



Bunbury City Council

Notice of Meeting and Agenda 5 March 2013

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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
DADAABA	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

GLOSSARY OF ABBREVIATED TERMS

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

Bunbury City Council Notice of Meeting

TO: Council Committee Members

The next Ordinary Meeting of the Bunbury City Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, **5 March 2013** at 6.00pm.



Andrew Brien
Chief Executive Officer
(Date of Issue: 28/02/2013)

Agenda 5 March 2013

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

Council Members

His Worship the Mayor, Mr D Smith – Presiding Member
Deputy Mayor Councillor Stephen Craddock
Councillor Murray Cook
Councillor Judy Jones
Councillor Brendan Kelly
Councillor Alfred Leigh
Councillor Neville McNeill
Councillor Sam Morris
Councillor David Prosser
Councillor Ross Slater
Councillor Michelle Steck
Councillor Karen Steele

1. Declaration of Opening / Announcements of Visitors

2. Disclaimer

NOTE: WHERE A RECORDING OR LIVE STREAMING OF A MEETING IS TO TAKE PLACE, THE PRESIDING MEMBER WILL ADVISE THOSE PRESENT THAT SUCH ACTION WILL BE OCCURRING.

All persons present are advised that the proceedings of this meeting will be recorded for record keeping purposes and to ensure accuracy in the minute taking process. From time to time the proceedings of this meeting may also be streamed live via the internet to the public.

3. Announcements from the Presiding Member

4. Attendance

4.1 *Apologies*

4.2 *Approved Leave of Absence*

5. Declaration of Interest

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences

6. Public Question Time

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

In accordance with Standing Order 6.7(3)(a) a person wishing to ask a question, must complete a question form which is provided in the trays at the back of the public gallery and on the City's website. The completed form must include your name and address and contain no more than three (3) questions. 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 and a summary of your question (and any responses provided) will be printed in the minutes of the meeting.

6.1 Responses to Public Questions Taken 'On Notice'

6.2 Public Question Time

7. Confirmation of Previous Minutes and Tabling of Notes of Briefings and other Meetings under Clause 19.1

7.1 Minutes

7.1.1 Council Meeting

The minutes of the Ordinary Council meeting held 12 February 2013 have been circulated.

Recommendation

The minutes of the Council meeting held 12 February 2013 be confirmed as a true and accurate record.

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Appendix MTBN-1 , MTBN-2

Council Committee Recommendation

The following Advisory Committee Meeting Minutes listed in the report, be accepted and noted:

1. Title: Minutes – Policy Review and Development (Standing) Committee Meeting (29/01/2013)
Author: Greg Golinski, Manger Corporate Performance
Appendix: [MTBN-1](#)
2. Title: Minutes – Asset Management Committee Meeting (18/02/2013)
Author: Greg Golinski, Manager Corporate Performance
Appendix: [MTBN-2](#)

Outcome – Council Committee Meeting 26 February 2013

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

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

8. Presentations

8.1 *Petitions*

8.2 *Presentations*

8.3 *Deputations*

8.4 *Council Delegates' Reports*

8.5 *Conference Delegates' Reports*

9. Method of Dealing with Agenda Business

10. Reports

10.1 Recommendations from Advisory Committees

10.1.1 Review of Chief Executive Officer Policies

File Ref:	A04051
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Team Leader Corporate Administration
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix ADV-1 , ADV-2

Summary

The purpose of this report is for Council to consider the adoption of revised and restructured CEO Policies that are required to comply with Council's recently adopted framework for policy creation and review.

Council Committee Recommendation

That the Policy Review and Development (Standing) Committee recommend that Council:

1. Adopt the following recommendations regarding the Chief Executive Officers Administrative policies as presented and amended at the Council meeting **attached** at Appendix [ADV-1](#):
CEO1: Advertisement Appeals Policy
CEO2: Annual Performance Appraisal and Salary Review
CEO3: Civic Commendations
CEO6: Honorary Freeman of the City of Bunbury
CEO7: Establishment and Operation of Council Advisory Committees
CEO9: Media Statements
2. Revoke the following Chief Executive Officer Administrative policies as presented **attached** at Appendix [ADV-2](#):
CEO4: Councillor Access to Information
CEO5: Economic Development

Background

At the September 2012 Meeting of the Policy Review and Development (Standing) Committee, it was resolved that the committee endorse the proposed method of review for existing policies, in that they be revised by the relevant directorate and referred back to committee for consideration.

It was determined that the CEO policies be reviewed, revised and amended before referring back to committee in the newly adopted Policy Framework as the first matters of policy to undergo review.

These policies were considered by the Policy Review and Development (Standing) Committee at its meeting held on 30 October, where it was resolved to refer the policies to

a future meeting of the Committee, which would enable Officers to incorporate the suggested modifications raised by Committee members in discussion.

The policies were further discussed at the subsequent Policy Review and Development (Standing) Committee meeting held on 20 November 2012, however the meeting was adjourned (closed) without any formal recommendation to amend these policies.

Notwithstanding, there were some further suggestions discussed, which have now been incorporated into the draft policies that appear appended to this agenda.

Council Policy Compliance

There are no Council policies that relate to the creation and adoption of policy.

Legislative Compliance

Every Council policy notes any relevant references to legislation and other statute where applicable.

Officer Comments

The CEO policies as **attached** at Appendix [ADV-1](#) and as revised provide clear direction for Council and staff in the implementation of processes relative to each of the policy topics.

Where applicable, a Corporate Guideline complements a Council Policy in line with the policy framework recently adopted by Council.

Further to the last meeting of this committee, the City's Grants Officer has conducted a thorough review of Council Policy CEO-10 Community Funding, which appears as amended **attached** at Appendix [ADV-1](#).

The proposed community funding policy was redrafted as a result of extensive research into other LGA's funding policies, consideration of the current policy against the requirements of the City of Bunbury community and focus groups, and internal consultation with relevant City of Bunbury Directors and Officers.

It aims to provide a transparent and equitable process, applicable across all City of Bunbury Directorates, through which Council provides financial support to all individuals, community and sporting groups, and other legal entities to the exception only of those specifically listed as being excluded. The policy will act to provide a framework by which all requests for financial support are considered equally and through a defined assessment process, and will eliminate ad hoc and unsolicited requests to Council.

It is recommended that all individual projects currently appearing in the 2013/14 draft budget relating to financial support provided to individuals, community and sporting groups, and other legal entities be included under this policy, with the exception of those specifically excluded.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications likely to arise from the proposed adoption of these reviewed policies.

Community Consultation

There is no requirement for community consultation on these matters as they merely identify Councils strategic objectives in relation to the issues to which they refer.

Councillor/Officer Consultation

This report to committee serves to draw to the attention of elected members the proposal to adopt these revised policies.

Outcome – Council Committee Meeting 26 February 2013

Deputy Mayor Cr Craddock moved Cr Leigh seconded procedural motion 11.1(b) of the City of Bunbury Standing Orders that the debate on the policy titled '*CEO2 Annual Performance Appraisal and Salary Review*' be adjourned until the Mayor and Cr Cook have attended the CEO Performance Appraisals WALGA training course in March. The Mayor put the procedural motion to the vote and was LOST 5 votes "for" / 6 votes "against".

The recommendation (as printed) from the Advisory Committee was moved Cr Cook, seconded Deputy Mayor Cr Craddock.

The Mayor took the discussion of all the CEO Council Policies separately in order to capture any amendments the Councillors may have had.

Cr Kelly moved Cr Slater seconded the following amendments to the Council policies:

CEO2 Annual Performance Appraisals and Salary Review

1. Delete where it states: "*The Mayor will be a member of the committee*"
2. Amend where it states: "*the committee will interview the Mayor, Deputy Mayor, etc*" to read "*the committee will separately invite the Mayor, Deputy Mayor, and each member of the Executive Leadership Team and all Councillors to be interviewed*"
3. Amend to include "*the CEO is entitled to choose a Councillor as a committee member*"
4. Amend to include: "*the CEO Performance Review will be conducted in accordance with the contract of employment and the KPI's set by the previous year's committee appraisal*"

CEO9 Media Statements

Amend point 1 to read "*The Officer in consultation with the CEO and the Mayor's office...*"

CEO10 Community Funding

Exclude the policy from the discussion and refer back to the advisory committee for further discussion.

It was suggested that the advisory committee recommendation have the words "... and amended..." added after "... as presented..." This amendment was agreed to by the mover and seconder (Cook/Craddock) of the substantive motion.

The Mayor put the motion (as amended) to the vote to become the Committee's recommendation on the matter.

10.1.2 Review of Chief Executive Officer Policy CEO 8 – Legal Representation for Council Members and Employees

File Ref:	A04051
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Team Leader Corporate Administration
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix ADV-3

Summary

The purpose of this report is for Council to consider the adoption of revised and restructured CEO Policy CEO 8 'Legal Representation for Council Members and Employees' which is required to comply with Council's recently adopted framework for policy creation and review.

Advisory Committee Recommendation

That the Policy Review and Development (Standing) Committee recommend that Council adopt the Chief Executive Officers Administrative policy CEO 8 "Legal Representation for Elected Members and Employees" as revised and **attached** at Appendix [ADV-3](#).

Background

At the September 2012 Meeting of the Policy Review and Development (Standing) Committee, it was resolved that the committee endorse the proposed method of review for existing policies, in that they be revised by the relevant directorate and referred back to committee for consideration.

It was determined that the CEO policies be reviewed, revised and amended before referring back to committee in the newly adopted Policy Framework as the first matters of policy to undergo review.

These policies were considered by the Policy Review and Development (Standing) Committee at its meeting held on 30 October, where it was resolved to refer the policies to a future meeting of the Committee, which would enable Officers to incorporate the suggested modifications raised by Committee members in discussion.

The policies were further discussed at the subsequent Policy Review and Development (Standing) Committee meeting held on 20 November 2012, however the meeting was adjourned (closed) without any formal recommendation to amend these policies.

Council Policy Compliance

There are no Council policies that relate to the creation and adoption of policy.

Legislative Compliance

Every Council policy notes any relevant references to legislation and other statute where applicable.

