.7.
2. Forward the Schedule of submissions to the Minister for Planning via the Western Australian Planning Commission, with a request that final approval not be granted.

Outcome - Council Meeting 8 June 2010

Cr Major left the chambers and did not return in time to vote.

An application has been received from the applicant to have this application withdrawn.

It was mutually agreed for Council to accede to the request for this matter to be withdrawn.

11.13 Proposed Medical Centre (Bunbury Skin Cancer Clinic) – Lots 172 & 173 Mary Street, South Bunbury *(was listed as item 11.5 in the meeting agenda)*

File Ref:	P06080
Applicant/Proponent:	Insitu Planning & Design
Author:	Tesh Tadesse, Senior Town Planning Officer
Executive:	Geoff Klem, Executive Manager City Development

Summary

Insitu Planning & Design on behalf of the landowners Mr & Mrs R & M Quinn has lodged an application with the City to establish a Medical Centre on Lots 172 and 173 Mary Street, South Bunbury.

The principal issues resulting from a study of the proposed development and the public submissions have been considered and Development Services has formed the view that the proposed development is in line with the Scheme requirements in terms of land use and applicable standards relevant for such a proposal, and therefore it can be supported subject to standard development conditions.

It is recommended that Council support the proposed Medical Centre on lots 172 and 173 Mary Street subject to applicable standard conditions.

Background

The site plan indicates that the proposed medical centre will be used by up to a maximum of four practitioners (four consultants). It is indicated that upon completion the Bunbury Skin Cancer Clinic will use the premises. Location plan is **attached** at Appendix 4.

Advertising of the proposed development has recently closed and two (2) submissions have been received one of which was a late submission. One of the objectors has raised the matter of rezoning. The basis of this objection is irrelevant, as the submitter has referred the matter principally as if the proposal is a rezoning matter. The proposal is a non-residential use (medical centre) in a residential zone i.e. not a rezoning proposal. It is considered that the objection does not carry such weight as to preclude proper consideration of the proposed development and issue of a conditional grant of planning approval. The second submitter has raised the matter of traffic congestion. The matter of traffic has been given due consideration, and the applicant is required to submit a Transport Statement as compiled by an Independent Professional Engineer to the satisfaction of the City Engineer. Schedule of submissions is **attached** at Appendix 5.

Any proposal which attracts public submissions is required to be considered by Council in accordance with City's Local Planning Policy (LPP) – Development Applications Assessment Processes: Rights of the Applicant and the Community.

The proposal is now submitted to Council for its determination.

Proposal

The proposal is to construct a medical centre at the corner of Mary Street and Prosser Street. The proposed development will cover both Lots 172 and 173 Mary Street. The applicant will be required to amalgamate these Lots prior to the issuance of a building licence. Development plans are **attached** at Appendix 6.

The City has been involved in detailed discussions with the applicant on the matters of the number of practitioners (consultants), treatment rooms, car-parking and traffic related matters and the applicant has provided the following further submission in relation to the matters mentioned above:

“At present, two medical doctors operate out of the existing Bunbury Skin Cancer Clinic in Forest Avenue. The ultimate aim of Bunbury Skin Cancer Clinic is to have a total of four (4) doctors (consultants) operating out of the proposed clinic, hence accommodating those doctors in the parking requirements.

Presently, each of the two (2) doctors treats two (2) patients per hour, being a total of sixteen (16) patients a day each. With four (4) practitioners there will be a total of eight (8) patients at any one time. The patients are booked in advance so there are no ‘walk in’ patients as is often the case with general practitioners. It is therefore considered that the provision of eighteen (18) car bays will be more than adequate to cater for patients and staff. The provision of eighteen (18) bays also exceeds the requirements set by the City of Bunbury medical centres.

- *All patients to the clinic and all staff will be parking on site.*
- *Access to the site will only be from Mary Street, while vehicles will be able to exit the site via Mary Street and Prosser Street.*

The treatment areas that have been indicated on the floor plan are curtained off spaces that allow the doctors to remove skin cancers from patients. They are not separate consulting rooms and there will be no one in the doctor’s consulting room if the doctor is treating a patient.

There will be no shared access with Lot 174 to the north as this is not a viable option for either party.

We request this matter be progressed to the next Council meeting as the offer and acceptance for this property lapses 17 June 2010.”

The following criteria are considered relevant in terms of properly considering the matter:

Land-use

Lots 172 and 173 Mary Street (the subject land) is zoned ‘Residential – R30’. The use-class medical centre is an “A” use in the residential zone in accordance with Table 1 of TPS7, and therefore the proposal was required to be advertised for public comment prior to determination by Council.

Although the principal land use in the residential zone is for residential purposes, the Scheme nominates possible non – residential land uses that can be considered in

the zone. Medical Centre is one of non-residential uses that can be considered for approval following public consultation process in line with the Scheme requirements.

The assessment of the proposal reveals that the subject land is located at the corner of Mary Street and Prosser Street and bounded by a Special Use site and partly residential in the north and residential development in the west. It is located in close proximity to Special Use No.45 site, which is currently used as a medical centre by “Prime Health Group”. Other non-residential uses in the general locality include two primary schools, a disused petrol station, medical centre and pharmacy across the road on Forest Avenue. It is considered that the proposed development would fit within the existing land use mix in the general vicinity of the site.

