

Council (Standing) Committee

Notice of Meeting & Agenda 23 November 2010

Committee Terms of Reference *(last updated 24/11/09)*

1. To review reports and recommendations that are to be submitted to a meeting of the Council and (where appropriate) make alternative recommendations to those recommendations listed in the reports.
2. To request additional information necessary to assist the members of Council in making a decisions.
3. To make reference to appropriate legislation, Council's policies, local laws and the Strategic Plan when making Committee Recommendations to Council.



CITY OF BUNBURY
4 Stephen Street
Bunbury WA 6230
Western Australia
Correspondence to:
Post Office Box 21
Bunbury WA 6231

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GLOSSARY OF ABBREVIATED TERMS

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

GLOSSARY OF ABBREVIATED TERMS

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

Council (Standing) Committee Notice of Meeting

TO: Council Committee Members

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

Geoff Klem
Acting Chief Executive Officer
(Date of Issue: 18/11/2010)

Agenda 23 November 2010

Members of the public to note that recommendations made by this committee are not final and will be subject to adoption (or otherwise) at a future meeting of the Bunbury City Council.

Council Committee Members:

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

- 1. Declaration of Opening by the Presiding Member**

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

3. Responses to 'Public Questions' from the Previous Council Committee Meeting not Answered at that Meeting

4. Public Question Time

Members of the public please note that:

- (1) Questions are to be brief, to the point and MUST relate to an item listed in this agenda.
- (2) If your question requires research or cannot be answered at the meeting, it will be taken 'on notice' and you will receive a written response.
- (3) Only a 'summary' of your question (and any responses provided) will be printed in the meeting minutes.

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

6. Confirmation of Previous Minutes

The minutes of the Council (Standing) Committee Meeting held 2 November 2010 have been circulated.

Recommendation

The minutes of the Council (Standing) Committee Meeting held 2 November 2010 be confirmed as a true and accurate record.

7. Disclosures of Interest Under the Local Government Act 1995

Members should fill in <i>Disclosure of Interest</i> forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member <u>before</u> the meeting commences.
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8. Announcements by the Presiding Member (No Discussion Permitted)

9. Chief Executive Officer Reports/Discussion Topics

10. Reception of Formal Petitions and Memorials

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

11.1 Appointment of Community Representatives – City of Bunbury Museum Advisory Committee

File Ref:	A01262-06
Applicant/Proponent:	Internal Report
Author:	Jenelle Dunn, Acting Executive Officer Bunbury Museum Advisory Committee
Executive:	Domenic Marzano, Executive Manager City Life
Attachments:	Nil

Recommendation

That Council endorse the recommendation of the City of Bunbury Museum Advisory Committee in:

- 1. Appointing Mr Bernhard Bischoff, Ms Phyllis Barnes and Ms Jane Griffiths to the Committee for a term to expire on 15 October 2011.**

Summary

As per Council Decision 107/10 on 8 June 2010, Council approved the membership of the Bunbury Museum Advisory Committee, which includes three community members.

Existing Committee members considered all expressions of interest and ranked them in order of preference. The abovementioned recommendation was forthcoming for the consideration of Council.

Background

At its meeting on 8 June 2010, Council resolved to approve the establishment of a Bunbury Museum Advisory Committee for the purposes of further investigating possible sites for a Bunbury Museum.

At this same meeting, Council adopted the terms of reference as listed below (under 'Officer Comments' section).

Subsequently, advertisements calling for Expressions of Interest for community members for the Committee were placed in local media.

At the closure of nominations, five (5) community members had submitted applications. One further application was received after closing date, however as there were enough applications to enable the selection of community members for the Committee, this application was not accepted.

Copies of all expressions of interest were forwarded to existing Committee members for consideration with a recommendation of possible members from City Life senior staff.

All expressions of interest were considered by existing Committee members and ranked in order of preference. All but one Committee member responded within the allocated timeframe.

Based on these rankings, the resulting recommendation to Council is to appoint Mr Bernhard Bischoff, Ms Phyllis Barnes and Ms Jane Griffiths.

The inaugural meeting of the Bunbury Museum Advisory Committee will be held once the Museum Curator has been appointed, as this person will act as the Executive Officer for this Committee.

Officer Comments

The appointment of community representatives completes the official membership process and will allow the Committee to put in effect its approved terms of reference (agreed to by Council on 8 June 2010) which are to:

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.

Analysis of Financial and Budget Implications

Appointment of Community representatives to the Bunbury Museum Advisory Committee is not expected to have any financial or budgetary impact on Council.

Options

Option 1

As per the recommendation listed above.

Option 2

As per the recommendation listed above with amendment.

Option 3

Council not endorse the recommendations of the Bunbury Museum Advisory Committee.

11.2 Community Funding Allocations

File Ref:	A00374-32
Applicant/Proponent:	Internal Report
Author:	Felicity Anderson, Economic & Social Development
Executive:	Domenic Marzano, Executive Manager City Life
Attachments:	Appendix 1 & 2

Recommendation

Council allocate funds under the Community Funding Policy as recommended by the Community Funding Assessment Panel. These recommendations are attached at Appendix 1.

Summary

The Community Funding Assessment Panel met on the 1 November 2010 to assess the applications received for the September round of funding. A copy of the Panel's recommendations are **attached** at Appendix 1 for Council's endorsement. The Panel also recommends the amount of \$4,145 be carried forward to the March round as the total allocated to the September round was not fully expended.

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.

A copy of the current Community Funding Policy is **attached** at Appendix 2.

In the September round of the Community Funding Policy, fourteen applications were received, totalling \$73,912.00 worth of requests. Of the total amount of \$345,000 which was allocated to the Community Funding process in 2010/11, \$318,473 was committed to applicants in the March round, leaving \$26,527 to be allocated to applicants in the September round.

The Community Funding Assessment Panel has allocated a total of \$22,382 to applicants of the September round. This leaves an amount of \$4,145 which has not been allocated. The reason for this surplus is that a number of requests were deemed ineligible, or do not benefit a broad range of people in the community. The Panel recommends that the amount of \$4,145 be carried forward to the March 2011 round of funding.

Officer Comments

Internal officer reports have been prepared for each of the applications, and these reports formed part of the assessment process.

Analysis of Financial and Budget Implications

A total amount of \$345,000 is available for 2010/11 Community Funding applications. In the March round \$318,473 was allocated, leaving \$26,527 for the September round.

Options

Option 1

As per the recommendation.

Option 2

As per the recommendation, with amendments.

Option 3

Council do not support the recommendation.

11.3 Amendment to the Bunbury Regional Arts Management Board Constitution

File Ref:	A00168-10
Applicant/Proponent:	Bunbury Regional Arts Management Board
Author:	Domenic Marzano, Executive Manager City Life
Executive:	Domenic Marzano, Executive Manager City Life
Attachments:	Nil

Recommendation

- 1. That the Council approves and endorses the proposed amendment to the Bunbury Regional Arts Management Board (BRAMB) Constitution:**
- 2. The Council advises the Bunbury Regional Arts Management Board and the Art Gallery of Western Australia of its decision.**

Currently, the clause to be amended reads as follows;

- (1) The Corporation shall meet no less than TEN (10) times each financial year and subject thereto shall regulate their meetings and notices thereof as they think fit, subject to any express regulation thereof hereinafter contained.

