



7 April 2009

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GLOSSARY OF ABBREVIATED TERMS

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

Term	Explanation
GBRP	Greater Bunbury Resource Plan report
GBRS	Greater Bunbury Region Scheme
GL	Gigalitres
GRV	Gross Rental Value
GST	Goods and Services Tax
HCWA	Heritage Council of Western Australia
ICLEI	International Council for Local Environmental Initiatives
ICT	Information and Communications Technology
IP	Internet Protocol
IT	Information Technology
ITC	In Town Centre
ITLC	Former In-Town Lunch Centre (now the "In Town Centre")
LAP	Local Action Plan
LCC	Leschenault Catchment Council
LEMC	Bunbury Local Emergency Management Committee
LIA	Light Industrial Area
LN (2000)	Liveable Neighbourhoods Policy (2000)
LSNA	Local Significant Natural Area
MHDG	Marlston Hill Design Guidelines
MRWA	Main Roads Western Australia
NDMP	National Disaster Mitigation Program
NEEDAC	Noongar Employment & Enterprise Development Aboriginal Corp.
NRM	Natural Resource Management
NRMO	Natural Resource Management Officer
ODP	Outline Development Plan
PAW	Public Access Way
PHCC	Peel-Harvey Catchment Council
PR	Plot Ratio
R-IC	Residential Inner City (Housing) - special density provisions
RDC	Residential Design Codes
RDG	Residential Design Guidelines
Residential R15	Town Planning Zone – up to 15 residential dwellings per hectare
Residential R20	Town Planning Zone – up to 20 residential dwellings per hectare
Residential R40	Town Planning Zone – up to 40 residential dwellings per hectare
Residential R60	Town Planning Zone – up to 60 residential dwellings per hectare
RFDS	Royal Flying Doctor Service
RMFFL	Recommended Minimum Finished Floor Levels
ROS	Regional Open Space
ROW	Right-of-Way
RSL	Returned Services League
SBCC	South Bunbury Cricket Club Inc.
SCADA	Supervisory Control and Data Acquisition
SGDC	Sportsgrounds Development Committee
SW	South West
SWACC	South Western Area Consultative Committee
SWAMS	South West Aboriginal Medical Service
SWBP	South West Biodiversity Project
SWCC	South West Catchments Council
SWDC	South West Development Commission
SWDRP	South West Dolphin Research Program

Term	Explanation
SWEL	South West Electronic Library
SWSC	South West Sports Centre
TME	Thompson McRobert Edgeloe
TPS	Town Planning Scheme
USBA	Union Bank of Switzerland Australia
VGO	Valuer General's Office
VOIP	Voice-Over Internet Protocol
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission
WAPRES	Western Australian Plantation Resources
WAWA	Water Authority of Western Australia
WC	Water Corporation
WML	WML Consultants
WRC	Waters and Rivers Commission

COUNCIL (STANDING) COMMITTEE 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, 7 April 2009.

MINUTES

7 April 2009

NOTE: These minutes are subject to confirmation at the subsequent meeting of the Council.

1. DECLARATION OF OPENING BY THE PRESIDING MEMBER

His Worship the Mayor, Mr David Smith, declared the meeting open at 6.00pm.

2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

PRESENT

Council Committee Members	
Presiding Member:	Mayor, Mr D Smith
Members:	Deputy Mayor, Councillor S Craddock
	Councillor J Jones
	Councillor S Rooney
	Councillor B Kelly
	Councillor H Punch
	Councillor N Whittle
	Councillor R Slater
	Councillor A Leigh
	Councillor J Harrop
	Councillor D Spencer
	Councillor W Major
Councillor M Steck	
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
A/Executive Manager City Life:	Ms J Massey
Council Officers (Non-Voting):	
Community Development Officer:	Mr A Johnson
Project Manager City Services:	Mr S Parkinson
Administration Officer Corporate Services:	Ms D Ryan
Administration Officer Corporate Services:	Ms M Smith

PRESENT (continued)

Others (Non-Voting):	
Members of the Public:	15 (approx.)
Members of the Press:	Nil

APOLOGIES:
Nil

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

At the Council Committee Meeting held 17 March 2009, questions were asked during Public Question Time that could not be answered during the meeting. A copy of questions and the written responses are provided below for public information:

Ms Beth Kozyrski, 118 South Western Highway, Picton

Question 1: I refer to Page 31 (of the meeting agenda) in particular under the heading 'Need for Structure Planning' and the statement: 'some benefit may be accrued from increasing accessibility to the Regional Open Space shoreline for both maintenance of flood mitigation works (levee bank) and increased passive recreational opportunities'.

As I am the private property owner by virtue of this Certificate of Title would you please explain why Council is giving the distinct impression to the general public that my land will to be made available to them for recreational purposes?

Response 1: Lot 150 has been designated as "Regional Open Space" by the State Government. This came about by the introduction of the Greater Bunbury Region Scheme (GBRS) that officially came into effect in November 2007. Nevertheless while the land remains in private ownership, the landowner reserves the right to control access to the land as they wish.

It is State Government policy that regional reserves are to be readily accessible to the public. Despite this policy public access can only occur if the designated POS land comes into ownership of the government. While the Regional Open Space remains in private ownership the landowner still maintains control over who may enter the site and what they may do in the site if they are granted access.

Question 2: The misleading statement referring to my private property as Regional Open Space gives the general public a belief that they have a right to enter onto my land. That misleading information will be on the internet to be accessed by numerous people and will cause immense problems for me with people trespassing increasing the likelihood of damage to property and liability.

Will you please make it very clear in this agenda item before it is presented to the public that although my privately owned property is described as Regional Open Space in the GBRS it is still in private ownership and not available for use by the public?"

Response 2: Lot 150 has been designated as "Regional Open Space" by the State Government by way of the introduction of the GBRS, therefore the reference to Lot 150 as being "Regional Open Space" could not be construed as a misleading statement. Nevertheless it must be made clear that the land is still in private ownership and not accessible to the general public.

Question 3: I refer to page 32 of the agenda (in particular the "preferred options" item 5) and Council's plans to have on Lot 150 (my property) a trafficable path, a strategic fire break, pedestrian and cyclist public access, emergency access route for vehicles, etc. Can you explain the statutory requirements you will have to implement before you are able to achieve all those things on my private property and your budget estimate for all the in-house work, legal fees, compensation and any other relevant expenses?

Response 3: The matters mentioned in regard to the eventual usage of Lot 150 for public purposes cannot occur unless the land comes into government ownership. The following comments are from a brochure provided by the WA Planning Commission on finalisation of the GBRS:

"If your land is reserved in the GBRS you can continue to use and enjoy your property. Generally, reserved land can remain in private ownership until it is needed for its reserved purpose. If you believe the reservation of your land has devalued it, you can make a claim for compensation. When you make a claim for compensation the WAPC can acquire your land instead of paying compensation. There are several options available to the owners of reserved land:

- Retain ownership and continue with the enjoyment of the property until it is needed for the public purpose.
- Sell the property on the open market and claim compensation for any loss in value as a result of the reservation.
- Offer the property for sale to the WAPC.

- Make a claim for compensation for injurious affection following the WAPC's refusal of a development application or approval of a development application subject to conditions (as a result of the reservation) that you consider are unacceptable.

Further information on acquisition and compensation matters is available from the Department for Planning and Infrastructure WAPC Property Management Services on 9264 7777.

4. PUBLIC QUESTION TIME

Mr Victor J Howes, 58 Vickery Crescent, Bunbury

[NOTE: The questions listed below are summarised from a written copy provided by Mr Howes]

Question 1: (Concerning my property at Lot 101 Australind Bypass, Bunbury) My letter of 3 June 2008 to the Mayor refuting the Bunbury Port Authority's draft plan and my request to address full Council, was ignored - why?

Response 1: The Mayor advised Mr Howes that he will receive a written response to his question.

Question 2: In relation to the 18 December 2008 letter to me from the Council citing complications to my application of the 18th and the need for a planning application - was this correct?

Response 2: The Mayor advised Mr Howes that he will receive a written response to his question.

Question 3: My complaint was discussed with the WA Planning Commission (Council's 20 January letter). Is their letter of 24 February to Council correct and honest?

Response 3: The Mayor advised Mr Howes that he will receive a written response to his question.

Question 4: The Bunbury Port Authority on 2 April confirmed verbally (by Mr Barratt to me) that the Port wants my land as a buffer zone. Is the Bunbury Port Authority pushing the town planners to gazette this private land?

Response 4: The Mayor advised that this was not the case.

Question 5: In early February, did the Planning Department pull my file from the Health Department citing that my Building/Planning Application was withdrawn?

Response 5: The Mayor advised Mr Howes that he will receive a written response to his question.

Question 6: Why did Council send me a cheque for \$493 dated 30 January - was this an unethical act?

Response 6: The Mayor advised Mr Howes that he will receive a written response to his question.

Question 7: On 20 January 2009, the Manager Development Services wrote to me citing various issues - do you agree these were in the main, false? Have you received a letter of 24 February 2009 from the WA Planning Commission (South West) refuting these comments?

Response 7: The Mayor advised Mr Howes that he does not believe the advice from the Manager Development Services was false. However, this matter will be investigated and a written response provided to Mr Howes.

Question 8: My letter to Mr Trevaskis (Bunbury CEO) of 4 March was a serious letter of complaint which five weeks later has not been replied to nor acknowledged. Why not, when this gentleman has a duty of care to ratepayers?

Response 8: The Mayor advised Mr Howes that Mr Trevaskis needs to source the information requested from government departments in order to ensure accuracy in his response. However, this matter will be investigated and a written response provided to Mr Howes.

Question 9: The above letter went to the Mayor. It also asked for me to address the full Council for the fourth attempt. Why did the Mayor not respond to me instead of ignoring my request?

Response 9: The Mayor advised Mr Howes that he was only made aware of the letter today.