Frame Areas

The City’s Local Planning Policy - Non-Residential Development in or Adjacent to Residential Areas identifies certain areas where non-residential land uses can be considered favourably for approval. The Policy embodies a core principle of locating the “Frame Area” around commercial cores and the subject land lies within the “Frame Area”. The proposed non-residential use (medical centre) on the subject land would not be uncharacteristic in this regard. The Frame Areas Plan is **attached** at Appendix 7.

Access and Car Parking

The proposal by the applicant shows two access points i.e. a two way access point from Mary Street and one way access point from Prosser Street. The two -way access from Mary Street will be 6m wide while the one way access (exit) from Prosser Street will be a 4m wide driveway.

It is noted that the vehicular movement in the immediate locality is difficult at times, especially around school hours i.e. at the starting and finishing of school hours. It is not unusual to observe traffic congestion along Mary Street and Prosser Street during these hours. In this regard, the applicant is required to submit a Transport Statement to the satisfaction of the City Engineer prior to the submission of a Building Licence. The Manager Community Law and Safety advised that, in his opinion, notwithstanding the applicant having to submit the Transport Statement, there should be no vehicular entry/exit provided to or from Prosser Street to the proposed development.

In accordance with Table No.2 - Car Parking Guidelines of TPS7, the applicant is required to provide sixteen (16) car- parking spaces i.e. four (4) spaces for each consulting room. The proposal indicates eighteen (18) car-parking spaces including one disabled bay (2 extra car-parking bays). The proposal therefore complies with Scheme requirements.

Strategic and/or Regional Outcomes

It is considered that approval of the proposed development would not compromise the broad direction of the City’s current Strategic Plan, and it has no implication to the Greater Bunbury Region Scheme (GBRS).

Community Consultation

The proposal was advertised for twenty one (21) days in accordance with TPS7 requirements and only two (2) submissions were received. One submitter has reflected his concern regarding traffic congestion. To address this issue, the applicant is required to submit a Traffic Statement to the satisfaction of City Engineer. The other objector has mainly raised the matter of rezoning which is not relevant in this case. The same submitter has pointed out a shortage of residential accommodation situation in the City as a reason for objection. No justification or details have been provided to support this generalisation by the submitter.

Applicant Consultation

Discussions have been undertaken with the applicant on a number of occasions prior to presentation of this report to Council.

Council staff met with the applicant on Friday 21 May 2010 when a number of traffic and car parking matters were discussed. The applicant gave a commitment that all car-parking related to the proposed development will be accommodated on-site and that the development would not require future verge or other off-site car parking.

Councillor/Officer Consultation

The proposal has been discussed within Development Services and with relevant departments within the City prior to the finalisation of this report.

The City's Community Law and Safety Department advised Development Services of its concern regarding traffic movement and car-parking in the general vicinity of the subject land, and that on that basis the car-parking complement as proposed was questioned. Officers of Community Law and Safety also advised Development Services officers that the design of the facility as such (i.e. with treatment rooms as well as consulting rooms) could lead to a high through-put of clients. Notwithstanding, Development Services staff clarified that the development as proposed complies with Scheme requirements (four (4) car-parking spaces/consulting room), and that the City does not have a sound basis for requiring additional on-site car-parking.

Analysis of Financial and Budget Implications

The Recommendation will not impact on the existing Annual Budget nor will it require financial commitment from Council.

Life-cycle Maintenance Costs (Capital Works Projects Only)

N/A

Economic, Social, Environmental and Heritage Issues

Economic

It is considered that the proposed development will create further employment opportunities in the City.

Social

It is considered that there would not be any adverse social impact(s) should the development proceed. In fact, it would positively contribute to the wellbeing of residents, as it would provide vital health services.

Environmental

No environmental issues have been identified.

Heritage

No heritage issues have been identified under the current proposal.

Council Policy Compliance

The following Local Planning Policies are specifically relevant in relation to the proposal

- Local Planning Policy – Non-Residential Development in or Adjacent to Residential Areas “Frame Areas”
- Local Planning Policy – Medical Centres, Car Parking Analysis

It is considered that the proposed development complies with relevant policies.

Legislative Compliance

Lots 172 and 173 Mary Street (the subject land) is zoned “Residential – R30” under TPS7. The use class medical centre is an “A” use, which *“means that the use is 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.”* Accordingly, the proposal was advertised for public comment prior to presentation to Council for determination.

The proposed development has been assessed relative to the standards applied to similar developments in a residential zone. It is considered that the proposal generally complies with the applicable legislation and in particular TPS7 requirements.

Delegation of Authority

Delegation of authority is not applicable in this case.

Relevant Precedents

Council supported a medical centre development on Lot 20 (No. 21) Sampson Road at its Ordinary Meeting of 6 March 2007.

Options

Option 1

Per the recommendation listed in this report.

Option 2

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

“Council under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves to refuse the proposed medical centre on lots 172 and 173 Mary Street for the following reasons:

Note: Reasons to be determined by Council as part of its deliberations on the matter.

Conclusion

The subject land is within a “Frame Area”, and the proposal satisfies the relevant location criteria. The proposed development complies with the Scheme requirements and is in line with applicable policies.

On balance it is considered appropriate to grant planning approval subject to standard conditions.