It is proposed this clause be altered to read;

- (1) The Corporation shall meet no less than six (6) times each financial year and subject thereto shall regulate their meetings and notices thereof as they think fit, subject to any express regulation thereof hereinafter contained. Should any urgent business arise between regular meetings a resolution may be obtained by electronic communications between the members, provided at least 50% of the members agree to the matter being dealt with in this manner.

Summary

The Bunbury Regional Arts Management Board wishes to alter the clause of its constitution relating to the frequency of meetings. Changes to the Constitution require the prior approval of both the Council of the City of Bunbury and the Art Gallery of Western Australia.

Background

Recently, growing demands on time and resources are making it difficult for a number of BRAMB members to meet the commitment of monthly meetings. This alteration was recommended by the Art Gallery of WA and is supported by BRAMB, in order to improve the efficiency of the Board and to enable an effective sub-committee structure that does not increase the demand on members' time. If the proposed alteration is approved, BRAMB will hold a general meeting every second month. Sub-committee meetings will be held in the intervening months.

Officer Comments

The Executive Manager City Life is satisfied that BRAMB will be able to operate effectively meeting bi-monthly rather than monthly.

Analysis of Financial and Budget Implications

There are no financial and budget implications with this change.

Options

Option 1

As per the recommendation.

Option 2

As per the recommendation with amendments.

Option 3

Council do not support the recommendation and BRAMB will continue to meet on a monthly basis.

11.4 Community Engagement Strategy & Operational Guidelines

File Ref:	A03099
Applicant/Proponent:	Internal Report
Author:	Domenic Marzano, Executive Manager City Life
Executive:	Domenic Marzano, Executive Manager City Life
Attachments:	Report Under Separate Cover

Recommendation

Council endorse the Community Engagement Strategy and Operational Guidelines.

Summary

The purpose of the Community Engagement Strategy is to ensure a coordinated and consistent approach to community engagement by the City of Bunbury. The strategy will assist with building strong and healthy connections with stakeholders - creating leverage for community ideas, skills and knowledge. It will also enhance Council's problem solving and decision making capacity. This will be achieved by providing a mechanism with which the incorporation of community aspirations, expectations, views and needs can be addressed.

Background

The primary purpose of this strategy is to provide a model framework for planning and implementing community engagement processes for large and small Council projects (plans, policies, issues, programs and services).

The Community Engagement Strategy was prepared using information gathered through:

1. A review of the literature on good practice in community engagement;
2. An examination of policies and approaches to community engagement by other local governments in Australia and overseas; and
3. Workshops and discussions conducted with elected members, senior management, the City's Communications working group, and representatives from a cross-section of community groups.

A copy of the Community Engagement Strategy is circulated as a report **under separate cover**.

Officer Comments

The Community Engagement Strategy is a deliverable listed under *Strategy 6.2: "Community participation, partnership and support"* of the current City of Bunbury Corporate Strategic Plan.

Analysis of Financial and Budget Implications

There are no financial and budget implications for endorsing the Community Engagement Strategy and Operational Guidelines. These documents act as a resource for Council and staff to refer to when planning community engagement.

Options

Option 1

As per the recommendation.

Option 2

As per the recommendation with amendments.

Option 3

Council do not support the recommendation.

11.5 Groovin' the Moo 2011

File Ref:	A03619
Applicant/Proponent:	Sunset Events
Author:	Felicity Anderson, Manager Economic & Social Development
Executive:	Domenic Marzano, Executive Manager City Life
Attachments:	Report Under Separate Cover

Recommendation

1. **Council accept the proposal from Sunset Events to hold a Groovin' the Moo (GTM) concert in Bunbury on 14 May 2011;**
2. **Council contribute \$120,000 towards the cost of holding the GTM concert in 2011. The City will be repaid a portion of the sponsorship amount (\$20 per patron from 12,001 attendees to a maximum of \$60,000 for 5,000 attendees).**

Summary

The City has been invited by Sunset Events to consider a proposal to hold a Groovin' the Moo (GTM) concert in Bunbury in May 2011 and to contribute financially towards the cost of the event.

The event will be held on 14 May, 2011, and a contribution of \$120,000 towards the cost of holding the GTM concert in 2011 is required. The City will be repaid a portion of the sponsorship amount being - \$20 per patron from 12,001 attendees to a maximum of \$60,000 for 15,000 attendees.

Background

GTM concerts have been established as regional music festivals in NSW and Queensland with considerable success. The 2010 Bunbury GTM concert was a success with tickets selling out in advance of the event.

GTM concerts aim to host Australia's premier artists along with high profile international artists. Through GTM's national media coverage on Triple J each event is promoted across Australia. The GTM initiative is a tool that assists in profile building for each regional centre and significant economic benefit.

The event organiser, Sunset Events, has a significant track record in delivering musical events e.g. the Southbound Festival in Busselton and the 2010 Bunbury GTM.

Sunset Events propose to hold this event on 14 May, 2011 at Hay Park Bunbury. The target market is 16 to 28 year olds.

The economic and social benefit report indicated that:

- The event delivered an economic benefit in excess of \$1.3million.

- Local sporting clubs were able to raise funds.
- Local business was used to provide event supplies (\$9,047).
- 16,015 patrons attended the concert.
- 67% (10,688) of attendees were from outside the region.
- Six local DJ's and five local bands were showcased.
- Local youth and volunteers were engaged delivering music, art and environmental programs.

At the Council briefing held on 26 October, 2011, Sunset Events indicated the need to begin booking acts by early December. As a result, Council must decide whether the proposal to proceed is supported.

Attached in a report circulated **under separate cover** for Councillors information are the following documents:

- Draft license agreement
- Economic and social benefit report
- GTM Sponsorship report

Sunset Events are looking for a financial contribution to the Bunbury GTM event from a range of sources including local and state government and business. The South West Development Commission (SWDC) is considering a proposal to contribute \$30,000 towards the event.

Officer Comments

The event has been discussed with relevant officers including the Marketing Officer, the Events Officer, the Events Scheduling Officer and the Manager Environmental Health. Working group meetings as held for the 2010 event are expected to commence if Council approval to proceed is given.

Analysis of Financial and Budget Implications

\$20,000 was allocated in the 2010/11 budget for GTM; however a further \$100,000 is being sought from Council. The City will have the opportunity to recoup up to \$60,000 of the total \$120,000 if 15,000 people attend the event.

Options

Option 1

1. Council accept the proposal from Sunset Events to hold a Groovin' the Moo concert in Bunbury on 14 May 2011;
2. Council contribute \$120,000 towards the cost of holding the GTM concert in 2011. The City will be repaid a portion of the sponsorship amount (\$20 per patron from 12,001 attendees to a maximum of \$60,000 for 15,000 attendees).

Option 2

Proceed as per the recommendation with amendments.