Question 10: My letter of 4 March to Mr Trevaskis (Bunbury CEO) requested explanation as to how the value of my building material costs can be calculated out by Council at nearly twice that of a saleable home by builders within Bunbury. Please explain, because I am still waiting?

Response 10: The Mayor advised that fees are based on the estimated value of the building subject of the building application. If officers feel that the building is being under-valued, they are required to investigate.

Question 11: In being forced by the DCU to apply for planning approval 'under duress' it would appear that the WA Planning Department has stipulated that it does not have any interest in my owner builder's request for a single dwelling on rural land - then, why do I need to apply for planning permission when Council zoning already allows for this.

Response 11: The Mayor advised Mr Howes that there is no need for him to make an application under the Greater Bunbury Region Scheme.

Question 12: Please advise me why does the head of the DCU continue to infer (since 2004) that in his opinion, I want to build a bed & breakfast or board house or business; when my application has been declared a 'Class 1A' building not a Class 1B. Am I being accused of lying to Council?

Response 12: The Mayor advised Mr Howes that it was inferred based upon the actual design of the building.

Question 13: Would the Mayor please explain to this meeting why Councillor Michelle Steck has been denied raising questions on my behalf causing me to now plead my case in Public Question Time when we all know that my questions will only be accepted 'on notice'. I request that all answers are put into the minutes as well as a written reply to me.

Response 13: The Mayor advised Mr Howes that he will receive a written response to his question.

Question 14: Has the Council Planning Department ever declared that I did not have access to my block to me or to others?

Response 14: The Mayor advised Mr Howes that he will receive a written response to his question.

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

Nil

6. CONFIRMATION OF PREVIOUS MINUTES

The minutes of the Council (Standing) Committee Meeting held 17 March 2009, had been circulated to members previously.

A motion to adopt the minutes was moved Cr Major, seconded Cr Craddock and adopted to become the Committee's decision, as follows:

Committee Decision

The minutes of the Council (Standing) Committee Meeting held 17 March 2009, be confirmed as a true and accurate record.

CARRIED

13 Votes "For" / Nil Votes "Against"

7. DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995

Nil.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

9. CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS

Nil.

10. RECEPTION OF FORMAL PETITIONS AND MEMORIALS

Nil.

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

11.1 BUNBURY BMX CLUB INC. - NEW LEASE OVER PORTION RESERVE 30601 "HAY PARK" (LOT 944) CORNER WASHINGTON AVENUE & ROTARY DRIVE, BUNBURY (WAS LISTED AS ITEM 11.8 IN THE MEETING AGENDA)

File Ref:	F00070
Applicant/Proponent:	Bunbury BMX Club Inc.
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager, Corporate Services

Summary

An application has been received from the Bunbury BMX Club Inc. ("Lessee") seeking Council consideration to renew the Deed of Lease over a 1.1 hectare portion of Reserve 30601 (Hay Park) for a period of twenty-one (21) years. The Club requires security of tenure over the site as it is applying for Government and private sector funding to erect a new perimeter security fence, improve the track layout and lighting, clubrooms and public conveniences at the site. A copy of the Club's application has been provided to members **under separate cover**.

Should Council support the request for a 21-year term, the existing lease (due to expire on 5 June 2010) will need to be surrendered in order to comply with the Management Order over the site which restricts the City from consenting to a lease in excess of 21 years

Pursuant to Section 18 of the Land Administration Act 1997, the Department for Planning & Infrastructure (State Lands) has provided the City with its "in principle" approval to lease the site for the 21 year period requested by the applicant.

Background

As outlined in the Club's application, it is seeking a long-term lease that provides security of tenure proportional to its anticipated level of funding (together with other grants, sponsorship opportunities and revenue streams) for the following upgrades at the BMX circuit:

- New track layout
- New venue lighting
- Renovation of clubrooms
- Upgrade of toilet facilities
- New security fence around perimeter of premises

The Club is also seeking Council's "in principle" support to achieve its objective of upgrading the BMX track and facilities to a national standard with any request for Council to contribute toward (or in support of) the Club's endeavours, to be subject of a separate report to the Council.

The Club will be required to keep Council informed on progress towards the proposed works program within reasonable time frames.

Land and Club Details

The land is held by the City of Bunbury under Management Order Crown Land Record 1902/67 (Crown Land Title Volume 3114 Folio 822) Reserve 30601, Lot 944 Parade Road, Bunbury for the purpose of "Recreation" with the power to lease for a term of up to twenty one (21) years. A site plan is **attached** at Appendix 4.

The Bunbury BMX Club Inc. has provided an avenue for the people of Bunbury and its region to participate in the sport of BMX (now an Olympic sport) for the past 40 years and has produced State and National champions.

The Bunbury BMX Club Inc. has held a lease over this site since 1980. Its current 5-year renewal of the lease is due to expire on 5 June 2010.

The Club is a non-profit organisation, providing opportunity for local youth to participate in the sport. Maintaining the track and facilities is the responsibility of the Club.

The venue has been the subject of vandalism over many years. It is the Club's view that its membership will continue to grow and be further encouraged with the advent of the proposed improvements in particular, installation of a new security fence, which is expected to significantly reduce incidences of vandalism and theft.

The City's Executive are of the view that the projected use of the BMX and soccer precincts will not have an adverse affect on the BMX venue and should events and demands for additional land come forward, the possibilities and options will be considered at the time.

Current Lease Details

Details in relation to the status of the property and the current Lease are as follows:

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Original Lease Commenced:	1980
Current Term Commenced:	6 June 2005
Term:	Five (5) years
Expiry Date:	5 June 2010
Land Description:	Reserve 30601 (Lot 944) corner Washington Avenue and Rotary Drive, Bunbury held by the City of Bunbury under Management Order Crown Land Record 1902/67 for the purpose of "Recreation" with power to lease for a term of up to 21 years.
Rental:	\$288.97 per annum (inclusive of GST) and indexed by CPI. A rent review is conducted on every third anniversary date throughout the term of the lease.
Permitted Use:	Bicycle motor cross ("BMX") race track and associated facilities.
Land Area:	1.1 hectares (10,455 sq.m)
Outgoings:	Responsibility of the Lessee.
Insurance:	The lessee is required to hold Public Risk cover for claims up to \$5(M) and General Insurance policies.

Proposed Lease Details

Commencement Date:	6 June 2010
Term:	Twenty-one (21) years
Expiry Date:	5 June 2031
Rental:	\$352.00 (inclusive of GST) indexed by CPI and based on the "land component only" as the assets on-site have been built (and are owned) by the Club. The lease rental is also based on the utilised land area. A rent review is to be conducted on every third anniversary date throughout the term of the lease.
Permitted Use:	Bicycle motor cross ("BMX") race track and associated facilities.
Land Area:	1.1 hectares (10,455 sq.m)
Outgoings:	Responsibility of the Lessee
Insurance:	Lessee is required to hold Public Risk cover for claims up to \$10(M) and General Insurance policies.
Preparation of Lease costs:	Lessee to pay for document preparation, registration, advertising and valuation assessment.

The City's Executive with the applicant has mutually agreed on the terms and conditions of the proposed lease.

Strategic and/or Regional Outcomes

Strategic Outcomes

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

Regional Outcomes

The BMX Club Inc promotes opportunities to interested youth from local the Greater Bunbury Region to participate in the sport.

Community Consultation

Notice of the intention to grant the Bunbury BMX Club Inc. an extension of lease for a further twenty one (21) years will be published in the City Update Column of the Bunbury Mail Newspaper.

Councillor/Officer Consultation

The City's Executive and the applicant have mutually agreed on the terms and conditions of the proposed lease.

Analysis of Financial and Budget Implications

The lease rental has been calculated on the utilised area and based on an independent valuer's assessment, with the lessee responsible to meet all outgoings including water, rubbish charges and power.

The Bunbury BMX Club Inc is a member of BMX WA (which is governed by BMX Australia and the world governing body "Union Cycliste Internationale"). The Bunbury BMX Club has 110 registered members ranging in age from 5 to over 40 years. Most members hold open membership and pay an annual fee of \$127.00 which is divided as follows:

- \$80.00 to BMX Australia (which provides insurance and public liability cover to the Club);
- \$20.00 to BMX WA (which provides the Club with support services e.g., training members to use the computer scoring system, running annual competitions) and
- \$27.00 to the Bunbury BMX Club for operational expenses.

As the sport was recently upgraded to Olympic status, the Club is applying for funding (through Government sources and the private sector) to undertake its capital works program.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The Bunbury BMX Club Inc has 110 registered members ranging in age from 5 to over 40 years. The Club conducts regular training and holds various fixtures and major events during the year which attract a number of visitors to Bunbury.

Social Issues

The Bunbury BMX Club Inc. has provided an avenue for the people of Bunbury and its region to participate in the sport of BMX (now an Olympic sport) for the past 40 years and has produced State and National champions.

Environmental Issues

The activities of the Lessee do not conflict with the amenity of the area which is a recreational reserve for sporting and passive recreation activities.

Heritage Issues

There are no known heritage issues relative to the proposal.

Council Policy Compliance

No Council policy applies to the proposal contained in this report.

Legislative Compliance

The intention to renew the lease will be advertised for a period of fourteen (14) days in accordance with Section 3.58 (3) of the Local Government Act 1995.

Delegation of Authority

The Chief Executive Officer has the delegated authority of the Council to negotiate the terms and conditions of property leases provided the settled terms and conditions are presented to Council for endorsement prior to the document being finalised.

Relevant Precedents

The Bunbury BMX Club Inc has held the lease over its current site since 1980 and has operated to Council's satisfaction over those years.

Options

Option 1

Per the recommendation printed in this report.

Option 2

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

Option 3

Council does NOT support the proposal by the Bunbury BMX Club Inc. to renew its lease over a 1.1 hectare portion of Reserve 30601 (Hay Park), corner Washington Avenue and Rotary Drive, Bunbury for a period of 21 years.