Officer Comments

CEO policy CEO 8, as **attached** at Appendix [ADV-3](#) and as revised provides clear direction for Council and staff in the implementation of processes relative to each of the policy topics.

A Corporate Guideline which complements this Council Policy in line with the policy framework recently adopted by Council is also **attached** at Appendix [ADV-3](#).

Analysis of Financial and Budget Implications

There are no financial or budgetary implications likely to arise from the proposed adoption of this reviewed policy.

Community Consultation

There is no requirement for community consultation on this matter as it merely identifies Council's strategic objectives in relation to the issues to which they refer.

Councillor/Officer Consultation

This report to committee serves to draw to the attention of elected members of the proposal to adopt this revised policy.

Outcome – Council Committee Meeting 26 February 2013

Due to the number of declarations of interest in this matter, the meeting lacked a quorum and was unable to discuss the matter. The item has been adjourned pending an exemption from Department of Local Government.

10.1.3 City of Bunbury Museum Collection Policy

File Ref:	A04505
Applicant/Proponent:	Internal Report
Author:	Felicity Anderson, Manager Community Culture and Engagement; and Lauretta Davies, Museum Curator
Executive:	Stephanie Addison-Brown, Director Community and Customer Services
Attachments:	Appendix ADV-4

Summary

The City of Bunbury Museum Collection Policy is presented to Council for adoption following significant deliberations at several City of Bunbury Museum Advisory Committee meetings. The policy provides good governance in managing a Museum Collection to collect, document, research, exhibit, promote and de-accession in a consistent and planned manner.

Council Committee Recommendation

The City of Bunbury Museum Advisory Committee recommends that Council adopt the City of Bunbury Museum Collection Policy as **attached** at Appendix [ADV-4](#).

Background

The proposed Museum policy was discussed at the Policy Review and Development Committee 29 January 2012. The following outcome was reported in the minutes:

“Committee Outcome

Discussion took place about the appropriateness of having the Policy Review and Development (Standing) Committee considering the endorsement of a Museum Collection Policy. The CEO advised that the terms of reference of this committee required all administrative Council policies to be considered by the Policy Review and Development (Standing) Committee.

The following alternate motion was Moved Cr Craddock and Seconded Cr Kelly:

“That the Policy Review and Development (Standing) Committee advise the Museum Curator that the Committee has no objection to the Museum Collection Policy as presented at Appendix 3.”

CARRIED”

It is noted that the development of a Collection Policy was a key responsibility of the Curator.

The Western Australian Museum provided support and encouragement for the City of Bunbury Museum project through their Acting Manager of Development Services, Ms Clare-Frances Craig. She attended a number of Museum Advisory Committee meetings and provided expertise regarding the Bunbury Museum site selection and associated Collection Policy.

While the Museum Advisory Committee focused on discussions concerning site selection for the Museum, as per the terms of reference, both community representatives and

councillors of the Museum Advisory Committee provided input during a number of discussions at meetings relating to the creation of a Museum Collection Policy.

The final draft Collection Policy was sent to the WA Museum for comment and Ms Craig responded:

“Thank you for the opportunity to comment on the Collection Policy. In general the document reflects sound practice and will stand the committee in good stead in developing the collection.”

Council Policy Compliance

There is no Council policy affecting this recommendation

Legislative Compliance

There is no legislative requirement for this recommendation

Officer Comments

The proposed Bunbury Museum Collection Policy provides good governance and best practice for the development of the Bunbury Museum collection, as recommended by the National Standards for Australian Museums and Galleries and is endorsed by Western Australian Museum representative, Ms Clare-Frances Craig.

Analysis of Financial and Budget Implications

The implementation of the policy will have annual budget and financial implications through facility development, fit out requirements, acquisitions, de-accessioning, conservation and restoration, care and maintenance and loans.

Community Consultation

The City of Bunbury Museum Collection Policy was not specified as a responsibility of the Museum Advisory Committee however, the Advisory Committee included five (5) community members and Councillor Representation who provided expertise and input into the development of the Policy through committee discussion.

Councillor/Officer Consultation

The Museum Advisory Committee had up to four (4) Council members including the Mayor, and other Councillors attending, who provided input into the development of the Museum Collection Policy during discussions.

Outcome – Council Committee Meeting 26 February 2013

The recommendation (as printed) from the Advisory Committee was moved Deputy Mayor Cr Craddock, seconded Cr Cook.

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

10.1.4 Koombana Drive – Installation of Traffic Island, Sign and Relocation of Limit Reduction

File Ref:	R00564-10
Applicant/Proponent:	Bunbury Region RoadWise Committee
Author:	Rachel Griffiths, Engineering Technical Officer
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix ADV-5

Summary

The Bunbury Region RoadWise Committee has supported the installation of a raised median island and relocation of speed limit reduction signage on Koombana Drive from 80 km/hr to 60 km/hr and has referred its recommendation to the Council for support.

The Councils support is required before any formal submissions can be made to Main Roads Western Australia, the statutory authority controlling road speed limits.

Council Committee Recommendation

That the Council support the relocation of speed limit reduction on Koombana Drive from 80 km/hr. to 60km/hr. to a location 150m east of the existing BEMAX Cable Sands turnout.

Advisory Committee Recommendation

That the Council support the installation of a raised median traffic island, sign and relocation of speed limit reduction on Koombana Drive from 80 km/hr to 60km/hr to a location 150m east of the existing BEMAX Cable Sands turnout.

Background

The City has received a request from the Koombana Bay Village to reduce speed zoning in front of their facility.

The Bunbury Region RoadWise Committee identified the need to relocate the 60 k/hr speed reduction 150 metre prior to the Dolphin Discovery Centre Access, when heading into the City centre.

Officer Comments

A traffic count undertaken 50m west of the existing 80/60 km/h threshold (July 2012) shows that Koombana Drive carries 12,900 vehicles per day of which 85% travel at or below 72 km/h. The proportion of vehicles travelling higher than the relocated speed zoning will present a compliance issue for the WA Police, but clear sign posting, public information and a period of driver education is seen as a reasonable approach to transition this proposed change.

The City has received advice from Main Roads WA indicating that it has no objection to the relocation of the speed zone change threshold.

A copy of the proposal for the Koombana Drive Speed Limit Relocation is shown at **attached** Appendix [ADV-5](#).

Analysis of Financial and Budget Implications

There are no financial implications for the Council.

Outcome – Council Committee Meeting 26 February 2013

The recommendation (as printed) from the Advisory Committee was moved Cr Cook, seconded Cr McNeill.

The Mayor put the motion to the vote and was LOST 4 votes “for” / 7 votes “against”.

Deputy Mayor Cr Craddock moved Cr Leigh seconded the following motion:

“That the Council support the relocation of speed limit reduction on Koombana Drive from 80 km/hr. to 60km/hr. to a location 150m east of the existing BEMAX Cable Sands turnoff.”

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

10.1.5 Asset Management Strategy

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Greg Golinski, Manager Corporate Performance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix ADV-6

Summary

The purpose of this report is for Council to consider adopting an Asset Management Strategy for the City of Bunbury.

Council Committee Recommendation

That Council adopt the Asset Management Strategy presented as Appendix [ADV-6](#).

Background

The Asset Management framework for WA Local Government (part of the Integrated Planning and Reporting (IPR) framework), requires all local governments develop and adopt an Asset Management Policy and an Asset Management Strategy (the Strategy).

Collectively, these two documents provide an overarching framework for the City as we refine our asset management practices to a more mature level, and develop asset management plans for our major asset classes.

The draft Strategy as **attached** at Appendix [ADV-6](#) has been through a number of iterations, and has been endorsed by the City's Asset Management Advisory Group, the Executive Leadership Team, and the Asset Management Committee. The Strategy is now presented to Council for consideration.

Council Policy Compliance

The Asset Management Strategy should be read in conjunction with the City's Asset Management Policy (subject of a separate report in this agenda).

Legislative Compliance

The Asset Management Framework for WA Local Government requires all local governments develop and adopt an Asset Management Strategy.

Officer Comments

At its meeting held on 18 February 2013, the Asset Management Committee unanimously resolved as follows:

"That the Committee recommend to Council the adoption of the Asset Management Strategy presented at Appendix 3."

An Asset Management Strategy outlines how the local government's asset portfolio will:

- Meet the service delivery needs of its community into the future;
- Enable the Asset Management Policy to be achieved; and

- Ensure that asset management is established as part of the local government's plan for the future.

The Strategy, in unison with individual asset management plans, responds to four questions put to local government as part of the IPR framework:

- What assets do we currently have?
- What is the current asset management position, including current and forecast future needs and adequacy of funding?
- Where do we want to be?
- How will we get there?

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

The draft Strategy has been endorsed by the City's Asset Management Advisory Group, the Executive Leadership Team, and the Asset Management Committee.

Outcome – Council Committee Meeting 26 February 2013

The recommendation from the Advisory Committee was amended as follows:

"That Council adopt the Asset Management Strategy presented as Appendix ADV-6."

The recommendation (as amended) from the Advisory Committee was moved Cr Jones, seconded Cr Steck.

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

10.2 Director Corporate Services Reports

10.2.1 Schedule of Accounts Paid for the Period 1 to 31 January 2013

File Ref:	A00083
Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-1

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 to 31 January 2013 is **attached** at Appendix [DCS-1](#). The schedule contains details of the following transactions:

1. Municipal Account - payments totalling \$5,854,055.33
2. Advance Account - payments totalling \$3,910,756.52
3. Trust Account - payments totalling \$10,585.31
4. Visitor Information Centre Trust Account - payments totalling \$10,611.00
5. Bunbury-Harvey Regional Council Municipal Account - payments totalling \$529,542.32
6. Bunbury-Harvey Regional Council Advance Account - payments totalling \$450,994.79

For Committee/Council Information Only.

Council Committee Recommendation

The Schedule of Accounts Paid for the period 1 to 31 January 2013 be received.

Outcome – Council Committee Meeting 26 February 2013

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

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

10.2.2 Financial Management Report for the Period Ending 31 January 2013

File Ref:	A02838
Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Director:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-2 , DCS-3 , DCS-4 , DCS-5 , DCS-6

Summary

The following comments are provided on the key elements of Council's financial performance.

