



14 April 2009

CONTENTS

Council Meeting Agenda

<i>Item No</i>	<i>Subject</i>	<i>Page</i>
1.	DECLARATION OF OPENING BY THE MAYOR.....	1
2.	RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	1
3.	RESPONSES TO 'PUBLIC QUESTIONS' FROM THE PREVIOUS COUNCIL MEETING (WHERE THEY COULD NOT BE ANSWERED AT THAT MEETING)	2
4.	PUBLIC QUESTION TIME - AS SPECIFIED UNDER SECTION 5.24 OF THE LOCAL GOVERNMENT ACT 1995.....	4
5.	QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL (WITHOUT DISCUSSION).....	4
5.1	QUESTION ON NOTICE - STATE GOVERNMENT'S POSITION ON EASTSIDE PRECINCT PLAN (BUNBURY WATERFRONT PROJECT)	4
6.	CONFIRMATION OF PREVIOUS MINUTES	5
7.	DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995.....	7
8.	ANNOUNCEMENTS BY THE MAYOR (WITHOUT DISCUSSION).....	7
9.	CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS.....	7
9.1	LOCAL STRUCTURE PLAN - LOT 74 BEDDINGFIELD STREET, DAVENPORT.....	7

<i>Item No</i>	<i>Subject</i>	<i>Page</i>
9.2	LOCAL GOVERNMENT STRUCTURAL REFORM - COUNCIL ENDORSEMENT OF COMPLETED REFORM CHECKLIST.....	11
9.3	NOMINATIONS FOR VACANCIES - SOUTH WEST DEVELOPMENT COMMISSION BOARD OF MANAGEMENT	22
9.4	ATTENDANCE AT (AND APPOINTMENT OF VOTING DELEGATES TO) LOCAL GOVERNMENT CONVENTION 2009 AND ANNUAL GENERAL MEETING OF THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION.....	25
9.5	REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR HELEN PUNCH	29
10.	RECEPTION OF FORMAL PETITIONS AND MEMORIALS	29
11.	RECEPTION OF REPORTS AND RECOMMENDATIONS FROM THE COUNCIL (STANDING) COMMITTEE MEETING HELD 7 APRIL 2009	29
11.1	BUNBURY BMX CLUB INC. - NEW LEASE OVER PORTION RESERVE 30601 "HAY PARK" (LOT 944) CORNER WASHINGTON AVENUE & ROTARY DRIVE, BUNBURY	30
11.2	CHOOSE RESPECT	38
11.3	BUNBURY REGIONAL ART GALLERIES FUTURE DIRECTIONS.....	42
11.4	ELIOT STREET PARKING AND ROAD PLANNING PROJECT.....	49
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	52
11.6	REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR HARROP	55
11.7	COUNCILLOR NOEL WHITTLE - RESIGNATION FROM CITY OF BUNBURY AIRPORT ADVISORY COMMITTEE.....	56
11.8	PROPOSED LOCAL PLANNING POLICY - MINOR STRUCTURES (INCLUDING OUTBUILDINGS).....	59
11.9	ADVISORY COMMITTEE AND/OR PROJECT CONTROL GROUP MINUTES TO BE NOTED AT THE COUNCIL COMMITTEE MEETING.....	65
11.10	RECREATIONAL SHARED PATH AND INTERPRETATIVE SIGNS ALONG CASUARINA DRIVE FOR PASSENGERS DISEMBARKING CRUISE SHIPS AT BUNBURY PORT	67

<i>Item No</i>	<i>Subject</i>	<i>Page</i>
11.11	RESTRICTION ON PERIOD OF FREE PARKING PERMITTED AT OCEAN-FRONT CAR PARKS.....	73
11.12	ITEMS NOTED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING ON 7 APRIL 2009.....	76
12.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	77
12.1	MOTION ON NOTICE - DRAINAGE OPTIONS FOR AREA INCLUDING FORREST AVENUE (BETWEEN WISBEY STREET, BRAY STREET, ECCLESTONE STREET & HENNESSY ROAD), SANDRIDGE ROAD AND KING ROAD.....	77
12.2	MOTION ON NOTICE - VICTOR HOWES BUILDING/PLANNING APPLICATION - LOT 101 AUSTRALIND BYPASS.....	79
13.	"URGENT" BUSINESS WITH THE APPROVAL OF THE MAJORITY OF MEMBERS PRESENT AS PERMITTED UNDER STANDING ORDER 5.1.13.....	81
14.	ITEMS TO BE NOTED (NO DISCUSSION).....	81
15.	CONFIDENTIAL BUSINESS AS STIPULATED UNDER SECTION 5.23(2) OF THE LOCAL GOVERNMENT ACT 1995	81
16.	CLOSE OF MEETING.....	81

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

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

At the last Council Meeting, a question was asked during Public Question Time that could not be answered during the meeting. A copy of the question and the written response forwarded to the questioner following that meeting is printed below for public information:

Questions Asked by Mrs Beth Kozyrski, 118 South Western Highway, Bunbury

Question 1: My first question is in relation to the environmentally sensitive area (Environmental Protection Act 2005) shown on the Nenke Way Structure Plan.

On this plan the environmentally sensitive area is shown with a blue diagonal line. You will see the environmentally sensitive area starts where my lot 150 meets the river and it extends approximately 120 metres into my land. Upstream and down-stream both river banks and the river itself are deemed to be environmentally sensitive. However, the section of river that separates my lot 150 and Moorlands and the Moorlands river bank is not deemed to be environmentally sensitive.

