



17 JUNE 2008

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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
BRVCIG	Bunbury Regional Visitor Centre Investigation Group
BSSC	Big Swamp Steering Committee
BWEA	Bunbury Wellington Economic Alliance
CALM	Department of Conservation and Land Management
CBD	Central Business District
CCAFF	Community Cultural and Arts Facilities Fund
CERM	Centre of Environmental and Recreation Management
CPI	Consumer Price Index
CSRFF	Community Sport and Recreation Facilities Fund
DADAAWA	Disability in the Arts Disadvantage in the Arts Australia, Western Australia
DAP	Detailed Area Plan (required by WA Planning Commission)
DCU	Development Coordinating Unit
DEC	Department of Environment and Conservation (formerly CALM)
DEWCP	Department for Environment, Water and Catchment Protection
DLI	Department of Land Information
DoE	Department of Environment
DOLA	Department of Land Administration
DoPI	Department of Primary Industry
DoW	Department of Water
DPI	Department for Planning and Infrastructure
DSR	Department of Sport and Recreation
DUP	Dual-use Path
ECT	Enforcement Computer Technology
EDAC	Economic Development Advisory Committee
EDWA	Education Department of Western Australia
EIA	Environmental Impact Assessment
EPA	Environmental Protection Authority
ERMP	Environmental Review and Management Program
ESL	Emergency Services Levy
FESA	Fire and Emergency Services Authority
FFL	Finished Floor Level

Term	Explanation
GBPG	Greater Bunbury Progress Group
GBRP	Greater Bunbury Resource Plan report
GBRS	Greater Bunbury Region Scheme
GL	Gigalitres
GLA	Gross Leasable Area
GRV	Gross Rental Value
GST	Goods and Services Tax
HCWA	Heritage Council of Western Australia
ICLEI	International Council for Local Environmental Initiatives
ICT	Information and Communications Technology
IP	Internet Protocol
IT	Information Technology
ITC	In Town Centre
ITLC	Former In-Town Lunch Centre (now the "In Town Centre")
LAP	Local Action Plan
LCC	Leschenault Catchment Council
LEMC	Bunbury Local Emergency Management Committee
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
SAT	State Administrative Tribunal
SBCC	South Bunbury Cricket Club Inc.
SCADA	Supervisory Control and Data Acquisition
SWAS	South West Academy of Sport
SGDC	Sportsgrounds Development Committee
SW	South West
SWACC	South Western Area Consultative Committee
SWAMS	South West Aboriginal Medical Service

Term	Explanation
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
TWPCG	Three Waters Project Control Group
USBA	Union Bank of Switzerland Australia
VGO	Valuer General's Office
VOIP	Voice-Over Internet Protocol
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission
WAPRES	Western Australian Plantation Resources
WAWA	Water Authority of Western Australia
WC	Water Corporation
WML	WML Consultants
WRC	Waters and Rivers Commission

COUNCIL (STANDING) COMMITTEE MINUTES

Minutes of an Ordinary Meeting of the Council (Standing) Committee held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 17 June 2008.

MINUTES

17 June 2008

NOTE: The recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the subsequent Council Meeting on 24 June 2008.

1. DECLARATION OF OPENING BY THE PRESIDING MEMBER

The Presiding Member, declared the meeting open at 6.00pm.

2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

PRESENT

Council Committee Members	
Presiding Member:	His Worship the Mayor - D Smith
Members:	Deputy Mayor - Councillor S Craddock
	Councillor Shane Rooney
	Councillor Alfred Leigh
	Councillor B Kelly
	Councillor H Punch
	Councillor N Whittle
	Councillor R Slater
	Councillor M Steck
	Councillor W Major
	Councillor J Jones
Executive Management Team (Non-Voting)	
Chief Executive Officer	Mr G Trevaskis
Executive Manager Corporate Services:	Mr K Weary
Executive Manager City Services:	Mr M Scott
Executive Manager City Development:	Mr G Klem
Executive Manager City Life:	Mr D Marzano
Council Officers (Non-Voting):	
Recreation Planner	Mr B Carlsen
Visitor Centre Coordinator	Ms F Anderson
Manager Development Services	Mr G Fitzgerald
Administration Officer Corporate Services:	Ms F Wood

17 June 2008
Minutes - Council Committee Meeting

PRESENT (Continued)

Others (Non-Voting):	
Members of the Public:	5 (approx.)
Members of the Press:	2

APOLOGIES:

Councillor L Worthington – Leave of Absence

3. RESPONSES TO 'PUBLIC QUESTIONS' FROM THE PREVIOUS COUNCIL COMMITTEE MEETING (WHERE THEY COULD NOT BE ANSWERED AT THAT MEETING)

Nil

4. PUBLIC QUESTION TIME

Nil

5. QUESTIONS ON NOTICE FROM MEMBERS OF THE COMMITTEE (WITHOUT DISCUSSION)

Nil

6. CONFIRMATION OF PREVIOUS MINUTES

Cr Craddock moved, Cr Leigh seconded the recommendation as printed in the meeting agenda. The motion was put to the vote and adopted to become the Committee's decision.

Committee Decision

The minutes of the Council (Standing) Committee Meeting held 27 May 2008, be confirmed as a true and accurate record.

CARRIED

11 Votes "For" / Nil Votes "Against"

7. DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995

- Cr Punch disclosed an impartiality interest for Item 11.7 titled “*South West Academy of Sport – Request for Assistance to Purchase Vehicle*” as she has a relationship with the Chairman of the South West Academy of Sport.
- Cr Leigh disclosed a conflict of interest for Item 11.5 titled “*Planning Application 2007.312.1 Reconsideration of Development Fees – Lots 5 & 6 Money Street, Lots 1 – 4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street*” as he is a member of the catholic Church.
- Mayor D. Smith disclosed an impartiality interest for Item 11.5 titled “*Planning Application 2007.312.1 Reconsideration of Development Fees – Lots 5 & 6 Money Street, Lots 1 – 4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street*” as he is a member of the catholic Church and knows the Bishop of Bunbury personally.

Cr Leigh and the Mayor indicated they wished to be present for the discussion and the vote though would leave it up to fellow members to decide and left the room at 6.03pm..

A motion was moved Cr Jones, seconded Cr Slater and adopted *8 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

Committee Decision

That the Mayor and Cr Leigh be permitted to take part in the debate and vote for the possible waiving of fees in relation to Item 11.5 titled “ Planning Application 2007.312.1 Reconsideration of Development Fees – Lots 5 & 6 Money Street, Lots 1 – 4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street”

Mayor D Smith and Cr Leigh returned to the chamber at 6.04pm.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Mayor advised he was in receipt of correspondence on the Regional Achievement and Community Awards. The awards have several categories with winners receiving a \$2,000 commonwealth bank account. He invited Councillors for nominations for any person or organisation and invited members to view the categories either after the meeting or to attend his office during the week.

9. CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS

9.1 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR LORNA WORTHINGTON

File Ref:	A00215
Applicant/Proponent:	Councillor Lorna Worthington
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary/Background

Councillor Worthington requests leave of absence from all Council-related business from 17 to 24 June 2008 (inclusive).

Section 2.25 of the Local Government Act 1995, allows a council to grant leave of absence to one of its members provided that the period of leave does not exceed six consecutive ordinary meetings of the Council.

Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Lorna Worthington is granted leave of absence from all Council-related business from 17 to 24 June 2008 (inclusive).

Outcome of the Council Committee Meeting – 17 June 2008

The recommendation was moved Cr Jones, seconded Cr Major and adopted *11 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Lorna Worthington is granted leave of absence from all Council-related business from 17 to 24 June 2008 (inclusive).

10. RECEPTION OF FORMAL PETITIONS AND MEMORIALS

10.1 PETITION – WITHERS UNDERGROUND POWER PROJECT

File Ref:	R00567
Applicant/Proponent:	Councillor Slater
Author:	Not Applicable
Executive:	Ken Weary, Executive Manager Corporate Services

Cr Slater tabled a petition (**attached** at Appendix 8) on the Withers Underground Power Project containing 671 signatures. In support of the petition, the petitioners have submitted the following statement:

“We the undersigned people are very concerned by the inadequacy of consultation with landowners affected by the Wither Underground Power Project. We believe the survey distributed to residents was insufficient to justify the approval of such a substantial project for which landowners will be required to part fund.

The petitioners request that the City of Bunbury will heed the request of the people and vote to delay the Withers Underground Power Project until more widespread and transparent public consultation is achieved.”

The Presiding member advised that Council had a number of options under Section 9.4 of the City's Standing Orders. These options are:

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

Cr Major moved option (a), Cr Leigh seconded, and the motion was put to the vote adopted *10 votes "for" to 1 vote "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

The petition concerning the Withers Underground Power Project be accepted.

10.2 PETITION – RICHMOND STREET NORTH STREET LIGHTING (WAS LISTED AS
ITEM 10.1 ON THE MEETING AGENDA)

File Ref:	R00560
Applicant/Proponent:	Ms Bonnie Sommer – 2 Richmond Street, Bunbury
Author:	Beatrice Plant, City Engineer
Executive:	Michael Scott, Executive Manager City Services

Background

A petition from twenty-two petitioners has been received requesting Council to: "Install lighting at the end of cul-der-sac in Richmond Street North". A copy of the petition is **attached** at Appendix 1.

In support of the petition, the petitioners have submitted the following statement:

"Dating back to 1993, Mrs Bonnie Sommer of 2 Richmond Street, donated five (5) metres by 29 metres of her land for a Public Access Walkway, at the time being told a light would be installed at a later date due to lack of funds (\$1,500). Since this time Council has been approached twice for this lighting and has cited the same reason for non compliance. We the undersigned hereby apply to council that this lighting be erected due to not only the security of the residents but also the safety of the public using this walkway"

Executive Comments

In the years 1993/94 an easement over lot 102 (2) Richmond Street, Bunbury was extinguished by mutual agreement, a portion of this land was then transferred to the City for the purpose of a pedestrian access way between Richmond Street and Richmond Street North. Although not documented, it would appear evident that at about this time a street light in Richmond Street North was discussed as in 1995 a costing estimate was obtained from Western Power for its installation. To date, those works have not been undertaken.

In 2007 the power supply in Richmond Street North was placed underground and as a result, the installation of any street lighting will now also require the installation of a pole.

The City has a register for Street lighting requests that is used to prioritise the installation of street lighting within the City however for reasons unknown, this light request does not appear on this list.