Option 3

Not to proceed with the proposal from Sunset Events to hold a GTM concert in Bunbury in May 2011

11.6 Deed of Lease - Bunbury Clay Target Club, Reserve 670 (Adjacent to Bunbury Airport)

File Ref:	F00040
Applicant/Proponent:	Internal Report
Author:	Ron Boardley, Property & Rating Co-ordinator
Executive:	Ken Weary, Executive Manager Corporate Services
Attachments:	Appendix 3 & 4 Confidential Report Under Separate Cover

Recommendation

That subject to the approval of the Minister for Lands, Council agrees to grant the Bunbury Clay Target Club Inc. a Deed of Lease over portion of Reserve 670 (adjacent to the Bunbury Airport) from 1 December 2010 to 30 June 2012, on the terms and conditions as specified in this report.

Summary

The Bunbury Clay Target Club has occupied a part of Reserve 670, situated adjacent to the Bunbury Airport since 1986. The lease expired on 30 June 2009; however the "Holding Over" clause is in place. It is proposed to enter into a new Deed of Lease for the period 1 December 2010 to 30 June 2012.

A plan showing the lease area is **attached** at Appendix 3.

Background

Council considered a report in regard to the above at the meeting held on 24 August 2010 and resolved as follows;

- "1. That the Bunbury Clay Target Club be advised that Council is prepared to delay any decision on re-location of the Bunbury Clay Target Club and a decision on the renewal of the lease until such time as the South West Ballistic Project report is completed.*
- 2. That this matter be returned to Council following publication of the report with a recommendation on re-location of the club after consultation with affected parties or by 1 December 2010, whichever is sooner."*

A copy of the Department of Sport and Recreation "South West Ballistics Complex – Draft August 2010" report has now been received and the "Executive Summary" **attached** at Appendix 4 from the report outlines the projected timelines, actions and outcomes.

The City's Executive supports the projected timelines, actions and outcomes contained within the report which are scheduled for completion in June 2011 and it is proposed that the lease for the Bunbury Clay Target Club over a portion of Reserve 670 (adjacent to Bunbury Airport) be renewed for a further term commencing 1

December 2010 and expiring on 30 June 2012. This will allow progress of the objectives from the South West Ballistics Report to be monitored.

Following an event on 3 October 2010, complaints were again received of pellets intruding into the airport, which lead to an inspection by the Police Firearms Licensing Branch on 6 October 2010. The Club has now been issued with an amended permit, a copy of which is circulated as a Confidential Report **under separate cover**.

Current Lease Details

Commencement Date:	1 July 2007
Term/Expiry Date:	30 June 2009
Rental:	\$843.58 per annum (plus GST), subject to CPI increases on an annual basis.
Permitted Use:	Club rooms, caretaker's residence and clay target shooting area.
Lease Area:	1,280 square metres.
Outgoings:	Responsibility of Lessee.
Insurance Requirements:	Lessee to hold public liability cover for claims up to \$5(M) and general insurance cover.
Special Conditions:	The Club will continue to use its best endeavours to find a suitable site to relocate no later than 30 June 2009.
Preparation of Lease:	The Lessee responsible to meet all costs associated with the extension of Lease.

Proposed Lease Details

Commencement Date:	1 December 2010
Term/Expiry Date:	30 June 2012
Rental:	\$843.58 per annum (plus GST), subject to CPI increases on an annual basis.
Permitted Use:	Club rooms, caretaker's residence and clay target shooting area.
Lease Area:	1,280 square metres.
Outgoings:	Responsibility of the Lessee.
Insurance Requirements:	Lessee to hold public liability cover for claims up to \$10(M) and general insurance cover.
Special Conditions:	<ul style="list-style-type: none"> - The Club will continue to use its best endeavours to find a suitable site to relocate no later than 30 June 2012. - The Club to comply with the requirements of the permit issued by the Police Licensing Services (Firearms) Branch. - In the event that the Lessor requires the whole or part of the leased land for rationalisation/redevelopment of the adjacent airport, the Lessor may terminate the lease by giving 12 months notice in writing to the Lessee of the termination of the lease.
Preparation of Lease:	The Lessee responsible to meet all costs associated with the extension of Lease.

The land is Crown Land held under Management Order by the City and therefore the approval of the Minister for Lands is required under the provisions of the *Land Administration Act 1997*.

Community Consultation

The proposal has been discussed with Mr. Clayton Hyder from the Bunbury Clay Target Club and he has advised of the Club's support to the proposal.

Officer Comments

The City's Executive supports the renewal of the lease up to 30 June 2012 as this will allow progress of the objectives from the South West Ballistics Report to be monitored.

Analysis of Financial and Budget Implications

The proposal will have no impact on the current budget.

Options

Option 1

As per the recommendation listed in this report.

Option 2

As per the recommendation listed in this report, with amendments as suggested by Council members.

Option 3

Council do not support the recommendation.

11.7 Lease Renewal – Indian Harley (Bunbury) Club Inc.

File Ref:	Lease #159; F00101
Applicant/Proponent:	Indian Harley (Bunbury) Club Inc.
Author:	David Whitfield – Property Officer
Executive:	Ken Weary – Executive Manager Corporate Services
Attachments:	Appendix 5

Recommendation

Council agrees to grant a renewal of Lease to the Indian Harley (Bunbury) Club Inc. over Site 4 of Portion Lot 200 Clements Place Bunbury for a further 5 year term expiring 31 August 2015.

Summary

The Indian Harley (Bunbury) Club Inc seeks a renewal of their lease on Site 4, Portion Lot 200 Clements St (Halifax) Bunbury which recently expired on 31 August 2010.

Background

The Indian Harley (Bunbury) Club Inc originally sought a lease from the City of Bunbury for the purposes of storage in 2005. Council decision 181/05 gave subsequent approval of a lease for a 5 year term over site 4 Portion Lot 200 Clements Street (Halifax) Bunbury.

Following Councils decision to approve the lease in 2005 the Bunbury Indian Harley (Bunbury) Club Inc. constructed a colourbond shed upon site 4 for storage purposes.

Since the expiry of the current lease on 31 August 2010 to site continues to be occupied by the Bunbury Indian Harley (Bunbury) Club under the holding over clause of the original lease.

Current Lease Details:

Current Lease Commenced:	1 September 2005
Current Term: (Expired)	Five (5) Years
Expiry Date:	31 August 2010
Annual Rental:	\$405.65 per annum + GST (2010/2011)
Rent Review	The Rental was subject to CPI increases on an annual basis.
Permitted Use:	Storage Facility
Outgoings:	Responsibility of Lessee
Insurance:	Lessee to maintain Public Risk Insurance and General Insurance on the building. Public Liability to be set at \$5(M)

Proposed Lease Details:

Commencement Date:	1 September 2010
Term:	Five (5) Years
Expiry Date:	31 August 2015
Annual Rental:	\$405.65 per annum + GST (2010/2011)
Rent Review	The Rental is subject to CPI increases on an annual basis.
Permitted Use:	Storage Facility
Outgoings:	Responsibility of Lessee
Insurance:	Lessee to maintain Public Risk Insurance and General Insurance on the building. Public Liability to be set at \$10(M)

There are no services available to the site (power/water/sewerage).

A copy of the lease site is **attached** at Appendix 5.