1. Statement of Comprehensive Income (**attached** at Appendix [DCS-1](#))
 Actual Financial Performance to 31 January 2013
 - Actual income of \$40.77M is \$119K more than the year-to-date budgeted income of \$40.65M (refer explanation on next page).
 - Actual expenditure of \$22.76M is \$634K less than the year-to-date budgeted expenditure of \$23.4M, (refer explanation on next page).
 - Actual operating surplus of \$18.0M is \$753K more than the year-to-date budgeted operating surplus of \$17.25M.

2. Balance Sheet (**attached** at Appendix [DCS-4](#))
 Council's Year-to-date and Forecast balances are as follows:

	<u>Year-to-date</u>	<u>Forecast</u>
- Current Assets of \$42.8M includes:		
* Cash and Investments	\$35.4M	\$15.8M
* Rates	\$ 6.0M	\$ 0.6M
* Other Current Assets	\$ 1.4M	\$ 1.3M
- Current Liabilities of \$6.5M includes:		
* Trade and Other Payables	\$ 2.9M	\$ 4.7M
* Annual Leave and LSL Provisions	\$ 2.4M	\$ 2.9M
- Working Capital (Current Assets less Current Liabilities)	\$36.3M	\$ 8.5M
- Equity (Total Assets less Total Liabilities)	\$245.3M	\$229.5M

3. Capital Works (**attached** at Appendix [DCS-6](#))
 - Actual capital works of \$11.3M is \$6.5M less than the year-to-date budgeted capital works of \$17.8M, (refer explanation on next page).

Council Committee Recommendation

The Financial Management Report for the period ending 31 January 2013 be received.

Background

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at

Appendix [DCS-3](#)) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

Councillors have also been provided with the following summaries in addition to the Statement of Financial Activity required under the Regulations:

- Statement of Comprehensive Income (**attached** at Appendix [DCS-2](#))
- Balance Sheet (**attached** at Appendix [DCS-4](#))
- Statement of Net Current Assets (**attached** at Appendix [DCS-5](#))
- Capital Works Expenditure Summary (**attached** at Appendix [DCS-6](#))

Summaries include end-of-year forecasts based on a monthly review of year-to-date income and expenditure for all accounts.

The following is an explanation of significant Operating and Capital variances identified in the Statement of Comprehensive Income and Statement of Financial Activity:

Statement of Comprehensive Income	YTD Actual to Budget Variance
Operating Income	
Fees and Charges (Rating Fee Income) – The variance is for income budgeted for the provision of ratepayer information. This income is currently being recognised in an alternative account, ‘Miscellaneous Fees and Charge Income’. An adjustment will be included in the February budget review to correct the budgets between these two accounts. There will be no impact on the end of year financial position.	(\$14,255)
Operating Expenditure	
Material and Contracts (Contract Employment Expense) – The use of contract labour is greater than original budget predictions due to delay in employment of staff. Additional expenditure in this category will be offset by reductions in actual salaries and wages paid. There is no anticipated impact on the end of year financial position.	(\$31,531)
Material and Contracts (Equipment Lease or Hire Expense) – An amount of \$30,385 has been expended on leasing of Lot 757 Ocean Drive. An adjustment will be included in the February budget review for this expenditure and will be offset by an increase in budgeted income for lease costs reimbursed. Leasing fees for the Victoria Street Carpark are greater than year to date budget due to the reimbursement of rates and other charges associated with the lease. An adjustment will be made at the February budget review to reallocate budgeted funds available for this project from ‘contractors’ expense’. There is no anticipated impact on the end of year financial position as a result of these adjustments.	(\$52,138)
Material and Contracts (Bank Fee and Charges Expense) – Bank fees associated with the payment of rates via internet and phone is greater than the year to date budget. This is a timing issue only and there is no anticipated impact on the end of year financial position.	(\$11,003)
Utilities (Water Expense) – Variance is due to timing in receipt of	(\$45,825)

accounts. There is no anticipated impact on the end of year financial position.	
Utilities (Sewerage Expense) - Variance is due to timing in receipt of accounts. There is no anticipated impact on the end of year financial position.	(\$14,987)
Other Expense (Miscellaneous Non-Cash Expense) – Minor variance in relation to interest adjustments in the rating system. This is a non-cash item and will not impact the end of year financial position.	(\$779)
Non-Operating Income and Expenditure	
<p>Grants and Contributions for the Development of Assets – Actual to budget year-to-date variation due to timing of receipt of grant revenue for capital projects including the following:</p> <p>Upgrade runway and taxiway lighting (\$56,000) Upgrade landscaping Lot 431 Upper Esplanade (\$50,000) Renew Sykes boat ramp and jetty (\$200,000) Replace surface - Bunbury District Netball Courts (\$50,000) Reconstruct section of Parade Road (\$200,000) Upgrade Parade Road (\$120,000) Construct median separation and turning lanes Picton Road (\$80,000)</p> <p>This income is still expected to be received during 2012-13. As a result there will be no impact on the end of year financial position in relation to these items.</p> <p>An amount of \$708,414 in grant funds for the construction of the Hay Park South Multisports Pavilion is currently included in the year-to-date budget estimates. It is now anticipated this project will be completed in the 2013-14 financial year. Adjustments will be included in the February budget review to both income and expenditure for this project resulting in additional funds at year end. These funds will be required to fund the project in 2013-14.</p>	(\$1,434,746)
Statement of Financial Activity	YTD Actual to Budget Variance
Operating Expenses	
Other Expenses – Favourable variance due to the timing of expenditure on various general ledger accounts. The February budget review will identify any amounts that will not be utilised resulting in a positive impact to Council's year-end financial position.	\$173,805
Capital Revenues	
Grants and Contributions for the Development of Assets – See explanation above included in the Statement of Comprehensive Income variances.	(\$1,434,746)
Interest Received on Capital Grants – Favourable variance due to higher than expected investment funds held as at 31 January 2013. It is anticipated that an additional \$100,000 in interest income will be received on grant funds invested for the Bunbury Regional Entertainment Centre Upgrade project. These additional	\$74,820

funds will be restricted specifically for use on this project as per the grant agreement conditions.	
Proceeds on Disposal of Assets – Favourable variance due to timing of vehicle disposals. There is no anticipated impact on the end of year financial position.	\$143,546
Capital Expenses	
<p>Acquisition of Assets – Variance due to delay in commencement or progress of various projects totalling \$6.5M of which \$5.6M will be completed by 30 June 2013. These project include:</p> <p>PR-1070 Construct median separation and turning lanes Picton Bunbury - Henley to Robertson Drive PR-1394 Upgrade and renovate Wildlife Park cafe and office building PR-1101 Construct extension of Somerville Dr and intersection with Robertson Dr PR-1199 Upgrade streetscape Victoria St (Eliot St to Clifton St) PR-2455 Upgrade landscaping - Lot 431 Upper Esplanade PR-1444 Implement the Hands Oval Master Plan - Stage 1 PR-1035 Design and construct extension - Bunbury Regional Entertainment Centre PR-1593 Replace corporate heavy plant 2012/13 PR-1952 Renew Sykes boat ramp and jetty (Adjacent - Power Boat Club) PR-2454 Replace pool dosing system at the South West Sports Centre</p> <p>The variance balance of \$893K is for projects that will be carried forward to 2013-14 including:</p> <p>PR-2468 Undertake traffic management for Stuart Street, Bunbury PR- 1035 Design and construct extension - Bunbury Regional Entertainment Centre PR-1021 Construct Hay Park South multi sports pavilion</p> <p>This will result in an increase in the cash position at year end that will be required to fund these projects in 2013-14.</p>	\$6,471,784

Outcome – Council Committee Meeting 26 February 2013

The Executive recommendation (as printed) was moved Cr Jones, seconded Deputy Mayor Cr Craddock.

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

10.3 Director Planning and Development Services Reports

10.3.1 Local Planning Policy Review

File Ref:	A04151
Applicant/Proponent:	Internal Report
Author:	Ann-Kristin Jank, Senior Strategic Planner
Executive:	Bob Karaszewych, Director Planning and Development Services
Attachments:	Appendix DPDS-1

Summary

This is the second round in the current Local Planning Policy (LPP) Review Programme, which is documented in the Local Planning Policy Review Manual.

Modifications, which are proposed as part of the review, are generally minor in nature (including structural changes like formatting, upgrading references to current legislation and review of maps/areas) and do not change the overall purpose or intent of the LPP.

Council approved public advertising of the second round of reviewed LPP at its meeting on 20 November 2012 for a minimum of 21 days in accordance with clause 2.3 of Town Planning Scheme No.7 (TPS7).

The reviewed policies are presented to Council now for final adoption as part of the general review process.

Council Committee Recommendation

Council, pursuant to the *Planning and Development Act 2005*, hereby resolves to adopt the following reviewed Local Planning Policies:

1. Koombana Cove Design Guidelines;
2. Grand Canals Design Guidelines;
3. Tuart Street Precinct Design Guidelines; and
4. College Grove (Stage 5) Design Guidelines.

Background

Details of the current LPP review process have been presented to Council on several occasions, and a number of LPP have been reviewed and adopted in 2011 and 2012 (Council Decisions 118/11, 181/11, 251/11, 252/11 and 149/12)

Council Policy Compliance

Not applicable.

Legislative Compliance

Amendments to LPP are required to be advertised for public comment.

Officer Comments

The scheme sets out procedures for Council to prepare and amend LPP, which are required as a normal part of regulating land use and development specific to a local government's needs. LPP are guidelines used to assist the local government in making decisions on specific issues or a range of issues in a specific place that require more detailed guidance.

The LPP review process is being undertaken in accordance with a quality assured approach that is being documented in a Local Planning Policy Review Manual. The manual is a technical and operationally focused document that provides a legacy for benchmarking and constant improvement. Specifically, the manual clarifies the review process and provides the background analysis, justification and rationale for a comprehensive review of all current LPP.

The bulk of reviewed LPP is proposed to be presented to Council in blocks. The first round of reviewed LPP was adopted in June 2011. The second round of revised LPP is **attached** at Appendix [DPDS-1](#). Some policies will be (and have already been) presented to Council separately due to links to scheme amendments, other planning processes or due to the strategic significance of the draft LPP.