Staff have recently investigated this matter and it would appear that the installation of lighting in this area would be appropriate and a possible location for a streetlight could be as indicated on the map **attached** Appendix 2.

The City allocates money annually for the installation of the street lighting however the funding allocated for this financial year has been expended. Further it should be noted that the original costing was for the mounting of a light on an existing power pole. As underground power has now been installed in the street, the cost of installing a light will have increased, as the project will now involve the installation of a pole, the routing of the wire underground and the installation of the light, the estimated cost of the installation of the light would be in the range of \$ 5,500.

In light of the time of which this matter has remained unresolved, it would be appropriate for the following to occur:-

- The request for lighting be placed on the request register
- A written quotation be obtained from Western Power for the installation of lighting within the cul-de-sac head; and
- Consideration be given for the installation of the streetlight to be included in the City's 5 year financial plan.

Options

The Council has a number of options under Section 9.4 of the City's Standing Orders. These options are:

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

Recommendation

The petition be accepted and the following occur:-

1. The request for lighting be placed on the request register;
2. A written quotation be obtained from Western Power for the installation of lighting within the cul-de-sac head; and
3. Consideration be given for the installation of the streetlight to be included in the City's 5 year financial plan.

Outcome of the Council Committee Meeting – 17 June 2008

Cr Craddock moved, Cr Major Seconded items 1 and 2 with an amendment to point 3 to include the words “/ 2009/10 year” be added the end of the point 3.

The Presiding Member put each point to the vote separately with the following result:

Point 1: adopted *11 votes "for" to Nil votes "against"* to form part of the Committee's recommendation on this issue.

Point 2 was adopted *11 votes "for" to Nil votes "against"* to form part of the Committee's recommendation on this issue.

Point 3 was lost *4 votes "for" to 7 votes "against"*.

Cr Steck Moved, Cr Leigh seconded an alternative motion for Point 3 as follows:

“3. Consideration be given to include \$8,000 in the 2008/09 budget for the installation of the street light.”

The motion was put to the vote and was adopted *11 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

The petition be accepted and the following occur:-

- 1. The request for lighting be placed on the request register;*
- 2. A written quotation be obtained from Western Power for the installation of lighting within the cul-de-sac head; and*
- 3. Consideration be given to include \$8,000 in the 2008/09 budget for the installation of the street light.”*

11. RECEPTION OF REPORTS AND RECOMMENDATIONS FROM OFFICERS & ADVISORY COMMITTEES

11.1 SOUTH WEST ACADEMY OF SPORT – REQUEST FOR ASSISTANCE TO PURCHASE VEHICLE (WAS LISTED AS ITEM 11.7 ON THE MEETING AGENDA)

File Ref:	A02947
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

A request has been received from the South West Academy of Sport (SWAS) to assist in the procurement of a motor vehicle for use by SWAS and its personnel. The SWAS has funding available to finance this purchase, however seeks Council assistance by way of its purchasing power to facilitate the transaction.

Background

Council has supported and promoted the concept and development of the SWAS over recent years to the extent that it has granted the academy a Deed of License over a portion of the floor space at the South West Sports Centre, for use as its office accommodation. A copy of the floor plan depicting the SWAS office space area is **attached** at Appendix 7.

The SWAS has recently been formed with funding from various agencies and has advised that they also have funding available to facilitate the capital purchase of a vehicle for use by the SWAS and its personnel. The SWAS seek Council assistance by way of its purchasing power to facilitate the initial purchase, following which they will pay a grant to the city in lieu of the initial cost.

The ongoing insurance, running and maintenance costs will be the responsibility of the SWAS.

Strategic and/or Regional Outcomes

This proposal can be linked to Councils Strategic Plan 2007 – 2012 primarily through its values to “meet demands arising from changes in the economy and demographic climate of the surrounding region. The city will network with other authorities or stakeholder organisations to share resources and establish visionary and innovative solutions to regional infrastructure needs, while continuing to promote the Greater Bunbury Region.”

As the purpose of the SWAS is to develop and foster the skills and advancement of elite sportspersons from within the region, this request clearly falls within this category.

Community Consultation

There has not been any community consultation in regard to this proposal as it is an operational matter.

Councillor/Officer Consultation

This report serves to bring this issue to the attention of elected members and other officers.

Analysis of Financial and Budget Implications

Facilitation of funding for this transaction to occur can be provided in the forthcoming 2008 – 2009 annual budget. The nett effect is nil as a reimbursement of the cost by SWAS will offset the expenditure.

The ongoing insurance, running and maintenance costs will be met through corporate sponsorship organised by SWDC and therefore their responsibility.

Economic, Social, Environmental and Heritage Issues

There are no known economic, social, environmental or heritage issues associated with this proposal.

Council Policy Compliance

No existing Council Policy exists in regard to this matter.

Legislative Compliance

The vehicle remains the property of the City of Bunbury. Council is able to provide a vehicle for this purpose.

Delegation of Authority

The Chief Executive Officer does not have delegated authority to approve this proposal.

Relevant Precedents

Council has participated in similar schemes by way of provision of vehicle for the Bunbury Tourism Board Incorporated in (1996), the Bunbury Regional Entertainment Centre and the Bunbury Wellington Economic Alliance (Vehicle previously allocated to Toward 2000 Committee).

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council not agree to assist in the provision of a vehicle for use by the South West Academy of Sport and its personnel.

Conclusion

This request has been submitted to Council as it is considered that it's buying power will provide a slight advantage in the capital cost of the vehicle. As the use of the vehicle will primarily be for use in fostering the development of skills of elite regional athletes, Council support for the proposal is envisaged to enjoy general support.

Recommendation

Council agree to initially fund the capital purchase of a motor vehicle for use by the South West Academy of Sport, which South West Academy of Sport will fund and that the ongoing insurance, registration, running and maintenance costs be the responsibility of South West Academy of Sport.

Outcome of the Council Committee Meeting – 17 June 2008

Cr Punch disclosed an impartiality interest for this item and left the chambers at 6.20pm for the duration of discussion and the vote.

Mr Tom Busher of the South West Academy of Sport was present and answered questions from members.

The recommendation was moved Cr Major, seconded Cr Craddock and adopted *10 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Council agree to initially fund the capital purchase of a motor vehicle for use by the South West Academy of Sport, which South West Academy of Sport will fund and that the ongoing insurance, registration, running and maintenance costs be the responsibility of South West Academy of Sport.

Cr Punch returned to the chambers at 6.36pm.

11.2 PLANNING APPLICATION 2007.312.1 RECONSIDERATION OF DEVELOPMENT APPLICATION FEES - LOTS 5 & 6 MONEY STREET, LOTS 1-4 & 27 PARKFIELD STREET & LOTS 2, 15 & 16 BREND TOR STREET (WAS LISTED AS ITEM 11.5 ON THE MEETING AGENDA)

File Ref:	P07404
Applicant/Proponent:	Bishop of Bunbury Most Rev Gerard J Holohan
Author:	Gary Fitzgerald, Manager Development Services
Executive:	Geoff Klem, Executive Manager City Development

Summary

The City of Bunbury has received correspondence from the Bishop of Bunbury Most Rev Gerard J Holohan, requesting Council review its position regarding the waiving of fees associated with the proposed development approval of the Cathedral on Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street.

In a letter to the City (**attached** at Appendix 4), the Bishop outlines the basis for his request as being his understanding of the City's commitment to the waiving of all fees associated with any building that was damaged and needed to be repaired or rebuilt following the 16 May 2005 Tornado.

In brief, the Bishop refers to the City's Annual Report - Emergency Management section, which makes reference to the May 2005 Tornado and the Emergency Recovery Committee's initiative to assist (**attached** at Appendix 5).

Background

In May 2005, a Tornado struck the City resulting in significant damage to a number of buildings. Appraisals of the damage to buildings alone were estimated at approximately \$50/60 million dollars. The City issued nineteen Dangerous Building Notices. Several buildings were completely demolished while a significant number of buildings sustained some form of damage.

The City's records indicate that fourteen Buildings sustained damage to the extent that required complete or substantial demolition. Of the fourteen buildings that required demolition, nine have been redeveloped with the all owners'/applicants' having paid all planning and building statutory application fees associated with the redevelopment on these sites.

The matter of the Development Application for the Cathedral and associated buildings was considered by Council at its meeting on 5 February 2008 when it was resolved to:

PART A

Finally adopt Town Planning Scheme No 7 Amendment No. 22 to rezone Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a private right-of-way from "Residential", "Place of Public Assembly" and "Access Road" to "Special Use" zone, subject to the following modifications being included on the proposed Master Plan:

- 1. Including a revised tiered retaining wall layout around the site as indicated on the proposed site plan for the Cathedral Precinct displayed at the Council Meeting on 5 February 2008 (plan dated 18 September 2007 being Sheet 2 of 9 – as amended on 16 November and 14 December 2007)*
- 2. Include the one-way driveway access to Parkfield Street as indicated on the Development Site Plan*
- 3. Include the revised car parking layout as indicated on the proposed Development Site Plan with a single (two-way) driveway access to Money Street.*

PART B

Grant planning approval to Marcus Collins Architects on behalf of the Roman Catholic Bishop of Bunbury for development of the subject land (Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street and Lots 2, 15 & 16 Brend Tor Street) including:

- Stage 1 – Site works*
- Stage 2 – New Cathedral*
- Stage 3 – New Parish Centre/Hall, restoration and modifications to the existing Diocesan offices, and*
- Stage 4 – Minor modifications to the existing Bishop's and Priest's accommodation and offices subject to conditions to be determined at the Council Meeting on 5 February 2008.*

PART C

The approval in Part B is subject to the following conditions:

- 1. The applicant to provide at all times 134 car-parking bays on site in accordance with the City's, Town Planning Scheme No.1 (Clause 5.7.1.5)*
- 2. The City and the Roman Catholic Diocese of Bunbury entering into a Memorandum of Understanding (version marked 300108.doc or as amended from time to time by mutual agreement) to allow the reciprocal use of 61 (i.e. up the maximum limit of the*

shortfall) car-parking spaces, by the City, on the land owned by the applicant, during times when the Church does not require such spaces for its congregational activities

3. *The proposed Development Site Plan be modified as follows:*
 - (i) *To delete the proposed western side exit driveway and to created a single (two-way) driveway access to Money Street*
 - (ii) *To delete the proposed footpath along Money Street adjacent to the development site*
4. *New fencing to be built along the western Boundary of Lot 5 Money Street, along the northern boundary of Lot 2 Brend Tor Street, along the southern boundary of Lot 16 Brend Tor Street, along the western boundary of Lot 3 Parkfield Street and along the western boundary of Lot 4 Parkfield Street to the satisfaction of the Manager Development Services.*
5. *All other standard conditions to the satisfaction of the Manager Development Services.*
6. *The developer be required to undertake a dilapidation survey of adjoining and nearby properties prior to commencing works.”*

The Bishop was subsequently advised in writing on 13 February 2008 of Council’s decision regarding the grant of planning approval and further advised that planning approval for the Cathedral development application could not be finalized until the statutory planning application fees had been paid.