What is the significant difference about that part of the river and the river bank at Moorlands as compared to the rest of the river, that deem it not to be considered environmentally sensitive?

Question 2: The environmentally sensitive area has been applied to my property from the property boundary where it meets the river and into my lot 150 for approximately 120 metres. What is so significant about my property that it requires the environmentally sensitive area to extend some 120 metres from the river's edge into my property instead of the usual 50 metres and who was responsible for (and what criteria did they use to determine) the extent of the environmentally sensitive area on my lot 150?

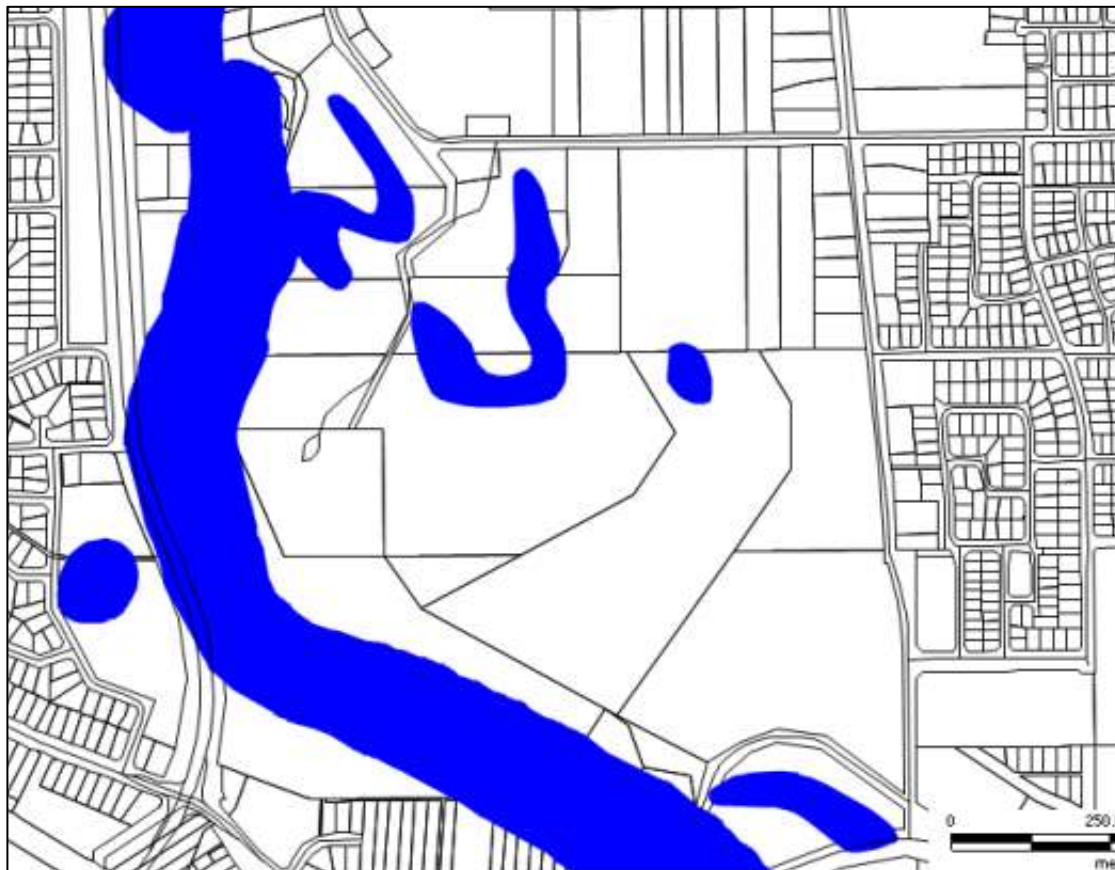
Question 3: My lot 150 is depicted on the plan with the words Regional Opens Space. When the public enter my property believing they have the right to access it as it has been shown to be regional opens space, who will be liable should an individual injure themselves upon my land? Will it be Council for promoting private property as Regional Open Space, or me as the private property owner?

Response Provided by the City's Manager Development Services

Response 1: In relation to the draft structure plan area, the Environmentally Sensitive Area (ESA) is only shown on the south west side of the Preston River. The plan should also show the ESA on the north east side of the river as well. This is a drafting error and will be corrected.

Response 2: The standard minimum distance from wetlands as prescribed by the DEC is 50 metres. The DEC can increase this buffer distance dependant on each situation. The DEC has allocated a distance of 120 metres each side of the Preston River as an ESA. The allocation of ESAs is entirely decided by the DEC and given legal status by virtue of the EPA Act (2005). If more information is required on this matter the landowner will need to liaise with the DEC to determine exactly how the ESA relating to the Preston River was determined.

Figure 1: The Location of the Preston River ESA as indicated by DEC



Response 3: Lot 150 has been designated as “Regional Open Space” by the State Government by virtue of the Greater Bunbury Region Scheme. Regional Planning Schemes override local planning schemes. Nevertheless while the land remains in private ownership, the landowner reserves the right to control access to the land as they wish.

4. PUBLIC QUESTION TIME - AS SPECIFIED UNDER SECTION 5.24 OF THE LOCAL GOVERNMENT ACT 1995

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

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

5.1 QUESTION ON NOTICE - STATE GOVERNMENT'S POSITION ON EASTSIDE PRECINCT PLAN (BUNBURY WATERFRONT PROJECT)

File Ref:	A03183
Applicant/Proponent:	Councillor Helen Punch
Author:	Councillor Helen Punch
Executive:	Greg Trevaskis, Chief Executive Officer

Cr Punch submitted the following question (in writing) prior to the close of the meeting agenda:

Question: I understand that the Premier has advised he will not be meeting with the Council in relation to the Bunbury Waterfront. It would therefore appear that the State Government's position must be as stated by the Hon. Brendan Grylls, Minister for Regional Development, at his meeting with elected members and staff on 12 January 2009 to the effect that the Bunbury Waterfront/Eastside Precinct Plan is before Council and that the essence of that plan and scope of the project needs to be supported. Whilst some minor changes are possible the "essence" of the project needs to be embraced and the cost neutrality requirement accepted by the City.