Officer Comments

Lot 200 is reserved for 'Regional Open Space' under the Greater Bunbury Region Scheme. 'Regional Open Space' reservations are reserved *'to protect the natural environment, provide recreational opportunities, safeguard important landscapes and provide for public access;'*

The use of the site by the Indian Harley (Bunbury) Club Inc. meets the above criteria.

Analysis of Financial and Budget Implications

There would be no implications to the annual budget.

The Club will be responsible for the payment of all outgoing and lease preparation fees.

Options

Option 1

Per the recommendation listed in this report.

Option 2

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

Option 3

Council refuses to grant a renewal of Lease to the Bunbury Indian Harley (Bunbury) Club Inc.

11.8 Western Australian Regional Cities Alliance (WARCA) – Commitment of Funding

File Ref:	A03932
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Ken Weary, Executive Manager Corporate Services
Attachments:	Appendix 6

Recommendation

1. That Council commit an additional \$40,000.00 for this financial year to facilitate the (WARCA) identified project of entering into a research partnership with the University of Western Australia (UWA) and refer to the March 2011 Budget Review to identify a source of funds.
2. Council make provision in its future 5 year finance plan to fund its continued participation in WARCA and to support ongoing identified projects.

Summary

WARCA is proposing to enter into a five (5) year research partnership with (UWA) and each member council is being requested to commit to funding the project over this term.

In this initial year, the project will require a commitment from council of approximately \$50,000.00.

Background

At its meeting held 9 February 2010, Council resolved the following:

“Council Decision 22/10”

Council accept the draft report and agree to the establishment of the “Regional Cities Alliance” and endorse the eventual sign off of the proposed Memorandum of Understanding by His Worship the Mayor and the Chief Executive Officer.”

Officer Comments

Since its inception earlier in 2010, WARCA has met on several occasions and has identified an opportunity to develop a research partnership with the University of Western Australia (UWA).

The proposed research program is intended to build on UWA’s capacity in regional development, urban planning and spatial analysis, with the aim of providing an explicit focus on the needs of WARCA. It is suggested that these needs be concentrated on:

1. Economic, demographic and social analysis.
2. Service and infrastructure planning and delivery.
3. Strategic urban and regional planning; and
4. Governance.

A concept brief has been prepared by UWA and is **attached** at Appendix 6 for the information of councillors.

It is intended at this stage that WARCA will again meet in early December 2010, with a view to signing off on this proposal with UWA. This will require a commitment of funding from all the participating local authorities in this financial year.

Analysis of Financial and Budget Implications

Council has initially allocated the sum of \$10,000.00 in this year's budget primarily for meeting expenses in attending meetings of the alliance.

Now that WARCA have identified this potential opportunity, and given that its primary purpose is to act as a foundation for strategic dialogue on state planning processes for major regional cities it is considered that an ongoing commitment of funding needs to be identified.

Should Council wish to participate the City of Bunbury is requested to allocate an amount of \$40,000.00 this year to commence facilitation of some of these significant regional issues which are being identified.

Options

Option 1

As per the recommendation.

Option 2

As per the recommendation with amendment.

Option 3

Council not support the recommendation.

11.9 Implementation of a Community Radio Station Service

File Ref:	A00217
Applicant/Proponent:	Cr Wayne Major
Author:	Mike Fletcher, Manager Information Services Ken Weary, Executive Manager Corporate Services
Executive:	Domenic Marzano, Executive Manager City Life
Attachments:	Nil

Cr Major submitted the following motion for the Council Meeting on 19 October 2010:

Motion on Notice

"It is asked of this Council to call a tender for the scoping and implementation of a community radio station service. As part of the process research would be conducted to establish a potential studio location; its staffing requirements; operational funding needs; available grants; relocation of existing communication infrastructure; the purchase of new equipment and the availability and the purchase of AM/FM licences."

Comments - Cr Major

In support of his motion, Cr Major states that, *"It is felt by the author that the success of the Harvey public broadcast service which is staffed by locals with little or no experience at announcing has been a great success to its surrounds and indeed to its listeners. It is also proving to be a good source of information to the rate payers of the area by way of entertainment and local events. It is hoped that the same formula could be replicated providing the costs and other unforeseen hurdles can be overcome."*

Previous Council Resolution

Council resolved at its meeting of 19 October 2010 that *"Pursuant to City of Bunbury Standing Order 15.11 that the motion be referred back to the Council (Standing Committee meeting 2 November 2010 in order for a report to be made available"*.

Executive Comments and Report

There are three community radio services operating in the South West region; Harvey 96.5 FM, Collie 1089 AM and Augusta 97.1 FM.

Harvey Community Radio was the first to transmit its programs in 1997. Mr David Marshall a founding member and Chairman of the radio committee, sought the Harvey Shire Council's assistance in finding a suitable location close to the CBD. With the aid of other community members they raised sufficient funds to refurbish and equip the building.

Harvey 96.5 FM is located in Young Street, Harvey, in an old weatherboard building. It has two studios both fitted out with multiple microphones, a computer with the pre-programmed music list, a tape deck and a turn table for the use of vinyl records. A third room holds several computers that are used to transcribe old cassette tapes, a

part of the Harvey History Online oral archives, to a digital format. It has also been used by other communities for the same purpose. A fourth room has a small tea making facility and connects to the Main entrance/Meeting room. The operation is compact but very efficient.

The station operates 24x7 with a mixture of live to air and pre-programmed music. From midnight to 6.00 a.m. content from other States is simultaneously downloaded and broadcast to the Harvey community. Members of the community contribute time to running the station as well as developing content, such as, jazz, rock and other forms of musical tastes.

There are at least three community members with disabilities that also present regular shows.

Mr David Marshall of Harvey 96.5 FM provided advice and assistance to the Collie and Augusta communities in setting up their stations and in building their content to be broadcast to their respective communities.

David has indicated that he is willing to mentor Bunbury should it wish to setup and operate its own community radio. As part of the discussion David identified there could be an opportunity for both parties to resource share. Non specific content from Bunbury and Harvey could be swapped thus allowing more content to be broadcast from each station.

Analysis of Financial and Budget Implications

Research has identified the indicative costs to establish and operate a Community Radio Station would be as follows:

- Capital Establishment Set up Costs	\$30,000 to \$45,000
- Building Lease (if necessary)	\$15,000 per annum
- Ongoing Operating costs	\$30,000 per annum

The Community Radio Station would be manned by voluntary labour.

Options

Option 1

As per Cr Major's Motion on Notice.

Note: If Cr major's Motion of Notice is approved, the following Executive Recommendation is proposed.

Recommendation

1. Funding for the establishment and operating of a Community Radio Station service be referred for consideration in the 2011/2012 Budget to undertake the following:
 - a) A tender be called for a Consultant Radio Engineer to assist with the scoping and implementation of a Community Radio Station.