On 28 May 2008 Council received payment for the development application inclusive of correspondence (**attached** at Appendix 6) from Mr. John Ogilvie, Financial Administrator - advising that the Catholic Diocese reserved the right to object to the imposition of the planning approval fee on the following grounds:

- (i) *“We believe that other landowners received a waiver of this fee from the City”*
- (ii) *“The Catholic Church should therefore not be discriminated against”.*

Proposal

The Bishop has requested that Council consider the waiving of fees associated with the Development Approval based on his understanding of Council's position taken following the 2006 Tornado in relation to waiving of fees. The Bishop suggests that his interpretation is supported in that the City's 2005 Annual Report, which states in the section headed Emergency Management that:

"The Emergency Recovery Committee assisted many people and businesses to recover by providing a number of new initiatives including:

Organised fees and charges to be waived on properties requiring re-building/demolition".

The Bishop maintains that as no time limit was set in regards to the waiver that Council should treat the Church the same as other organisations or individuals that received the benefit of having planning approval fees waived.

Following the Tornado, the City took the lead role in forming the Disaster Recovery Committee. A number of temporary initiatives by the City and other organisations were implemented with the sole purpose of immediately assisting those in need in the community that were affected by the Tornado to recover from its effects as soon as possible.

One initiative was to fast-track Building/Demolition/planning approvals and waive fees associated with works that were required of an immediate nature e.g. replacement of roof sheeting or structural repairs to buildings to maintain the integrity of the structures.

There is no documented position in regards to the extent or limitation on the waiving of fees. However, from Development Services perspective the intent was clear in that the exemption was aimed to assist those that were in immediate need of assistance.

It should be noted at this stage, Council has only considered the Development Application based on an estimated value of construction of \$15,000,000. No discussion has been had with Council officers regarding the waiving of the building application fee. Based on the estimated cost of construction, the Building Application Fee would equate to \$30,000.

Strategic Outcomes

It is considered that the broad direction of the City's 2002 –2007 Strategic Plan would not be compromised to any significant extent by supporting the proposed development.

Community Consultation

No Community consultation has been undertaken concerning this proposal.

Applicant Consultation

Development Services staff have discussed this issue on several occasions with the applicant.

Councillor/Officer Consultation

Discussions have taken place with the Manager of Development of Services, Senior Planner (Statutory), Senior Building Surveyor and Executive Manager of City Development in the lead-up to this report.

Analysis of Financial and Budget Implications

The total planning fees applicable for the Development Application equate to \$20,762. The total Building Approval fees based on an estimated cost of construction of \$15,000,000 would equate to \$30,000.

Economic, Social, Environmental and Heritage Issues

In economic terms, the proposal would provide economic benefit during the construction phase of the development. The proposal will provide for social opportunities for residents and the general public. There are no significant adverse environmental impacts of the development. The site does have significant heritage value to the City. Heritage issues have been addressed as part of the conditions of approval contained within the Development Approval.

Council Policy Compliance

There is no specific Council policy relative to the consideration of this matter.

Legislative Compliance

The Development Application fees charged are consistent with the Town Planning (Local Government Planning Fees), Fees Regulations 2000 and Council's schedule of fees and charges

Delegation of Authority

Delegation of authority is not applicable in this case.

Relevant Precedents

As a result of the May 2005 Tornado fourteen Buildings sustained damage to the extent that required complete or substantial demolition. Of the fourteen buildings that required demolition nine have been redeveloped with all owners'/applicants' having paid all planning and building statutory application fees associated with the redevelopment on these sites.

Options

Option 1

As per the recommendation as listed in this report

Option 2

Part A

Council waive all Development Application fees associated with the approval of the Development on Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street, Development Application number 2007.312.1

Part B

On submission of a building application for development on Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street Council waive all fees as calculated under the Building Regulations 1989.

Conclusion

As a result of the damage caused by the Tornado, Council staff were required to inspect over 100 damaged buildings, most of these buildings required some form of repair.

Development Services believe that the initiative to waive fees proved to be very successful as it facilitated landowners' being able to repair buildings immediately without any need for potential delays associated with having to go through the formal process of having plans and specifications prepared, - lodging applications etc. The waiving of fees was intended to be a short term initiative aimed at assisting those in need in the community affected by the tornado to recover from its effects as soon as possible. It was not intended to be applicable to major redevelopment or the construction of new buildings.

However, it should be noted that the statutory fees associated with both Development Applications as stipulated under the Town Planning Fees, Regulations and fees associated with building approvals as stipulated under the Building Regulations 1989 are maximum fees and Council does have the authority to vary or indeed waive the fees.

Recommendation

Council advise the Most Rev Gerard J Holohan that:

Development Application fees associated with the approval of the Development on Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street, Development Application number 2007.312.1 are applicable and that Council does not wish to waive such fees.

On submission of a building application for development on Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street that all fees as calculated under the Building Regulations 1989 are applicable and are to be paid prior to the issue of any Building Licence.

Outcome of the Council Committee Meeting – 17 June 2008

Cr Craddock Moved, Cr Steck seconded Option 2 as printed below:

Part A

Council waive all Development Application fees associated with the approval of the Development on Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street, Development Application number 2007.312.1

Part B

On submission of a building application for development on Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street Council waive all fees as calculated under the Building Regulations 1989.

During discussion, the following points were raised in supporting of the waiving of fees:

- The 2005 Annual Report identifies that the City would waive all fees associated with properties affected by the 2005 tornado.
- There were no time constraints associated with the waiving of fees as printed in the 2005 Annual Report.
- The Commonwealth Government has contributed \$3M, and the State Government has contributed \$2.5 to the project, with the City not contributing any funds.
- The waiving of fees of \$50,000 is a small amount compared to that contributed by both the Commonwealth and State governments and would be seen as the City's contribution towards the project.
- The application is only due to unfortunate and unforeseen circumstances, they did not have an application in prior to the tornado.
- There would be no cost to Council as the waiving of fees would be seen as an in-kind donation.
- The Catholic Church provides and valuable service to the community and region.
- 26% of residents are members of the catholic church
- It is an extensive development costing \$17M.

During discussion, the following points were raised for not supporting the waiving of fees:

- The waiving of fees as printed in the Annual Report was not a decision of Council and was made by the Emergency Recovery Committee.
- The Emergency Recover Committee has no delegated authority, and no decision was made by Council agreeing to the waiving of fees.
- Other developments affected by the tornado did not receive any waiver of fees.
- If fees were to be waived, it may cause other applicants affected by the tornado to apply to Council for a reimbursement of their planning and development fees that were paid.
- The Catholic Church already receives a discount on rates for all of their properties.
- Council has already waived the parking requirements on the development.
- The 2005 Annual report stated that the waiving of fees was for immediate assistance.
- The Council decision should not be based on a statement in the 2005 Annual Report.
- The waiving of fees would set a precedent for future natural disasters.
- The cost of \$50,000 in fees is significantly small due to the building estimated to cost \$17M.
- When the Mangles Church was damaged in a similar circumstance, they received no waiver and had to pay all associated fees.

Members requested that they be provided with a report on how many of the effected properties had been re-developed and the total fees paid by the applicants. The Executive advised they will have the information for members prior to the Council Meeting.

The Presiding Member put the motion to vote separately with the following result:

Part A was lost *5 votes "for" to 6 votes "against"*.

Part B was lost *5 votes "for" to 6 votes "against"*.

It was requested that all votes be recorded:

For: His Worship the Mayor, Cr Craddock, Cr Leigh, Cr Steck, Cr Whittle
Against: Cr Kelly, Cr Jones, Cr Major, Cr Rooney, Cr Slater, Cr Punch

The recommendation was moved Cr Slater , seconded Cr Major and adopted *6 votes "for" to 5 votes "against"* to become the Committee's recommendation on this issue.

It was requested that all votes be recorded:

For: Cr Kelly, Cr Jones, Cr Major, Cr Rooney, Cr Slater, Cr Punch
Against: His Worship the Mayor, Cr Craddock, Cr Leigh, Cr Steck, Cr Whittle

For ease of reference, the Committee Recommendation is listed below:

Committee Recommendation

Council advise the Most Rev Gerard J Holohan that:

Development Application fees associated with the approval of the Development on Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street, Development Application number 2007.312.1 are applicable and that Council does not wish to waive such fees.

On submission of a building application for development on Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street that all fees as calculated under the Building Regulations 1989 are applicable and are to be paid prior to the issue of any Building Licence.

11.3 PROPOSED APPOINTMENT TO THREE WATERS CENTRE PROJECT CONTROL GROUP *(WAS LISTED AS ITEM 11.1 ON THE MEETING AGENDA)*

File Ref:	A02773
Applicant/Proponent:	Internal Report
Author:	Domenic Marzano, Executive Manager City Life
Executive:	Domenic Marzano, Executive Manager City Life

Summary

It is proposed to appoint Bernard Bischoff as a 'Community Representative' on the Three Waters Centre Project Control Group (TWPCG).

An extract from the City's Committee Book showing the committee's Terms of Reference is **attached** at Appendix 3.

Background

The current TWPCG was appointed by the Council on 27 November 2007 to provide guidance and recommendations to assist the Council in discharging its duties. Membership of the committee is currently:

- Mayor David Smith
- Deputy Mayor Stephen Craddock
- Councillor Brendan Kelly
- Chief Executive Officer, Greg Trevaskis
- Executive Manager City Life, Domenic Marzano
- Executive Manager City Development, Geoff Klem
- Bunbury Regional Art Galleries Director, Sonya Dye
- Art Gallery of Western Australia Manager Museum Program, Clare-Frances Craig
- Department of Indigenous Affairs Officer, Jaye Cook
- City of Bunbury Art Collection Management Committee Representative, Tresslyn Smith
- Bunbury Visitor Centre Manager, Felicity Anderson

The members of the Three Waters Centre Project Control Group recommended that Bernard Bischoff be asked to join the committee due to his knowledge and interest in the area.