Recommendation

Council under and by virtue of the power conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves to grant planning approval to Insitu Planning & Design (on behalf of Mr R & Mrs M Quinn) for the proposed medical centre on lots 172 and 173 Mary Street subject to the following conditions:

1. Use and Development
 - 1.1 The premises being used only in accordance with the definition of **“Medical Centre”** contained in Schedule 1 of Town Planning Scheme No.7 unless otherwise approved by Council.
 - 1.2 All development shall be generally in accordance with the approved development plans, which form part of this Planning Approval.
 - 1.3 The approval shall expire unless the works hereby authorised have been substantially commenced within 2 years of the date of issue or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.
 - 1.4 Lots 172 and 173 Mary Street, the subject of this approval, being amalgamated prior to the issuance of a building licence.
2. Drainage & Road Requirements
 - 2.1 The access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded drained, linemarked and finished with a sealed or paved surface or equivalent by the developer to an approved design to satisfaction of the City Engineer. Once constructed, the access way(s), parking area(s) and turning area(s) shall be maintained at all times to the satisfaction of the City Engineer.

(Advice Note: Design and construction shall be in accordance with the City of Bunbury Engineering Design and Construction Standards, Austroads Part 11 Guide to Traffic Engineering Practice: Parking,

Australian Standard AS2890.1-2004 Off-street car parking & Australian Standard AS2890.2-2002 – Off street commercial vehicle facilities).

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

- 2.2 The applicant shall construct and maintain vehicle crossovers to the development. Existing crossovers not required for proposed development shall be removed, the verge made good and kerbing reinstated, immediately upon completion of the building.

(Advice Note: Crossovers shall be in accordance with Council's Standard Drawings MISC-01-03; MISC-01-04, MISC-01-05 or approved alternative design (Copies of standard plans attached).

Crossovers shall not vary from the standard designs without written approval from the City Engineer. Pedestrian access across the crossover shall be free of tripping hazards (e.g. no raised kerbing). Paths shall take priority over crossovers.

In accordance with Local Planning Policy – "Vehicle Crossovers", Council's Crossover rebate will only be issued where construction has been completed in accordance with the standard drawings.

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

(Advice Note: The applicant is to provide 1m³ of underground stormwater storage for each 65m² of impervious area, including parking, driveways, other paved and sealed and roof areas.)

- 2.4 The applicant shall provide stormwater treatment facilities in the form of petrol and oil trap(s). Details of the stormwater treatment facilities shall be shown on the stormwater drainage plan.

- 2.5 This property is situated on the Preston River Flood Plain and is susceptible to flooding. Habitable rooms in any building construction shall have a minimum finished floor level of 2.3 metres AHD.

- 2.6 Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the City Engineer at the developer's expense.

- 2.7 Road assets damage bond of \$1000 shall be paid by the applicant prior to the issue of the building licence as per Council's Local Planning Policy "Bonds" (attached).

- 2.8 The applicant shall provide aged/ disabled access to the existing Council path network and public transport network in accordance with *Austrroads Part 13: Pedestrians* and the path to link to existing City of Bunbury path as marked on the plan.

Plans shall be approved by the City Engineer prior to the issue of a Building Licence.

- 2.9 The proponent shall submit a Transport Statement for the subject land compiled by an Independent, qualified and experienced Professional Engineer. The Transport Statement shall be in accordance with the

“WAPC Transport Assessment Guidelines for Development” and will be supported by an approved plan, to the satisfaction the City Engineer, prior to the submission of a Building Licence. The document will be prepared and submitted at the proponent’s expense.

- 2.10 Satisfactory arrangements shall be made with the City of Bunbury for detailed design and implementation of the agreed requirements established in the approved Transport Statement and supporting plan, to be at the proponent’s expense and prior to the issue of a building licence.
 - 2.11 No entry or exit to, or from, Prosser Street, and all car parking for the development to be contained on-site.
3. Health Requirements
- 3.1 Any demolition work involving asbestos shall be in accordance with the Health (Asbestos) Regulations 1992.
 - 3.2 Effluent disposal system shall be decommissioned in accordance with Division 3 (Decommissioning of An Apparatus) as required by the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.
4. Landscaping requirements
- 4.1 All verge areas abutting the property shall be suitably grassed or planted and maintained at all times. The verge areas shall not be used for the purpose of parking or be gravel sealed. Any landscaping to the verge, other than lawn, requires the City’s approval on a QF214 “Verge Treatment Standard Guidelines” form.
 - 4.2 Existing trees located in verge areas shall be retained except where otherwise approved for removal by the City’s Landscape Architect.
 - 4.3 The landscaping plan is to be submitted to the satisfaction of the City and approved prior to the issuance of a building licence.

Notes:

- i. Compliance with the Health Act 1911 is required.
- ii. Compliance with the City of Bunbury Health Local Laws 2001 is required.
- iii. This is not a Building Licence. This development is subject to a building licence approval – an application shall be made with Council’s Building Services prior to commencement of works on-site.
- iv. All documentation submitted with the application shall be in accordance with the Building Regulations 1989 and the Building Code of Australia – Volume1, including in particular, detailed plans and specifications for the site works (including finished ground and floor levels), storm water and run-off disposal, existing easements, parking areas (including pavement type), to the satisfaction of Council
- v. Energy Efficiency details for the proposed project to comply with Building Code of Australia – Volume 1, Part J for Climate Zone 5.