Conclusion

The Bunbury BMX Club Inc. has held the Lease over its current site (a 1.1 hectare portion of Reserve 30601) since 1980.

The Club is proposing to renew its lease for a 21-year term in order to obtain Government and private sector funding for capital improvements of facilities on-site consistent with national standards for the sport of BMX racing.

Recommendation

PART A - Surrender of Existing Lease

The Bunbury City Council agrees to permit the Bunbury BMX Club Inc. to surrender its existing lease (expires 5 June 2010) for portion of Reserve 30601, Hay Park, Bunbury from the date of commencement of the new lease.

PART B - Grant New Lease

Council agrees to grant the Bunbury BMX Club Inc. a new lease over a portion of Reserve 30601 (Lot 944) corner Washington Avenue and Rotary Drive, Bunbury, for a term of twenty-one (21) years in accordance with the terms and conditions as specified in the report and on the following basis:

1. The intention to lease the site for an extended period to be advertised in a local newspaper for public information.
2. The Minister for Lands to endorse the lease documentation.
3. The Lessee to be responsible for all costs associated with advertising, document preparation and valuation assessment.

4. The Lessee to seek approval from the City with respect to proposed future capital works to improve or upgrade the track, fencing, lighting poles, toilet facilities and other structures on-site.

PART C - Funding

Council provides "in principle" support for the objectives of the Bunbury BMX Club Inc. in seeking government and/or private sector funding for capital improvements of facilities at its lease site on Reserve 30601, Hay Park, Bunbury; in order to bring facilities in line with national standards for the sport of BMX racing. Any request for the City of Bunbury to contribute toward (or in support of) the Club's endeavours is to be subject of a separate report to the Council.

Outcome of the Council Committee Meeting - 7 April 2009

Mr Tim Wakeling and Ms Lauren Reynolds from the BMX Club addressed committee members in support of the proposal.

Mr Wakeling responded to a question on whether the track could be made available for public use by pointing out that this would be difficult to administer as the track is heavily used by various sectors of the club throughout the week and needs to be especially prepared prior to each use. He also confirmed that the new security fencing proposed will be similar to that used at the Mandurah Railway Station in order to deter unauthorised entry onto the premises.

The recommendation (as printed) was moved Cr Leigh, seconded Cr Major. The motion was put to the vote and adopted to become the Committee's recommendation on this issue.

Committee Recommendation

PART A - Surrender of Existing Lease

The Bunbury City Council agrees to permit the Bunbury BMX Club Inc. to surrender its existing lease (expires 5 June 2010) for portion of Reserve 30601, Hay Park, Bunbury from the date of commencement of the new lease.

PART B - Grant New Lease

Council agrees to grant the Bunbury BMX Club Inc. a new lease over a portion of Reserve 30601 (Lot 944) corner Washington Avenue and Rotary Drive, Bunbury, for a term of twenty-one (21) years in accordance with the terms and conditions as specified in the report and on the following basis:

- 1. The intention to lease the site for an extended period to be advertised in a local newspaper for public information.***
- 2. The Minister for Lands to endorse the lease documentation.***

3. *The Lessee to be responsible for all costs associated with advertising, document preparation and valuation assessment.*
4. *The Lessee to seek approval from the City with respect to proposed future capital works to improve or upgrade the track, fencing, lighting poles, toilet facilities and other structures on-site.*

PART C - Funding

Council provides "in principle" support for the objectives of the Bunbury BMX Club Inc. in seeking government and/or private sector funding for capital improvements of facilities at its lease site on Reserve 30601, Hay Park, Bunbury; in order to bring facilities in line with national standards for the sport of BMX racing. Any request for the City of Bunbury to contribute toward (or in support of) the Club's endeavours is to be subject of a separate report to the Council.

CARRIED

13 Votes "For" / Nil Votes "Against"

11.2 CHOOSE RESPECT *(WAS LISTED AS ITEM 11.3 IN THE MEETING AGENDA)*

File Ref:	A0077-13
Applicant/Proponent:	Bunbury Choose Respect Resource Team
Author:	Adam Johnson, Community Development Officer
Executive:	Jackie Massey, A/Executive Manager City Life

Summary

Endorsement by Council of Choose Respect is being sought by the Bunbury Choose Respect Resource Team, as a key milestone in the journey towards Bunbury becoming the first 'Choose Respect City'.

Background

In 2007 the creator of Choose Respect, Mr Gary Butcher was invited by the principal of Carey Park Primary School to help implement Choose Respect in the school. After the approach was introduced considerable improvements in student behaviour across a range of indicators, such as bullying, were recorded.

In 2008 community forums were organised to gauge interest from the wider community in Choose Respect. The forums were well-attended by a range of people representing community organisations and different non-government and government agencies (eg. Police).

The Bunbury Choose Respect Resource Team was established to help develop a model that could be used to implement Choose Respect across all sectors of the community. One of the key milestones identified as critical to the success of the model is endorsement by Council.

Further background information about Choose Respect can be found in the Resource Packs distributed to Councillors during the briefing meeting on 10 March 2009.

Strategic and/or Regional Outcomes

Anti-social behaviour and lack of respect for self and property have been identified as a serious issue affecting our community in the City of Bunbury Crime Prevention Plan, recently endorsed by Council and the Office of Crime Prevention. Choose Respect is recognised in the plan as a partner in meeting the Social outcomes identified in the plan.

Strategy 6.4 of the City of Bunbury Corporate Strategic Plan 2007-2012 is about enhancing community safety, stating: "City of Bunbury creates a community in which people feel safe and included". This aim is shared by Choose Respect.

Goal 4.1 of the Community Development Plan 2007-2012 is about Community Development contributing to "the implementation of collaborative strategies that will help to break cycles

and build futures, and target antisocial behaviour”. Choose Respect is an initiative that helps to meet this goal.

Community Consultation

A number of community forums have taken place, most of which have been well-attended by the public. Two workshops were also held inviting feedback from the community about strategies that could be used to increase community awareness and the effectiveness of Choose Respect.

Councillor/Officer Consultation

The Mayor and Councillors have attended some of the community forums, and there was a recent briefing session to Council about Choose Respect. The Community Development Officer is a member of the Bunbury Choose Respect Resource Team.

Analysis of Financial and Budget Implications

There has been no request for financial support received from the Bunbury Choose Respect Resource Team. The group recently received a grant from the State Government to help with implementation costs.

Economic, Social, Environmental and Heritage Issues

The main impact Choose Respect aims to have is on the attitudes of Bunbury residents towards each other and their environment. The initiative aims to empower ordinary people to treat themselves, each other and the environment with respect by giving the community a conceptual framework and common language of respect. Through a wide-spread promotional campaign, workshops, community forums, and workplace initiatives, it is hoped that people’s awareness of their behaviour towards themselves, others and the environment will be heightened, and that they will be encouraged ‘to treat with care and consideration’ (a definition of respect).

Council Policy Compliance

There are no Council policies that impact on this agenda item.

Legislative Compliance

There are no legislative considerations.

Delegation of Authority

The Chief Executive Officer has no delegated authority on this matter.

Relevant Precedents

There are no similar incidences of Council endorsing a program of this nature.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council does not endorse Choose Respect.

Conclusion

Council can play a lead role in Bunbury becoming the first 'Choose Respect City' in Australia by endorsing the Choose Respect approach, which will allow the Bunbury Choose Respect Resource Team to continue its efforts to raise awareness of Choose Respect across the whole community and contribute to Council initiatives such as the Crime Prevention Plan.

Recommendation

Council endorses the report titled '*Choose Respect.*'

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The recommendation (as printed) was moved by Cr Major, seconded Cr Slater and amended to indicate that 'Choose Respect' is a program not a report.

During discussion the following points were raised:

- Cr Major foreshadowed the following motion "*The City of Bunbury establish a 'Choose Respect' focus group to operate from the Hudson Road Family Centre*".
- The Community Development Officer and the Acting Executive Manager City Life addressed the committee and responded to questions.
- It was pointed out that the report contains no financial information or cost structure. The Mayor advised that by supporting the program the City may be called upon to provide specific services or resources at a later date but such requests would be forwarded to Council for consideration at that time.

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

Committee Recommendation

Council endorses the 'Choose Respect' program.

CARRIED

8 Votes "For" / 5 Votes "Against"

A request was made for the vote to be recorded:

For: Major D Smith and Crs Craddock, Leigh, Rooney, Major, Whittle, Spencer and Slater

Against: Crs Punch, Steck, Jones, Harrop and Kelly.

11.3 BUNBURY REGIONAL ART GALLERIES FUTURE DIRECTIONS *(WAS LISTED AS ITEM 11.7 IN THE MEETING AGENDA)*

File Ref:	A02640
Applicant/Proponent:	Bunbury Regional Art Galleries
Author:	Domenic Marzano, Executive Manager City Life
Executive:	Domenic Marzano, Executive Manager City Life

Summary

The City of Bunbury together with the Bunbury Regional Arts Management Board (BRAMB) has been working towards the improvement of the existing Galleries' facility and the identification of long term options for the future of the Bunbury Regional Art Galleries (BRAG). To date, \$1 million has been secured from the state government via the Department of Culture and the Arts for upgrades to the existing building. Funding has also been obtained to conduct a feasibility study to investigate options for future expansions on the current site. Council has also committed to a replacement programme for the aging air-conditioning systems at BRAG.

BRAMB recently confirmed their preferred long term option for improved gallery facilities is redevelopment and expansion on the current site and the northern car park area.

This proposal is to reconfirm Council's commitment to the \$1 million refurbishments and feasibility study, and to ensure immediate action is taken to realise these important works.

Background

In October 2007, the City of Bunbury was informed by the Department of Culture and the Arts (DCA) that if the \$1million State Government commitment towards creation of a Bunbury Regional Museum (provided to the City in 2001) was not allocated to a relevant initiative by 31 December 2007, those funds would be returned to the State Government Community Development Fund.