Analysis of Financial and Budget Implications

There are no known financial or budget implications.

Community Consultation

The second round of reviewed LPP has been advertised for public comment from 19 December 2012 until 16 January 2013. No submissions were received.

Councillor/Officer Consultation

All of the reviewed LPP have previously been endorsed by Council.

Outcome – Council Committee Meeting 26 February 2013

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

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

10.3.2 Proposed Produce Market and Lunch Bar (Ancillary Use) – LOT 1, DP 20227 (No.2-6) Vittoria Road Glen Iris

File Ref:	P10211-02
Applicant/Proponent:	TME Town Planning Management Engineering Pty Ltd
Author:	Kelly Shore, Planning Officer
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-2 , DPDS-3

Summary

The proposal is for a Produce Market and Lunch Bar as defined in Schedule 2 Special Use Zone 54 of Town Planning Scheme No. 7. The Bunbury Farmers Markets are moving from their current location at 185 Blair Street where they are operating as a Showroom and Warehouse to establish a new outlet at Lot 1, No. 2-6 Vittoria Road Glen Iris (formerly Waldeck's Nursery).

The Department of Planning (DoP) has determined under Schedule 1, clause 9 of the Greater Bunbury Region Scheme (GBRS) that the proposed development constitutes a new building for shop-retail purposes being more than 3,000m². As such a Development Application under this part of the GBRS is required (Form 1).

Council Committee Recommendation

Council, pursuant to the provisions of the *Planning and Development Act* 2005, hereby resolves to:

1. Recommend to the Western Australian Planning Commission that they Grant (conditional) Planning Approval to TME Town Planning Management Engineering in respect of a Change of Use for a Produce Market and Lunch Bar at Lot 1, No. 2-6 Vittoria Road Glen Iris.

[Note: With conditions to be to the satisfaction of the Manager Development Assessment and Building Certification.]
2. Forward the Recommendation to the Western Australian Planning Commission along with the Schedule of Submissions for its determination.
3. Once the WAPC has endorsed the adopted Detailed Area Plan for Lot 1, No. 2-6 Vittoria Road Glen Iris , the City shall Grant (conditional) Planning Approval, under delegation, to TME Town Planning Management Engineering in respect of a Change of Use to Produce Market and Lunch Bar at Lot 1, No. 2-6 Vittoria Road Glen Iris under TPS7.

Background

The subject land is zoned Special Use 54 under Town Planning Scheme No. 7. At the Council Meeting of 11 December, 2012, Council resolved to adopt the Detailed Area Plan (DAP) for Bunbury Farmers Market – Lot 1 Vittoria Road, Glen Iris (as **attached** at Appendix [DPDS-2](#)) and refer the proposed Detailed Area Plan (DAP) to the Western Australian Planning Commission for endorsement in accordance with Condition 2.1 (a) of Special Use 54 of Town Planning Scheme No.7.

Council Policy Compliance

Glen Iris Structure Plan

The site is marked as 'Gateway Commercial Precinct' under the WAPC endorsed Glen Iris Structure Plan (2010). Note 9 of the Structure Plan text refers to the site in the following:

"The uses permitted in the Gateway Commercial Precinct are as determined by the scheme amendment to a special use zone to accommodate commercial uses that are primarily of a non-retail nature and that do not compete with the local convenience shopping function of the Neighbourhood Centre. This precinct will cater for the wider Greater Bunbury area."

Detailed Area Plan

The Detailed Area Plan (DAP) adopted by Council on 11 December, 2012 is currently lodged with the Department of Planning for endorsement by the Western Australian Planning Commission, in accordance with Condition 2.1(a) of Special Use zone 54 of the Scheme.

The proposed Farmer's Market and Lunch Bar (ancillary use) is consistent with the adopted Detailed Area Plan and provides further details of built form and site layout for car parking and landscaping.

Legislative Compliance

Under Clause 9.4.1 (a) of TPS7 the proposal has been advertised as an 'A' use under Schedule 2 Special Use Zone 54 of the Scheme.

Officer Comments

The proposed produce market is consistent with the adopted Detailed Area Plan for the site for the following elements:

Vehicle Parking and Access:

As 'Produce Market' is a Use Class not listed, the calculation for required bays has been assessed under the Local Planning Policy: Access and Parking for Pedestrians, Bicycles and Vehicles under the Car Parking Table for Specific Uses based on 'Retail Premises' as a similar land use. The calculation is one (1) bay per 40m² GLA for areas open to the public plus one (1) bay per 100m² GLA used for storage, with a minimum of five (5) bays. This equates to 54 bays being required on site. The applicant has provided 124 bays in total (including four (4) disabled bays) as a generous calculation based on shop calculations. This figure is more appropriate to the number of customers that is likely to be generated on site.

No direct vehicle or pedestrian access has been provided to Jubilee Road as identified on the DAP to ensure management of issues such as un-formalised parking, anti-social behaviour and service vehicle movements.

The applicant will be required to implement an interim access arrangement until such time as the full upgrade of Vittoria Road is to be undertaken consistent with the concept plan prepared by MRWA and the City of Bunbury. As a condition of the development approval a safety audit of the interim access design shall be undertaken prior to construction commencing to the satisfaction of the City in consultation with Main Roads.

As a condition of the development approval, the applicant will be required to pay a contribution towards the implementation of the concept plan prepared by MRWA and the City of Bunbury. Internal discussions between the Planning and Development Services and Works and Services have proposed the following arrangement for the funding of the ultimate Vittoria Road upgrade:

- The applicant is to contribute to upgrade of Vittoria Road as per the MRWA concept plan. The contribution amount will include but not limited to the cost of design, road upgrade, re-location of existing services, drainage, shared paths, street lighting, public transport infrastructure, road reserve widening/creation, School access modifications (subject to their approval) and streetscape landscaping. The contribution amount will be calculated based on the following:
- The City of Bunbury will apply for regional road group funding to fund 2/3 of the cost of the upgrade works for Vittoria Road between, Australind Bypass and the proposed roundabout entrance to the new road adjacent to the proposed development on the western side.
- The remaining 1/3 of the cost of these works is to be funded by the developers of the “Farmers Market” site (Lot 1) and the proposed developer of Lots 17 and 30, and portions of Lot 4 and 410 Jubilee Road. The contribution cost is to be split based on the total Lot area of each development, minus any land area lost due to the creation or widening of road reserves.
- The timing of the works will be to the satisfaction of the City of Bunbury.
- If the applicant is to commence works prior to the calculation of the contribution amount being completed, the applicant is to lodge with the city a bond to the value of \$250,000 prior to the works commencing. Once the value of the contribution amount is known, any excess funds will be returned to the payee of the bond.
- Right turn movements out of the farmers market will not be allowed once the upgrade works are implemented. All users wishing to head north will be required to do their turning movements at a new roundabout to be constructed southerly of this development along Vittoria Road.
- The applicant is to note that remaining un-developed Lots will be required to contribute to the upgrading for the rest of Vittoria Road and a portion of Jeffery Road as development in the area proceeds.

Building Form:

Setbacks – Boundary setbacks are in accordance with the DAP. The minimum front setback of 6 metres exceeds the minimum requirement, and accommodates the existing building on site. To the south boundary adjoining the school, a 5.4m high parapet wall sits on the boundary. The proposed building is a minimum of 65 metres from the residential boundary to the east.

Building Height – In accordance with the LPP: Building Height. The highest point of the building does not exceed 7m above natural ground level. The building height does not impact on adjoining residential properties or the adjoining school.

Facades – The facades are a combination of weatherboard, natural limestone, and timber, which have been chosen to reflect a rustic farmer’s market appearance.

Entrances – The entrance is on the northern facade in the north-western corner of the building, constructed of a glass enclosure on three sides. This is the only customer entrance, and services a one-way system entry to the left and exit on the right.

Fencing – The northern boundary fencing is a 1.8 metre high visually permeable powder coated steel fence.

The residential interface to the east is to be in accordance with LPP 3.4: Non- Residential Development within or adjoining Residential areas, clause 8.3.1(a) A masonry wall with a minimum height of 2.2m above finished ground level not exceeding 3.5m in height.

Fencing to the south boundary is a 3 metre high limestone block wall to the front boundary, adjoining the parapet wall of the service and loading bay enclosure. There is no proposed fencing to the front setback along Vittoria Road.

Signage – All signage will be approved as a separate Development Application, plans show indicative locations of building signage.

Drainage – The City's Development Engineer has reviewed the Water Management Plan submitted by the applicant and has no objections to the proposal. Implementation of the plan shall be a condition of development approval.

Analysis of Financial and Budget Implications

Not applicable

Community Consultation

Under Clause 9.4.1 (a) of TPS7 the proposal has been advertised as an 'A' use under Schedule 2 Special Use Zone 54 of the Scheme, as follows:

- Letters to adjoining land owners.
- Sign posted on site for the entirety of the advertising period.
- Three (3) advertisements in the Bunbury Mail, "City Focus".

The Community consultation was undertaken from 19/12/2012 until 15/01/2013. During this time there were eleven (11) submissions received, eight (8) of which were from service authorities and three (3) of which were from individuals. A Schedule of Public Submissions is **attached** at Appendix [DPDS-3](#).

Councillor/Officer Consultation

The proposal was presented at the internal Development Coordination Unit (DCU) where it was discussed in a multi-disciplinary environment. Internal referrals were requested by Health, Building, Development Engineer, Strategic Planning and Parks and Gardens and their comments and requirements have been taken into consideration.

Outcome – Council Committee Meeting 26 February 2013

The Mayor asked if there was any member of the public that wished to address the Committee in regards to this matter.

Mr Colin Stillman, 16 Poller Way Australind representing Grace Christian School addressed the Committee. He stated that whilst he and the school, were not against the development

of the Farmers Market on Lot 1 Vittoria Road, they were concerned about the safety of the children who attended the school travelling in by bus. He envisages that there will be approximately an extra 2,000 vehicle movements along Vittoria Road. There is currently no designated bus bay on the western side of Vittoria Road. The school buses stop in the carriageway and the student alight from the bus onto the road reserve and cross the road between the bus and the cars. He believes that the traffic management solutions are not adequate enough and a better plan needs to be implemented before the development is approved.