It is my concern that if the Mayor and Council are waiting on the Premier to decree an alternative to Minister Grylls' position then such a strategy may seriously prejudice any subsequent negotiations with LandCorp and undermine the prospect of reaching realistic agreement on key aspects of the Bunbury Waterfront Project.

My Question is therefore:

“Does Council accept the State Government’s position in relation to the Eastside Precinct to enable negotiations and any proposed minor changes to be progressed within the framework as outlined by the Hon. Brendan Grylls, Minister for Regional Development?”

Response: His Worship the Mayor, Mr David Smith, provided the following (written) response:

The Premier has now written to me advising he will be visiting in July 2009. I will advise all Councillors when a date is finalised. What has been agreed to is what Executive Management and myself proposed i.e., a Taskforce be set up under the direction of the Minister for Planning with a facilitator to examine (and decide) on the best way to resolve differences between LandCorp and the City, and; to expedite resolution of the planning issues including the amendment to the Greater Bunbury Region Scheme.

The Council itself has not made any decisions since Minister Grylls’ visit. However, this matter will be discussed at the next Council Briefing Session hopefully after the final Terms of Reference and membership of the Taskforce have been agreed.

6. CONFIRMATION OF PREVIOUS MINUTES

The minutes of the Council Meeting held 24 March 2009, have been circulated.

In addition, the Council needs to re-consider confirmation of the minutes of 3 March 2009, a motion for which has been "on the table" since the last meeting on 24 March 2009.

It is now confirmed that the vote recorded against some items adopted *en bloc* at the Council Meeting of 3 March 2009, resulted from a councillor's hand being raised (following a prompt by the Mayor) when other members of Council had already lowered theirs - this was mistaken by the minute taker as an indication that this councillor was voting against the motion.

(see over for recommendation)

Recommendation

PART A - Minutes of 24 March 2009

The minutes of the Council Meeting held 24 March 2009, be confirmed as a true and accurate record.

Prior to dealing with Part B of this recommendation, the meeting needs to consider the following motion:

Moved Cr _____ Seconded Cr _____

"The motion to confirm the Council Meeting Minutes of 3 March 2009, be 'raised from the table' for further consideration."

PART B - Minutes of 3 March 2009

The minutes of the Council Meeting held 3 March 2009, be confirmed as a true and accurate record subject to the vote for all items adopted *en bloc* at that meeting, being changed to 12 votes "for" / nil votes "against".

7. **DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995**

IMPORTANT: Council Members are to complete a "Disclosure of Interest" form for each item on the agenda in which they wish to disclose an interest and give the form to the Mayor <u>before</u> the meeting commences.

8. **ANNOUNCEMENTS BY THE MAYOR (WITHOUT DISCUSSION)**

At the time of printing there were no Mayoral Announcements.

9. **CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS**

9.1 **LOCAL STRUCTURE PLAN - LOT 74 BEDDINGFIELD STREET, DAVENPORT**

File Ref:	P13341
Applicant/Proponent:	Koltasz Smith Consultants
Author:	Teshome Tadesse, Planning Officer
Executive:	Geoff Klem, Executive Manager City Development

Summary

The Western Australian Planning Commission (WAPC) has given its final endorsement to the proposed Local Structure Plan for Lot 74 Beddingfield Street subject to modifications to the structure plan and following formal adoption by the Bunbury City Council.

The requested modifications have been incorporated in the structure plan and therefore it is recommended that Council formally adopt the structure plan and forward the documentation to the WAPC for its final endorsement.

Background

The purpose of this report is to formally request Council adopt the proposed Local Structure Plan for Lot 74 Beddingfield Street, Davenport, as requested by the WAPC. The WAPC in its letter dated 9 March 2009, advised that it is determined to give its final endorsement to the proposed structure plan subject to some modifications being incorporated in the final format of the structure plan (refer to the letter from the WAPC **attached** Appendix 5).

Furthermore, the WAPC has requested the Council to adopt the modified structure plan formally and forward it to the Commission for its final endorsement.

In line with the WAPC's request, the City has facilitated the incorporation of the required modifications to the structure plan (the applicant has already addressed the modifications). The structure plan is now ready for formal adoption by Council and ultimately for final endorsement by the Commission as required. The proposed Local Structure Plan for Lot 74 Beddingfield Street, Davenport is **attached** at Appendix 6.

Clause 5.9.13.7 of Town Planning Scheme No. 7 (TPS7) provides the following in terms of the structure plan determination process:

“Prior to the local government adopting any structure plan, the structure plan is to be forwarded to the Commission for its endorsement and the local government is not to adopt a structure plan unless it has first been endorsed by the Commission. The local government is to forward its recommendations together with public submissions to the Commission in seeking endorsement from the Commission.”

At its meeting on 4 November 2008, the Council determined to support the proposed Local Structure Plan for Lot 74 Beddingfield Street, Davenport, subject to some modifications (Council Decision 205/08). The modified version of the structure plan was forwarded to the WAPC in early December 2008 for its final determination. However, most recently the Commission advised the City to incorporate its recommended modifications prior to its final endorsement of the structure plan.