As no immediate source of funding for a museum could be identified, the Three-Waters Centre Project Control Group recommended that the funds be reallocated toward upgrade and improvements of BRAG, situated in Wittenoom Street, Bunbury.

A number of priorities were presented by BRAMB and endorsed by the Three-Waters Project Control Group. After further discussion with the DCA, a letter was received from Minister for the Arts, the Hon. Sheila McHale, MLA, requesting a proposal to improve access and exhibition spaces at BRAG. The priorities were then modified to suit the request. After submitting costings provided by a Quantity Surveyor to DCA, a further communication was received from the Department's Director of Cultural Development and Strategic Programs indicating the type of projects that would receive departmental support including:

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- Installation of a dual purpose lift
- Refurbishment of foyer and entry areas
- Moveable walls to increase exhibition space
- Internet capacity in gallery spaces
- Improved studio and art workshop space.

Following consultation with the BRAMB on 27 November 2007, the DCA recommendations were further refined as follows:

Installation of a dual purpose lift.....	\$448,328.00
Internet Arts Access Project	\$98,600.00
Refurbishment of Foyer/Hallway	\$97,138.00
Refurbish (and partly enclose) courtyard for exhibit of large objects/sculpture	\$134,498.00
Create storage area (south side) of building to maximize exhibition space.....	\$164,387.00

Note: The total cost is \$942,951.00. Costs were indicative and provide an allowance for escalation to December 2008.

On 6 December 2007, the DCA Director of Cultural Development and Strategic Programs was notified of the refined list and supported the items as outlined above. Council considered the issue on 18 December 2007.

Council Decision 265/07

PART A

The \$1million allocated to the City of Bunbury by the Department of Culture and the Arts in 2001 for the purpose of a museum, be re-allocated to the Bunbury Regional Art Galleries for use as follows:

<i>Install a dual-purpose lift</i>	<i>\$448,328.00</i>
<i>Internet Arts Access Project</i>	<i>\$98,600.00</i>
<i>Refurbish foyer/hallway</i>	<i>\$97,138.00</i>
<i>Refurbish and partly enclose courtyard for exhibit of large objects/sculpture</i>	<i>\$134,498.00</i>
<i>Replace wall (north side) to provide gated access</i>	<i>\$22,416.00</i>
<i>Create storage area (south side of building) to maximize exhibition space</i>	<i><u>\$164,387.00</u></i>
<i>Total:</i>	<i>\$965,367.00</i>

PART B

The Minister and the Department of Culture and the Arts be informed of the decision in Part A. above and requested to confirm that each of the items listed qualifies for re-allocation of the money available.

PART C

In the event that the quotations for the works listed in Part A. above are in excess of \$1million, the list is to be considered to be in order of priority and reduced accordingly.

Following this chain of events, the City of Bunbury pursued avenues to raise funds to undertake a feasibility study into the future potential of the current BRAG site.

The underlying aim of the Feasibility Study is to identify the opportunities, investment and benefits for expanding the galleries to include a range of additional facilities to service the growing needs of the regional community over the next two decades. The study should enable the City of Bunbury to make well informed strategic decisions in planning any expansion of the BRAG site.

The Feasibility Study fulfils the objectives set out in the BRAG Strategic Plan for development towards its Mission - *'To be recognised as the leader in the pursuit of excellence for visual arts in Bunbury and the South West'* and Vision - *'To contribute to the lasting growth and viability of visual arts in the South West'*, by creating and promoting innovative opportunities to increase community interest, awareness and active participation in the arts, in various capacities, across the BRAG's client base.

In addition, the study will complement BRAG's Conservation Plan and create an all embracing development with the current upgrade project management plan.

Given that BRAMB has since confirmed their preference for a long term future on the current site, some concern has been raised that the existing budget for the feasibility study may be inadequate to satisfy all needs. An example of this is the undertaking of an architectural assessment of the existing building.

It is proposed that the recommendation to refurbish the courtyard no longer be pursued and these funds be diverted into ensuring the feasibility study is adequate for the future needs of the Bunbury Regional Art galleries. This proposal also ensures all refurbishment work is to be conducted on the southern and western aspects of the building and therefore should have no or minimal impact on future expansions currently proposed for the northern end of the site.

It must be noted all refurbishment work must first be approved by the Heritage Council and such approvals are currently being sought by City staff to ensure the City of Bunbury Heritage Committee is engaged with this process.

This proposal also recommends the immediate perusal of the air-conditioning replacement process as this has been repeatedly detailed as an urgent need by BRAMB. The A class status of the exhibition spaces will be jeopardised if the climate control fails which is likely to negatively impact on the Galleries' ability to acquire external funding.

Strategic and/or Regional Outcomes

This request complies with the City of Bunbury Strategic Plan 2007-2012, Strategy 6.3 which states "*Community planning and infrastructure achieves a city that is inclusive and accessible*". It relates specifically to the following deliverable – "*Community and cultural needs assessment*".

This project will ensure the BRAG maintains its position as the premier public gallery south of Perth, ensuring excellent access to the visual arts for local and regional audiences.

Community Consultation

BRAMB and the City Art Collection Committee through the Curator Greg White and Heritage Consultant Annette Green have been consulted. Feedback has also been received from other industry professionals and factored into this proposal.

Councillor/Officer Consultation

The Mayor, Deputy Mayor, Chief Executive Officer, City Heritage Officer and City Arts Curator have been consulted. Councillor Helen Punch is a member of the Bunbury Regional Art Management Board, which has approved the project.

Analysis of Financial and Budget Implications

The potential implication is that Council will be forced to return state government funds if suitable work is not completed within the next twelve months.

Council has already agreed to consider \$15,000 being sourced through the 2009/10 budget process to support the feasibility study.

Economic, Social, Environmental and Heritage Issues

Improvement of BRAG would increase community access to the arts and the City or Bunbury Art Collection, increase the local and regional visual arts community's access to quality facilities, improve the diversity of visual arts product in Bunbury and increase economic benefits to the community by creating a flexible space more attractive to the needs of cultural tourism. The proposed improvements would not affect the heritage status of the building and the feasibility study would highlight the commitment to preserving the important heritage value of the building while ensuring it is optimally used for its current purpose as a functioning, peak regional art gallery.

Council Policy Compliance

There is no Council policy related directly to this matter.

Legislative Compliance

There is no legislation related directly to this matter.

Delegation of Authority

The Chief Executive Officer does not have delegated authority to approve capital funding from the 2009/10 budget.

Relevant Precedents

Council provides funds through the five year plan and annual budget process for the purpose of improving City of Bunbury owned buildings through capital works.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council defers the expenditure of the \$1 million until after the feasibility study has been completed.

Conclusion

This proposal presents an effective way forward to improve the current BRAG facilities and identify appropriate long term planning options. As the state government funds must be expended in accordance with the DCA's criteria and the issue of air-conditioning is becoming one of urgency for the Bunbury Regional Art Galleries, a commitment to immediate action is required.

The BRAMB have committed to a long term future that incorporates the ongoing use of the current building. The expenditure of funds to secure such items as a lift, a feasibility study and replacement air-conditioning will be the first steps in refurbishing the current building for the long term and will improve the functionality of the building during the intervening period while plans for redevelopment of the site and creation of new facilities are developed.

If Council chooses to wait until the feasibility study is completed, it is possible that the works cannot be undertaken in a timeframe to meet the requirements of the DCA and anticipated funding assistance may be withdrawn.

Recommendation

1. Council proceed immediately with the expenditure of the \$1 million at the Bunbury Regional Art Galleries as originally proposed with the exception of the refurbishment of the courtyard.
2. Permission to be sought from the Department of Culture and the Arts to transfer any residual funds intended for the courtyard refurbishment to the bolstering of the feasibility study and the undertaking of an architectural assessment of the Bunbury Regional Art Galleries building.
3. Council proceed with the air-conditioning replacement process.

Outcome of the Council Committee Meeting - 7 April 2009

During discussion of this item the following points were raised:

- Mr Ian Molyneux of Ian Molyneux & Associates (consultant architect for the Art Gallery Upgrade Project) responded to questions from committee members particularly in relation to the issue of a new elevator for the complex i.e., conflict between the needs of in-house gallery services when compared with the needs of the public and disabled persons, and; safety concerns (dependent upon its placement) in the event of a fire in the building.
- The Project Manager City Services and Chief Executive Officer responded to questions concerning funding for the proposed feasibility study and urgency for expenditure of the balance of grant money allocated by the Department of Culture and the Arts.
- It was noted that a portion of the \$1 million grant funding has already been expended and the remaining balance (circa \$810,000.00) needs to be confirmed.*

*[*Post-Meeting Comment: The Project Manager City Services confirms that the actual total of funding provided was \$965,367 (not \$1M) a portion of which has already been expended on the Internet Project leaving a balance of \$866,767 for the Art Gallery Upgrade.]*

- Ms Sonya Dye (Director - Bunbury Regional Art Galleries) and Mr Leon Ridgeway (Bunbury Regional Arts Management Board Inc.) responded to questions from committee members including the possible effects on available exhibition space and details of the air conditioning required.
- Councillor Steck referred to a number of documents concerning the Bunbury Regional Art Galleries that she was aware had been provided to councillors on previous occasions and indicated that she will provide these for circulation to the current members for their information.

An alternative motion was moved Cr Punch, seconded Cr Craddock. Following discussion and further amendment clarifying that the air-conditioning proposed will actually be a comprehensive climate control system, the motion was put to the vote in separate parts as follows:

Point 1: Carried 9 votes “For” to 4 votes “Against”

A request was made for the votes to be recorded.