- b) The Scope for Tender to include:
 - (i) Liaise with the Australian Communications and Media Authority (ACMA) to identify an available licensed frequency in the AM/FM range that could be used for Bunbury community radio.
 - (ii) Identify the appropriate equipment and associated costs needed to deliver a community radio service including studio equipment, transmitter, computers and software for programming music etc.
2. In addition to calling for a tender for a Consultant Radio Engineer to assist with the scoping and implementation of a Community Radio Station, Council undertake the following:
- a) Identify a management team and structure that would take ownership and responsibility for the daily operations and report to Council.
 - b) Identify possible funding streams such as State and Federal Government grants, Lotteries West and Local Businesses.
 - c) Make application to the ACMA by the Management group for the appropriate licence.
 - d) Identify a location suitable to host a studio and relevant equipment.
 - e) Prepare a capital establishment costs and annual budget for the ongoing operation.

Option 2

Council not support Cr Major's Motion on Notice.

11.10 December 2010 Budget Review

File Ref:	A00284-02
Applicant/Proponent:	Internal Report
Author:	David Harrison, Budget Accountant
Executive:	Ken Weary, Budget Accountant
Attachments:	Report Under Separate Cover

Recommendation

Council adopts the December 2010 Budget Review.

Note: An Absolute Majority Vote by Council is required.

Summary

Council adopted the 2010/2011 Budget on 10 August 2010 (total budget of \$73M comprising \$26.4M capital works, \$1.6M debt reduction and \$45M in operating expenditure).

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

This budget review maintains the 2010/2011 budget in a balanced position.

Background

The draft December Budget Review identifies expenditure of \$568,257 for general works, variations and new projects. Funding of \$568,257 inclusive of reduction in expenditures, adjustment of grant funding, additional revenue and reserve funding; has been identified in this review to maintain a balanced budget.

A copy of the draft December 2010 Budget Review has been issued **under separate cover.**

Officer Comments

Executives, managers and officers with budget responsibility are consulted in the preparation of the Budget Review. Councillors were given an overview of the draft Budget Review at the Councillor Briefing session held on Tuesday, 16 November 2010.

Analysis of Financial and Budget Implications

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

revenue and expenditure activities and (as required) refer any variances requiring remedial action to the Council.

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

Strategic and/or Regional Outcomes

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

Community Consultation

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

Council Policy Compliance

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

Legislative Compliance

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

Delegation of Authority

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

Relevant Precedents

Council reviews its Budget in December and March each year.

Options

Option 1

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

Option 2

Adopt the December 2010 Budget Review for the City of Bunbury with amendments (as specified by the Council).

11.11 Financial Statements – October 2010

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

Recommendation

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

Summary/Background

Financial Statements for the period ending 31 October 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

11.12 Reconstruction and Widening of Albert Road

File Ref:	R-0004
Applicant/Proponent:	Internal Report
Author:	James Shepherd, Manager Operations
Executive:	Michael Scott, Executive Manager City Services
Attachments:	Nil

Recommendation

Council delegate authority to the Acting Chief Executive Officer to proceed with the upgrade works on Albert Road.

Summary

Council's Christmas recess will extend from 15 December to the end of January 2011. A contract needs to be awarded before the end of January for the reconstruction and widening of Albert Road between Mackinnon Way and Strickland Street.

A delay in awarding the contract to mid to late February will risk it not being completed by the end of the financial year.

Background

Albert Road has been included in the 5 year road programme as a priority to be built in 2010/11 financial year as approved in Council's 5 year financial plan (adopted 29 June 2010)

Officer Comments

As Council will be in recess from Christmas until February 2011 there is a risk that delaying the awarding of this works contract until mid to late February could mean that the project is delayed into the following financial year.

The 2010 – 2011 Capital Works Programme has a budgeted sum of \$250,000 for this project. It is expected that the quotes received from the RFQ will not exceed this sum. Council are requested to delegate the authority to select the best value quote and award a contract to the Acting Chief Executive Officer to facilitate the early completion of this project.

Analysis of Financial and Budget Implications

There are no financial or budget implications outside of the project budget of \$250,000.

Council Policy Compliance

Council approval is required for the reconstruction and widening of Albert Road between Mackinnon Way and Strickland Street.

Legislative Compliance

This complies with the WA Local Government Act 1995 5.52 Delegation of Authority to the CEO.

Relevant Precedents

Council has previously delegated expenditure for the containment boom to be installed around the Bunbury Timber Jetty.

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

Council has previously delegated sole provider, contractor appointment and expenditure in excess of \$100,000 to the CEO. (Athletics track)

Options

Option 1

As per the recommendation in this report

11.13 Asset Management Committee

File Ref:	A02590
Applicant/Proponent:	Asset Management Committee
Author:	Jason Gick, City Engineer
Executive:	Michael Scott, Executive Manager City Services
Attachments:	Nil

Recommendation

That Council appoint one (1) Councillor as a member of the Asset Management Committee.

Summary

The Asset Management Committee is seeking to expand its membership and to establish a reserve fund that can be used for future asset management programs and asset renewal projects.

Background

The appointment of one (1) Councillor to the Asset Management Committee was overlooked at the Ordinary Council Meeting of 9 November 2010 when this item was adopted en-bloc.

The Asset Management Committee currently has Mayor David Smith, Cr Stephen Craddock and Cr Alfred Leigh as members.

The Committee meets every two (2) months and will expire on Election Day 15 October 2011.

Officer Comments

There are no objections to the appointment of one (1) interested Councillor to the Asset Management Committee.

Analysis of Financial and Budget Implications

There is no financial implication in the appointment of one (1) interested Councillor.

Options

Option 1

As per the recommendation.

Option 2

As per the recommendation with amendments.

11.14 Proposed Rezoning Lots 73 – 81 Ward Street from Residential R15 to Special Use Zone No. 53.

File Ref:	A03927
Applicant/Proponent:	Thompson McRobert Edgeloe Group Pty Ltd
Author:	Paul Davies, Planning Consultant Thor Farnworth – Acting Manager Development Services
Executive:	Gary Fitzgerald, Acting Executive Manager Development Services
Attachments:	Report Under Separate Cover

Recommendation

Part 1

Pursuant to City of Bunbury Standing Order 15.9.2 that the “motion be raised from the table”.

Part 2

That Council

- 1. In accordance with the Planning and Development Act 2005 resolve to initiate Amendment No 42 to the City of Bunbury Town Planning Scheme No 7 to rezone Lots 73 to 81 Ward Street from “Residential Zone” with a residential density code of “R15” to “Special Use Zone 53 – Mixed Use” (S.U.53) and insert appropriate provisions under Schedule 2 of the Scheme Text**
- 2. Refer the proposed Scheme Amendment 42 documentation to the Western Australian Planning Commission (WAPC) for approval to advertise for public comment.**
- 3. Refer the proposed Scheme Amendment 42 documentation to the Environmental Protection Authority (EPA) for approval to advertise for public comment.**
- 4. Subject to approval of the Western Australian Planning Commission and Environmental Protection Authority, advertise the proposed Scheme Amendment 42 for a period of at least 42 days.**

Summary

A submission was received from Thompson McRobert Edgeloe Planning Group Pty Ltd for the rezoning of Lots 73 to 81 Ward Street from “Residential Zone” with a residential density code of “R15” to a Special Use Zone in order to permit the redevelopment of the subject properties as a mixed use precinct.