Strategic and/or Regional Outcomes

The City of Bunbury Strategic Plan 2007-2012 states that the City's vision is: *"To enhance our community's pride in our City by demonstrating the pursuit of excellence by our leadership, advocacy, service delivery and facilities."*

The Strategic Plan is based around six objectives - two of these are relevant to the recommendation in this report, they are:

1. Strengthen the City of Bunbury's governance and leadership.
2. Develop social capital - having community representatives on council committees helps those committees derive a broader insight into public sentiment concerning the activities of the Council.

City Vision Strategy Outcomes

CBD31: *"Subject to detailed site analysis, endorse the location of a museum, Noongar cultural centre and new visitor centre between the mangrove colony and Koombana Drive as part of a tourism node that includes the Dolphin Discovery Centre. Subject to further investigation, consideration be given to locating the Bunbury Regional Art Gallery at this location"*.

Community Consultation

All members of the TWPCG have been consulted with regards to this proposed appointment.

Councillor/Officer Consultation

Mayor David Smith, Deputy Mayor Stephen Craddock, Councillor Brendan Kelly, Chief Executive Officer Greg Trevaskis and Bunbury Visitor Centre Manager Felicity Anderson have been consulted with regards to this appointment.

Analysis of Financial and Budget Implications

There are no budget implications if the proposed appointment is ratified by Council.

Economic, Social, Environmental and Heritage Issues

There are no impacts on economic, social, environmental and heritage issues if Bernard Bischoff is appointed to the TWPCG.

Council Policy Compliance

The "Terms of Reference" for advisory committees or project control groups appointed by the Council do not contravene established Council policies.

Policy CEO7 (adopted by Council on 27 November 2007) sets out guidelines for establishment and operation of advisory committees.

Legislative Compliance

Section 5.9(2) indicates that an advisory committee of the Council may comprise council members only, officers only, community members only or a combination of any of these.

Appointments to a committee of the Council (or any amendment to its terms of reference) must be by an absolute majority vote.

Tenure of committee membership is specified in Section 5.11 of the Local Government Act 1995.

Delegation of Authority

The Chief Executive Officer has not been delegated the authority to appoint members to committees of council.

Relevant Precedents

The Council regularly appoints members to (or updates membership of) its various committees.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council advises Mr Bernard Bischoff that his nomination for appointment to the Three Waters Project Control Group was not successful.

Conclusion

The members of the Three Waters Centre Project Control Group believe that Bernard Bischoff would make a valuable addition to the TWPCG due to his knowledge and interest in the area.

Recommendation

Council appoints Mr Bernard Bischoff as a 'Community Representative' to the Three Waters Project Control Group - the tenure of his membership is as specified in Section 5.11 of the Local Government Act 1995.

Outcome of the Council Committee Meeting – 17 June 2008

The recommendation was moved Cr Major, seconded Cr Slater and adopted *10 votes "for" to 1 vote "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Council appoints Mr Bernard Bischoff as a 'Community Representative' to the Three Waters Project Control Group - the tenure of his membership is as specified in Section 5.11 of the Local Government Act 1995.

11.4 PROPOSED UPGRADE ELECTRICAL POWER INFRASTRUCTURE HAY PARK
(WAS LISTED AS ITEM 11.2 ON THE MEETING AGENDA)

File Ref:	F00106
Applicant/Proponent:	Council's Recreation Project Control Group
Author:	Bill Carlsen, Recreation Planner
Executive:	Domenic Marzano, Executive Manager City Life

Summary

This item addresses the proposed upgrade of electrical power infrastructure at the southern end of Hay Park. The initiative is endorsed by the Recreation Project Control Group and Council approval is required to proceed with the works.

Background

Power upgrades.

Electrical power upgrades are needed at the southern end of Hay Park to:

- Provide an adequate source of electricity prior to the installation of lights by the Hockey and Soccer clubs
- Overcome issues with unreliable power which could adversely affect the City's water bore servicing sportsgrounds at the southern end of Hay Park.

There is no policy in place outlining what is a reasonable level of user demand and who should pay for the provision of adequate power to service demand on active reserves. As managers of a reserve and public amenity, Council assumes some responsibility to ensure adequate provision.

It is not appropriate to undertake a full audit of Hay Park energy requirements before completion of the Feasibility Study that will "test" the affordability and sustainability of new facility options demanding additional power at a later date. However the need on the southern end of Hay Park can be met with funds sourced from the 2007/2008 budget identified for this purpose.

The cost of the power upgrades is \$80,000 and the source of funds identified is the Hay Park Sporting Bodies budgeted funds. This is appropriate because the purpose of the funds set aside each year is for sportsground development.

By undertaking the power upgrades proposed, there will be also be residual capacity to cater for future sportsground lighting installations as user demand on sportsgrounds at the southern end of Hay Park increases. Sub metering is allowed for in the cost of upgrades to ensure that the cost of use of power can be recovered from the appropriate user group.

The proposed power upgrades and costs are identified in the table below.

LOCATION	ITEM	COST
Eastern side of southern Hay Park, on Rotary Drive	Upgrade of the Western Power transformer from 50 KVA to 200 KVA.	\$ 11,200
	Upgrades of wiring from the transformer to the sub board.	\$ 4,800
	Distribution of power with underground channelling of high capacity wiring from the sub board to desired outlets for current and future need.	\$ 24,000
	Contingency	\$ 2,000
Western side, car park entry	Upgrade of the Western Power transformer from 200 KVA to 300 KVA	\$ 20,000
	Upgrade of sub board	\$ 15,000
	Sub Metering	\$ 1,000
	Contingency	\$ 4,000
	Total Cost	\$80,000

Strategic and/or Regional Outcomes

Strategic Outcomes

The provision of infrastructure is in accordance with the land's designation as "Parks and Recreation" under the City's Town Planning Scheme 7.

The proposal complies with the City of Bunbury Strategic Plan 2007-2012 and in particular Strategy 2.4 which states that the City will: "*develop a Property Strategy that benefits the City's residents, businesses and community/sporting organisations.*"

City Vision Strategy

Soc 7: "*Promote and facilitate sport and recreational activities for all age groups and ensure that facilities and access are appropriate for each type of user.*"

Regional Outcomes

The proposal provides opportunities to interested persons from the Greater Bunbury Region to use recreational facilities in Bunbury.

Community Consultation

Consultation has occurred with the Phoenix Soccer Club and Bunbury and Districts Hockey Stadium Inc.

Councillor/Officer Consultation

The Manager Building Construction and Maintenance and the Contracts Coordinator have assisted in identifying the current status of Western power supplies on Hay Park and the Contracts Coordinator has assisted in the process of seeking quotations from the City's preferred electrical service providers.

The Recreation Project Control Group at its meeting held Monday 28 April, discussed and agreed to use up to \$80,000 from the Hay Park Sporting Bodies Capital Fund for the proposed power upgrades.

Analysis of Financial and Budget Implications

The 2007-2008 budget will not be impacted on. Sufficient funds for the proposed Hay Park power upgrades may be sourced from the Hay Park Sporting Bodies Capital Fund.

Economic, Social, Environmental and Heritage Issues

It is envisaged that the increased opportunities to engage in sporting activities in Bunbury will directly increase the economic and social benefit for the community of the Greater Bunbury Region.

Social Issues

The improvements will enhance the sportsgrounds and provide club members and their guests with facilities of a high-standard. This will encourage greater participation in recreational activity in Bunbury.

Environmental Issues

The proposal is in keeping with the amenity of the local area.

Heritage Issues

There are no known heritage issues to consider.

Council Policy Compliance

This recommendation does not contravene any Council policy.

Legislative Compliance

Legislative requirements to date have been met.

Delegation of Authority

There is no delegated authority associated with this proposal

Relevant Precedents

The purpose of the Hay Park Sporting Bodies Capital Fund is to enable the undertaking of minor facility improvements on sports grounds. With approval of Council, funds have been drawn from this source in the past in support of worthy projects identified by the now discontinued Sportsground Development Committee

Options

Option 1

Per the recommendation as printed in this report.

NOTE: This recommendation will enable the installation of lighting by Hockey and Soccer clubs as well as overcome the potential damage to the City's water bore from unreliable power.

Option 2

Council does not approve expenditure of \$80,000 from the Hay Park Sporting Bodies Capital Fund for power upgrades for sports clubs at the southern end of Hay Park.

Conclusion

Power upgrades will assist in addressing the demand for improved accessibility by community sports groups for use of sportsgrounds located at the southern end of Hay Park. It is important to support the sports groups and provide them with opportunities to expand their services to the community. Upgrades that will provide for a stable source of power will also overcome the current threat of damage to the City's water bore.

Recommendation

Council approve the expenditure of \$80,000 from the Hay Park Sporting Bodies Capital Fund for power upgrades for sports clubs at the southern end of Hay Park.

Outcome of the Council Committee Meeting – 17 June 2008

The City's Recreation Planner was present and responded to questions from members.

During discussion, the following points were raised:

- The hockey transformer currently supplying the lighting to the field is at full capacity.
- The funds are readily available and works would be able to progress immediately if adopted.
- The upgrade is required urgently as both the Hockey and Soccer club's that utilise the field and already experiencing hardship due to the overlap of use.
- Investigations would occur for the use of the existing transformer in another area or if an appropriate cash offer is made by Western Power to buy the transformer.
- The supply of power to the fields is the responsibility of the City, as it is only Western Powers responsibility up to the City's Boundaries, not within the boundaries.
- Groups utilising the fields would pay for their use of power by way of sub-meters.

Members all agreed that the upgrade was required and would be of benefit to all parties involved allowing sporting groups to utilise the fields for training sessions and games in the evening.

The recommendation was moved Cr Slater, seconded Cr Steck and adopted *11 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Council approve the expenditure of \$80,000 from the Hay Park Sporting Bodies Capital Fund for power upgrades for sports clubs at the southern end of Hay Park.