For: Crs Leigh, Craddock, Major, Kelly, Slater, Whittle, Harrop, Punch and Spencer

Against: Mayor D Smith and Crs Jones, Rooney and Steck

Point 2: Carried 10 votes “For” to 3 votes “Against”

Point 3: Carried 11 votes “For” to 2 votes “Against”

The Committee’s final recommendation (in full) is printed below:

Committee Recommendation

1. ***Council proceed immediately with the expenditure of the remainder of the \$1 million at the Bunbury Regional Art Galleries as originally proposed with the exception of the refurbishment of the courtyard.***
2. ***Permission to be sought from the Department of Culture and the Arts to transfer any residual funds not required for the upgrades to the existing building*, including in particular the courtyard refurbishment, to the bolstering of the feasibility study and the undertaking of an architectural assessment of the Bunbury Regional Art Galleries building.***
(*NB Costs for the upgrade to the existing building are indicative only - they require updating to 2009 prices and do not include project management costs. The extent of residual funds available is therefore likely be minimal notwithstanding the deletion of the courtyard refurbishment.)
3. ***Council proceed with the air-conditioning (climate control plant) replacement process.***

CARRIED

11.4 ELIOT STREET PARKING AND ROAD PLANNING PROJECT *(WAS LISTED AS ITEM 11.1 IN THE MEETING AGENDA)*

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

Summary/Background

Council adopted a Parking Strategy for the City's Central Business District in August 2007. The Strategy preparation included a review of the GHD Integrated Land Use and Transport Strategy 2030 and the AARB Parking Works Program.

The Strategy provides for the development of Eliot Street as a one-way (east-west) parking area with funds for the development being sourced from the Specified Area Rate covering the CBD.

A CBD Parking Project Control Committee was subsequently established to facilitate the implementation of the CBD Parking Strategy. Detailed designs and costings have been prepared for Eliot Street and a preferred design was advertised for public comment. No objections were raised and the CBD Committee provided further comment in relation to lighting, landscaping and paving.

The final design is **attached** at Appendix 1. Funding is from three (3) sources:

Specified CBD Parking Reserve	\$232,300.00
Central Traffic Area Reserve (2)	\$ 46,700.00
Engineering	<u>\$ 39,000.00</u>
Total	<u>\$318,000.00</u>

Approval is required to expend the funds from the two parking reserve funds.

Proposal

To redevelop Eliot Street as a parking precinct utilizing funds from the Specified CBD Parking Reserve and the Central Traffic Area Reserve (2).

Strategic Outcomes

Issues have emerged as to the adequacy of parking in the City's Central Business District. A Parking Strategy has been developed and endorsed to respond to immediate and longer term demands.

Community Consultation

The CBD Parking Strategy has been advertised for public comment as has the detailed design of improvements to Eliot Street.

Councillor/Officer Consultation

Extensive consultation has occurred with Council in the development of the Parking Strategy and through Councillor input at CBD Project Control Committee meetings. Close liaison has occurred with the City Engineer over design considerations.

Analysis of Financial and Budget Implications

The final cost of the project is \$318,000.00 which will be funded through parking reserves and the engineering budget. Council approval is required to expend money from the parking reserves.

Economic, Social, Environmental and Heritage Issues.

There are no significant issues.

Council Policy Compliance

Council has adopted a Parking Strategy in August 2007 that provides for the redevelopment of the Eliot Street as a parking precinct.

Legislative Compliance

Council approval is required for the expenditure of funds from the parking reserves.

Delegation of Authority

There is no delegated authority for the expenditure of parking reserve funds.

Relevant Precedents

There are numerous examples of where Council has approved the expenditure of reserve funds.

Possible Options

Option 1

Per the recommendation as listed in the report.

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Option 2

Council resolves not to approve the expenditure of \$279,000.00 from the Specified CBD Parking Reserve and the Central Traffic Area Reserve (2) for the purpose of developing Eliot Street as a parking precinct.

Conclusion

The development of Eliot Street as a parking precinct is part of a strategy to meet current and future parking demand in this area of the Central Business District which has been endorsed by Council. Funds are available to implement the project and Council approval is required to expend the parking reserve funds.

Recommendation

Council resolves to:

1. Note the design and costings for the development of Eliot Street as a parking precinct.
2. Approve the allocation of \$232,300.00 from the Specified CBD Parking Reserve and \$46,700.00 from the Central Traffic Area Reserve (2) for the purpose of developing Eliot Street as a parking precinct.

Outcome of the Council Committee Meeting - 7 April 2009

The Executive Manager City Development responded to questions concerning the project including the proposed CCTV connection.

Cr Punch left the meeting during discussion (8.15pm) and was absent for the vote on this matter.

The recommendation (as printed) was moved by Cr Slater, seconded Cr Craddock. The motion was put to the vote and adopted to become the Committee's recommendation on this issue.

Committee Recommendation

1. *Note the design and costings for the development of Eliot Street as a parking precinct.*
2. *Approve the allocation of \$232,300.00 from the Specified CBD Parking Reserve and \$46,700.00 from the Central Traffic Area Reserve (2) for the purpose of developing Eliot Street as a parking precinct.*

CARRIED

12 Votes "For" / Nil Votes "Against"

11.5 APPOINTMENT RANGER STEPHEN LAMB AS AN "AUTHORISED COUNCIL OFFICER/PERSON" TO ACT ON BEHALF OF THE CITY OF BUNBURY UNDER VARIOUS PIECES OF LEGISLATION *(WAS LISTED AS ITEM 11.12 IN THE MEETING AGENDA)*

File Ref:	A00276
Applicant/Proponent:	Internal Report
Author:	John Kowal, Manager Community Law & Safety
Executive:	Geoff Klem, Executive Manager City Development

Summary/Background

Mr Stephen Anthony Lamb recently commenced employment with the City of Bunbury as a Ranger/Fire Control Officer and now requires the Council's authorisation to perform relevant duties in accordance with various pieces of government legislation.

Legislative Compliance

Council is required to authorise and appoint a person (or persons) to act on behalf of the City of Bunbury in accordance with various pieces of legislation. If required, Council is also required to cancel the authorisation for staff members that Council had previously authorised. Once Council has appointed a person, the appointment together with any cancellations, must be advertised for public information (a statutory requirement).

Options

Option 1

Per the officer's recommendation as listed in this report.

Option 2

Council may elect NOT to approve Mr Stephen Anthony Lamb as an 'Authorised Officer/Person' for the following reasons: (to be stated at the Council Meeting)

Recommendation

1. Council appoints Stephen Anthony Lamb as an "Authorised Person" and/or "Authorised Officer" in accordance with the following legislation:
 - 1.1 Dog Act 1976, Dog Act Regulations, Dog (Restricted Breeds) Regulations (No. 2) and Dog Local Laws (as amended).
 - 1.2 Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1995 (as amended).
 - 1.3 Litter Act 1979 and Litter Act Regulations (as amended).

- 1.4 Control of Vehicles (Off-road Areas) Act 1978 and Control of Vehicles (Off-road Areas) Act Regulations (as amended).
- 1.5 Local Laws of the City of Bunbury.
- 1.6 Bush Fires Act 1954 and Bush Fires Act Regulations (as amended).
2. Council appoints Stephen Anthony Lamb as:
 - 2.1 Registration Officer in accordance with the Dog Act 1976.
 - 2.2 Fire Control Officer in accordance with Sections 38 and 59 of the Bush Fires Act 1954 (as amended).
 - 2.3 Pound Keeper/Ranger pursuant to the provision of Part XX of the Local Government (Miscellaneous Provisions) Act 1995.
3. The appointments to be advertised in accordance with the various pieces of Legislation referred to above.
4. The appointment in points 1 and 2 herein are to apply as from the date of the officer's commencement of employment with the City of Bunbury.
5. The previous appointment for Gavin John Smith, be cancelled.

Outcome of the Council Committee Meeting - 7 April 2009

Cr Punch had left during discussion of a previous item and returned to the meeting at this point in proceedings (8.27pm).

The recommendation (as printed) was moved by Cr Jones, seconded Cr Major. There was no discussion and it was put to the vote and become the Committee's recommendation.

Committee Recommendation

1. ***Council appoints Stephen Anthony Lamb as an "Authorised Person" and/or "Authorised Officer" in accordance with the following legislation:***
 - 1.1 ***Dog Act 1976, Dog Act Regulations, Dog (Restricted Breeds) Regulations (No. 2) and Dog Local Laws (as amended).***
 - 1.2 ***Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1995 (as amended).***
 - 1.3 ***Litter Act 1979 and Litter Act Regulations (as amended).***

- 1.4 Control of Vehicles (Off-road Areas) Act 1978 and Control of Vehicles (Off-road Areas) Act Regulations (as amended).*
- 1.5 Local Laws of the City of Bunbury.*
- 1.6 Bush Fires Act 1954 and Bush Fires Act Regulations (as amended).*
- 2. Council appoints Stephen Anthony Lamb as:**
 - 2.1 Registration Officer in accordance with the Dog Act 1976.*
 - 2.2 Fire Control Officer in accordance with Sections 38 and 59 of the Bush Fires Act 1954 (as amended).*
 - 2.3 Pound Keeper/Ranger pursuant to the provision of Part XX of the Local Government (Miscellaneous Provisions) Act 1995.*
- 3. The appointments to be advertised in accordance with the various pieces of Legislation referred to above.*
- 4. The appointment in points 1 and 2 herein are to apply as from the date of the officer's commencement of employment with the City of Bunbury.*
- 5. The previous appointment for Gavin John Smith, be cancelled.*

CARRIED

13 Votes "For" / Nil Votes "Against"

11.6 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR HARROP (*WAS LISTED AS ITEM 11.4 IN THE MEETING AGENDA*)

File Ref:	A00215
Applicant/Proponent:	Councillor Juliet Harrop
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary/Background

Councillor Harrop requests leave of absence from all Council-related business from 11 May to 6 June 2009 (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 Juliet Harrop is granted leave of absence from all Council-related business from 11 May to 6 June 2009 (inclusive).