The subject land encompasses nine (9) properties along Ward Street as indicated on the location plan attached at Appendix 1 in the report previously circulated **under**

separate cover. The proposal includes a total of six (6) landowners who have advised of their in principle support for the rezoning. Two (2) landowners proposing the rezoning of the area own four (4) of the subject properties.

The amendment has been formulated to create a Special Use Zone that incorporates a mixture of residential and non-residential uses - including consulting rooms, medical centre, multiple dwellings (R60), lunch bar, restaurant, community purpose, small to medium sized office or showroom and other civic or commercial uses as outlined in the proposed scheme provisions.

It is intended that a Detail Area Plan (or DAP) will then be formulated and adopted by Council to provide a framework for regulating land use and guide urban design of the built form. The desired outcomes of the DAP will be the creation of a mixed use precinct with predominantly ground floor commercial uses such as showrooms, with offices and dwellings on the first and second floors in a manner that integrates similar scaled and compatible activities.

Background

The proposed Special Use Zone provisions to be included under Schedule 2 of the City of Bunbury Town Planning Scheme No. 7 (TPS7) outline the land use and development requirements that are to be addressed prior to any further subdivision or development of the subject area. Appendix 2 (**under separate cover**) includes a copy of the proposed Scheme Amendment 42 documentation.

The proposed Special Use Zone provisions require that a DAP be prepared to the specifications and satisfaction of the City of Bunbury for Council's adoption in order to guide the future development and infrastructure servicing of the area prior to approval of any further subdivision/amalgamation or development within the subject area.

The proposed Special Use Zone provisions outline issues to be addressed in the DAP - including development layout, building envelopes, floor areas of uses, buffers to adjoining residential areas, traffic management, access and car parking, pedestrian movement, building height and setbacks and passive surveillance.

Prior to Council's endorsement of a finalised DAP, the applicant is also required to undertake the preparation of the following support studies/plans:

- a. Transport Assessment – is required to address capacity of the surrounding road network including vehicular traffic, pedestrians and cycles and identify any works which are necessary to ensure that the local road network is both adequately safe and efficient.
- b. Infrastructure Implementation Plan – is required to address infrastructure requirements including approved parts of the Transport Assessment Study, provision of dual use paths, construction of the rear right of way, allocation of responsibility for infrastructure provision and timing of provision of infrastructure. It is proposed that the Infrastructure Implementation Plan will be implemented through conditions of subdivision or development approval for the subject lots.

Strategic Relevance

The proposal has significant implications for not just how the subject site is developed and used, but also for how the City facilitates the implementation of activity centre and neighbourhood strategies in the redevelopment (referred to by the 2001 Commercial Strategy as 'rounding off') of any other areas of mixed use and commercial expansion. Therefore, it can reasonably be expected that in considering such proposals the involvement and support of the Department of Planning and other stakeholders will be critical – in order to ensure that the City establishes a consistent strategic direction with the development of a revised Scheme, which is recommended to incorporate a mixed use zone (refer to the advertised draft Local Planning Strategy for Activity Centres & Neighbourhoods).

Economic, Social, Environmental and Heritage Issues

Economic

The creation of a quality/true mixed use precinct with a good standard of urban design and amenity can expect to have positive economic impacts. Experience in other urban centres worldwide and locally has demonstrated that successful redevelopment of mixed use precincts works by properly balancing the increased availability of additional residential and non-residential land uses in a manner that integrates similar scaled and compatible activities within a walkable and attractive built environment.

Social

There are no known or expected social impacts generated by the proposal.

Environmental

There are no significant environmental impacts generated by the proposal.

Heritage

There are no impacts to heritage values generated by the proposal.

Officer Comments

The proposed scheme amendment does not conflict with the City's draft Local Planning Strategy for Activity Centres & Neighbourhoods which has recently been advertised for public comment.

The subject land is identified under the draft Local Planning Strategy for commercial/mixed use style development and is identified within the Blair/Strickland Street activity corridor.

The proposal is consistent with the Western Australian Planning Commission's (WAPC) Liveable Neighbourhoods operational policy – including the overall design of urban and neighbourhood structures, walkable neighbourhoods, transport efficiency, clustering of compatible mixed uses and active street land use interfaces.

Analysis of Financial and Budget Implications.

As outlined above the applicant is required to prepare an Infrastructure Implementation plan for the subject area. The Infrastructure Implementation Plan will identify required infrastructure improvements, allocation of responsibility for infrastructure provision and timing for provision of the required works.

Community Consultation

The proposed scheme amendment will be required to be advertised for public comment in accordance with the requirements of the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967*.

Options

Option 1

As per recommendation

Option 2

Council may resolve not to initiate the proposed Scheme Amendment.

Outcome – Council Committee Meeting 12 October 2010

Option 2 - Council may resolve not to initiate the proposed Scheme Amendment – was moved Cr Slater, seconded Cr Leigh.

The Mayor put the motion (option 2) to the vote and was LOST 3 votes “for” / 5 votes “against”. It was requested that the votes be recorded as follows:

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

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

The Mayor put the motion to the vote and was adopted to become the Committee’s recommendation on the matter.

It was requested that the votes be recorded as follows:

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

Outcome – Council Meeting 19 October 2010

The Mayor asked if there was any member of the public who wished to address Council on this item.

Mr Scott Rowe, owner of 11 Castle Street Bunbury, addressed the Council and a summary of the discussion is as follows. He stated that he was against the rezoning of Ward Street. He believed that there was no other residential area in Bunbury that ‘butt’ onto *Special Use Zones*. He believes that the boundary at the rear of the

properties in Ward Street and Castle Street is a poor boundary. He felt that if this was to happen in Ward Street then the *Special Use Zone* should apply to Castle Street also. There have always been security issues associated with the boundary and does not believe that the problems will be fixed with having businesses also utilising the laneway.

In accordance with procedural motion 15.9 of the City of Bunbury Standing Orders Cr Steele moved, Cr Steck seconded that the 'motion lie on the table' until the next Committee meeting, 2 November 2010 in order for the Councillors to consider the new material/information that was provided.

The Mayor put the procedural motion to the vote and was adopted as the Council's decision on the matter.

Council Decision 211/10

Pursuant to City of Bunbury Standing Order 15.9 that the motion "lie on the table" until the Council (Standing) Committee meeting 2 November 2010.

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

File Ref:	A03762 & A00472
Applicant/Proponent:	City of Bunbury
Author:	Thor Farnworth, Coordinator Strategic & Environmental Planning
Executive:	Gary Fitzgerald, Acting Executive Manager City Development
Attachments:	Report Under Separate Cover

Recommendation

- 1. Pursuant to section 75 of the *Planning and Development Act 2005* (as amended), Council resolves to finally adopt Scheme Amendment 33 to the City of Bunbury Town Planning Scheme No. 7 in accordance with the modified Scheme Amendment 33 documentation (under separate cover – Attachment 1 – to this report).**
- 2. Refer the modified Scheme Amendment 33 documentation to the Western Australian Planning Commission for final approval in accordance with the provisions of the *Town Planning Regulations 1967*.**
- 3. Pursuant to section 2.3 of the City of Bunbury Town Planning Scheme No. 7 (as amended), Council resolves to adopt the final draft Local Planning Policy: Access & Parking for Pedestrians, Bicycles and Vehicles (under separate cover – Attachment 2 – to this report).**

Summary

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

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

Details of the proposal in relation to the following matters are all contained in the report of agenda item 11.2 to Council's ordinary meeting held on 8 September 2009:

- strategic and/or regional outcomes;
- community consultation;
- councillor/officer consultation;
- economic, social, environmental and heritage issues;
- council policy compliance;
- legislative compliance;
- delegation of authority; and
- relevant precedents.