- vi. The plans and specifications must be submitted to the Fire Emergency and Safety Authority (FESA), Postal Address is, PO Box P1174 Perth WA 6844, Contact No: (08) 9323 9300.
- vii. The Plans and Specifications must indicate the positions of any Exit Doors and Exit Signs and they are to be in accordance with the BCA – Parts D1 and E4 (Volume 1).
- viii. The Plans and Specifications must indicate all provisions of Access for People with Disabilities, into and within the building, in accordance with the BCA – Part D3 (Volume 1) and AS 1428.1.
- ix. The Plans and Specifications for the Building Application must provide Sanitary Facilities for people with disabilities in accordance with the BCA – F2 (Volume 1) and AS 1428.1.
- x. Owner, Builders and Developers undertaking development and/or construction of any kind are hereby advised of their responsibility to comply with the requirements of the Disability Discrimination Act 1992. For your convenience, Council has a copy of the documentation of the requirements at the front counter for your perusal.

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

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Telephone: (08) 9426 9384, or TTY: (08) 9426 9315.
- xi. A sign licence application, including a plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted and approved by the Council's Department of Development Services, prior to the erection of any signage on the site and/or building.
- xii. The Plans and Specifications must be submitted to the Water Corporation for approval.
- xiii. Prior to removal of any structure, a Demolition Licence shall be obtained from the Council pursuant to the Building Regulations 1989.
- xiv. The applicant is reminded of their obligations to ensure that all sand drift, waste, building materials and equipment is contained within the boundaries of the site during the construction period.
- xv. Provisions to be made for storage and disposal of medical waste in accordance with regulatory requirements.

- 5. Advise of Council's decision to the applicant and the submitters.

Outcome - Council Committee Meeting 1 June 2010

Mr Dave Jones, Insitu Planning addressed the Council in favour of the recommendation. It is in line with policy guidelines and extra parking bays have been supplied. Traffic management, drainage issues, Health and Landscaping requirement all form part of the recommendation.

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

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

Committee Recommendation

Council under and by virtue of the power conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves to grant planning approval to Insitu Planning & Design (on behalf of Mr R & Mrs M Quinn) for the proposed medical centre on lots 172 and 173 Mary Street subject to the following conditions:

1. Use and Development
 - 1.1 The premises being used only in accordance with the definition of "Medical Centre" contained in Schedule 1 of Town Planning Scheme No.7 unless otherwise approved by Council.
 - 1.2 All development shall be generally in accordance with the approved development plans, which form part of this Planning Approval.
 - 1.3 The approval shall expire unless the works hereby authorised have been substantially commenced within 2 years of the date of issue or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.
 - 1.4 Lots 172 and 173 Mary Street, the subject of this approval, being amalgamated prior to the issuance of a building licence.

2. Drainage & Road Requirements

- 2.1 The access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded drained, linemarked and finished with a sealed or paved surface or equivalent by the developer to an approved design to satisfaction of the City Engineer. Once constructed, the access way(s), parking area(s) and turning area(s) shall be maintained at all times to the satisfaction of the City Engineer.

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

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

- 2.2 The applicant shall construct and maintain vehicle crossovers to the development. Existing crossovers not required for proposed development shall be removed, the verge made good and kerbing reinstated, immediately upon completion of the building.

(Advice Note: Crossovers shall be in accordance with Council's Standard Drawings MISC-01-03; MISC-01-04, MISC-01-05 or approved alternative design (Copies of standard plans attached).

Crossovers shall not vary from the standard designs without written approval from the City Engineer. Pedestrian access across the crossover shall be free of tripping hazards (e.g. no raised kerbing). Paths shall take priority over crossovers.

In accordance with Local Planning Policy – “Vehicle Crossovers”, Council’s Crossover rebate will only be issued where construction has been completed in accordance with the standard drawings.

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

(Advice Note: The applicant is to provide 1m³ of underground stormwater storage for each 65m² of impervious area, including parking, driveways, other pave and sealed and roof areas.)

- 2.4 The applicant shall provide stormwater treatment facilities in the form of petrol and oil trap(s). Details of the stormwater treatment facilities shall be shown on the stormwater drainage plan.
- 2.5 This property is situated on the Preston River Flood Plain and is susceptible to flooding. Habitable rooms in any building construction shall have a minimum finished floor level of 2.3 metres AHD.
- 2.6 Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the City Engineer at the developer’s expense.
- 2.7 Road assets damage bond of \$1000 shall be paid by the applicant prior to the issue of the building licence as per Council’s Local Planning Policy “Bonds” (attached).
- 2.8 The applicant shall provide aged/ disabled access to the existing Council path network and public transport network in accordance with *Austroads Part 13: Pedestrians* and the path to link to existing City of Bunbury path as marked on the plan.

Plans shall be approved by the City Engineer prior to the issue of a Building Licence.

- 2.9 The proponent shall submit a Transport Statement for the subject land compiled by an Independent, qualified and experienced Professional Engineer. The Transport Statement shall be in accordance with the “WAPC Transport Assessment Guidelines for Development” and will be supported by an approved plan, to the satisfaction the City Engineer, prior to the submission of a Building Licence. The document will be prepared and submitted at the proponent’s expense.
- 2.10 Satisfactory arrangements shall be made with the City of Bunbury for detailed design and implementation of the agreed requirements established in the approved Transport Statement and supporting plan, to be at the proponent’s expense and prior to the issue of a building licence.
- 2.11 No entry or exit to, or from, Prosser Street, and all car parking for the development to be contained on-site.
3. Health Requirements
- 3.1 Any demolition work involving asbestos shall be in accordance with the Health (Asbestos) Regulations 1992.