Mr Gary Barbour from TME representing the proponents addressed the Committee in favour of the recommendation. He stated that the interim traffic solutions shown on the Detailed Area Plan (DAP) shows the widening of the road. He concurs that if the developments along Vittoria Road do occur, then the traffic issues will require further investigation. The owners of the Farmers Market have agreed to contribute to the funding of the road widening.

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

During the discussion of the item Cr Steck moved the procedural motion 11.1(b) that the debate on the matter be adjourned until the Council meeting the following Tuesday (5 March 2013) in order for the Council staff to put together a better traffic plan. The Mayor put the procedural motion to the vote and was LOST 3 votes “for” / 8 votes “against”.

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, Deputy Mayor Cr Craddock, Cr Jones, Cr Leigh, Cr Steele, Cr McNeill, Cr Cook, Cr Morris
Against: Cr Steck, Cr Slater, Cr Kelly

10.3.3 Proposed Single House and Agricultural (Flower and Vegetables) – Lot 101 Australind Bypass, Vittoria

File Ref:	P12873
Applicant/Proponent:	Victor John Howes
Author:	Teshome Tadesse, Senior Town Planning Officer
Executive:	Bob Karaszekewych, Director Planning and Development Services
Attachments:	Appendix DPDS-4 , DPDS-5 , DPDS-6 , DPDS-7 , DPDS-8

Summary

The proposed Single House and Agricultural (flower and vegetables) – Lot 101 Australind Bypass is considered to be inconsistent with the Scheme requirements for Development Investigation Policy Area (DIPA), which allows one (1) Single House development provided that it will not prejudice or adversely affect the future subdivision and development of the locality within the DIPA. The comments provided by the Bunbury Port Authority and the Department of Planning do not support the proposal.

The proposal is considered to prejudice and adversely affect the future development intention of the Bunbury Port as shown on the Inner Harbour Structure Plan (September 2009).

Council Committee Recommendation

The Council resolves to approve a single residence and agricultural use at Lot 101 Australind Bypass as per the planning application dated 29 October 2012 subject to the following conditions:

1. A notification on the title to the effect that the owner assumes the risk for being within the Port Buffer Zone.
2. Normal compliance with the R codes, National Construction Code (NCC) and supply authority requirements.
3. This site is zoned Rural and rural activity will be required to justify the agricultural access granted by Main Roads.
4. Forward its decision to the Western Australian Planning Commission (WAPC).
5. Advise the applicant and the submitter of its decision.

Executive Comment

In considering the above Committee recommendation, Officer's suggest that the following standard clause also be included as part of any potential resolution on this matter – *Note: With conditions to the satisfaction of the Manager Development Assessment and Building Certification.*

Executive Recommendation

That Council resolves to:

1. Refuse the proposed Single House & Agricultural (flower and vegetables etc.) – Lot 101 Australind Bypass Application reference DA 2012/266/1 in accordance with Town Planning Scheme No.7 of City of Bunbury for the following reasons:

- 1.1. The proposal is inconsistent with Clause 6.2.3.1 of TPS 7, as it would prejudice and adversely affect the future port expansion proposal as indicated on the Bunbury Port Inner Harbour Structure Plan (September 2009).
 - 1.2. Approval of the proposed development would compromise the realignment of the Preston River, as the subject land is set aside for Open Space and Recreation along the proposed realigned water course of the Preston River in accordance with the Bunbury Port Inner Harbour Structure Plan (September 2009).
 - 1.3. The proposed development is inconsistent with Clause 6.2.3.2 of TPS 7 which states that where a Structure Plan exists, subdivision and development to be undertaken in accordance with the Structure Plan.

The proposal is inconsistent with the Port Authority Board approved Inner Harbour Structure Plan (September 2009).
 - 1.4. Council is required to consult with public authorities and to have regard to their advice, prior to determination of the proposal, pursuant to Clause 10.1.1 and 10.2.1 (z) of TPS 7. In this case, the Port Authority has objected to the proposal and the Department of Planning (DoP) has advised that it is not in favour of the proposal. In accordance with the requirements of the Scheme comments from both public authorities is supported.
2. Refuse the proposal in accordance with the delegation instrument under the GBRS *“if Council accepts the advice from the Port Authority Board and considering staff recommending refusal. Council has delegated Authority under the provisions of the GBRS to determine the application.”*
 3. Forward its decision to the Western Australian Planning Commission (WAPC).
 4. Advise the applicant and the submitters its decision.

Background

The City has a number of communications with the applicant. The following is provided to Council as background information on the matter:

- On 25 July 2003, City advised the applicant that a Structure Plan is required in accordance with the Scheme prior to development occurring on the subject land. The response was provided by the City in response to the original application to build a single house through the building licence process.
- On 8 August 2005, the City re-iterated its original advice that a Structure Plan is required prior to development on the subject land.
- On 20 January 2009, the City advised the applicant that it could not progress the assessment of a building licence application prior to the issue of a valid Planning Approval.
- On 30 January 2009 the applicant submitted a planning application to the City for proposed single dwelling – private home.
- On 8 April 2009 the City Granted refusal to the proposed single house on Lot 101 Australind Bypass on the grounds of non-compliance with the Scheme requirements and that no Structure Plan had been endorsed by the WAPC.
- In September 2009, the Bunbury Port Authority Board approved Inner Harbour Structure Plan (September 2009).
- On 12 April 2011, the applicant withdrew the State Administrative Tribunal (SAT) appeal Matter No. CC2652011- Victor John Howes vs. City of Bunbury.

The Inner Harbour Structure Plan (September 2009) is **attached** at Appendix [DPDS-4](#).

- On 29 October 2012, the applicant re-submitted the current proposal - Planning Application for proposed Single House and Agricultural (flower and vegies etc.) – Lot 101 Australind Bypass.

A copy of development proposal as submitted by the applicant is **attached** at Appendix [DPDS-5](#).

Council Policy Compliance

The development plan (floor plan) shows four bedrooms and each bedroom will have a shower and toilet facilities. The provision of those facilities to each bedroom has raised a speculative question from MRWA that the proposed development could be easily converted into a lodging house as a commercial venture, as follows:

“The type house being proposed is a novelty style that could be potentially developed into a lodging house. Main Road does not support any potential commercial development along this section of Australind Bypass that relies on access from the Bypass.”

If it is intended to be used as commercial venture, the MRWA position is clear on the matter in that it will not support access from the Australind Bypass i.e. it has advised that if the lands use changes, the status of existing access is voided.

Location plan is **attached** at Appendix [DPDS-6](#).

Legislative Compliance

The proposal does not comply with Clause 6.2.3.1 of TPS7, as development of the subject land would compromise the future development intention of the immediate locality as shown on the Inner Harbour Structure Plan (2009). The Scheme only allows one (1) Single House development in a Development Investigation Policy Area provided that the development would not be detrimental for the future planning of the immediate locality. In this instance, it is considered that there is a clear case of inconsistency with the future planning intention of the area as shown on the Inner Harbour Structure Plan (2009).

Officer Comments

Approval of the proposed Single House and Agricultural (flower and vegetables) uses on Lot 101 Australind Bypass would compromise the Bunbury Port Inner Harbour Structure Plan (September 2009).

Town Planning Scheme No. 7 (TPS 7)

Lot 101 Australind Bypass is zoned “Rural” with a Development Investigation Policy Area designation on it. Amendment No.30 (Omnibus Amendment), which is currently with the WAPC, recommends the deletion of the Primary Distributor Road reservation within the subject land. It is anticipated that the Amendment will rectify the anomaly between the Region Scheme and the Local Scheme in terms of the road reservation on the subject land.

A copy of the zoning map under TPS 7 is **attached** at Appendix [DPDS-7](#).

Clause 6.2.3.1 of TPS7 provides the need for a Structure Plan for a Development Investigation Policy Area (DIPA) prior to development occurring on site. Specifically, it provides as follows:

“The Local Government requires a Structure Plan for a Development Investigation Policy Area, or for any particular parts of Development Investigation Policy Area, before recommending subdivision or approving development of land within the Development Investigation Area.

Notwithstanding the above, the Local Government may approve, at its discretion, one single house and associated outbuilding on any lot where the proposed development:

- a) is consistent with underlying zone; and*
- b) will not, in the opinion of Local Government, prejudice or adversely affect the future subdivision, development of land use expectations of the Development Investigation Area.”*

The proposal is inconsistent with the Scheme in that it does not satisfy the specific criteria of the Scheme, which allows a single house development providing that it does not compromise the future development intentions and objectives of the Development Investigation Policy Area. It is considered that approval of the proposed development on the subject land would interfere with the future development of the Bunbury Port as indicated on The Bunbury Port Inner Harbour Structure Plan (September 2009).

It should be noted that the Bunbury Port Authority and the Department of Planning have objected the proposal.

In addition to the above, Clause 6.2.3.2 of TPS 7 specifies that where a Structure Plan exists, subdivision and development to be undertaken in accordance with the Structure Plan. The proposal is not in line with the Port Authority Board approved Inner Harbour Structure Plan (September 2009).

The Bunbury Port Inner Harbour Structure Plan (September 2009)

In November 2008, Council resolved the following in relation to the Bunbury Port Inner Harbour Structure Plan:

“Council Decision 206/08

- 1. Council notes the submissions received on the Bunbury Port Authority’s proposed draft Bunbury Port Inner Harbour Structure Plan.*
- 2. Council forwards copies of the Schedule of Submissions and the individual submissions for consideration by the Bunbury Port Authority, and recommends that the Bunbury Port Authority addresses the concerns raised in the submissions through the revision of the proposed draft Bunbury Port Inner Harbour Structure Plan and/or the preparation of the draft Port Buffer Definition Study where appropriate.*
- 3. Council forwards copies of the Schedule of Submissions and the individual submissions for consideration by the Western Australian Planning Commission, and recommends that the Commission directs the Bunbury Port Authority to address those relevant matters raised in the submissions to the satisfaction of the Commission; and that the Commission acts to supervise the revision of the proposed draft*

Bunbury Port Inner Harbour Structure Plan and/or preparation of the draft Port Buffer Definition Study.