The proposed modifications by the Commission are more of clarification or specification in addition to what has been recommended by Council. The only noticeable change is the request by the Commission to incorporate a notification on all new titles in that the use of the land is affected by odour from the adjoining developments (abattoir and composting facilities). The proposed further modifications by the Commission are generally considered to be appropriate. In any case, Council has no mandate or power to overturn the decision made by the Commission.

It is recommended therefore that Council formally adopt the structure plan as requested by the Commission and forward the structure plan for final endorsement by the WAPC.

Strategic Outcomes

It is considered that the proposed Local Structure Plan is considered to be in line with the general direction of the City of Bunbury 2007–2012 Strategic Plan.

Community Consultation

The proposed modifications to the structure plan by the Commission do not necessitate further public consultation.

Councillor/Officer Consultation

The matter was discussed with Development Services Officers and with the Manager Development Services prior to the finalisation of this report.

Analysis of Financial and Budget Implications

The recommendation in this report 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

It is considered that the proposed structure plan would facilitate development on the subject site. There are no significant heritage issues that would arise as a result of the proposed structure plan. Environmental requirements have been incorporated in the structure plan.

Council Policy Compliance

Although there is no specific policy in respect of structure plans, it is considered that the finalisation of the proposed structure plan generally complies with City's policy documentation.

Legislative Compliance

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

Delegation of Authority

The Commission has specifically requested that the modified version of the structure plan be formally adopted by the Bunbury City Council.

Relevant Precedents

There are no known precedents in this case.

Options

No alternative options are provided.

Conclusion

The proposed Local Structure Plan for Lot 74 Beddingfield Street is in order for formal adoption by Council.

Recommendation

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

1. Adopt the proposed Local Structure Plan for Lot 74 Beddingfield Street, Davenport.
2. Forward the structure plan documentation to the WA Planning Commission for its final endorsement.

9.2 LOCAL GOVERNMENT STRUCTURAL REFORM - COUNCIL ENDORSEMENT OF COMPLETED REFORM CHECKLIST

File Ref:	A00978
Applicant/Proponent:	Minister for Local Government
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary

The Local Government Minister (Hon. John Castrilli, MLA - Member for Bunbury) has released *Structural Reform Guidelines* to assist local governments across the State to respond to his call for voluntary council amalgamations and a reduction in the number of elected council members - a copy of the Structural Reform Guidelines forms Attachment No. 1 in the report circulated to members **under separate cover**.

The timeframe for preparing a Reform Submission to the Minister is broken into 5 key stages:

- Stage 1: March / April 2009
- Stage 2: April/May 2009
- Stage 3: May/June 2009
- Stage 4: June/July 2009
- Stage 5: August 2009 - submission to be forwarded to the Minister for assessment and possible referral to the Local Government Advisory Board

This report addresses the key elements to Stage 1, namely:

- Finalise Council's checklist prior to forwarding to the Local Government Reform Steering Committee by 30 April 2009
- Council to identify potential local government partners with a view to undertaking discussions on appropriate combination of councils and/or whether amalgamations are appropriate
- Council to consider a reduction in the number of elected members
- To consider the required skill sets for the establishment of a project team to coordinate local government's reform process

It is proposed that Council endorse the completed Reform Checklist for forwarding to the Minister for Local Government by 30 April 2009 - a copy of the completed Reform Checklist forms Attachment No. 3 in the report circulation to members **under separate cover**.

Background

In recent times the WA State Government has investigated boundary options for the Shire of Capel, Harvey, Dardanup and the City of Bunbury. The conclusions of these extensive and independent investigations have emphatically supported a preference for the merger of the aforementioned local governments into a Greater Bunbury Local Government area.

These investigations provided for extensive public consultation, local government submissions and advice from industry experts. Options included the status quo, the possibility of twin cities (north and south) and Greater Bunbury.

The Local Government Advisory Board report dated February 1998 included:

“The Board’s preferred option is Option 2, the creation of a Greater Bunbury Local Government Area. The Board believes that this option allows for the long term growth of the Bunbury City whilst recognising the communities of interest in the rural areas surrounding the City. Its preferred northern boundary of the district is Binningup Beach whilst the southern boundary would include the areas of Gelorup and Dalyellup, currently in the Shire of Capel... These options would also require the amalgamation of the Shires of Capel and Dardanup.”

In April 2006 the Local Government Advisory Board again revisited local government reform in Western Australia and made the following conclusions and recommendations with respect to the Bunbury Region:

“8.8 SUSTAINABILITY AND BOUNDARIES

In its 1998 inquiry and report, the Board indicated its support for change to the boundaries of the City of Bunbury to strengthen its place as an important Regional Centre in WA. The evidence of this inquiry further strengthens the Board’s view that local government boundary change is necessary and essential for the future growth and development of the Bunbury Regional Centre and the South West Region.

As a Regional Centre, Bunbury is the focus of many who live throughout the South West. The Board recognises that the boundaries of a Regional local government cannot possibly include all the population and areas it serves. The Board is of the view that the Regional Centre would be significantly strengthened if the City boundaries were extended through an amalgamation with the Shires of Capel and Dardanup and the addition of a section of the southern part of the Shire of Harvey including the urban areas of Australind and Leschenault, Binningup, the Kemerton Industrial Park and the town of Brunswick Junction. The remainder of the Shire of Harvey to be joined with the Shire of Waroona to form a new local government.