11.5 BUNBURY REGIONAL VISITOR CENTRE INVESTIGATION GROUP – REPORTING TIMELINE EXTENSION (*WAS LISTED AS ITEM 11.3 ON THE MEETING AGENDA*)

File Ref:	A00449
Applicant/Proponent:	Internal Report
Author:	Felicity Anderson, Bunbury Visitor Centre Manager
Executive:	Domenic Marzano, Executive Manager City Life

Summary

This proposal is to seek amendment of the Bunbury Regional Visitor Centre Investigation Group's (BRVCIG) terms of reference by recommending an extension of the reporting time to October 2008.

The extended time frame is expected to enable the group to complete site geo tech analysis, preliminary concept design and quantity survey to fully scope a new Regional Visitor Centre facility.

Background

The BRVCIG terms of reference indicating a May 2008 reporting date was endorsed by Council at the Council Meeting 5 February 2008. This decision was made with the expectation of reporting findings and recommendations to Council concurrently with the Three –Waters Project Control Groups (TWPCG). The TWPCG are also seeking an extension to October 2008.

Council have approved funds for further investigation by the BRVCIG ratified at Council Meeting 13 May 2008 as tabled:

Council decision 79/08

1. *Allocate \$40,000 from the Museum Reserve Fund to fund the geotechnical study for a New Visitor Information Centre.*

Council decision 80/08

2. *Approve immediate funding of \$50,000 to be included in the 2008/09 Budget to undertake preliminary design, site location, quantity survey costing to fully scope the project requirements for a new Visitor Information Centre and that funding be committed to the city's 2008/09 budget for this purpose.*

Strategic and/or Regional Outcomes

Development of a new Bunbury Regional Visitor Centre is congruent with the City of Bunbury Strategic Plan 2007- 2012 in: “facilitating desired tourism growth and increasing visitor numbers.” The proposed development would address Strategy 2.5 in ‘*improving the level and quality of customer service*’ and objective 8.9 to “*establish a task force to investigate a new Visitor Centre*”.

City Vision Strategy Outcomes

CBD31: *Subject to detailed site analysis, endorse the location of a museum, Noongar cultural centre and new visitor centre between the mangrove colony and Koombana Drive as part of a tourism node that includes the Dolphin Discovery Centre. Subject to further investigation consideration be given to locating the Bunbury Regional Art Gallery at this location.*

Community Consultation

Consultation has occurred with BRVCIG. A communication strategy for stakeholders and general community is currently being prepared.

Councillor/Officer Consultation

The Mayor, David Smith, Deputy Mayor Stephen Craddock and Cr Michelle Steck are on the BRVCIG. Executive Management Team, Visitor Centre, City Engineer and Engineering Technical Officer and the City’s Project Manager have been consulted.

Analysis of Financial and Budget Implications

At its meeting of 13 May 2008, Council approved to allocate \$40,000 from the Museum Reserve Fund to fund the geotechnical study for a new Visitor Information Centre and approve immediate funding of \$50,000 to be included in the 2008/09 Budget to undertake preliminary design, site location, quantity survey costing to fully scope the project requirements for a new Visitor Information Centre and that funding be committed to the city’s 2008/09 budget for this purpose

Economic, Social, Environmental and Heritage Issues

It is envisaged that a new Bunbury Regional Visitor Centre with enhanced access, parking and display opportunities will directly increase the economic benefit to the Greater Bunbury Region.

There are no social issues under consideration and it is expected that environmental and heritage issues will be explored after the geo technical study is undertaken.

Council Policy Compliance

This recommendation does not contravene any Council policy

Legislative Compliance

Legislative requirements relating to the Local Government Act 1995 or any other Act, Local law or Regulations have been complied with in the process leading up to the finalisation of this proposal.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to amend the terms of reference for the Three Waters Control Group.

Relevant Precedents

Council have in the past extended Council Committee reporting timelines to ensure the Committees are able to satisfy the terms of reference in reporting back to Council.

Options

Option 1

Per the recommendation listed in this report

Option 2

Council not approve an amendment to the terms of reference extending the reporting deadline for the Bunbury Regional Visitor centre Investigation Group from 31 May 2008 to 31 October 2008.

Conclusion

A new Visitor Centre will assist in addressing the demand on visitor servicing, ensuring quality customer service, improving accessibility for visitors and provide a functional and flexible working environment with capacity for future requirements. The role of the Visitor Centre is extremely important in support of the tourism industry and economic development in Bunbury.

This extension from 31 May 2008 to 31 October 2008 is expected to enable the group to complete site Geo Tech analysis, preliminary concept design and quantity survey to fully scope a New Regional Visitor Centre facility.

It is the BRVCIG's intent to deliver concept design, costings and plan to enable the project to be fully developed prior to the next State Government elections for possible endorsement and funding assistance.

Recommendation

Council approves an amendment to the terms of reference of the Bunbury Regional Visitor Centre Investigation Group to extend the reporting deadline from 31 May 2008 to 31 October 2008.

Outcome of the Council Committee Meeting – 17 June 2008

The recommendation was moved Cr Slater, seconded Cr Major and adopted *11 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Council approves an amendment to the terms of reference of the Bunbury Regional Visitor Centre Investigation Group to extend the reporting deadline from 31 May 2008 to 31 October 2008.

11.6 THREE WATERS CENTRE PROJECT CONTROL GROUP – REPORTING TIMELINE EXTENSION *(WAS LISTED AS ITEM 11.4 ON THE MEETING AGENDA)*

File Ref:	A02773
Applicant/Proponent:	Internal Report
Author:	Domenic Marzano, Executive Manager City Life
Executive:	Domenic Marzano, Executive Manager City Life

Summary

This proposal is to seek an extension of time from 31 May 2008 to 31 October 2008 for the Three Waters Project Control Group to report and make recommendations to Council on a way forward for the Three Waters Centre components including; Bunbury Regional Visitor Centre, Museum, Noongar Cultural Centre and Bunbury Regional Art Gallery.

The extended time frame is expected to enable the group to complete site geo tech analysis, preliminary concept design and quantity survey to fully scope the New Regional Visitor Centre component and provide future direction on the other components of the proposed facility.

Background

Council established the Three Waters Centre Project Control Group as an advisory committee with the following Terms of Reference:

- Review all relevant documents in relation to the Three Waters Centre, Bunbury Regional Art Galleries, Noongar Cultural Centre, Bunbury Visitor Centre and Bunbury Regional Museum.
- Recommend an appropriate allocation of the \$1 million funding received from State Government in 2001 towards the Bunbury Regional Museum.
- Consider all funding sources to assist with the Three Waters Centre.
- Provide recommendations to Council on a course of action no later than December 2007.

The Three Waters Centre Project Control Group (TWPCG) has previously been granted an extension of time to 31 May 2008 to report and provide an appropriate course of action to Council.

The TWPCG and the new Bunbury Regional Visitor Centre Investigation Group's (BRVCIG) reporting dates were endorsed by Council at the Council Meeting 5 February 2008. This decision was made with the expectation of reporting findings and recommendations to Council concurrently. The BRVCIG are also seeking an extension to October 2008.

Council have approved funds for further investigation by the NBRVIG ratified at Council Meeting 13 May 2008 as tabled:

Council decision 79/08

1. *Allocate \$40,000 from the Museum Reserve Fund to fund the geotechnical study for a New Visitor Information Centre.*

Council decision 80/08

2. *Approve immediate funding of \$50,000 to be included in the 2008/09 Budget to undertake preliminary design, site location, quantity survey costing to fully scope the project requirements for a new Visitor Information Centre and that funding be committed to the city's 2008/09 budget for this purpose.*

Strategic and/or Regional Outcomes

Development of a new Bunbury Regional Visitor Centre is congruent with the City of Bunbury Strategic Plan 2007- 2012 in: “facilitating desired tourism growth and increasing visitor numbers.” The proposed development would address Strategy 2.5 in ‘improving the level and quality of customer service’ and objective 8.9 to “establish a task force to investigate a new Visitor Centre”.

City Vision Strategy Outcomes

CBD31: Subject to detailed site analysis, endorse the location of a museum, Noongar cultural centre and new visitor centre between the mangrove colony and Koombana Drive as part of a tourism node that includes the Dolphin Discovery Centre. Subject to further investigation consideration be given to locating the Bunbury Regional Art Gallery at this location.

Community Consultation

Extensive consultation has occurred with stakeholders, TWPCG and BRVCIG.

Councillor/Officer Consultation

The Mayor, David Smith, Deputy Mayor Stephen Craddock and Cr Brendon Kelly, Executive Management Team, Visitor Centre Manager, City Engineer and Engineering Technical Officer and the City's Project Manager have been consulted.

Analysis of Financial and Budget Implications

As resolved at Council Meeting 13 May 2008, Council approved:

Council decision 79/08

1. *Allocate \$40,000 from the Museum Reserve Fund to fund the geotechnical study for a New Visitor Information Centre.*

Council decision 80/08

2. *Approve immediate funding of \$50,000 to be included in the 2008/09 Budget to undertake preliminary design, site location, quantity survey costing to fully scope the project requirements for a new Visitor Information Centre and that funding be committed to the city's 2008/09 budget for this purpose.*

Economic, Social, Environmental and Heritage Issues

It is envisaged that a new Bunbury Regional Visitor Centre with enhanced access, parking and display opportunities will directly increase the economic benefit to the Greater Bunbury Region.

There are a number of issues still to be explored within the context of the other components of the Three Waters Centre with regards to the Noongar Centre, Art Gallery and Museum)

There are no social issues currently under consideration and it is expected that environmental and heritage issues will be explored after the geo technical study is undertaken.

Council Policy Compliance

This recommendation does not contravene any Council policy

Legislative Compliance

Legislative requirements relating to the Local Government Act 1995 or any other Act, Local law or Regulations have been complied with in the process leading up to the finalisation of this proposal.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to amend the terms of reference for the Three Waters Control Group.

Relevant Precedents

Council have in the past extended Council Committee reporting timelines to ensure the Committee in question is able to satisfy relevant terms of reference.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council not approve an amendment to the terms of reference extending the reporting deadline for the Three Waters Centre Project Control Group from 31 May 2008 to 31 October 2008.

Conclusion

A new Visitor Centre will assist in addressing the demand on visitor servicing, ensuring quality customer service, improving accessibility for visitors and provide a functional and flexible working environment with capacity for future requirements. The role of the Visitor Centre is extremely important in support of the tourism industry and economic development in Bunbury.

The other components of the Three Waters Centre including the Museum, Noongar Cultural Centre and Art Gallery require further investigation by the Three Waters Centre Project Control Group.