3.2 Effluent disposal system shall be decommissioned in accordance with Division 3 (Decommissioning of An Apparatus) as required by the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

4. Landscaping requirements

4.1 All verge areas abutting the property shall be suitably grassed or planted and maintained at all times. The verge areas shall not be used for the purpose of parking or be gravel sealed. Any landscaping to the verge, other than lawn, requires the City's approval on a QF214 "Verge Treatment Standard Guidelines" form.

4.2 Existing trees located in verge areas shall be retained except where otherwise approved for removal by the City's Landscape Architect.

4.3 The landscaping plan is to be submitted to the satisfaction of the City and approved prior to the issuance of a building licence.

Notes:

- i. Compliance with the Health Act 1911 is required.
- ii. Compliance with the City of Bunbury Health Local Laws 2001 is required.
- iii. This is not a Building Licence. This development is subject to a building licence approval – an application shall be made with Council's Building Services prior to commencement of works on-site.
- iv. All documentation submitted with the application shall be in accordance with the Building Regulations 1989 and the Building Code of Australia – Volume 1, including in particular, detailed plans and specifications for the site works (including finished ground and floor levels), storm water and run-off disposal, existing easements, parking areas (including pavement type), to the satisfaction of Council
- v. Energy Efficiency details for the proposed project to comply with Building Code of Australia – Volume 1, Part J for Climate Zone 5.
- vi. The plans and specifications must be submitted to the Fire Emergency and Safety Authority (FESA), Postal Address is, PO Box P1174 Perth WA 6844, Contact No: (08) 9323 9300.
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 - xii. The Plans and Specifications must be submitted to the Water Corporation for approval.
 - xiii. Prior to removal of any structure, a Demolition Licence shall be obtained from the Council pursuant to the Building Regulations 1989.
 - xiv. The applicant is reminded of their obligations to ensure that all sand drift, waste, building materials and equipment is contained within the boundaries of the site during the construction period.
 - xv. Provisions to be made for storage and disposal of medical waste in accordance with regulatory requirements.
5. Advise of Council's decision to the applicant and the submitters.

Outcome - Council Meeting 8 June 2010

The recommendation from the Council Standing Committee was moved Cr Deputy Mayor Cr Kelly, seconded Cr Spencer.

The motion (as printed) was put to the vote and it was adopted to become Council's decision on this matter.

Council Decision 106/10

Council under and by virtue of the power conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves to grant planning approval to Insitu Planning & Design (on behalf of Mr R & Mrs M Quinn) for the proposed medical centre on lots 172 and 173 Mary Street subject to the following conditions:

1. *Use and Development*
 - 1.1 *The premises being used only in accordance with the definition of "Medical Centre" contained in Schedule 1 of Town Planning Scheme No.7 unless otherwise approved by Council.*
 - 1.2 *All development shall be generally in accordance with the approved development plans, which form part of this Planning Approval.*
 - 1.3 *The approval shall expire unless the works hereby authorised have been substantially commenced within 2 years of the date of issue or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.*
 - 1.4 *Lots 172 and 173 Mary Street, the subject of this approval, being amalgamated prior to the issuance of a building licence.*

2. *Drainage & Road Requirements*

2.1 *The access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded drained, linemarked and finished with a sealed or paved surface or equivalent by the developer to an approved design to satisfaction of the City Engineer. Once constructed, the access way(s), parking area(s) and turning area(s) shall be maintained at all times to the satisfaction of the City Engineer.*

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- 2.7 *Road assets damage bond of \$1000 shall be paid by the applicant prior to the issue of the building licence as per Council's Local Planning Policy "Bonds" (attached).*
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 - 3.1 *Any demolition work involving asbestos shall be in accordance with the Health (Asbestos) Regulations 1992.*
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 - 4.1 *All verge areas abutting the property shall be suitably grassed or planted and maintained at all times. The verge areas shall not be used for the purpose of parking or be gravel sealed. Any landscaping to the verge, other than lawn, requires the City's approval on a QF214 "Verge Treatment Standard Guidelines" form.*
 - 4.2 *Existing trees located in verge areas shall be retained except where otherwise approved for removal by the City's Landscape Architect.*

- 4.3 *The landscaping plan is to be submitted to the satisfaction of the City and approved prior to the issuance of a building licence.*

Notes:

- i. Compliance with the Health Act 1911 is required.*
- ii. Compliance with the City of Bunbury Health Local Laws 2001 is required.*
- iii. This is not a Building Licence. This development is subject to a building licence approval – an application shall be made with Council's Building Services prior to commencement of works on-site.*
- iv. All documentation submitted with the application shall be in accordance with the Building Regulations 1989 and the Building Code of Australia – Volume 1, including in particular, detailed plans and specifications for the site works (including finished ground and floor levels), storm water and run-off disposal, existing easements, parking areas (including pavement type), to the satisfaction of Council*
- v. Energy Efficiency details for the proposed project to comply with Building Code of Australia – Volume 1, Part J for Climate Zone 5.*
- vi. The plans and specifications must be submitted to the Fire Emergency and Safety Authority (FESA), Postal Address is, PO Box P1174 Perth WA 6844, Contact No: (08) 9323 9300.*
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- xiii. Prior to removal of any structure, a Demolition Licence shall be obtained from the Council pursuant to the Building Regulations 1989.*
- xiv. The applicant is reminded of their obligations to ensure that all sand drift, waste, building materials and equipment is contained within the boundaries of the site during the construction period.*
- xv. Provisions to be made for storage and disposal of medical waste in accordance with regulatory requirements.*