In the time available for this study the Board was not able to undertake an assessment of the sustainability of the new local government made up of part of the Shire of Harvey and the Shire of Waroona. This assessment is essential before a final decision is made. The Board’s preferred position is that the Kemerton Industrial Park and Binningup join the new City of Bunbury however a sustainability study may reveal that one or both of these areas may be

needed in the new local government formed with the Shire of Waroona to ensure its sustainability into the future. These matters to be considered in the context of recommended changes to the City of Mandurah and Shire of Murray as discussed in Appendix 9.

The following details the reasons for a new enlarged City of Bunbury from the amalgamation with the Shires of Capel and Dardanup and including a section of the southern part of the Shire of Harvey including the urban areas of Australind and Leschenault, Binningup, the Kemerton Industrial Park and the town of Brunswick Junction.

8.8.1 Social Sustainability

Principle:

The population of a regional local government includes the current and proposed urban areas surrounding the Central Business District and those adjacent areas that have a strong community of interest with the regional centre.

- Population growth and change are the most important issues facing the South West Region. Predictions about future population growth in the four affected local governments to 2021 indicate there will be a substantial increase in population. The Shire of Capel is expected to experience the largest population growth (81.9%) followed by the Shire of Dardanup (73.4%), Shire of Harvey (26.7%) and City of Bunbury (8.6%). Elements of the 'sea change' phenomenon are evident with expanding coastal areas and declining inland areas. A larger City of Bunbury would be better positioned to address the issues arising from rapid population growth and population changes.*
- Strong community of interest between the City and Shires of Capel, Dardanup and urban part of the Shire of Harvey is reflected in the journey to work data. This revealed that a significant proportion of workers living in local governments surrounding the City do not work where they live but work in the City. The urban areas of the Shires of Capel, Dardanup and Harvey that are close to the City act as dormitory suburbs for the workforce in the City. The rural areas of the Shires of Capel and Dardanup also provide significant workforce to the City. The number of workers travelling to the City is indicative of the regional use of the City's services, facilities, commercial and retail areas. It is also noted whilst 56% of people who live in the City work in the City, a proportion also work in the Shires of Capel, Dardanup and Harvey.*
- From submissions it is apparent that the City is very aware of its need to provide regional services and facilities and its difficulties in doing so with its current boundaries. By contrast, the Shires of Capel, Dardanup and Harvey did not refer to their place in the regional context nor did they comment on community of interest with the City. These attitudes result in uneasy relationships between the City and the surrounding Shires. A large City local government would provide the opportunity to build social capital where there is a lack of trust and poor relationships at present.*

- *Efficient and effective governance of the area would be possible with a smaller number of elected members than the current total of 46 elected members for 46,573 electors in an area of 2,900 square kilometres. This is in sharp contrast to the City of Albany with half as many electors (22,310) in an area nearly twice the size (4,804 square kilometres) that has 15 elected members.*

8.8.2 Economic Sustainability

Principles:

A regional local government has within its boundaries existing or proposed major infrastructure including ports, airports, major highways, railways and significant utilities as required.

A regional local government has within its boundaries commercial and retail areas that service a population greater than that within its own boundaries.

A regional local government has within its boundaries existing or proposed industrial areas.

- *A large City local government would have within its boundaries the major infrastructure of the Bunbury Port, Bunbury Airport, the proposed Bunbury Outer Ring Road, Perth Bunbury Highway and Bunbury Port Access Road.*
- *The City of Bunbury has the largest commercial and retail area that provides for residents around the region however this is being undermined by the surrounding local government competing for commercial development. A large City local government would eliminate this competition and would provide an appropriate basis from which regional issues were given regional attention.*
- *The City of Bunbury is struggling to maintain its regional services and facilities to a population much greater than its own residents. A large City local government is expected to be better positioned to provide services and facilities as the Regional Centre with the ability to rate more equitably across an area of residents that use the Regional Centre. In addition, residents of other local governments currently living close to the City of Bunbury that use its facilities will have the opportunity to influence the type and standard of services and facilities provided.*
- *A large City local government would eliminate or reduce the need for and administration of numerous co-operative arrangements that are currently in place.*
- *A large City local government would include the regionally significant Kemerton Industrial Park and other industrial areas currently within the Shires of Capel and Dardanup.*

8.8.3 Environmental Sustainability

Principle:

The boundaries of a regional local government have regard for Region Plans and Statutory Plans (in process, completed or proposed) to take into account the future development and sustainability of the area.

Local Government Advisory Board April 2006 Local Government Reform in Western Australia 350

- *The Greater Bunbury Region Scheme covers the area of the City of Bunbury and Shires of Capel, Dardanup and Harvey. A large City local government with a regional focus would be well positioned to address planning matters in a holistic way.*
- *A large City local government with a regional focus would be better positioned to contribute towards the SWCC's South West Regional Strategy for Natural Resource Management to address the key problem environmental areas of salinity, rising groundwater, waterway salinity and loss of remnant vegetation.*
- *Dalyellup, Eaton and Australind will continue to be growing urban areas for at least the next five years and all would be within the large City local government. These developments and the resources required to service them can be better managed from a single local government.*

8.8.4 Proposed City of Bunbury Boundaries

Amalgamate the City of Bunbury with the Shires of Capel and Dardanup. The northern boundary of the City to include Binningup, Kemerton Industrial Park, Brunswick Junction and existing and proposed Australind and Leschenault urban areas.

Other boundaries:

The remaining Shire of Harvey to be included in a new local government with the Shire of Waroona.