Recommendation

Council approve an amendment to the terms of reference of the Three Waters Centre Project Control Group to extend the reporting deadline from 31 May 2008 to 31 October 2008.

Outcome of the Council Committee Meeting – 17 June 2008

The recommendation was moved Cr Slater, seconded Cr Craddock and adopted *11 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

<h3>Committee Recommendation</h3>
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<p><i>Council approve an amendment to the terms of reference of the Three Waters Centre Project Control Group to extend the reporting deadline from 31 May 2008 to 31 October 2008.</i></p>

11.7 FINANCIAL STATEMENTS - MAY 2008 (WAS LISTED AS ITEM 11.6 ON THE MEETING AGENDA)

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

Summary/Background

Financial Statements for the period ending 31 May 2008 have been circulated to members **under separate cover**. The statements include the following details:

Income Statement
Balance Sheet
Statement of Changes in Equity
Statement of Financial Activity
Statement of General Purpose Income
Statement of Rating Information
Note 1 - Significant Accounting Policies
Note 2 - Description of Programmes
Note 3 - Net Current Assets
Note 4 - Receivables
Note 5 - Other Financial Assets
Note 6 - Payables
Note 7 - Provisions
Note 8 - Trust Funds
Note 9 - Explanations - Significant Variations to Income Statement
Note 10 - Capital Expenditure
Note 11 - Key Operating Expenditure and Income (budget exceeding \$20,000)
Note 12 - Loan Funds
Note 13 - Reserve Funds
Note 14 - Bunbury Timber Jetty
Note 15 - Investment Funds

Recommendation

The Financial Statements for the period ending 31 May 2008, be received.

Outcome of the Council Committee Meeting – 17 June 2008

The recommendation was moved Cr Major, seconded Cr Punch and adopted *11 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

The Financial Statements for the period ending 31 May 2008, be received.

11.8 BUNBURY CENTRAL BUSINESS DISTRICT PARKING STRATEGY AND POLICY

File Ref:	A00472
Applicant/Proponent:	Internal Report
Author:	Geoff Klem, Executive Manager City Development
Executive:	Geoff Klem, Executive Manager City Development

Summary and Background

In March 2001, Council awarded a contract to GHD Pty Ltd to prepare the Bunbury Transport Vision 2030. During 2002/03 a draft Integrated Land Use and Transport Vision 2030 was debated by Council and advertised for public comment. Council subsequently endorsed the 2030 document after incorporating amendments that arose from public submissions.

The adopted Strategy incorporated a "Vision for Parking". The Vision and associated strategies were directed at reducing car dependency by facilitating alternative modes such as public transport, cycling, walking and car sharing; and improving management systems.

In 2006 Council commissioned AARB Consulting to investigate, report and recommend a detailed program to undertake works over a 10 year period. The report was to review and provide details of the implementation of the 17 strategies and actions proposed in the GHD Integrated Land Use and Transport Strategy 2030.

Council received the AARB report in mid 2006 and subsequently resolved to advertise the document for a period of 42 days. The advertising period attracted five (5) submissions and these submissions have been assessed and reviewed by Council at its meeting on August 28, 2007.

In March 2007, Council was briefed on the methodology to produce a Parking Strategy which essentially reviewed the AARB report in the light of the City Vision outcomes and issues that had emerged as the CBD progressively developed. The feedback from Council was essential input into the production of a full report to Council for the April 2007 round of meetings. At the 24th April Council Committee meeting, a Memorandum from the Bunbury Chamber of Commerce was tabled that requested the deferment of the item. Advice was subsequently received from the Chamber in July 2007 and its submission was reviewed, along with others received, at the Council meeting on August 28, 2007.

Council at its meeting on August 28, 2007 resolved to adopt the Parking Strategy (Decision 181/07). Item 2.3 of the abovementioned decision states:

"2.3 Prepare a new CBD Local Planning Policy (for consideration at the last Committee and Council meetings in October 2007) for Parking and Town Planning Scheme No 7 change that include (but are not limited to) the following matters:

- (a) The cash-in-lieu amount per parking bay and the circumstances under which cash-in-lieu is applied.*

- (b) *The discretionary threshold of 2,000m² GLA for the provision of parking.*
- (c) *The appropriateness of the current Specified Area Rate that covers parking and traffic management.*
- (d) *Concessions for heritage buildings and existing floor space as part of a redevelopment site.*
- (e) *The adequacy of provisions to support residential development in the CBD.*
- (f) *Conditions under which reciprocal rights apply (e.g. after working hours).*
- (g) *The parking requirements for different land uses.”*

In accordance with the above resolution, a draft Central Business District Parking Policy was presented to a briefing of Council at its February 12, 2008 meeting. Several issues were raised at the briefing (e.g. more clarity with the 500m² concession clause, cost increases for cash-in lieu, parking machines in preference to meters.). The issues were responded to and debated at a further briefing on the 4th March 2008. Items (e) and (g) above will be addressed in the Review of TPS No7.

Council at its meeting on the 8th April 2008 (Council Decision 56/08) resolved as follows:

1. *Council, pursuant to the Planning and Development Act 2005, resolves to advertise the draft Local Planning Policy titled Central Business District Parking and the associated Central Business District Parking Strategy for public comment for a period of 28 days in accordance with Clause 2.3 of the City of Bunbury Town Planning Scheme No 7.*
2.
 - 2.1 *Advertise the proposed Schedule of Fees and Works as part of the CBD Parking Strategy with the exception of the proposed 3-level car park at the rear of the library.*
 - 2.2 *Include the remaining schedule for consideration as part of the 5-year Financial Plan and budget deliberations.*
3. *Review the cash-in-lieu of physical parking bays amount per bay as part of the 2008/09 budget considerations.*

4. *Establish a Project Control Group with terms of reference specific to the implementation of the Parking Strategy and Policy. The members of the CBD Parking Strategy Project Control Group to include (but not restricted to) the following:*
- *His worship the Mayor – Mr David Smith*
 - *Deputy Mayor – Councillor S. Craddock*
 - *One (1) Councillor*
 - *Executive Manager City Development*
 - *Executive Manager City Services*
 - *City's Parking Coordinator*
 - *Bunbury Chamber of Commerce Representative*
 - *Hospitality Industry Representative”*

The Parking Policy and Strategy were advertised for public comment. At the close of the submission period on Friday the 16th May 2008, two submissions were received from Mr Robert Nicholson, Architect and Mr Phil Johnston, Director Caf-fez. An analysis of the submissions with recommendations is circulated to members **under separate cover** at Attachment 1.

Motion -On-Notice

Cr Major submitted a motion-on-notice for consideration at the 29th January 2008 Committee Meeting and subsequent Council meeting on the 5th February 2008. Council resolved (Council Decision 15/08) as follows:

“Council consideration of the following motion-on-notice from Cr Major is to be deferred until after the Executive Manager City Development has presented his report on CBD parking at the Briefing Session in February 2008”:

1. *Council resolves with the utmost expediency an amendment to Town Planning Scheme No 7 fully clarifying the new car parking direction (when available).*
2. *Council to commence to enhance car parking in the CBD through provision of the following:*
 - 2.1 *Herringbone car parking opposite the Council offices in Stephen Street.*
 - 2.2 *Herringbone car parking in Eliot Street.*
 - 2.3 *Call tenders for the development of a multi storey car park on the site opposite the Bunbury Regional Art Galleries.*
3. *In relation to the tenders for point 2.3 above:*
 - 3.1 *Tenders to be called Australia-wide for development of 400 car parking bays on the site (developers could provide additional commercial development and additional car parking)*
 - 3.2 *Tenders to have sunset clauses for completion of development.*
 - 3.3 *Site value may be reduced in the tender to account for excess car parking on site.*
 - 3.4 *When completed – the developers to operate the car park at their discretion.”*

Response to Cr Major's motion (now that the parking direction is available and clear).

1. The parking policy is made pursuant to the provisions of Town Planning Scheme No 7 and is designed to provide clarity and certainty.
2. Stephen Street upgrade (including parking) is part of the budget deliberations.
3. Eliot Street upgrade (including parking) can be funded from the Parking Reserve.
4. Council has included a multi-level parking facility (\$10 million in 2012/13) behind the new library in the 5 year financial plan. Two multi level facilities will not be required in a 5 year time frame. The cost of developing a 400 bay facility may be in the order of \$17 million and it is noted that this would be a cost to a private sector developer.

In relation to the development of the site opposite the Bunbury Regional Art Galleries, the adopted Parking Strategy for this area states that "the case for decked parking needs to be proven through a demand and supply and cost/benefit analysis." In this regard, given the proposal to include a multi decked facility behind the library (which has been the subject of a business case) is in the 5 year financial plan, the case for additional decked parking could be considered by the Project Control Group.

Proposal

The proposal is to rescind Policy 4 *Bunbury CBD Parking Strategy* in Schedule 8 of Town Planning Scheme number 7, endorse the *Local Planning Policy – Central Business District Parking* (issued **under separate cover** at Attachment 2) and substitute that policy in Schedule 8 for the current operative policy.

Strategic and/or Regional Outcomes

The Bunbury Central Business District Parking Strategy and the Local Planning Policy: Central Business District Parking will make a substantial contribution to the development of the City as an attractive, vibrant and accessible regional city. As the commercial heart of the South West region, the City has a major impact and influence on adjoining regional areas.

Community Consultation

The GHD Transport Vision 2030 which contains a "Vision for Parking" was advertised for public comment and debated by Council in the period 2002/03. The subsequent AARB report was advertised in mid 2006 for public comment and submissions from that process have been analysed and debated by Council.

Pursuant to the provisions of TPS No 7 the Parking Policy has been advertised for public comment and two submissions were received.

Councillor/Officer Consultation

Extensive consultation has occurred internally particularly in the areas of Strategic Planning, Community Law and Safety, Corporate Services and City Services. Councillors have received several briefings on the Strategy and Policy.

Analysis of Financial and Budget Implications

The Parking Policy identifies the Specified Area Rate for the Central Traffic Area, fees and fines, cash-in-lieu of parking and General Rate Revenue as the sources of funding to support the implementation of the Strategy and Policy. Proceeds from land sales could also be considered where large costs (e.g. decked parking) are involved.

Currently the Cash-in-lieu of physical parking per bay has been set at \$25,000 per bay. This is substantially less than current estimates for decked parking which have been assessed as between \$38 - \$43,000 per bay (see business case for the Library decked parking). Council has resolved to review this figure on an annual basis as part of its budget deliberations.