4. *Council requests the Western Australian Planning Commission considers the continuation of the conditions imposed on the adopted Inner Harbour Lease Structure Plan, by way of imposing the same and/or similar environmental conditions on an endorsed Bunbury Port Inner Harbour Structure Plan to the satisfaction of the Environmental Protection Authority.*
5. *Council requests that the Western Australian Commission assumes the responsibility of the decision-making Authority, and that considers the proposed draft Bunbury Port Inner Harbour Structure Plan and the draft Port Buffer Definition Study for endorsement, pursuant to the Planning and Development Act 2005 and the Greater Bunbury Region Scheme.*
6. *Council requests that the decision-making authority refers the proposed draft Bunbury Port Inner Harbour Structure Plan to the Environmental Protection Authority for environmental impact assessment of the proposal and the associated draft Port Buffer Definition Study, pursuant to the Environmental Protection Act 1986.*
7. *Council advises that, subject to the assessment of the proposal by the Environmental Protection Authority and the endorsement of the proposed draft Bunbury Inner Harbour Structure Plan and the draft Port Buffer Definition Study by the Western Australian Planning Commission, it will rescind the existing Inner Harbour Lease Structure Plan.*
8. *Council advises the Western Australian Planning Commission that its position in relation to the Leschenault Homestead is that relocation of the Leschenault Homestead is unacceptable in terms of the City of Bunbury Heritage Planning Policies.”*

Council did not proceed to adopt the Bunbury Port Inner Harbour Structure Plan under the Scheme due to the gazettal and commencement of the Greater Bunbury Region Scheme (GBRS), which extends power to the Bunbury Port Authority in relation to Port related development activities. The City forwarded all submissions and Council's decision on the proposed draft Bunbury Port Inner Harbour Structure Plan to the Western Australian Planning Commission for further consideration in accordance with applicable statutory requirements.

The Western Australian Commission's position on the draft Bunbury Port Inner Harbour Structure Plan was clearly communicated to the City and the landowner in the letter dated 24 February 2009, and, in part, it reads as follows:

“A draft structure plan for the port area has been prepared by the Port Authority as it was a requirement of TPS No 7. However, since the commencement of that process, the Greater Bunbury Region Scheme (GBRS) has been gazetted, which now reserved the port land, in both the region scheme and the City of Bunbury's local planning scheme, and has removed the ability for Council and the Western Australian Planning Commission to adopt/endorse the draft Bunbury Port Structure Plan.”

In light of the above, the Bunbury Port Authority Board approved the Bunbury Port Inner Harbour Structure Plan in September 2009. The Bunbury Port Authority approved Structure Plan is acknowledged by the WAPC and the City given the head of power extended by the

GBRS and the advice from the WAPC on the matter. Therefore, the Structure Plan should be referred to and used as a framework for future development of Port Authority land and the immediate locality covered by the Structure Plan. It is considered necessary that the responsible authorities have regard to the Port Authority's Inner Harbour Structure Plan (September 2009) prior to decision making on new development proposals.

The Bunbury Port Authority Board approved Bunbury Port Inner Harbour Structure Plan (September 2009) identifies Lot 101 Australind Bypass as "Parks and Recreation". One of the core undertakings of the Inner Harbour Structure Plan will be the diversion of the Preston River. The course of the river will be altered to facilitate the future Bunbury Port Expansion activities as indicated on the Structure Plan. The Plan shows that the river will set its course in the vicinity of the subject land with the subject land abutting the river indicated as Open Space and Recreation. This deviation of the river course cannot be effected if any form of development is allowed within the intended course of the river and its immediate locality; and therefore the proposed single house and agriculture (flower and vegies) on the subject land cannot proceed.

The Greater Bunbury Region Scheme (GBRS)

Lot 101 Australind Bypass is zoned "Rural" under the GBRS and it abuts "Primary Regional Road" (Reserve). The Department of Planning advised that "...the development proposal gets called in under the provisions of Clause 27, Schedule 1 Clause 4 (development adjacent to a Port Installations reservation) i.e. a GBRS DA is required." The City has forwarded the proposed development proposals to the DoP for consideration in accordance with the GBRS.

The DoP has further advised the following in terms of delegation under the GBRS:

"The subject land is likely to be required to allow for the relocation of the Preston River or for buffer purposes, in accordance with the Inner Harbour Structure Plan endorsed by the Bunbury Port Authority Board. If the Council accepts the advice from the Port Authority and considering staff is recommending refusal, Council has delegated Authority under the provisions of the GBRS to determine the application.

DoP is not in favour of the application."

The Port Authority has forwarded its objection to the proposal on the following grounds:

- The proposal would compromise the future expansion of the Bunbury Port as indicated on the Inner Harbour Structure Plan (September 2009). It would interfere with the realignment of the Preston River).
- The proposed residential development will be in close proximity to the Port Installations Reserve and that it would make it susceptible to operational emissions, particularly between 1800hr and 0600hrs.
- The State Government has approved funding for the final engineering and design works for the Preston River, which will be completed by the end of 2013 and that at this time the Bunbury Port Authority will be able to confirm the final alignment of the river.
- The owner is aware that the Bunbury Port Authority may require his land for the development of the port and the realignment of the Preston River.

In accordance with the Scheme requirements, Council is required to consult public authorities and to have regard to their advice prior to determination on development proposals (Clause 10.1.1 and 10.2.1 (z)) of TPS 7. The delegation instrument under the GBRS also highlights that Council seeks the Port Authority's advice prior to determination

on the proposal. The Port Authority has objected to the proposal; and therefore it is considered appropriate that Council accepts the advice provided by the Port Authority and determines to refuse the proposal in the interest of orderly and proper planning. Council should also be aware that the DoP has advised that it is not in favour of the proposal.

Analysis of Financial and Budget Implications

It is considered that there are no financial or budget implications to the City.

Community Consultation

The proposal was advertised from 14 November 2012 and inclusive of 4 December 2012, in accordance with Scheme requirements. At the end of the public consultation period nine (9) submissions were received out of which eight (8) submissions were from the Government Agencies and one (1) from the general public. The Government Agencies have raised fundamental planning issues in terms of inconsistency with the Inner Harbour Structure Plan (September 2009) and access from Australind Bypass related matters. The issues raised by these agencies are significant; and therefore consideration of the proposal by Council is required. A copy of the submissions received is **attached** at Appendix [DPDS-8](#).

Councillor/Officer Consultation

The proposal has been discussed within Development Assessment staff and relevant divisional staff prior to the finalisation of this report.

Delegation of Authority

This is a matter for Council to determine.

Relevant Precedents

There are no similar relevant precedents relative to the current proposal.

Outcome – Council Committee Meeting 26 February 2013

The Mayor asked if there was any member of the public that wished to address the Committee in regards to this matter.

Mr Robert Nicholson addressed the Committee on behalf of the proponent and spoke against the recommendation. He stated that the problem with the Port Structure Plan is that it doesn't just deal with the Port land. The Port Structure Plan has moved a lot and currently requires the Preston River to be relocated but yet it does not show any evidence of this. Mr Howes' land is 100m in from the Australind Bypass and has Port fencing at the back. He believes that a condition can be placed on the land whereby he will assume all risks in regards to the buffer zone. There is a suggestion that Mr Howes is going to be doing something else with the house but this is not the case. He wishes to grow flowers as part of his retirement. In their submission Main Roads made no mention of any plans for expansion of the Bypass, WAPC did but not Main Roads. This issue has been ongoing for the last 10 years and it would be nice if Mr Howes could finally get an outcome. He is more than happy to have a condition placed on his land to assume all risks.

Mr Vic Howes was available to answer any questions that the Committee members may have had. He stated that he had been living in the house since 1983 and promised his mother that he would build a tudor style house. He confirmed that he would be happy to

have a condition placed on his land to assume all risks with the buffer zone. This has been an issue for 10 years and he would like to see the matter settled.

Cr Steck moved Cr Cook seconded the following motion:

“The Council resolves to approve a single residence and agricultural use at Lot 101 Australind Bypass as per the planning application dated 29 October 2012 subject to the following conditions:

1. *A notification on the title to the effect that the owner assumes the risk for being within the Port Buffer Zone.*
2. *Normal compliance with the R codes, National Construction Code (NCC) and supply authority requirements.*
3. *This site is zoned Rural and rural activity will be required to justify the agricultural access granted by Main Roads.*
4. *Forward its decision to the Western Australian Planning Commission (WAPC).*
5. *Advise the applicant and the submitter of its decision.”*

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

It was requested that the votes be recorded as follows:

For: Cr Steck, Cr Cook, Cr Kelly, Cr Steele, Cr Slater, Cr Leigh

Against: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Jones, Cr McNeill, Cr Morris

Regulation 11(da) of the Local Government Administration Regulations 1996 require that the content of minutes of a meeting of a Council or a Committee is to include written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee. During discussion and debate relating to this item, the following points were raised by those Councillors who were “for” the committee recommendation as justification:

- Whilst the Bunbury Port Authority is exempt from requiring the Council and WAPC approval by virtue of the recent gazettal of the GBRS, the Councillors believe that the Draft Bunbury Port Plan is still a draft and may be subject to further change. As such, it was considered that until the plan is finalised it is inappropriate to stop other development.
- The Councillors considered that the Port has not reasonably provided clarity of what the port wants the land for and if it is really required or not.
- The land use is consistent with the zoning and Council was of the opinion that the proposed single house would not prejudice or adversely affect the future subdivision, development of land use expectations of the Development investigation area.
- The house or house block will be a lot further away from the Port operations in regards to emissions as opposed to many residents in East Bunbury in Stirling Street.
- The Greater Bunbury Regional Scheme allows for a single dwelling construction as a permissible use.
- Six out of nine public submissions were in favour of the proposal and Councillors considered that it was appropriate to support the application.
- Department of Planning in submission No. 4 stated that *“Council has delegated authority under the provisions of the GBRS to determine the application”*. That is

what we have done – determined that it would be unreasonable to withhold approval for the construction of a single dwelling on a freehold block of land designated for agricultural use. Elected Members have exercised their powers of discretion in this matter.