Outcome of the Council Committee Meeting - 7 April 2009

Cr Craddock left the meeting at 8.28pm and was absent for the vote on this matter.

The recommendation (as printed) was moved Cr Jones, seconded Cr Major. There was no discussion and the motion was put to the vote and became the Committee's recommendation.

Committee Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Juliet Harrop is granted leave of absence from all Council-related business from 11 May to 6 June 2009 (inclusive).

CARRIED

12 Votes "For" / Nil Votes "Against"

11.7 COUNCILLOR NOEL WHITTLE - RESIGNATION FROM CITY OF BUNBURY AIRPORT ADVISORY COMMITTEE *(WAS LISTED AS ITEM 11.5 IN THE MEETING AGENDA)*

File Ref:	A00799
Applicant/Proponent:	Internal Report
Author:	Jack Dyson - Senior Administration Officer
Executive:	Greg Trevaskis - Chief Executive Officer

Summary

Councillor Noel Whittle has submitted notice of his resignation from the City of Bunbury Airport Advisory Committee

The proposal is to nominate a Council representative to the vacancy created by Councillor Whittle's resignation.

Background

The Chief Executive Officer is in receipt of written notice of Councillor Whittle's resignation from the City of Bunbury Airport Advisory Committee.

Strategic and/or Regional Outcomes

The appointment of elected members to Council Committees and Project Control Groups can be directly linked to Councils Strategic Objective 2, "Strengthen the City of Bunbury's Governance and Leadership", Strategy 2.1 "Provide open forums for decision making."

Community Consultation

There is no requirement for community consultation with regard to this matter.

Councillor/Officer Consultation

This report serves to formally notify Council of Councillor Whittle's decision and to appoint a replacement delegate.

Analysis of Financial and Budget Implications

There are no perceived financial or budgetary implications arising from this issue.

Economic, Social, Environmental and Heritage Issues

There are no known environmental, social, economic or heritage issues arising from this proposal.

Council Policy Compliance

There are no existing Council Policies relating to this matter.

Legislative Compliance

Section 5.10 of the Local Government Act 1995 requires an Absolute Majority Vote when appointing members to Council Committees.

Delegation of Authority

The Chief Executive Officer does not have delegated authority to make appointments to Council Committees.

Relevant Precedents

Council regularly receives resignations from delegates of Committees and appoints replacement members.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council not appoint a replacement delegate to the committee vacancy created by Councillor Whittle's resignation.

Conclusion

The continuing functionality of Councils Airport Advisory Committee is important in the overall Council decision making process. It is therefore necessary to ensure continued representation on the committee.

Recommendation

Council appoint Councillor _____ to the City of Bunbury Airport Advisory Committee.

Outcome of the Council Committee Meeting - 7 April 2009

Cr Craddock had left during discussion of a previous item and returned to the meeting at this point in the proceedings (8.29pm).

7 April 2009
Minutes Council Committee Meeting

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

Cr Punch accepted nomination for appointment to the committee.

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

Committee Recommendation

Council appoint Councillor Punch to the City of Bunbury Airport Advisory Committee.

CARRIED

13 Votes "For" / Nil Votes "Against"

NOTE: AN ABSOLUTE MAJORITY VOTE WILL BE REQUIRED AT THE COUNCIL MEETING.

11.8 PROPOSED LOCAL PLANNING POLICY - MINOR STRUCTURES (INCLUDING OUTBUILDINGS) *(WAS LISTED AS ITEM 11.8 IN THE MEETING AGENDA)*

File Ref:	A03657
Applicant/Proponent:	Internal Report
Author:	Ann-Kristin Jank, Planning Officer
Executive:	Geoff Klem, Executive Manager City Developer

Summary

It is considered appropriate that a new Local Planning Policy (LPP) be formulated to provide clear criteria for the assessment of applications for minor structures (including outbuildings) and to improve customer service standards through the timely processing of such applications.

This new LPP is intended to give certainty in meeting the Performance Criteria of the Residential Design Codes (R-Codes) and to preserve and enhance the amenity of residential areas by ensuring that minor structures are appropriately located on premises, and that materials used and the design of minor structures are of an acceptable standard.

By providing a balanced range of sizes and heights for minor structures (including outbuildings) depending on the lot size, this policy provides on one hand the possibility for bigger outbuildings than currently acceptable under Acceptable Development Criteria of the Residential Design Codes and on the other hand provides for criteria to preserve and enhance the amenity of residential areas and to limit the visual impact of minor structures that are considered too big or too high within an area of relatively small lot sizes.

The proposed LPP is to be released for public consultation for a period of 21 days in accordance with Clause 2.3 of the City's Town Planning Scheme No.7 (TPS7).

Background

In recent times, a larger number of applications for oversized outbuildings have been received by the City. Due to a wide range of interpretation of the relevant Performance Criteria of the R-Codes, namely that outbuildings do not detract from the streetscape and the visual amenity of residents or neighbouring properties, uncertainty in relation to a maximum size and height of outbuildings and the visual impact of bulk and materials when viewed from the street has spread within the community.

The adoption of a LPP will provide to the community and to Council staff clear guidelines in considering this issue in the future.

The City has been forced recently to defend its refusal of oversized outbuildings through the State Administrative Tribunal (SAT) process. In one case an outbuilding of 150m² was proposed on an 852m² lot, which would have been larger than the existing residence.

The Tribunal considered that:

“the proposed building by its size, bulk and positioning on the subject land would detract from the visual amenity of the area and adversely affect the amenity of residents and/or neighbouring properties.”

The appeal has been dismissed by the Tribunal and therefore the decision to refuse the outbuilding has been affirmed.

Proposal

The proposal is to introduce a new LPP titled “*Minor Structures (including Outbuildings)*”. The proposed LPP will be advertised in accordance with Clause 2.3 of TPS7 prior to adoption by Council as a LPP.

The intention of this new policy is to provide clear guidance to landowners, developers and the community at large in respect of structures that are not attached to a dwelling with a view to ensure that the Performance Criteria of the R-Codes are appropriately addressed, to preserve and enhance the amenity of residential areas and to minimize visual impact of minor structures (including outbuildings).

The LPP embodies the following objectives:

- To ensure that the Performance Criteria of the Residential Design Codes are appropriately addressed.
- To ensure that minor structures (including outbuildings) are appropriately located on premises.
- To preserve and enhance the amenity of the area and to limit the visual impact of minor structures (including outbuildings) by controlling building bulk (size and height).
- To ensure that materials used, and the design of minor structures (including outbuildings) are of an acceptable standard.
- To improve customer service standards through the timely processing of applications for minor structures (including outbuildings).

Residential Design Codes (2008)

The R-Codes currently do not provide guidance for a maximum height or visual impact of carports and free standing patios.

Outbuildings are limited in size and height in the Acceptable Development Criteria as follows:

- Collectively do not exceed 60m² in area or 10% in aggregate of the site area, whichever is lesser,
- Do not exceed a wall height of 2.4m,
- Do not exceed a ridge height of 4.2m

Outbuildings that do not comply with these requirements can be considered under Performance Criteria which is as follows:

“Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.”

The LPP does not alter or change in any way the Performance Criteria of the R-Codes but provides guidance in easily meeting the Performance Criteria and enhancing the timely processing of applications.

(**Attached** at Appendix 2 is Clause 6.10.1 of the Residential Design Codes).

Town Planning Scheme No.7

Clause 10.2 of the Scheme provides lists of matters that the local government should have regard to in the consideration of an application for planning approval. In this regard, it is considered that Clause 10.2.1 (o) of TPS 7 has a direct association to the proposed new LPP and reads as follows:

“the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;”

The terms of reference of the proposed LPP covers all minor structures including outbuildings, sheds, garages, carports and patios that are not attached to a dwelling on residential properties.

The proposed LPP will provide for a range of sizes and heights of outbuildings depending on the lot size and require that materials used for minor structures are of an acceptable standard and match the existing dwelling when visible from the street.

This policy will also allow for a flexible approach in considering proposals subject to demonstration that the proposal meets the objectives of the policy.

(**Attached** at Appendix 3 is the proposed Local Planning Policy).

Strategic Outcomes

It is considered that the proposed LPP satisfies the general direction of the City of Bunbury 2007 – 2012 Strategic Plan and in particular in respect of Strategy 5.3 “*Provide a cohesive system of integrated land use planning*”, which outlines the importance of a comprehensive and integrated planning system to meet community expectations.

The recommendation has had regard to City of Bunbury 2007-2012 Strategic Plan.

Community Consultation

The proposed LPP will be advertised for public comment in accordance with Clause 2.3 of TPS7.

Councillor/Officer Consultation

The matter has been discussed within Development Services and with the Manager of Development Services prior to the finalisation of this report.

Analysis of Financial and Budget Implications

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

Economic, Social, Environmental and Heritage Issues

No significant economic and environmental issues have been identified. It is considered that the proposed LPP will minimise the impact on the amenity of residential areas and therefore reduce social incompatibility. There are no significant heritage issues that would arise as a result of the proposed LPP (heritage matters will be dealt through applicable LPPs as required).

Council Policy Compliance

This is a proposed new LPP which is required to be advertised for public comment in accordance with Clause 2.3 of TPS7.

Legislative Compliance

The proposal is in line with TPS7 requirements applicable to LPP matters.

Delegation of Authority

Adoption of a LPP is by a decision of Council.

Relevant Precedents

There are no known precedents in this case.

Possible Options

Option 1

Per the recommendation in this report.

Option 2

Council may resolve not to proceed with the draft Local Planning Policy – “Minor Structures (including Outbuildings)”.

Conclusion

The proposed LPP provides supplementary development control mechanisms for the consideration of any structure which is not attached to a dwelling that may detract from the streetscape or the visual amenity of the residential areas of the City.