In accordance with regulation 17 and subject to regulation 20, of the *Town Planning and Development Regulations 1967* the proposed Scheme Amendment 33 is considered to be both technically feasible and acceptable in this regard, and is now ready for final adoption.

Background

Scheme Amendment

Scheme Amendment 33 to City of Bunbury Town Planning Scheme No. 7 (TPS7) was initiated in accordance with Council Decision 174/09 made at its ordinary meeting held on 8 September 2009.

The Western Australian Planning Commission (WAPC) gave conditional assent to advertise the proposed Scheme Amendment in its correspondence to the City dated 2 February 2010. Following receipt of this advice and in accordance with both the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*, the proposed Scheme Amendment was referred to all relevant state government agencies and publicly advertised for comment over the period 27 January 2010 up to and including 29 March 2010.

At the close of the advertising period a total of four submissions were received from three signatories, with no submissions made by government agencies. A full Schedule of Submissions, with corresponding officer comments, is provided in the report circulated **under separate cover** (Attachment 3) to this report.

Local Planning Policy

The procedure for making or amending a Local Planning Policy was initiated in relation to the draft Local Planning Policy: Access & Parking for Pedestrians, Bicycles and Vehicles in accordance with Council Decision 174/09 made at its ordinary meeting held on 8 September 2009.

The draft Local Planning Policy was referred to all relevant state government agencies and publicly advertised for comment concurrently with the proposed Scheme Amendment during the period 27 January 2010 up to and including 29 March 2010.

At the close of the advertising period no submissions were received specifically in relation to the draft Local Planning Policy.

Should Council resolve to adopt the new Local Planning Policy, then pursuant to section 2.4 of the Scheme, the following obsolete Local Planning Policies will be revoked:

- (a) Central Business District Parking (formerly part of No. 5);
- (b) Car Park Development on Road Verges (No. 38);
- (c) Medical Centres Car Parking Analysis (No. 49); and
- (d) Vehicle Crossovers (No. 65).

Officer Comments

Scheme Amendment

Prior to advertising the proposed amendment, the documentation was referred to the WAPC for comment. A number of minor modifications were requested by the WAPC to which an itemised summary of responses is given in the report **under separate cover** at Attachment 4 to this report. In the main the requested modifications were relatively inconsequential in nature, and could be made without implications for the operation of the scheme amendment.

As detailed in the Schedule of Submissions, public comments covered a broad range of issues to varying levels of detail, some of which either went beyond or were outside of land use planning and development matters. In considering the comments made in the submissions (of which there were two objectors), further investigation was undertaken and advice sought from other local government authorities coupled with a peer review of the proposed amendment.

Based on this investigation, a limited number of recommended modifications of a minor nature have been identified. The proposed changes are to parking requirements of certain use classes contained in the revised Car Parking Table (Table 2) and to miscellaneous provisions in order to maintain consistency of expression and so as to accord with WAPC requirements. It is considered that the proposed modifications outlined in the Scheme Amendment documentation in report **under separate cover** at Attachment 1 to this report are of a minor nature, and hence, do not require readvertising for public comment prior to Council's final adoption.

Local Planning Policy

A number of minor modifications are proposed to the final draft Local Planning Policy - primarily in relation to presentation of the text and do not substantively change the intent or desired outcomes of the policy. These minor modifications are considered justifiable due to:

- an assessment of internal comments made during the public advertising period (i.e. based upon experience gained through road testing the policy through the development assessment process);

- lessons learnt from the assessment of applications for planning approval for development involving on-site car parking lodged during the public advertising period; and
- observations made of State Administrative Tribunal (SAT) decisions involving the consideration/application of local planning policies generally.

Analysis of Financial and Budget Implications

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

Options

Option 1

As per the Recommendation.

Option 2

As per the Recommendation with modifications.

Option 3

Council may resolve not to proceed with either or both the proposed Scheme Amendment 33 and the draft Local Planning Policy: Access & Parking for Pedestrian, Bicycles and Vehicles. A resolution not to proceed with the proposed amendment would still require the amendment documents to be forwarded to the Commission together with a summary of the reasons for not wishing to proceed with the amendment, in accordance with the requirements of regulation 18 of the *Town Planning Regulations 1967*. In such circumstances the Minister would still determine the outcome of the proposed amendment.

11.16 Proposed Scheme Amendment 49 to Town Planning Scheme No. 7 - Special Use Zone 43 (former Fawly Towers Motel): Lot 3 (No. 205) Ocean Drive, South Bunbury

File Ref:	A04301
Applicant/Proponent:	Harley Global
Author:	Paul Davies, Planning Consultant
Executive:	Gary Fitzgerald, Acting Executive Manager City Development
Attachments:	Report Under Separate Cover

Recommendation

That Council resolves as follows:

1. Pursuant to the *Planning and Development Act 2005* initiate Scheme Amendment 49 to the City of Bunbury Town Planning Scheme No. 7 with respect to Lot 3 (street address 205) Ocean Drive, South Bunbury, in accordance with the Scheme Amendment 49 documentation (under separate cover at Attachment 1 to this report).
2. Refer Scheme Amendment 49 documentation to the Environmental Protection Authority for its assessment in accordance with the provisions of section 81 of the *Planning and Development Act 2005*.
3. Following the consent of the Western Australian Planning Commission and the Environmental Protection Authority, publicly advertise Scheme Amendment 49 for a period of not less than 42 days in accordance with the *Town Planning Scheme Regulations 1969*.

Summary

A submission has been received from the consulting firm Harley Global on behalf of the owner of the former Fawly Towers Motel for an amendment to the Special Use Zone 43 provisions under City of Bunbury Town Planning Scheme No. 7 (TPS7).

The subject site is situated at Lot 3 Ocean Drive, South Bunbury, as shown on the location plan at Attachment 2 under separate cover to this report.

The aim of the amendment proposal is to allow for up to 25% of the units in the new development to be used on either a short-stay or permanent residential basis.

Background

The site is currently zoned "Special use Zone 43" (SU43) and includes the special uses of motel, restaurant; and coffee lounge; with development conditions as determined by Council.

In March 2007 Council approved the redevelopment of the former Fawly Towers motel site for a new 43 unit resort development to replace the former 17 room motel

development.

Construction of the new development has recently commenced - comprising of a range of self contained single bedroom, two bedroom and three bedroom units, some with interconnectivity to provide larger units when required. The development also includes a reception area, café and swimming pool overlooking the beach.