5. *Advise of Council's decision to the applicant and the submitters.*

CARRIED

5 votes "For" / 5 votes "Against"

His Worship the Mayor exercised his casting vote and the motion was CARRIED

It was requested that the votes be recorded

For: Deputy Mayor Cr Kelly, Cr Harrop, Cr Spencer, Cr Major, Cr Punch
Against Cr Slater, Cr Steele, Cr Leigh, Cr Jones, His Worship the Mayor
The Mayor used his casting vote in support of the recommendation in line with how he felt the absent Councillors would vote. CARRIED

11.14 Bunbury Museum Advisory Committee *(was listed as item 11.6 in the meeting agenda)*

File Ref:	A01262-06
Applicant/Proponent:	Jackie Massey, Manager Economic & Social Development
Author:	Jackie Massey, Manager Economic & Social Development
Executive:	Domenic Marzano, Executive Manager, City Life

Summary

At the Council meeting on 27 April 2010, arising from consideration of the Bunbury Museum Feasibility Report prepared by Mulloway Studio, Council determined to establish a steering committee to guide the development phase of the museum. In accordance with Council's resolution, the City Life management team has prepared suggested membership and terms of reference for this committee for Council's consideration.

Background

Council Resolution 68/10 reads:

1. The Mulloway Studio study be received and noted.
2. Council endorses the concept of the establishment of a Bunbury Museum.
3. Council consider the provision of adequate funding in the 2010/11 budget for the appointment of a full time curator and part time administration assistant (approximately \$115,000 as per report but for $\frac{3}{4}$ year plus activity costings) to work in consultation with the Bunbury Historical Society in both:
 - a) Preparing for the establishment of a museum (e.g recommending a collections policy and possible themes); and
 - b) Advice and curatorial assistance for King Cottage Museum and other historical groups in Bunbury.
4. Council consider the provision of adequate funding in the 2010/11 budget for design costs associated with the planning for a Bunbury Museum.
5. A Bunbury museum steering committee be established for the development phase of the museum. Terms of reference and suggested membership for this committee to be recommended by the Executive Manager City Life and referred to Council for consideration.

The suggested membership of the Bunbury Museum Advisory Committee is:

- Mayor (Chair) - voting
- Two (2) Councillors – voting
- Three (3) community members - voting
- Executive Manager City Life - voting
- Executive Officer – non-voting

Input will also be sought from relevant other sources as required e.g. Planning Services.

The following terms of reference for the Bunbury Museum Advisory Committee are suggested:

1. To develop criteria for the selection of a site for a Bunbury Museum
2. To identify a range of possible sites with regards to the above criteria
3. To investigate feasibility of sites and report back to Council on findings.

It is suggested that the process which the Advisory Committee would follow be:

- Establish the criteria for selection of the site (geographical boundaries, size of location required, zoning requirements, parking considerations, etc)
- Seek suggestions for a site for the museum –
 - Request nominations from Councillors
 - Request nominations from staff through Executive Managers
 - Request submissions/proposals from the public regarding a site for the museum
- Review all submissions in light of criteria and identify a shortlist of sites which fit the criteria most closely (could be as many sites as the group feels necessary)
- Investigate feasibility of sites and report back to Council on findings

Strategic and/or Regional Outcomes

The establishment of the Bunbury Museum Advisory Committee links to the City's Strategic Plan 2007-2012, Strategic Objective 6: Develop Social Capital.

In particular, the establishment of a museum relates to the following:

- Strategy 6.1: Celebrate and reinforce a positive sense of community;
- Strategy 6.2: Community participation, partnership and support;
- Strategy 6.3: Community planning and infrastructure; and
- Strategy 6.6: Information and lifelong learning.

Community Consultation

It is proposed that nominations be called for three community members to serve on the committee. The public will also have the opportunity to make submissions about a site for the museum.

Councillor/Officer Consultation

This recommendation has been prepared by relevant City Life staff for consideration by Council. The recommendation provides for the Mayor and two Councillors to serve on the committee.

Analysis of Financial and Budget Implications

There are no direct budgetary implications. However, it is expected that the role of Executive Officer to the committee will be undertaken by the museum curator once appointed.

Economic, Social, Environmental and Heritage Issues

There are no relevant issues pertaining to the establishment of this committee.

Council Policy Compliance

There is no Council policy applicable to this proposal.

Legislative Compliance

The advisory committee will operate under the Local Government legislative framework applicable to the governance of committees.

Delegation of Authority

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

Relevant Precedents

There are no relevant precedents.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council amends the proposed membership and terms of reference for the Bunbury Museum Advisory Committee.

Conclusion

Council resolved at its meeting on 27 April 2010 that a committee be established for the development phase of the Bunbury Museum. In accordance with the resolution the Executive Manager City Life has prepared for Council's consideration proposed membership and terms of reference. The proposed membership is intended to be sufficiently representative of Council and to include community input and expertise. The proposed terms of reference aim to provide a clear and logical structure for the committee's work.