- Main Roads do not support any commercial development of the block and that is not the intent and the land owner has assured Council that he will not be selling product directly to the public from his property.
- In submission No. 9, the Bunbury Port Authority has objected on the grounds that the property would *"be susceptible to operational emissions impacts from Port operations..."* The home would be built on the other side of the Preston River proposed re-alignment and the owner is prepared to sign away not only his but any future generations' rights, to object on the basis of noise or dust.
- Elected members deemed it appropriate the application by Mr Howes be approved on the basis that there are other levels of planning authority and decision making that need to be tested.

10.3.4 Scheme Amendment No.63 – Proposed Rezoning of “No Zone” to “Special Use Zone No. 57 – Koombana North Precinct”.

File Ref:	A05409
Applicant/Proponent:	City of Bunbury
Author:	Kelvin D Storey , Team Leader Integrated Land Use Planning
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-9 , DPDS-10 , DPDS-11 , DPDS-12 , DPDS-13

Summary

The City has prepared documentation for Scheme Amendment No.63 on behalf of and with assistance from LandCorp and their consultants Taylor Burrell Barnett (TBB). The Scheme Amendment report (as modified) is **attached** at Appendix [DPDS-9](#).

Initiation of this Scheme Amendment was confirmed at the Council Meeting held on 25 September 2012. Advertised in tandem with the proposed draft Koombana North Structure Plan, the public consultation period for comment on this proposal has now concluded. A total of 19 individual public submissions were received, the majority of which are supportive of the amendment. This item is now returned to Council in order to consider final approval.

Council Committee Recommendation

That Council in accordance with the *Planning and Development Act 2005* resolve to:

1. Grant final approval to Scheme Amendment No. 63 to the City of Bunbury Town Planning Scheme No.7 scheme text and map, as detailed in the prepared Local Planning Scheme Amendment Report by:
 - (a) inserting and modifying text in Part 6;
 - (b) inserting new land use definitions within Schedule 1 – Dictionary of Defined Words and Expressions;
 - (c) inserting additional text to the table in Schedule 2 – Special Use Zones;
 - (d) revising the Scheme Map by rezoning land included within the subject site to “Special Use Zone 57 – Koombana North Precinct”; and
 - (e) modifying the advertised amendment report by revising proposed clause 2.3 of Schedule 2 to read as follows:
 - 2.3 The maximum number of storeys for each building shall be consistent with the “Bunbury Waterfront Project Taskforce Report (October 2009)’ and provide for a transition of building heights from east to west. Maximum heights (in metres) for each individual building envelope shall be established in accordance with clause 1.2 (iii) and shall fall within the following parameters:
 - 4 storeys (up to a maximum height of 20.5m) from natural ground level;
 - 5 storeys (up to a maximum height of 23.5m) from natural ground level;
 - 6 storeys (up to a maximum height of 27m) from natural ground level;
2. Forward Modified Scheme Amendment report to the Western Australian Planning Commission for final approval.

3. Inform submitters of the Council resolution.

Background

A scheme amendment to the City of Bunbury Town Planning Scheme No.7 (TPS7) is required in order to progress this particular stage of the Bunbury Waterfront Project, and seeks to establish a Special Use Zone over the Koombana North Precinct, which comprises the area currently used as public parkland situated between Koombana Drive and the Ski Beach. The land, approximately 1.27ha in area, has appeared with a “No Zone” designation on the Scheme Map since corresponding amendments were made to Greater Bunbury Region Scheme (GBRS) in 2011.

The proposed draft Koombana North Structure Plan prepared by TBB was advertised at the same time as the Scheme Amendment document. Aspects of the structure plan remain the subject of discussion between the City and LandCorp and consequently that will be reported as a separate item to Council at a later date.

Strategic Relevance

The Bunbury Waterfront Project represents long-term proposals by LandCorp to secure future redevelopment over areas of Crown land along parts of the coastal foreshore including areas of Koombana Bay and the Outer Harbour. The initiative involves the rezoning of land with amendments necessary to both the GBRS and TPS7.

The area now referred to as Koombana North was included within one of five sub-precincts identified in the City Vision Strategy Action Plan adopted in 2007. Despite the passage of time, the key elements that were identified then as needing to be addressed by future development remain relevant today:

- *issues associated with an entry statement into the City; public access; provision of and management of regional and local open space; visual impact particularly height, bulk and architectural theme; traffic generation and management; interface with existing uses; and competition from competing uses including civic and cultural.*

Council Policy Compliance

Provisions included within the Scheme Amendment report draw upon elements of adopted Local Planning Strategies (LPS's) and Local Planning Policies (LPP's), and these will continue to guide planning, design and decision making through subsequent stages of the planning process. Key policies include:

- LPP – “*Building Heights*”;
- LPP – “*Access and Parking for Pedestrian, Bicycles and Vehicles*”;
- LPP – “*Marlston Waterfront Design Guidelines*”.

Legislative Compliance

The *Planning and Development Act 2005*, at section 124(3), requires Local Government to ensure that their local planning scheme is consistent with the overarching Region Planning Scheme, and to implement amendments where this is not the case. A scheme amendment is required to TPS7 that appropriately reflects the “Regional Centre” zoning of this land within the GBRS.

Should Council resolve to grant final approval to the scheme amendment, the amendment documentation together with the schedule of submissions and Council's resolution will be

referred to the WAPC for its endorsement then referral to the Minister for Planning for final approval and gazettal.

Officer Comments

The Scheme Amendment is necessary in order to respond to recent changes carried out to the GBRS affecting the subject site and to facilitate development in a manner envisaged by the Bunbury Waterfront Project Taskforce, an extract from which is **attached** at Appendix [DPDS-10](#). The GBRS amendment in 2011 resulted in the land being zoned as “Regional Centre” in the Region Scheme and then “No Zone” within TPS7 by WAPC, essentially as an interim measure, until such time a formal scheme amendment was advanced and adopted.

The amendment to TPS7 to rezone the subject site from “No Zone” to “Special Use Zone No. 57 Koombana North Precinct” provides:

- i) an appropriate land use zone, with permissible land uses specified; and
- ii) a mechanism by which to ensure future development is in keeping with envisaged outcomes and remains complementary to its immediate setting and local planning context by establishing a suite of site development conditions.

The amendment confirms the requirement for a structure plan and sets in place the development criteria and design standards that will need to be adhered to and/or satisfactorily addressed at, or prior to, particular stages in the planning process.

One of the development standards included relates directly to the control of building height. Although the Ministers Taskforce Report recommends a maximum number of storeys for each identified block, it does not include or suggest a maximum height in metres. To provide greater certainty the City considered it important to incorporate a corresponding maximum height in metres and LandCorp submitted this information for inclusion within the draft Scheme Amendment document. Since the preparation of the amending document however, it has come to light that the maximum heights LandCorp provided (and forming part of clause 2.3 of Schedule 2 within the draft amendment report) would not be entirely consistent with those height maximums being sought within the draft Koombana North Structure Plan.

The unintended discrepancy is derived largely from differences in interpretation and is related to how/where measurements from ‘ground level’ would be taken from. Essentially the draft structure plan presupposes that height measurements can be taken from the finished ground floor level/rail platform (rather than the ground level established following approval of forward site works). The height maximums that were originally provided by LandCorp were calculated and supplied to the City on this basis.

To address this inconsistency, proposed clause 2.3 of Schedule 2 of the amendment report must now be modified or alternatively height maximums reduced accordingly within Part 1 of the draft Koombana North Structure Plan. TBB have provided a submission to the City on Scheme Amendment no.63, a copy of which is **attached** at Appendix [DPDS-11](#), requesting that clause 2.3 be modified in order that the maximum heights as reflected in LandCorp’s draft structure plan could be achieved.

The modification of this proposed development standard would result in the following change to clause 2.3:

Current wording (as advertised):

- 2.3 The maximum height of each building shall be consistent with the “Bunbury Waterfront Project Taskforce Report (October 2009)’ and provide for a transition of building heights from east to west, with the following prescribed maximum heights:
- 4 storeys (max 18.5m) from ground level;
 - 5 storeys (max 22m) from ground level;
 - 6 storeys (max 25.5m) from ground level;

Re-wording as proposed by the City:

- 2.3 The maximum number of storeys for each building shall be consistent with the “Bunbury Waterfront Project Taskforce Report (October 2009)’ and provide for a transition of building heights from east to west. Maximum heights (in metres) for each individual building envelope shall be established in accordance with clause 1.2 (iii) and shall fall within the following parameters:
- 4 storeys (up to a maximum height of 20.5m) from natural ground level;
 - 5 storeys (up to a maximum height of 23.5m) from natural ground level;
 - 6 storeys (up to a maximum height of 27m) from natural ground level.

The up-dated figures differ slightly from those provided within TBB’s submission for the following reasons:

- i) each maximum height has been reduced by 0.5m to discount the balustrade (around the roof perimeter of the ground floor podium) as there is no reason for this to be included within measurements of overall height;
- ii) decimals have been rounded up to the nearest 0.5m (to acknowledge accuracy limitations);

LandCorp/TBB was informed of this intended change and the adjustments to the maximum heights have been accepted.

The wording of the clause has also been improved and this includes the insertion of the word “natural” which provides a more accurate (defined) term and is able to establish the ground level as being that approved by the forward works (already considered by Council and recently granted permission by the Western Australian Planning Commission).

Whilst the clause as worded sets an overall maximum, the height of individual building envelopes are intended to be established as part of the preparation and adoption of the associated structure plan.

Height is raised within a number of the submissions received. One (1) submission considers that 4 storeys should be regarded as the maximum height. The submission from the Youth Advisory Council (YAC) supports the re-zoning in principle and a maximum height of 6 storeys however it is noted that YAC consider any development taller than the Mantra Hotel as inappropriate for Bunbury.