Proposal

The proposal is for an amendment to the provisions in the “Special Use(s)” and “Conditions” columns of Special Use Zone 43 under Schedule 2 of the Scheme Text. The proposed amendment will allow for up to 25% of the units in the new development to be used for either short-stay or permanent residential accommodation. The proposed amendment also includes a number of provisions to regulate future development and use of the site. Refer to Attachment 1 under separate cover to this report for a copy of the proposed scheme amendment provisions.

Officer Comments

The allowance for up to 25% of the units to be used as “Residential Unrestricted Accommodation”, permitting both short-stay and permanent residential accommodation, within an overall tourism development is consistent with recommendations of the State Government’s Tourism Planning Taskforce Report (endorsed by Cabinet in January 2006).

The key principle identified in the Tourism Planning Taskforce Report was that a sustainable tourism industry, with its many inherent benefits, requires tourism development to be undertaken for tourism purposes. To achieve this, the taskforce recommended an increased focus on land use planning for tourism, formulated at a regional and local level.

The City responded by preparing the Local Planning Strategy for Tourism (adopted by Council on 19 May 2009), which identified the subject site the current scheme amendment proposal for a “non-strategic tourism site” is consistent with. Based upon the Local Planning Strategy for Tourism, Council has previously supported provision for up to 25% permanent Residential accommodation in other Tourist development sites including the Punchbowl site and Lot 66 Ocean Drive.

In accordance with the proposed scheme provisions the proponent will need to submit an application for planning approval for the site in order to designate the proposed permanent residential units.

Most of the planning issues outlined in the proposed special provisions have previously been addressed in the current Planning Approval for the site. The overall scheme provisions are; however, proposed to be consistent with requirements for other tourist development sites in the City.

Analysis of Financial and Budget Implications

There are no known financial or budget implications for Council.

Community Consultation

The proposed scheme amendment will be required to be advertised for public comment in accordance with the requirements of the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967*.

Legislative Compliance

Local Planning Scheme amendments are required to comply with requirement of the Planning and Development Act 2005 (as amended) and the State Planning Framework (e.g. all relevant State Planning Policies).

Delegation of Authority

The Chief Executive Officer does not have delegated authority to initiate Town Planning Scheme amendments.

Relevant Precedents

The City has previously rezoned land for tourist development including a 25% permanent residential component including the Punchbowl site and Lot 66 Ocean Drive.

Options

Option 1

As per recommendation.

Option 2

Council may resolve not to initiate the proposed Scheme Amendment.

11.17 Advisory Committee Minutes to be Noted at the Council Committee Meeting

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Under Separate Cover

Recommendation

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

1. **Title: Minutes – Bunbury Setagaya Sister Cities Committee (18/08/2010, 15/09/2010 & 20/10/2010)**
Author: Jenni Brown, Project Officer
File: A00443

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

12. Motions on Notice

12.1 Motion on Notice – Renaming of Wilkerson Way Action Group & Renaming Reserve 40244 as Warren Troy Park

File Ref:	A00217
Applicant/Proponent:	Councillor Wayne Major
Author:	Councillor Wayne Major
Executive:	If adopted by Council refer to: Michael Scott, Executive Manager City Services
Attachments:	Nil

Cr Major submitted the following motion for the Council Committee Meeting on 23 November 2010:

"That this Council be made aware of the formation of the Withers Action Group, formally the Wilkerson Way Action Group. It is also asked of Council upon completion of Reserve 40244 to the status of an urban park within the time frame of 2011, it is further asked of Council to name this park Warren Troy Park."

Comments - Cr Major

In support of his motion, Cr Major states that, *"It is felt by the Withers Action Group (WAG) convenor that Warren Troy by his actions, demeanour and his non confrontational approach to all issues, not only to Hudson Road but to all issues that related to the City is deserving of this honour. His work towards a comfortable outcome and his ability to talk to all parties to settle such disputes as they arose was a calming effect and very much appreciated. "*

Executive Comments

For Council's consideration.

Cr Major's Motion

That this Council be made aware of the formation of the Withers Action Group, formally the Wilkerson Way Action Group. It is also asked of Council upon completion of Reserve 40244 to the status of an urban park within the time frame of 2011, it is further asked of Council to name this park Warren Troy Park.

12.2 Motion on Notice – Skate Park in Glen Iris

File Ref:	A00217
Applicant/Proponent:	Councillor Michelle Steck
Author:	Councillor Michelle Steck
Executive:	If adopted by Council refer to: Domenic Marzano, Executive Manager City Life
Attachments:	Confidential Report Under Separate Cover

Cr Steck submitted the following motion for the Council Committee Meeting on 23 November 2010:

- "1. *That Council advertise immediately calling for four (4) community members to form a local working steering committee for the purposes of community consultation, identifying a preferred site and developing design guidelines for the purposes of constructing a skate park in Glen Iris.*
2. *That Council automatically endorse Cody Phillips as a steering committee founding member of the Glen Iris Skate Park.*
3. *The working steering committee consist of:*
 - *Cr Michelle Steck*
 - *Executive Manager City Services or Delegated Staff Member*
 - *Master Cody Phillips*
 - *4 other community members from Glen Iris"*

Comments - Cr Steck

In support of her motion, Cr Steck states that, "On the 11th of May 2010 young Master Cody Phillips made a presentation to Council asking for a skate park in Glen Iris. During that evening Cody presented a signed petition to Council. The Grace Christian College also supported Cody in his efforts to request a skate park to be constructed in Glen Iris. There are three other schools in Glen Iris. The suburb returns over a Million dollars annually in rates. Glen Iris is the fastest developing suburb in Bunbury with a high demographic of young families.

In May it was my recollection that Council endorsed establishment of a skate park in Glen Iris. Council committed \$ 50,000 towards to programme through the Councillor wish list. The budget review process is fast approaching and the project will require further funding to complete.

I urge Councillors to support the Motion."

Executive Comments

The Youth Development Officer has developed an action plan for the Glen Iris Skate Park and is endorsed by EMT. A confidential copy of this action plan is issued **under separate cover** for the information of Councillors.

The community consultation process will commence next week with a mail out to stakeholders and Glen Iris residents seeking community participation for a reference group.

Cody Phillips would be welcomed as a member of that reference group.

Cr Steck's Motion

1. That Council advertise immediately calling for four (4) community members to form a local working steering committee for the purposes of community consultation, identifying a preferred site and developing design guidelines for the purposes of constructing a skate park in Glen Iris.
2. That Council automatically endorse Cody Phillips as a steering committee founding member of the Glen Iris Skate Park.
3. The working steering committee consist of:
 - Cr Michelle Steck
 - Executive Manager City Services or Delegated Staff Member
 - Master Cody Phillips
 - 4 other community members from Glen Iris

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

14. Items to be Noted or Endorsed

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

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Under Separate Cover

Recommendation

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

- 1. Title: Building Applications/Development Approvals September 2010
Author: Gary Fitzgerald, Manager Development Services
File: A00566-04**
- 2. Title: Building Applications/Development Approvals October 2010
Author: Gary Fitzgerald, Manager Development Services
File: A00566-04**
- 3. Title: Schedule of Accounts Paid – October 2010
Author: David Ransom, City Accountant
File: A000083-11**

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

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

There are no items recommended for endorsement.

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

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

16. Close of Meeting