Recommendation

1. Council approve membership of the Bunbury Museum Advisory Committee as follows:

- His Worship the Mayor (Chair) - voting
- Two (2) Councillors – voting
- Three (3) community members - voting
- Executive Manager City Life - voting
- Executive Officer – non-voting

Input will also be sought from relevant other sources as required e.g. Planning Services.

2. Council approve terms of reference for the Bunbury Museum Advisory Committee as follows:
 - To develop criteria for the selection of a site for a Bunbury Museum
 - To identify a range of possible sites with regards to the above criteria
 - To investigate feasibility of sites and report back to Council on findings.

Outcome - Council Committee Meeting 1 June 2010

Cr Craddock moved, Cr Harrop seconded the motion (as printed) with the following addition to the recommendation:

- “3a) Council investigate the potential leasing of 79 Forrest avenue (adjacent to King Cottage) with a view to*
- i) Accommodating the offices of a Museum Curator and administration assistant*
 - ii) Providing ancillary storage and conservation areas for King Cottage and*
 - iii) Providing an interim collection and storage area for artefacts and other objects for a future Bunbury Museum.*
- b) That information as to the potential lease be returned to council in time for consideration in the 2010/2011 budget”*

Cr Harrop advised she intended to withdraw her Motion on Notice (Item 12.2 of the agenda) due to the proposed motion.

Cr Craddock nominated Cr Harrop along with His Worship the Mayor to be appointed as Committee members.

Cr Steck expressed an interest to be the other Council representative on the committee.

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

Item 1: 12 votes “for” / Nil votes “against” CARRIED

Item 2: 12 votes “for” / Nil votes “against” CARRIED

Item 3: 9 votes “for” / 3 votes “against” CARRIED. It was requested that the votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Steck, Cr Whittle, Cr Leigh, Cr Harrop, Cr Craddock, Cr Slater, Cr Spencer

Against: Cr Punch, Cr Jones, Cr Major

Committee Recommendation

1. Council approve membership of the Bunbury Museum Advisory Committee as follows:
 - His Worship the Mayor Mr D Smith(Chair) - voting
 - Two (2) Councillors Cr Steck and Cr Harrop– voting
 - Three (3) community members - voting
 - Executive Manager City Life - voting
 - Executive Officer – non-votingInput will also be sought from relevant other sources as required e.g. Planning Services.
2. Council approve terms of reference for the Bunbury Museum Advisory Committee as follows:
 - To develop criteria for the selection of a site for a Bunbury Museum
 - To identify a range of possible sites with regards to the above criteria
 - To investigate feasibility of sites and report back to Council on findings.
- 3a) Council investigate the potential leasing of 79 Forrest avenue (adjacent to King Cottage) with a view to
 - i) Accommodating the offices of a Museum Curator and administration assistant
 - ii) Providing ancillary storage and conservation areas for King Cottage and
 - iii) Providing an interim collection and storage area for artefacts and other objects for a future Bunbury Museum.
- 3b) That information as to the potential lease be returned to council in time for consideration in the 2010/2011 budget

Outcome - Council Meeting 8 June 2010

The recommendation from the Council Standing Committee was moved Cr Harrop, seconded Cr Spencer .

The motion (as printed) was put to the vote and it was adopted to become Council's decision on this matter.

Council Decision 107/10

1. *Council approve membership of the Bunbury Museum Advisory Committee as follows:*
 - *His Worship the Mayor Mr D Smith(Chair) - voting*
 - *Two (2) Councillors Cr Steck and Cr Harrop– voting*
 - *Three (3) community members - voting*
 - *Executive Manager City Life - voting*
 - *Executive Officer – non-voting*

- Input will also be sought from relevant other sources as required e.g. Planning Services.*
2. *Council approve terms of reference for the Bunbury Museum Advisory Committee as follows:*
- *To develop criteria for the selection of a site for a Bunbury Museum*
 - *To identify a range of possible sites with regards to the above criteria*
 - *To investigate feasibility of sites and report back to Council on findings.*
- 3a) *Council investigate the potential leasing of 79 Forrest avenue (adjacent to King Cottage) with a view to*
- i) *Accommodating the offices of a Museum Curator and administration assistant*
 - ii) *Providing ancillary storage and conservation areas for King Cottage and*
 - iii) *Providing an interim collection and storage area for artefacts and other objects for a future Bunbury Museum.*
- 3b) *That information as to the potential lease be returned to council in time for consideration in the 2010/2011 budget*
- CARRIED
10 Votes "For" / Nil Votes "Against"

11.15 Motion on Notice – Bunbury Timber Jetty Environment & Conservation Society – Jetty Concept Plan Funding Request *(was listed as item 11.14 in the meeting agenda)*

File Ref:	A00217
Applicant/Proponent:	Councillor Noel Whittle
Author:	Councillor Noel Whittle
Executive:	<i>If adopted by Council refer to: Michael Scott, Executive Manager City Services</i>

Cr Whittle has given notice that he intends to move the following motion at the Council Committee Meeting on 1 June 2010:

"The funding request from the Bunbury Timber Jetty Environment & Conservation Society for the purposes of the Timber Jetty Concept Plan be approved without further delay."