Attached at Appendix [DPDS-12](#) is a graphic representation of the required change together with resulting maximum heights shown in relation to the existing Mantra Hotel (6.5 storeys) and Silo’s apartment building (9 storeys). Whilst the maximum number of storeys is comparable to the Mantra hotel, the greater overall height is a consequence of:

- i) the height of the ground floor (podium) is exaggerated in part (along Holman St) to accommodate the changes in natural ground level with the engineering needs of the future rail platform;
- ii) the application of a generic upper storey height of 3.5m (rather than 3m) in order to retain flexibility in use – i.e. may be suitable for both residential and / or commercial uses (such as offices);
- iii) 3m is added for a pitched roof should the final design seek to include such an element;

The difference in height between the roof of the Mantra Hotel and that of the tallest building fronting Koombana Drive were it to extend to the full height of the building envelope would fall between 4m - 7m (depending on the roof design). Lessening the overall maximum height of the building envelope would essentially require the number of storeys and/or ceiling heights to be reduced, the latter of which could affect the future flexibility of use. Given the upper storeys of the buildings fronting Ski Beach/Koombana Bay are expected to comprise residential use (as preferred within the Ministers Taskforce Report), the ceiling heights of those buildings may be reduced without such concern, and an aspect that may be given further consideration within the structure plan proposal.

No other changes are proposed to the amendment report previously considered by Council.

Analysis of Financial and Budget Implications

There are no direct financial or budgetary implications to the City of Bunbury associated with this decision.

Community Consultation

The amendment report has been advertised in the press and by notices on site in accordance with relevant legislation. The formal period for submissions to be received closed on 18 December 2012. The Schedule of Submissions **attached** at Appendix [DPDS-13](#) sets out all comments received by the City during the public consultation period, and a response is provided where relevant.

Excluding agency responses and the request by TBB, there were 20 submissions, comprising 11 in support, three (3) of conditional support and six (6) against. Those against were generally unsupportive of the development on this site in principle and considered it should be retained as public open space.

Those offering conditional support included reference to reduced heights, underground parking and increased levels of open space.

The remaining submissions are from government agencies, none of which raise any objections to the scheme amendment as proposed.

Councillor/Officer Consultation

Staff from both the Strategic Integration Directorate and the Planning and Development Services Directorate have collaborated on and facilitated the preparation of this report.

Outcome – Council Committee Meeting 26 February 2013

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

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

10.4 Director Works and Services Reports

10.4.1 Bunbury Airport Greater Bunbury Region Scheme Amendment Proposal

File Ref:	A04872
Applicant/Proponent:	Internal Report
Author:	Nigel Archibald, Team Leader Airport and Design
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix DWS-1

Summary

An amendment to the Greater Bunbury Region Scheme (GBRS) is proposed in accordance with the recently expanded Bunbury Airport property boundary, in order to facilitate the creation of additional hangar lease sites.

Council Committee Recommendation

Council resolves to request the Western Australian Planning Commission to initiate a minor amendment to the Greater Bunbury Region Scheme over a portion of Lot 500 on Deposited Plan: 62343 (Reserve Number: 670), South Western Highway, Davenport, from “Rural Zone” to “Public Purposes Reserve” with the notation “A” (for ‘Airport’) printed as an overly on the region planning scheme map, in accordance with the map **attached** at Appendix [DWS-1](#).

Background

At Council’s ordinary meeting on 28 February 2012, it was resolved (Council Decision: 48/12) in part that:

- “3. Council endorses the amalgamation of the current Clay Target Gun Club site into the Bunbury Airport.”

Thompson Consulting Surveyors were then engaged and have completed this task, which has resulted in the creation of Lot 500 on Deposited Plan: 62343 (Reserve Number: 670), South Western Highway, Davenport.

Council’s approval is now sought to approach the Western Australian Planning Commission (WAPC) in order to have the Greater Bunbury Region Scheme (GBRS) amended so that the relevant portions of Lot 500 is included in the regional “Public Purposes Reserve” and denoted for ‘Airport’ purposes.

It should be noted that the zoning of the subject land under the City of Bunbury Town Planning Scheme No.7 (TPS7) is consistent with the GBRS. Therefore, in accordance with the *Planning and Development Act 2005* (i.e. Division 4 of Part 3 dealing with minor amendments to a region planning scheme and Part 9 governing the relationship between region and local planning schemes), a minor amendment to the GBRS will automatically be reflected on the TPS7 Scheme Map without the requirement for a consequential amendment to the local planning scheme.

Council Policy Compliance

Not applicable.

Legislative Compliance

The Department of Planning's practice is for local governments to make a resolution of Council supporting a proposed region planning scheme amendment prior to its consideration by the WAPC.

Officer Comments

The amending of the zoning is a necessary precursor to the development of additional hangar lease sites on the area currently occupied by the Clay Target Gun Club.

It should be noted that a portion of the subject site is presently included in a "Development Investigation Policy Area" (i.e. a type of Special Control Area) under TPS7, which requires the preparation of a structure plan prior to subdivision and/or development. It is anticipated that the boundary of the local Special Control Area can be adjusted or displaced through a minor amendment of the GBRS – as a consequence of the regional "Public Purposes Reserve" being expanded up to the boundary of Lot 500. Notwithstanding, it should also be noted that Council has initiated a scheme review, and hence, it can be expected that the Special Control Area will ultimately be rationalised or removed from the new scheme altogether.

Strategic Relevance

The "Public Purposes Reserve" for an airport is a regional designation of state significance, and as such, land use and development is regulated by the GBRS.

Economic, Social, Environmental and Heritage Issues

Independent fauna and flora assessments were undertaken by environmental consultants, with their resulting recommendations to be implemented prior to, during and post construction phases for the new hangars.

Analysis of Financial and Budget Implications

There is no application fee associated with a minor amendment to the GBRS. Any costs involved in supporting the proposed amendment to the subject land's zoning can be accommodated within the existing Bunbury Airport budget.

Creation of the additional hangar lease sites can be expected to generate income that will allow the Bunbury Airport to become financially self-supporting.

Community Consultation

The development of additional hangar lease sites on land currently occupied by the Clay Target Gun Club was documented in the Bunbury Airport Master Plan, which involved significant consultation in its preparation.

Councillor/Officer Consultation

The Executive Recommendation is in accordance with Council Decision 48/12. Relevant staff of the Planning and Development Services directorate has informed the preparation of

this report as required.

Outcome – Council Committee Meeting 26 February 2013

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

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

10.5 Chief Executive Officer Reports

10.5.1 Community Funding for 2013/14

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Lucy Wiseman, Community Funding/Grants Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-1

Summary

The purpose of this report is for Council to:

1. Review a list of community funding requests received for 2013/14, and identify which applications should be considered as part of the City's community funding program, and those that should enter into individual Memorandum of Understanding (MOU) with the City.
2. Consider adopting the amended Community Funding policy (CEO10)

Executive Recommendation

That Council:

1. Adopt Council Policy CEO10 Community Funding **attached** at Appendix [CEO-1](#).
2. Endorse the following table summarising 2013/14 requests for funding received and decide which organisations are to be considered under the community funding program or independently as part of the 2013/14 budget deliberations (and a subsequent MOU be entered into under clause 3(v) in the draft policy):

Community Group	MOU (✓)	Community Funding (✓)
Bunbury Regional YouthCARE		
South West Academy of Sport		
Cruise Ship Committee		
Phyllis Barnes (Henry Bunbury Book)		
Cinefest OZ		
Ocean Forest Lutheran College (SW Super Science Spectacular)		
Rotary Club of Bunbury Leschenault (Aqua Spectacular)		
Bunbury Men of Song		
John Boyle O'Reilly Commemoration Ceremony		
Apex Woodturners Site		
Friends of Parks and Reserves		
Thommo's Community Garden		
Bunbury City Band		
ANZAC Day Working Group		
Bunbury Community Radio		

3. Request that all organisations be advised of this decision.

Background

The draft Community Funding policy (CEO-10) was endorsed by the Policy Review and Development (standing) Committee on 29 January 2013.

Following discussion at the Council Committee meeting held on 26 February 2013 regarding the proposed Community Funding policy (CEO-10), a list of organisations requesting funds through the 2013/4 budget process has been collated as follows:

- Bunbury Regional YouthCARE
- South West Academy of Sport
- Cruise Ship Committee
- Phyllis Barnes (Henry Bunbury Book)
- Cinefest Oz
- Ocean Forest Lutheran College (SW Super Science Spectacular)
- Rotary Club of Bunbury-Leschenault (Aqua Spectacular)
- Bunbury Men of Song
- John Boyle O'Reilly Commemoration Ceremony
- Apex Woodturners Site
- Friends of Parks and Reserves
- Thommo's Community Garden
- Bunbury City Band
- ANZAC Day Working Group

Council Policy Compliance

This matter relates to the proposed draft Community Funding Policy (CEO 10) as discussed at Council Committee meeting held 26 February 2013.

Officer Comments

The proposed community funding policy was redrafted as a result of extensive research into other LGA's funding policies, consideration of the current policy against the requirements of the City of Bunbury community and focus groups, and internal consultation with relevant City of Bunbury Directors and Officers. The policy aims to provide a transparent and equitable framework by which all requests for financial support are considered equally and through a defined assessment process.

To enable a fair and consistent approach in dealing with requests for the 2013/14 budget process, Council is requested to review and identify each organisation appearing on the list contained within this report, as to whether they should be considered under an MOU (clause 3(v) of the proposed Community Funding policy (CEO-10)), or if they should go through the competitive community funding process. Note that this list will be emailed to Councillors in advance of the Council Meeting scheduled for 5 March 2013, to enable responses to be collated.

Analysis of Financial and Budget Implications

Any MOU agreements will require individual budget consideration. Requests through current competitive community funding policy is capped at \$100,000 per annum.

11. Applications for Leave of Absence

12. Motions on Notice

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

13.2 Questions from Members

14. New Business of an Urgent Nature Introduced by Decision of the Meeting

15. Meeting Closed to Public

15.1 *Matters for which the Meeting may be Closed*

15.1.1 Naming of the Grandstand at Hands Oval

File Ref:	A05601
Applicant/Proponent:	South West Football League (SWFL)
Author:	Alison Baker, Executive Assistant Works and Services
Executive:	Phil Harris, Director Works and Services
Attachments:	Confidential Report CRUSC-1

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report [CRUSC-1](#)).

Outcome – Council Committee Meeting 26 February 2013

As this item has been listed as strictly confidential the minutes of this item has been recorded under confidentiality and any recommendations from the Committee will remain confidential until the Ordinary Council meeting on 5 March 2013 when the Council makes its decision in regards to this matter.

15.2 *Public Reading of Resolutions that may be made Public*

16. Closure