New Local Govern-ments	Population Estimates								Area Estimate (sq. km)
	2006	Compar-able LG	2011	Compar-able LG	2016	Compar-able LG	2021	Compar-able LG	
City of Bunbury	54,230	Arma-dale	59,653	Bays-water	65,618	Mandur-ah	72,179	Cock-burn	1,550

Notes: The City of Bunbury population is the total of the population WAPC (2005c) 2006 estimates for the City of Bunbury (31,700 persons), Shire of Capel (10,700 persons) and Shire of Dardanup (10,300 persons) plus an

estimated 650 persons in Binningup (WA Local Government Grants Commission 2005) and an estimated 850 persons in Brunswick Junction (WA Local Government Grants Commission 2005). Growth is estimated at 2% per annum (South West Region overall estimated by WAPC in 2004 as 2.48% to 2009).

The area is estimated by adding the area of the City and Shires plus a coastal strip to Binningup (approximately 17 square kilometres), an area including the Kemerton Industrial Park (approximately 180 square kilometres) and estimates from maps for the remainder (approximately 200 square kilometres).

8.9 **RECOMMENDATION**

That:

1.3 *The Minister submit two proposals to the Local Government Advisory Board for boundary change in the Bunbury region (to be considered concurrently):*

One proposal to be the amalgamation of the City of Bunbury with the Shires of Capel and Dardanup and including a southern part of the Shire of Harvey (Australind and Leschenault existing and proposed urban areas, Binningup, Kemerton Industrial Park and Brunswick Junction). The balance of the Shire of Harvey to be included with the Shire of Waroona.

The second proposal to be the amalgamation of the City of Bunbury with the Shires of Capel and Dardanup and including a southern part of the Shire of Harvey (Australind and Leschenault existing and proposed urban areas and Brunswick Junction). The balance of the Shire of Harvey to be included with the Shire of Waroona. ”

2006 – Structural Reform

The stated desired outcome of structural reform by Minister Castrilli is to achieve a stronger more sustainable local government. He believes there are a range of benefits that will be achieved through the reform process:

- increased capacity for local government to better plan, manage and deliver services to their communities with a focus on social, environmental and economic sustainability;
- increased capacity for local government to have adequate financial and asset management plans in place;
- enhanced efficiency in the processing of planning, building and other licence applications made by business and the community;
- greater ability to attract and retain staff including the provision of further career development opportunities;
- greater competition for positions on council and, in conjunction with other reforms, potential for enhanced governance capacity, and;
- larger local governments with greater capacity to partner with State and Federal Government, and the private sector, to further improve services to communities.

It is expected that while undertaking the process of exploring options for amalgamation, local governments will also identify appropriate regional groupings within which to work collaboratively to deliver community benefits on a regional basis.

The Minister requests that by 31 August 2009, each of the 139 local governments in Western Australia will have made an informed decision on voluntary amalgamation, their preferred regional groupings and the number of elected members required within a range of six to nine.

However, there are no guarantees that the Minister's program for reform will be successful. Despite strong recommendations for amalgamations in Bunbury in the past the governments of the day failed to legislate for the proposed reforms due to political pressure and opposition from Local Governments, affiliated agencies and internal party opinion.

Not much has changed in 2006. WALGA, the National Party, the WA Labor Party, a number of independent Members of Parliament have all voiced opposition to any attempts on forced restructure. Local Government in Australia has in the main adopted a self preservation approach and only a few councils have voluntarily merged at a local level. History tells us that Local Government Reform is only achieved when State Government is prepared to legislate and has strong parliamentary support for reform. This situation is not evident at this time and it is expected that voluntary reform in the Bunbury area will not be supported by the City's adjoining local government neighbours and accordingly will most likely undermine any attempt for reform in the region.

Nevertheless, it is expected that discussion on the reform program will be acceptable to our neighbouring local governments. Associated discussions will provide opportunity for different views on the benefits and disadvantages on this vexed subject to be expressed by all participants. The City should therefore be prepared to put its case for reform and explore any area of common ground that may positively contribute to improvements and better local government for the Bunbury region.

City of Bunbury- Support for Reform

The City of Bunbury has been an advocate for the reform since the late 1960s. In particular the City's position has been supported by two independent studies by the Local Government Advisory Board in 1998 and more recently in 2006 as demonstrated when this later report expressed the following clear view:-

"In its 1998 inquiry and report, the Board indicated its support for change to the boundaries of the City of Bunbury to strengthen its place as an important Regional Centre in WA. The evidence of this inquiry further strengthens the Board's view that local government boundary change is necessary and essential for the future growth and development of the Bunbury Regional Centre and the South West Region".

At its meeting on 13 December 2005, the Council endorsed its submission for structural reform - refer to Attachment No. 2 in the report circulated to members under separate cover. The City of Bunbury has long recognised that the urban centre which makes up Bunbury includes the suburban areas of Australind, Eaton, Dalyellup, Gelorup as well as the inner

suburbs of Bunbury. The obvious fact that Bunbury is the total urban area is also recognised by the Australian Bureau of Statistics which collects comparative population data on this basis to enable effective comparison to be made with other regional cities across Australia. In reality Bunbury and the residents of the region would benefit if the one local government area could represent a Greater Bunbury perspective to physically and in every way, for Bunbury to be the one community, one city and the major urban centre in WA outside of the City of Perth.

It is proposed that Council re-affirms its position that boundary change in the Bunbury area is in the best interests of the broader community and Western Australia.

With regard to the possible reduction of councillors this matter has been generally discussed with councillors at Council briefing sessions on 17 February and 31 March 2009. The general view would appear to support:

- a) Should no change in boundaries occur as a result of the current review then elected member numbers for the City should remain as is (Mayor and 12 councillors)
- b) In the event of a new Greater Bunbury Regional Council being established then it would be possible that the new Council to have 9 elected members.