The LPP does not alter or change in any way the Performance Criteria of the R-Codes but provides guidance in easily meeting the Performance Criteria and enhancing the timely processing of applications by providing a balanced range of sizes and heights for minor structures (including outbuildings) depending on the lot size.

Recommendation

Council, under the Planning and Development Act 2005, hereby resolves to:

1. Advertise the draft Local Planning Policy – “Minor Structures (including Outbuildings)” for public comment for 21 days in accordance with Clause 2.3 of Town Planning Scheme No.7.
2. Subject to no objections being received to the proposal, Council to adopt the policy without further modification.

Outcome of the Council Committee Meeting - 7 April 2009

The recommendation (as printed) was moved Cr Major, seconded Cr Leigh. The motion was put to the vote and adopted to become the Committee’s recommendation on this issue.

Committee Recommendation

Council, under the Planning and Development Act 2005, hereby resolves to:

- 1. Advertise the draft Local Planning Policy – “Minor Structures (including Outbuildings)” for public comment for 21 days in accordance with Clause 2.3 of Town Planning Scheme No.7.***
- 2. Subject to no objections being received to the proposal, Council to adopt the policy without further modification.***

CARRIED

13 Votes “For” / Nil Votes “Against”

11.9 ADVISORY COMMITTEE AND/OR PROJECT CONTROL GROUP MINUTES TO BE NOTED AT THE COUNCIL COMMITTEE MEETING

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

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

Recommendation

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

1. Title: Minutes -Bunbury Region Roadwise Committee (16/03/2009)
Author: Myles Bovell, Senior Engineering Technical Officer
File: R00692
2. Title: Minutes – Bunbury-Jiaxing Sister Cities Committee (09/03/2009)
Author: Jaimee Earl, Executive Assistant - Mayor
File: A01830
3. Title: Minutes – Bunbury-Setagaya Sister Cities Committee (18/03/2009)
Author: Jenelle Dunn, Cultural Development Officer
File: A00443

Outcome of the Council Committee Meeting - 7 April 2009

The recommendation (as printed) was moved Cr Craddock, seconded Cr Major. The motion was put to the vote and adopted to become the Committee’s recommendation on this issue.

Committee Recommendation

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

1. ***Title: Minutes -Bunbury Region Roadwise Committee (16/03/2009)***
Author: Myles Bovell, Senior Engineering Technical Officer
File: R00692
2. ***Title: Minutes – Bunbury-Jiaxing Sister Cities Committee (09/03/2009)***
Author: Jaimee Earl, Executive Assistant - Mayor
File: A01830

3. **Title:** *Minutes – Bunbury-Setagaya Sister Cities Committee (18/03/2009)*
 Author: *Jenelle Dunn, Cultural Development Officer*
 File: *A00443*

CARRIED

13 Votes “For” / Nil Votes “Against”

12. **MOTIONS ON NOTICE**

12.1 **MOTION - RECREATIONAL SHARED PATH AND INTERPRETATIVE SIGNS ALONG CASUARINA DRIVE FOR PASSENGERS DISEMBARKING CRUISE SHIPS AT BUNBURY PORT**

File Ref:	R00551
Applicant/Proponent:	Councillor Noel Whittle
Author:	Councillor Noel Whittle
Executive:	<i>If adopted refer to:</i> Michael Scott, Executive Manager City Services

Cr Whittle gave (written) notice that he intended to move the following motions:

"PART A - Cruise Ship Passengers (Recreational Shared Path)

- 1. As a matter of urgency, the City proceed to build 50 metres of Recreational Shared Path (to the detail and intent of Austroads Part 14 – Bicycles) on the east side of Casuarina Drive to complete the existing path network to the City boundary.*
- 2. As a matter of urgency, the City to engage with the South West Development Commission and the Bunbury Port Authority to identify funding and facilitate construction of a Recreational Shared Path (to the detail and intent of Austroads Part 14 – Bicycles) on Bunbury Port Authority land on the east side of Casuarina Drive from the City boundary to connect and integrate with the new pedestrian path at the Bunbury Port Authority security gates.*
- 3. The City to engage with the South West Development Commission and the Bunbury Port Authority to identify funding and facilitate the construction of a Rest-Point node midway along the new Recreational Shared Path to include seating and a combined shade/rain shelter - consideration be given to design of a structure which may be readily relocated in future.*

PART B - Cruise Ship Passengers (Interpretative Signs)

- 1. The City to install a 'Welcome to Bunbury' interpretive sign in the vicinity of the City boundary, identifying walking path routes and points of interest accessible by walkers from that point.*
- 2. The City to install 'walking path signage' between the City boundary and the CBD with consideration to the needs of cruise ship passengers walking to, or from, the ship, either via Marlston Waterfront, Casuarina drive, or the Black Rocks."*

Comments - Cr Whittle

In support of his motions, Cr Whittle states that:

"It is clear that the cruise ship market on the Australian seaboard is increasing, with a significant increase in visits to the Bunbury Port and that the City of Bunbury has not anticipated the rapid rate of increase.

Due to the absence of an alternative port, the status and role of the Bunbury Port as the sole cruise ship gateway to the South West and the world famous capes region will not be challenged in the foreseeable future.

It is apparent from observations and from discussions with a limited number of cruise ship passengers that there are many who have a preference to walk as much as possible when in port. In recognition of this, the Bunbury Port Authority is currently constructing approximately 400 metres of pedestrian path inside the secured zone of the Port Authority land from the cruise ship berth to the security gates on Casuarina Drive.

Currently there are no pedestrian paths on either side of Casuarina Drive from the Bunbury Port Authority security gates to the City boundary, a distance of 500 metres. This land is under the control of the Bunbury Port Authority but is freely accessible by the public.

The result is that the significant numbers of passengers that choose to walk this 500 metre section typically walk on the road as the roadside terrain is too soft or uneven to walk any distance. And, as observed on 22 March 2009, this route was even attempted by one individual being pushed in a wheelchair by her partner.

The typical traffic on Casuarina Drive consists of heavy vehicles transporting bulk minerals or methanol, large passenger vehicles towing boat trailers and numerous passenger vehicles. Cruise ships then generate significant extra traffic with shuttle buses, vehicles carrying ships supplies and numerous sightseeing vehicles.

This motion is intended to raise awareness of the need to construct approximately 500 metres of new path and to initiate the action required to achieve completion of construction prior to the resumption of the cruise ship peak season in late 2009.

Review of all previous versions of concept plans for the Outer Harbour stages of the Bunbury Waterfront Project indicates that the current alignment of Casuarina Drive will not be altered. Therefore any pedestrian facility constructed along the current roadway will remain as a permanent public asset.

Reviewing the terrain at the location it is apparent that the west (Indian Ocean) side of Casuarina Drive is subject to significant wind-blown sand drift issues which would render a path unusable without constant cleaning with heavy machinery. It is therefore suggested that any new paths should be built on the east side of the road.

Observing the passengers over several months of visits it is also apparent that the existing path network along Casuarina Drive, particularly in the areas of the Port Authority building, and Vat 2 Restaurant, does not provide an obvious route for pedestrians attempting to return to the outer harbour. Many passengers returning to the ship reach this point and attempt to cross over to the north side of the road where no pedestrian facilities exist. Extra signs are needed to guide pedestrians to remain on the paths and crossing Casuarina Drive at the designated crossings."

Executive Comments

Part A

Bunbury Port Authority (BPA) has been communicating for some time with City Services (CS) officers on the installation of a path from the port entrance fence to the City boundary on Casuarina Drive.

The BPA has previously committed to installing the section of path nominated by Councillor Whittle.

Given that Council has authorised \$60,000 for the installation of a viewing platform on what is BPA land, CS officers will continue to work with the BPA to ensure a positive outcome for the City of Bunbury

The installation of a "Rest Point node" on BPA land could be part of this discussion and consideration. Appropriate lease arrangements with the BPA would need to be developed.

Part B

Installation of signs to assist cruise ships patrons and tourists in general is supported but the quality and size of the signs suggest by Cr Whittle requires input from professionals who operate in the tourism field.

<p>It is recommended that the design and wording for the signs be referred to the Manager Bunbury Visitor Centre and the Council's City Promotions Committee for comment and subsequent budget consideration if adopted.</p>
--

If adopted, the item can be included in Council's 2009-2010 Budget because the current cruise ship program has finished until next summer.

Cr Whittle's Motions

PART A - Cruise Ship Passengers (Recreational Shared Path)

1. As a matter of urgency, the City proceed to build 50 metres of Recreational Shared Path (to the detail and intent of Austroads Part 14 – Bicycles) on the east side of Casuarina Drive to complete the existing path network to the City boundary.
2. As a matter of urgency, the City to engage with the South West Development Commission and the Bunbury Port Authority to identify funding and facilitate construction of a Recreational Shared Path (to the detail and intent of Austroads Part 14 – Bicycles) on Bunbury Port Authority land on the east side of Casuarina Drive from the City boundary to connect and integrate with the new pedestrian path at the Bunbury Port Authority security gates.
3. The City to engage with the South West Development Commission and the Bunbury Port Authority to identify funding and facilitate the construction of a Rest-Point node midway along the new Recreational Shared Path to include seating and a combined shade/rain shelter - consideration be given to design of a structure which may be readily relocated in future.

PART B - Cruise Ship Passengers (Interpretative Signs)

1. The City to install a 'Welcome to Bunbury' interpretive sign in the vicinity of the City boundary, identifying walking path routes and points of interest accessible by walkers from that point.
2. The City to install 'walking path signage' between the City boundary and the CBD with consideration to the needs of cruise ship passengers walking to, or from, the ship, either via Marlston Waterfront, Casuarina drive, or the Black Rocks.

Outcome of the Council Committee Meeting - 7 April 2009

The motion (as printed) was moved Cr Whittle, seconded Cr Leigh (pro forma).