Comments - Cr Whittle

In support of his motion, Cr Whittle states that, *"The Bunbury Timber Jetty Environment & Conservation Society has been endeavoring to compile a concept plan which will articulate and promote the detail and benefit of a multi-use jetty.*

A detailed fee proposal has been received from a local planning consultant for the provision of a report that will gather up the critical factors surrounding a re-developed jetty structure, along with the aspirations of the Jetty Society and any other groups who may be regarded as stakeholders. It is expected that the report will also include artist's impressions and other images that will easily facilitate interpretation by the public and others.

The Society has decided that the function of the report should be to:

- *Articulate ideas and aspirations of the Society for the new precinct.*
- *Identify potential funding sources associated with the expected uses.*
- *Identify potential key stakeholders.*
- *Relate the proposed new jetty precinct to existing City of Bunbury planning strategies and aspirations.*
- *Provide artists impressions.*
- *Advise on issues associated with demolition of the existing structure.*
- *Advise on issues associated with redevelopment of a new structure.*
- *Contribute to development of a business case.*
- *Reference similar jetty or major heritage projects.*

Any report will also need to be created in a form that can be expected to be:

- *Presented to Council*
- *Distributed to the media*
- *Distributed for Public Comment*
- *Presented to State Government.*

A request was submitted by the Bunbury Timber Jetty Environment & Conservation Society to the City of Bunbury for access to approximately \$16,000.00 from the Timber Jetty operational residual funds in order to proceed with the report however several months have passed without a decision from the City. Bunbury City Council has not been involved in that decision process.

Although there is much conjecture over the future of the jetty the absence of a report of this nature is a significant omission and every effort should be made to address the lack of balance in reference material available for decision making and planning. Particularly given the strong support demonstrated by the public given only basic information about redevelopment options for the jetty."

Cr Whittle's Motions

The funding request from the Bunbury Timber Jetty Environment & Conservation Society for the purposes of the Timber Jetty Concept Plan be approved without further delay.

Outcome - Council Committee Meeting 1 June 2010

The Mayor called on Mr Phil Smith of The Bunbury Timber Jetty Environment and Conservation Society to address the meeting.

Mr Smith stated that in regards to their request for funding, they earlier in the night put up a petition in support of their request. They feel that a detailed study is required to produce a concept plan which will detail the options and benefits of a multi use jetty.

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

It was requested that the votes for option 3 be recorded as follows:

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

Committee Recommendation

The funding request from the Bunbury Timber Jetty Environment & Conservation Society for the purposes of the Timber Jetty Concept Plan be approved without further delay.

Outcome - Council Meeting 8 June 2010

The recommendation from the Council Standing Committee was moved Cr Steele, seconded Cr Leigh.

The motion (as printed) was put to the vote and it was adopted to become Council's decision on this matter.

Council Decision 108/10

The funding request from the Bunbury Timber Jetty Environment & Conservation Society for the purposes of the Timber Jetty Concept Plan be approved without further delay.

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

It was requested that the votes be recorded

For: His Worship the Mayor, Cr Leigh, Cr Punch, Cr Slater, Cr Harrop, Cr
Spencer, Cr Punch
Against: Deputy Mayor Cr Kelly, Cr Major, Cr Jones

12. Motions on Notice

Nil

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

Nil

14. Items to be Noted or Endorsed

There are no items recommended for noting.

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

15.1 Legal Advice – Defamation- Code of Conduct Allegations

File Ref:	A04035
Applicant/Proponent:	Freehills, Solicitors
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Background

Council at its meeting on 2 March 2010 resolved as follows:-

Council Decision 40/10

The formal Motion on Notice moved at the Council (Standing) Committee Meeting on 23 February 2010 concerning the Greater Bunbury Region Scheme Amendment for the Eastside Precinct "lie on the table" in order for:

- 1. The Chief Executive Officer to obtain legal advice as to the contents of the motion and whether they are libellous of the Mayor and Mr Klem, and;*
- 2. Obtain advice as to whether the contents of the motion are contrary to the regulations and code of conduct.*

In accordance with Council's decision advice was sought and is now available from Freehills, Solicitors with respect to the above motion as it relates to issues arising from the Notice of Motion moved at the Council (Standing) Committee on 23 February 2010.

The Mayor, Cr Steck and Mr Klem each declared a financial interest in this item, all vacated the chamber and did not vote.

Outcome - Council Committee Meeting 1 June 2010

The Committee moved into confidential business and on resumption in open session confirmed the following:

"The Deputy Mayor Cr Kelly as Presiding Member advised the meeting that he was of the opinion that Cr Steck's Motion on Notice as currently laid on the table (Council committee meeting 23 February 2010) was objectionable (Standing Orders Clause 2.7) and declared that the matter will no longer be considered.

No Councillor offered any dissent to this declaration."

Committee Recommendation

That the legal advice from Freehills Solicitors dated 12 April 2010 be received

Outcome - Council Meeting 8 June 2010

His Worship the Mayor and Mr Klem each declared a financial interest in this item, all vacated the chamber and did not vote.

The recommendation from the Council Standing Committee was moved Cr Major, seconded Cr Slater.

The motion (as printed) was put to the vote and it was adopted to become Council's decision on this matter.

Council Decision 109/10

That the legal advice from Freehills Solicitors dated 12 April 2010 be received

CARRIED
9 Votes "For" / Nil Votes "Against"

16. Close of Meeting

The meeting was declared closed at 9.59pm.