Strategic and/or Regional Outcomes

The City of Bunbury Strategic Plan 2007-2012 has the following expressed aspiration: *"Values - (5) Regional Cooperation: The City of Bunbury will meet the demands arising from changes in the economic and demographic climate of the surrounding region. The City will cooperate and network with other authorities or stakeholder organisations to share resources and establish visionary or innovative solutions to regional infrastructure needs or disputes, while continuing to promote the use, and advocate for the Greater Bunbury Urban Area to be amalgamated into a single local authority."*

Community Consultation

No community consultation has been undertaken at this time. Should the reform program progress to a formal proposition the Local Government Act provides for extensive community consultation and the Minister may require that any recommendation from the Local Government Advisory Board for change to be put to a poll of the electors of districts affected by the recommendation, or, electors may demand a poll to be undertaken.

Councillor/Officer Consultation

Councillors and executive staff have considered the current Structural Reform program at briefing session on 17 February and 31 March 2009. Details associated with this subject have also been provided by the Minister, the Department of Local Government, WALGA and through the media to councillors and staff in recent weeks.

Analysis of Financial and Budget Implications

Local governments are able to access funding of \$10,000 each from the Department of Local Government and Regional Development to assist with costs associated with the use of facilitators and/ or consultants to develop their reform submissions.

Grants of up to \$50,000 are available to local government to undertake feasibility studies to explore opportunities to amalgamate or adjust local government boundaries.

At this time it is not intended to expend significant funds on preparing Council's ultimate submission to the Minister as it will be prepared in-house.

Economic, Social, Environmental and Heritage Issues

Economic Issues

Boundary changes will not adversely impact on the economic circumstances of the region. The establishment of a single local government to better promote, support and co-ordinate economic activity may have positive outcomes for the region.

Social Issues

No specific social issues are expected to arise from boundary changes. There may be a better sense of identity to arise from the creation of one local government to represent the Bunbury community. This is a very subjective area open to wide ranging perspectives arising from the emotions of change and perceived impact against potential opportunities and positive outcomes.

Environment and Heritage Issues

There are no environmental or heritage issues arising out of local government reform.

Council Policy Compliance

Proposals to amalgamate and change local government boundaries are prescribed under the Local Government Act 1995.

Legislative Compliance

Proposals to amalgamate and change local government boundaries are prescribed under the Local Government Act 1995.

Delegation of Authority

Not applicable.

Relevant Precedents

The 1998 and 2006 investigations into local government boundary changes in the Bunbury area.

Options

Option 1

Per the recommendation listed in this report.

Option 2

That the City of Bunbury supports no change to local government boundaries in the Bunbury area and agrees to meet with the Shires of Capel, Dardanup and Harvey to develop a joint submission to the Minister for Local Government in support of retaining the current sustainable local government structure for Greater Bunbury.

Conclusion

The opportunities to make long lasting and effective change to the structure and operation of local government does not come around very often. There can be no doubt that the current boundaries of local government were designed for much smaller communities, with different transport constraints, difficult communication systems and significantly less social infrastructure of a century ago. Bunbury has clearly outgrown its local government boundaries as it is the centre for commerce, recreation, culture, retailing, health and education for the Greater Bunbury area and much of the South West. The City of Bunbury should again take the lead and advocate for reform to local government boundaries in support of Minister Castrilli's desire to develop a stronger and more sustainable local government.

Recommendation

1. The Council endorses the completed Reform Checklist (Local Government Structural Reform) for forwarding to the Minister for Local Government by 30 April 2009.
2. The Council re-affirms its long-held view that boundary changes would be beneficial for the Bunbury region in accordance with the final conclusions and recommendations of the WA Local Government Advisory Board inquiries of 1998 and 2006.
3. An invitation be extended to the Shires of Harvey, Dardanup and Capel to meet and undertake a preliminary assessment for voluntary boundary changes in the Bunbury area.
4. The Council to advise the Minister for Local Government that it would support the establishment of nine (9) elected members (including the Mayor) only in the event of creating a new local government for the Bunbury area.

5. The Mayor, Deputy Mayor and Chief Executive Officer to be nominated as the City's representatives to attend (and report back to Council concerning) meetings or developments associated with any project team or efforts to coordinate a regional response on local government boundary reform for the Bunbury area.

**9.3 NOMINATIONS FOR VACANCIES - SOUTH WEST DEVELOPMENT
COMMISSION BOARD OF MANAGEMENT**

File Ref:	A00380
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary

It is proposed that Council consider nominating a representative (for Ministerial endorsement) to fill at least one of two current vacancies on the South West Development Commission's Board of Management

Background

The South West Development Commission (SWDC) is inviting Local Government nominations to fill two (2) vacancies on its Board of Management. The positions have become available due to the expiration of the terms of existing members, Cr Peter Monagle (Shire of Harvey) and Cr Stephen Harrison (Shire of Augusta Margaret River).

The role of the SWDC is to coordinate and promote economic development in the South West Region. Its aims include maximising job creation, broadening local economies, identifying the need for infrastructure services, providing information and advice to business and ensuring access to government services.

The Board consists of ten (10) members. It meets monthly, sets policy and makes decisions regarding a broad range of economic development projects and initiatives involving the SWDC.

Nominations for the vacancies close Friday, 29 May 2009 and nominations put forward must address the selection criteria and include a brief *curriculum vitae* from the nominee.

An information package and application form is available for interested councillors.