During discussion the following points were raised:

- Cr Whittle distributed photographic images of cruise ship passengers walking along Casuarina Drive.
- The Executive Manager City Services indicating funding for the proposed pathway has already been committed to by the Bunbury Port Authority and is scheduled for installation before Christmas 2009. He will seek further comment from the Bunbury Port Authority concerning funding arrangements and completion dates.

- The Chief Executive Officer confirmed that a surveyor will determine the actual boundary between the City of Bunbury and Bunbury Port Authority land along Casuarina Drive.
- The Executive Manager City Services confirmed that if the project must proceed this financial year then he can make City of Bunbury funding available. However discussions between the City of Bunbury and the Bunbury Port Authority are still ongoing regarding this issue.
- A councillor sought confirmation that any funding utilised for the project in Casuarina Drive is not to detract from the City's scheduled installation of footpaths in other areas of the City especially, in Withers.
- Various amendments were made to the motion and agreed to by the mover and seconder.

The motion was put to the vote in separate parts as follows:

Part A

- Point 1: Carried 7 votes "For" / 6 votes "Against"
- Point 2: Carried 11 votes "For" / 2 votes "Against"
- Point 3: Carried 13 votes "For" / nil votes "Against"
- Point 4: Carried 11 votes "For" / 2 votes "Against"

Part B

- Point 1: Carried 11 votes "For" / 2 votes "Against"
- Point 2: Carried 10 votes "For" / 3 votes "Against"

The Committee's recommendation (in full) is printed below:

Committee Recommendation

PART A - Cruise Ship Passengers (Recreational Shared Path)

- 1. As a matter of urgency, the City proceed to build 50 metres of Recreational Shared Path (to the detail and intent of Austroads Part 14 – Bicycles) on the east side of Casuarina Drive to complete the existing path network to the City boundary.***
- 2. As a matter of urgency, the City to engage with the South West Development Commission and the Bunbury Port Authority to identify potential cost sharing arrangements and funding to facilitate construction of a Recreational Shared Path (to the detail and intent of Austroads Part 14 – Bicycles) on Bunbury Port Authority land on the east side of Casuarina Drive from the City boundary to connect and integrate with the new pedestrian path at the Bunbury Port Authority security gates.***

3. *The City to engage with the South West Development Commission and the Bunbury Port Authority to identify cost sharing arrangements and discuss Rest Point node funding to facilitate the construction of a Rest-Point node midway along the new Recreational Shared Path to include seating and a combined shade/rain shelter - consideration be given to design of a structure which may be readily relocated in future.*
4. *Costings for the projects in points 2. and 3. above, are to be referred for consideration in Council's 2009-2010 budget.*

PART B - Cruise Ship Passengers (Interpretative Signs)

1. *The City to obtain costings and designs for a 'Welcome to Bunbury' interpretive sign in the vicinity of the City boundary, identifying walking path routes and points of interest accessible by walkers from that point.*
2. *The City to install 'walking path signage' between the City boundary and the CBD with consideration to the needs of cruise ship passengers walking to, or from, the ship, either via Marlston Waterfront, Casuarina Drive, or the Black Rocks.*

CARRIED

12.2 MOTION - RESTRICTION ON PERIOD OF FREE PARKING PERMITTED AT OCEAN-FRONT CAR PARKS

File Ref:	A00471
Applicant/Proponent:	Councillor Whittle
Author:	Councillor Whittle
Executive:	<i>If adopted refer to:</i> Geoff Klem, Executive Manager City Development

Cr Whittle give (written) notice that he intended to move the following motion:

"Amend all relevant parking policies to the effect that the maximum free parking time limits allowed for all Indian Ocean beachfront public parking areas south of Wyalup-Rocky Point shall be a minimum of 6 hours between the hours of 8.00am and 5.00pm on weekdays."

Comments - Cr Whittle

In support of his motion, Cr Whittle states that:

"The recent introduction of a 3 hr maximum parking limit between the hours of 8am and 5 pm Mon to Fri at the public car park on Ocean Drive which services the beach area in the vicinity of the Bunbury Surf Life Saving Club has highlighted the need to review the application of the Parking Policies. It is reported by the Manager of Community Law and Safety that CBD workers were causing problems by parking all day. The decision was made to impose a 3 hr time limit for free parking and representatives from the Bunbury Surf Life Saving Club and from the Ex-Tension Restaurant are reported to have been consulted."

Background

This area is used by the general public for a variety of reasons. During the non-summer months it is one of Bunbury's most popular surfing locations and this patronage can occur at any hour of the daytime and any day of the week. The reflected waves from the basalt rocks contribute to form a unique wedging peak which is known throughout West Australia amongst the body boarding scene. The area is very well frequented by all surfers in general, and 3 to 4hr sessions in the water are not uncommon. Alternatively, local surfers from the greater Bunbury area may use it as a meeting point to do a surf check and then car-pool to travel to Binningup, Capel Cut, or to the coast 'down south'. So for many days of the year outside of summer, surfers are the dominant user group for these car parks. Other users are local beach-going public or tourists who may choose to spend up to half a day at, and around the location, particularly now that high quality amenity has been provided as part of the Bunbury Coastal Enhancement Project.

Neither the Bunbury Surf Life Saving Club or the management of the Ex-Tension Restaurant are entitled to speak for any of those demographic groups, and would not claim to do so. Whereas it has been my role to advocate for better coastal management, and particularly to represent those beach user groups who don't normally have a voice The current parking restrictions do not take into account the broad range of tourism and recreation year-round

uses that this car park was built to cater for, nor the flexible lifestyles that are a result of school holidays, public holidays, long service leave, fly in–fly out etc. Proposed 6 hour limit (minimum duration of maximum limits) If the intent is to discourage CBD workers from parking then the time limit between the hours of 8am and 5 pm on weekdays should be changed to 6 hrs. A maximum 6 hr free parking limit will provide sufficient interruption to the typical 8 hr workday to make the option of free all-day parking unworkable for most people. A maximum 6 hr limit should be sufficient for most legitimate recreational or tourism activity, but only if it is absolutely necessary to impose a restriction, as parking limits on natural recreation areas should otherwise be discouraged. It will still inconvenience some people. And in recognition of the tourism and recreational nature of this area including all beach front car parks to the south of Wyalup–Rocky Point the relevant parking policies need to be amended to include a maximum-parking-time-limit of 6 hrs (minimum), but only in the event that parking time limits are ever required for those locations.

Problem Shifting

We need to be mindful that the problem will shift to another location. We do not want to be chasing CBD workers south along the beachfront car parks. Where do we stop?

Parking Strategy – Park and Walk

Additionally the concepts of ‘Park and Walk’, or ‘Park and Cycle’, need to be considered and encouraged as they also are part of the solution for the problems created by high parking demand in the CBD. The City needs to exploit the potential for reciprocal use of fringe CBD parking areas, as stated in the Parking Strategy documents. This recent action can be interpreted as contrary to one of the most cost effective options in the Parking Strategy aspirations."

Executive Comments

The proposed motion has implications and ramifications to Council’s Central Business District Car Parking Strategy and therefore it is imperative that the matter be referred to the CBD Parking Project Control Group for further investigation and consideration.

Cr Whittle’s Motion

Amend all relevant parking policies to the effect that the maximum free parking time limits allowed for all Indian Ocean beachfront public parking areas south of Wyalup-Rocky Point shall be a minimum of 6 hours between the hours of 8.00am and 5.00pm on weekdays.

Outcome of the Council Committee Meeting - 7 April 2009

The motion (as printed) was moved Cr Whittle, seconded Cr Steck. Following some discussion the motion was put to the vote and defeated 5 votes “For” / 8 votes “Against”

A foreshadowed motion was moved Cr Craddock, seconded Cr Major, as follows:

- "1. *Time limits for beachfront car parks be referred to the CBD Parking Strategy Project Control Group for comment.*
2. *The CBD Parking Strategy Project Control Group to report its findings to the next round of Council Meetings."*

Following some discussion, the motion was put to the vote and adopted to become the Committee's recommendation on this issue.

Committee Recommendation

1. *Time limits for beachfront car parks be referred to the CBD Parking Strategy Project Control Group for comment.*
2. *The CBD Parking Strategy Project Control Group to report its findings to the next round of Council Meetings.*

CARRIED

10 Votes "For" / 3 Votes "Against"

A request was made for the vote to be recorded as follows:

For: Mayor D Smith and Crs Spencer, Leigh, Craddock, Punch, Slater, Major, Rooney, Kelly and Harrop.

Against: Jones, Steck and Whittle

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: Development Applications Approved - February 2009
Author: Gary Fitzgerald, Manager Development Services
File: A00566
2. Title: Small Business Centre Bunbury-Wellington - Quarterly Report for Period 1 October to 31 December 2008
Author: Trevor Ayers, Economic Development Officer
File: A00185
3. Title: Building Applications Approved - March 2009
Author: Gary Fitzgerald, Manager Development Services
File: A00566

Outcome of the Council Committee Meeting - 7 April 2009

The recommendation (as printed) was moved by Cr Major, seconded Cr Leigh. The motion was put to the vote and adopted to become the Committee's recommendation on this issue.

Committee Recommendation

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

- 1. Title: Development Applications Approved - February 2009***
Author: Gary Fitzgerald, Manager Development Services
File: A00566

- 2. Title: Small Business Centre Bunbury-Wellington - Quarterly Report for Period 1 October to 31 December 2008***
Author: Trevor Ayers, Economic Development Officer
File: A00185

- 3. Title: Building Applications Approved - March 2009***
Author: Gary Fitzgerald, Manager Development Services
File: A00566

CARRIED

11 Votes "For" / 2 Votes "Against"

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

Nil.

16. CLOSE OF MEETING

The Presiding Member declared the meeting closed at 9.52pm

CONFIRMED this day 12 May 2009, to be a true and correct record of proceedings of the Council (Standing) Committee Meeting held 7 April 2009.

MAYOR D SMITH
PRESIDING MEMBER