In the case of fees, kerbside paid parking will be introduced along with a concession for off street parking. The timing of the introduction of the new fees (not only in terms of the “decision” but also the amount of time it will take to roll-out the machines) is an important consideration as is the cost of the new arrangements for off-street parks which is \$1.2 million (2008/09). The cost of the new street ticket machines and the introduction of kerbside fees in 2009/10 are consistent with the commitment by Council to the business community.

In the case of the Specified Area Rate, the Policy states that the adequacy of the Rate to support the Strategy and Policy needs to be reviewed annually and Council may consider increasing the Rate above any increase associated with the General Rate. The Policy also states that the percentage of revenue from the Rate is to increase to a dedicated 50% per annum over the short term period of 5 years.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The viability of the CBD relies in part on public and commercial activities being accessible in a safe, convenient and efficient manner. The Parking Strategy and Policy aims to increase economic activity through improvements to the provision and management of the current parking and access arrangements.

Social Issues

Although difficult to quantify, there is an important social dimension to the Parking Strategy and Policy. Key services and shopping areas must be accessible to all members of the community (e.g. people with disabilities, the elderly, parents with young children) and this requires adequate provision of disabled bays, safe and convenient pedestrian connections, shelter and strict policing of strategically important parking locations. The balance between driver convenience and the overall amenity of the CBD is a key issue area.

Environmental Issues

A key objective of the Parking Strategy and Policy is to facilitate alternative transport modes such as public transport, walking, cycling and car sharing. The effect of this structural shift is a reduction in noise, dust and carbon emissions as well as congestion.

Heritage Issues

The Parking Policy makes provision for a concession where a heritage building is part of a development, redevelopment or change of use provided that the heritage values of the building are conserved to the satisfaction of the Council.

Council Policy Compliance

Council has adopted the “Parking Strategy” contained in the GHD Transport Vision 2030 and agreed to review the 17 strategies and actions through the AARB report. The City Vision Strategy provides the policy framework that informs the assessment of the AARB report recommendations along with the Strategic Plan.

Of particular relevance is the reference to the Central Business District as part of the “Vision Focus Area”. The Environmental, Social and Economic objectives and strategies aim to achieve: *“The Central Business District is the regional location of choice for the provision of the widest range of Government services, business activities, entertainment facilities, tourist facilities, specialist retail, office accommodation, educational facilities and inner city living.”*

Legislative Compliance

There is no legislative requirement to produce a Parking Strategy and Policy. However, the provisions of TPS No 7 are applicable in relation to the procedure necessary to establish a Parking Policy.

Delegation of Authority

The Chief Executive Officer does not have delegated authority to adopt a Parking Strategy and Policy.

Relevant Precedents

Council has endorsed numerous policies to guide decision-making.

Options

Option 1:

Per the recommendation as listed in this report.

Option 2

Per the recommendation inclusive of amendments by members.

Option 3

That Council resolves to not proceed with the Parking Strategy and Policy

Conclusion

The Greater Bunbury Urban Area is now one of the fastest growing in Australia. Whilst population growth is most evident in the dormitory outer urban areas of Australind, Eaton and Dalyellup, the major servicing function of the region is found in Bunbury's Strategic Regional Centre and the Central Business District particularly. This is supported by the high percentage of parking patrons from outside of the City.

Growth is reflected in the size and complexity of new developments such as the Bunbury Waterfront Project, the redevelopment of the Reef Hotel, the expansion of the Forum, the redevelopment of St John of God Hospital, the Stirlings redevelopment, the new City offices and library and the Ommanney office development. This substantial growth and rate of change brings with it new demands for road planning, traffic management, civic design, landscaping and parking management.

The Parking Strategy and Policy has been extensively canvassed over the past 12 months from both within Council and in the wider community through direct contact with groups such as the Bunbury Chamber of Commerce and Industry, developer and consultant enquiry, debate on high profile development applications and media reports on the implications of parking requirements. The recent advertising of the Strategy and Policy has provided a further opportunity for businesses and the wider community to make submissions.

Significant changes to current parking arrangements are included in the Parking Policy and Strategy and these will need to be carefully managed to ensure that adequate provision is made to meet future parking demand without compromising the character and amenity of the Central Business District. Careful management includes a financial analysis of the revenue streams that can support a capital works program. To assist in the development of appropriate management responses, a Project Control Group has been established to oversee the implementation of the Strategy and Policy and for it to make recommendations to Council.

Recommendation

Council resolves to:

1. Determine the submissions as recommended and modify the Policy Document accordingly.
2. Pursuant to the Planning and Development Act 2005 rescind Policy 4 Bunbury *CBD Parking Strategy* in Schedule 8 of Town Planning Scheme No 7, endorse the *Local Planning Policy – Central Business District Parking* and substitute that policy in Schedule 8 for the current operative policy.
3. Pursuant to the Planning and Development Act 2005 amend Clause 5.7.1.9 of Town Planning Scheme No 7 to change the development size of 2000m² to 500m².
4. Refer the matter of the upgrading of Prinsep and Wellington Streets to the CBD Parking Strategy Project Control Group for reconsideration of the timing of works and advice on the Caf-fez proposal for alfresco dining which includes an area of kerbside parking.
5. Note that the cash-in-lieu of physical parking bays amount is to be determined in the 2008/09 budget considerations.

Outcome of the Council Committee Meeting – 17 June 2008

Cr Craddock Moved, Cr Leigh seconded, an alternative motion as follows:

- “1. *Determine the submissions as recommended and modify the Policy accordingly with the exception of response 7 on page 10 of the submission. This determination to read: “The submission is upheld to the extent that the new threshold for proposals of development or change of use is 500sq.m GFA and council will not require the provision of parking below this threshold”.*
2. *Pursuant to the Planning Act 2005 rescind Policy 4 Bunbury CBD Parking Strategy in schedule 8 of Town Planning Scheme No. 7, endorse the Local Planning Policy – Central Business District Parking and substitute that policy in Schedule 8 for the current operative policy.*
3. *Pursuant to the Planning and Development Act 2005 amend the relevant Clause 5.7.1.9 of Town Planning Scheme No 7 to read: “Council will not require proponents to provide parking for proposals of development or change of use of less than 500sq.m GFA (100% concession)”.*
4. *Refer the matter of the upgrading of Prinsep and Wellington Streets to the CBD Parking Strategy Project Control Group for reconsideration of the timing of works and advice on the Caf-fez proposal for alfresco dining which includes an area of kerbside parking.*
5. *Note that the cash-in-lieu of physical parking bays amount is to be determined in the 2008/09 budget considerations.*
6. *A single document be prepared which lists and incorporates all council’s parking strategies, local area parking policies and parking implementation plans for easy reference.*

During discussion of the documents`, Cr Jones wished that it be recorded that she is against the kerbside parking aspect of the policy. Cr Whittle requested that the mover and seconder accept an addition to the motion to include a reference to scooters. Cr’s Craddock and Leigh accepted the addition, creating a Point 7 which reads as follows:

7. *That the words 'and scooter' be added to the list in item 2.7 (ii) in the Local Planning Policy - CBD Parking after the word 'bicycle'.*”

During discussion of the additional point, the definition of ‘scooter’ was questioned. The Chief Executive Officer advised that Council would seek clarification on the definition of a ‘scooter’ from the Road Transport Authority prior to the Council Meeting.

The Presiding Member advised he would put each Point to vote separately with the following results:

Point 1 was and adopted *10 votes "for" to 1 vote "against"*
Point 2 was and adopted *10 votes "for" to 1 vote "against"*
Point 3 was and adopted *7 votes "for" to 4 votes "against"*
Point 4 was and adopted *10 votes "for" to 1 vote "against"*
Point 5 was and adopted *10 votes "for" to 1 vote "against"*
Point 6 was and adopted *10 votes "for" to 1 vote "against"*
Point 7 was and adopted *9 votes "for" to 2 votes "against"*

The alternative recommendation was adopted to become the Committee's recommendation as printed below:

Committee Recommendation

- 1. Determine the submissions as recommended and modify the Policy accordingly with the exception of response 7 on page 10 of the submission. This determination to read: "The submission is upheld to the extent that the new threshold for proposals of development or change of use is 500sq.m GFA and council will not require the provision of parking below this threshold".*
- 2. Pursuant to the Planning Act 2005 rescind Policy 4 Bunbury CBD Parking Strategy in schedule 8 of Town Planning Scheme No. 7, endorse the Local Planning Policy – Central Business District Parking and substitute that policy in Schedule 8 for the current operative policy.*
- 3. Pursuant to the Planning and Development Act 2005 amend the relevant Clause 5.7.1.9 of Town Planning Scheme No 7 to read:
"Council will not require proponents to provide parking for proposals of development or change of use of less than 500sq.m GFA (100% concession)".*
- 4. Refer the matter of the upgrading of Prinsep and Wellington Streets to the CBD Parking Strategy Project Control Group for reconsideration of the timing of works and advice on the Caf-fez proposal for alfresco dining which includes an area of kerbside parking.*
- 5. Note that the cash-in-lieu of physical parking bays amount is to be determined in the 2008/09 budget considerations.*
- 6. A single document be prepared which lists and incorporates all council's parking strategies, local area parking policies and parking implementation plans for easy reference.*
- 7. That the words 'and scooter' be added to the list in item 2.7 (ii) in the Local Planning Policy – Central Business District Parking after the word 'bicycle'.*

12. MOTIONS ON NOTICE

12.1 MOTION ON NOTICE – CITY VISION

File Ref:	A03183
Applicant/Proponent:	Cr Michelle Steck
Author:	Not Applicable
Executive:	<i>If adopted:</i> Greg Trevaskis, Chief Executive Officer

Cr Steck submitted the following motion for the Council Committee Meeting on 17 June 2008: *"That the legal opinion on City Vision be tabled for all Councillors to view."*

Comments - Cr Steck

In support of her motion, Cr Steck states that,

"Council in my view is ill informed in regards to true and fair disclosure of information in regards to City Vision. Therefore, I find it difficult to accept that Council can adopt a document without formally addressing all issues, implications and information surrounding adopting the document. Councillors in the end are responsible for adopting documents, this is flying blind"

Executive Comments

Council obtained two legal opinions in September and October 2007 in connection with the proposed residential / office / commercial development at 22 Stephen Street, Bunbury.

The legal opinions provided dealt with issues of compensation or damages and matters of law with respect to the objectives and strategies of City Vision but with special application to the proposed Stephen Street development.

Legal advice relating to a specific development proposal and explores options for facilitating decision making is normally classified as being 'confidential' as circulation to other parties has the potential to damage or weaken Council's ability to defend a particular decision if it is to be subsequently tested in the courts.

In these circumstances, access to any confidential legal opinion is restricted and can only be released on the agreement of the Chief Executive Officer. Any Councillors wishing to view such advice, particular when a matter of which the legal opinion relates to or is before Council for decision (eg. the Stephen Street development) can simply request a viewing by arrangement through the Chief Executive Officer. Copies would not be made available however. In relation to the Stephen Street development this offer for viewing was conveyed to all Councillors at a briefing session and by email in October 2007 around the time of considering the Stephen Street development (several Councillors did inspect the legal opinions at this time).

Should Councillors wish to have a specific legal opinion on the City Vision Strategy and its application to planning, development and other functions of the Council in a broader sense, then such a request could be acceded to by simple resolution.

Cr Steck's Motion

"That the legal opinion on City Vision be tabled for all Councillors to view"

Outcome of the Council Committee Meeting – 17 June 2008

The recommendation was moved Cr Steck, seconded Cr Major (pro forma).

During discussion, Cr Steck asked the following questions relating to the City Vision document:

- Why did the City obtain a legal opinion on only one block of land contained in the City Vision document
- If there is an impact on any of the current proposals before council or future proposals would it not be appropriate a legal opinion on the whole document to be obtained.
- When the City makes scheme amendments they are sent to the Minister and Presiding departments for approval. Why is this document different.
- Could it be seen that there may be a conflict of interest due to Mr Klem sitting as a member on the South West Planning Committee and being the author and the designer of the document.

The following responses were provided:

- There was a threat of legal action by the applicant in relation to the particular block of land and the issue centred on whether or not the policy adopted under the City Vision could impact on current decisions under the City's TPS.
- When challenges occur, the City will seek legal advice at that time of each application.
- The City Vision document is, unlike scheme amendments, not a statutory document therefore is not subject to the statutory procedures of being approved by the Minister, the Western Australian Planning Commission or the South West Region Planning Committee.

The document is owned by the Council and is used as a framework in relation to neighbourhoods and commercial centres. City Vision provides the objectives and strategies to guide decision making associated with the review of TPS No. 7.

Once this document is prepared, it will go through a procedure where it is advertised for public comment, presented to the WA Planning Commission, and finally, sent to the Minister for a final decision.

- There is a statutory exemption of Council staff where they are appointed to statutory boards and committees. Mr Klem was appointed to the committee prior to his appointment to Council. Any item relating to the City, he declares an interest at the meeting if the matters are significant, he leaves the room and does not take part in the votes. There is no reason for the City Vision document to be presented to the South West Planning Committee and has not been submitted and therefore there is no conflict of interest for this issue.

The Chief Executive Officer clarified that if a document is tabled to members, the document is not to be made available to public and no members are able to disclose any information contained in that document. This is outlined in the Local Government Act 1995 under section 5.93 Improper use of information which states:

“A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —

- to gain directly or indirectly an advantage for the person or any other person; or*
- to cause detriment to the local government or any other person.*

- Penalty: \$10,000 or imprisonment for 2 years.”

Cr Major moved the procedural motion *“that the motion now be put”*. It was carried 7 votes *“for”* to 4 votes *“against”*

The Presiding Member put the motion to vote and it was lost 1 vote *“for”* to 10 votes *“against”*.

13. "URGENT" BUSINESS WITH THE APPROVAL OF THE MAJORITY OF MEMBERS PRESENT AS PERMITTED UNDER STANDING ORDER 5.1.13

Nil.

14. ITEMS TO BE NOTED OR ENDORSED

14.1 ITEMS TO BE NOTED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING

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

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

Recommendation

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

1. Title: Minutes – Bunbury Environment & Sustainability Advisory Committee (15/05/2008)
Author: Ben Deeley, Environmental Officer
File: A01981
2. Title: Minutes – City Promotions Committee (24/04/2008)
Author: Michael Fraser, Events Officer
File: A03402
3. Title: Minutes – Recreation Project Control Group (28/04/2008)
Author: Bill Carlen, Recreation Planner
File: A02709
4. Title: Minutes – Heritage Advisory Committee (21/05/2008)
Author: Leigh Barret, Planning Officer (Strategic)
File: A00335
5. Title: Minutes – New Bunbury Regional Visitor Centre Investigation Group (21/04/2008)
Author: Felicity Anderson, Visitor Centre Coordinator
File: A03386

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6. Title: Minutes – Bunbury Coastal Enhancement Project Final Stage Project Control Group (30/05/2008)
Author: Stewart Parkinson, Project Manager
File: A02019
7. Title: Minutes – Bunbury Library Project - Project Control Group (6/06/2008)
Author: Stewart Parkinson, Project Manager
File: A02351
8. Title: Minutes – Bunbury-Jiaxing Sister Cities Committee Meeting (28/03/2008)
Author: Greg Trevaskis, Chief Executive Officer
File: A01830
9. Title: Write Off of Account Receivable Balances
Author: David Ransom, City Accountant
File: A00088
10. Title: Outstanding Community Law and Safety Infringements
Author: David Ransom, City Accountant
File: A00088
11. Title: Accounts for Payment for the Period 1 to 31 May 2008
Author: David Ransom, City Accountant
File: A00083

Outcome of the Council Committee Meeting – 17 June 2008

The recommendation was moved Cr Slater, seconded Cr Leigh and adopted *11 votes "for" to Nil votes "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

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

1. **Title:** *Minutes – Bunbury Environment & Sustainability Advisory Committee (15/05/2008)*
Author: *Ben Deeley, Environmental Officer*
File: *A01981*
2. **Title:** *Minutes – City Promotions Committee (24/04/2008)*
Author: *Michael Fraser, Events Officer*
File: *A03402*
3. **Title:** *Minutes – Recreation Project Control Group (28/04/2008)*
Author: *Bill Carlen, Recreation Planner*
File: *A02709*
4. **Title:** *Minutes – Heritage Advisory Committee (21/05/2008)*
Author: *Leigh Barret, Planning Officer (Strategic)*
File: *A00335*
5. **Title:** *Minutes – New Bunbury Regional Visitor Centre Investigation Group (21/04/2008)*
Author: *Felicity Anderson, Visitor Centre Coordinator*
File: *A03386*
6. **Title:** *Minutes – Bunbury Coastal Enhancement Project Final Stage Project Control Group (30/05/2008)*
Author: *Stewart Parkinson, Project Manager*
File: *A02019*
7. **Title:** *Minutes – Bunbury Library Project - Project Control Group (6/06/2008)*
Author: *Stewart Parkinson, Project Manager*
File: *A02351*
8. **Title:** *Minutes – Bunbury-Jiaxing Sister Cities Committee Meeting (28/03/2008)*
Author: *Greg Trevaskis, Chief Executive Officer*
File: *A01830*
9. **Title:** *Write Off of Account Receivable Balances*
Author: *David Ransom, City Accountant*
File: *A00088*
10. **Title:** *Outstanding Community Law and Safety Infringements*
Author: *David Ransom, City Accountant*
File: *A00088*
11. **Title:** *Accounts for Payment for the Period 1 to 31 May 2008*
Author: *David Ransom, City Accountant*
File: *A00083*

14.2 ITEMS TO BE ENDORSED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING

There were no items recommended for endorsement.

15. CONFIDENTIAL BUSINESS AS STIPULATED UNDER SECTION 5.23(2) OF THE LOCAL GOVERNMENT ACT 1995

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

15.1 STATE ADMINISTRATIVE TRIBUNAL APPEAL - RETROSPECTIVE AMENDED PLANNING APPROVAL, GAZEBO WITH OVERALL HEIGHT OVER 9 METRES, LOT 206 (NO 13) HILDAS CLOSE, COLLEGE GROVE.

File Ref:	P12666
Applicant/Proponent:	David Robert Evans
Author:	P Davies, Planning Consultant
Executive:	Executive Manager, City Development

A copy of the report has been circulated to members as a **confidential report**.

Outcome of the Council Committee Meeting – 17 June 2008

The recommendation as printed in the confidential report was moved Cr Slater, seconded Cr Major and adopted *10 votes "for" to 1 vote "against"* to become the Committee's recommendation on this issue.

Committee Recommendation

Council, resolve to advise the State Appeals Tribunal that it reiterates its decision of 18 March 2008 under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 as follows:

- 1) Not to grant retrospective amended planning approval to Mr D R Evans for the gazebo with an overall height exceeding 9 metres on Lot 206 (No 13) Hildas Close, College Grove for the following reasons:*
 - 1.1) The development conflicts with Clause 5.9.1.2 of Town Planning Scheme No 7 where building height exceeds 9 metres and in the opinion of the local authority the proposed development will have a detrimental effect on adjoining residences.*
 - 1.2) The development conflicts with Clause 10.2.1 of Town Planning Scheme No 7 with regard to the following matters for consideration;*
 - (i) the compatibility of a use or development with its setting .*
 - (ii) the preservation of the amenity of the locality.*
 - 1.3) The development conflicts with Clause 11.0 of the College Grove (Stage 5) Design Guidelines which requires that the maximum building height of any building is to be 9 metres AHD.*
 - 1.4) The development conflicts with Clause 12 of the College Grove (Stage 5) Design Guidelines of the Design Guidelines which requires that outbuildings and other structures shall be designed in a manner and constructed of materials so as to be visually compatible with the dwelling house that they are ancillary to.*
- 2) Require the applicant to modify the gazebo roof to comply with the current building licence and install appropriate screening to a minimum height of 1.6 metres along the three sections of the side of the gazebo overlooking adjoining lot 203 Hildas Close to the satisfaction of the Manager Development Services.*

Cr Jones moved, Cr Steck seconded the procedural motion being: *"That the meeting be declared open to the public"*. It was carried *11 votes "for" to Nil votes "against"*

16. CLOSE OF MEETING

The Presiding Member declared the meeting closed at 9.06pm.

CONFIRMED this day 22 July 2008, to be a true and correct record of proceedings of the Council (Standing) Committee Meeting held 17 June 2008.

MAYOR DAVID SMITH
PRESIDING MEMBER