Strategic and/or Regional Outcomes

This proposal can be aligned with the City of Bunbury Strategic Plan 2007-2012 Strategic Direction 1, "*Improve relationships with State, Federal and other Local Governments.*"

Community Consultation

There is no need for community consultation on this matter.

Councillor/Officer Consultation

This report serves to bring the matter to the attention of Council.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications associated with this matter.

Economic, Social, Environmental and Heritage Issues

There are no environmental, economic, social or heritage issues to consider.

Council Policy Compliance

There are no Council policies that impact on this proposal.

Legislative Compliance

The calling of nominations for Local Government representatives is permitted under the provisions of the Regional Development Commissions Act 1993.

Delegation of Authority

There is no delegated authority to allow the Chief Executive Officer to nominate elected members.

Relevant Precedents

The most recent City of Bunbury representatives on the South West Development Commission Board were former Councillor, Mrs Margaret Lane and former Mayor, Mr John Castrilli.

Options

Option 1

Per the recommendation as printed in this report.

Option 2

Council does not wish to submit any names to the Minister for consideration in filling the existing vacancies on the South West Development Commission's Board of Management.

Recommendation

Council nominates Councillors _____ and _____ to the Minister for consideration of filling existing vacancies on the South West Development Commission's Board of Management.

9.4 ATTENDANCE AT (AND APPOINTMENT OF VOTING DELEGATES TO) LOCAL GOVERNMENT CONVENTION 2009 AND ANNUAL GENERAL MEETING OF THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

File Ref:	A00106
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

Correspondence has been received from the Western Australian Local Government Association (WALGA), advising that its Annual General Meeting (AGM) will be held on Saturday, 8 August 2009 as part of the Local Government Convention - this year being conducted at the Perth Convention Exhibition Centre.

WALGA is inviting member Local Governments to submit motions for inclusion on the AGM agenda. Council is also invited to nominate two (2) voting delegates for the purpose of exercising its right to vote at the AGM.

It is proposed that Council nominate His Worship the Mayor and the Deputy Mayor as its voting delegates to attend the Local Government Convention from Wednesday, 5 August to Sunday, 9 August 2009 inclusive.

The Chief Executive Officer advises that he will also be attending this convention.

Background

WALGA has given notice of the date of its AGM on Saturday, 8 August 2009 - part of the Annual Local Government Convention.

This year's convention is scheduled from Wednesday, 5 August to Sunday 9, August 2009 although sessions for most participants will not commence officially until Thursday, 6 August.

WALGA has invited member Local Governments to submit motions for inclusion on the AGM agenda. Any motions to be considered at the AGM should be submitted in writing to the Chief Executive Officer of WALGA no later than Friday, 12 June 2009.

In submitting motions, member Local Governments are requested to observe the following guidelines:

- Motions should focus on policy matters rather than issues which could be dealt with by the WALGA State Council with minimal delay.
- Due regard should be given to the relevance of the motion to the total membership and to the Local Government Industry in general. Where motions are of a localised or regional interest they would be better handled through other forums.
- Due regard should be given to the timeliness of the motion – will it still be relevant come the Local Government Convention or would it be better handled immediately by the Association?
- The likely political impact of the motion should be carefully considered.
- Due regard should be given to the educational value to Members – i.e. does awareness need to be raised on the particular matter?
- The potential media interest of the subject matter should be considered.
- Annual General Meeting motions submitted by Member Local Governments must be accompanied by fully researched and documented supporting comment.

In previous years Council has nominated His Worship the Mayor and Deputy Mayor as its voting delegates, although another councillor has from time to time been nominated in the absence of the Deputy Mayor.

In recent years the City has had a strong participation rate by elected members at the Annual Local Government Convention. Councillors will be provided with program details when they become available and are invited to attend.

Strategic and/or Regional Outcomes

Matters of strategic or regional significance can be raised (and discussed) at the convention and the Annual General Meeting. This convention is an ideal opportunity to network with other elected members from across the State as well as those from within the South West region.

Community Consultation

There is no need for community consultation in regard to this proposal.

Councillor/Officer Consultation

The Chief Executive Officer and Council are aware of the forthcoming convention.

Analysis of Financial and Budget Implications

Council's 2009/2010 draft budget provides funding for elected members to attend this conference which traditionally includes an Elected Member Training and Development component.

Economic, Social, Environmental and Heritage Issues

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

Council Policy Compliance

This proposal complies with Council policies CEO-1 and CEO-9.

Legislative Compliance

Under the terms and conditions of the WALGA Constitution, the Council is only permitted to appoint two (2) voting delegates.

Delegation of Authority

The Chief Executive Officer has no delegated authority relevant to this proposal.

Relevant Precedents

The City of Bunbury has in previous years nominated His Worship the Mayor and the Deputy Mayor (or another councillor) as its voting delegates to attend the Annual Local Government Convention.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council does not approve the attendance of Elected Members at the 2009 Annual Local Government Convention and accordingly, forfeits its voting rights at the Annual General Meeting of WALGA.

Conclusion

Council has always had strong representation at the Annual Local Government Convention by its elected members and has (in recent history) always nominated voting delegates to exercise the Council's right to vote on matters being considered by the industry at the Annual General Meeting of the Association.

Recommendation

Council nominates His Worship the Mayor and the Deputy Mayor as the City's voting delegates at the 2009 Local Government Convention and Annual General Meeting of the WA Local Government Association.

9.5 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR HELEN PUNCH

File Ref:	A00215
Applicant/Proponent:	Councillor Helen Punch
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary/Background

Councillor Punch requests leave of absence from all Council-related business from 6 May 2009 to 8 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 Helen Punch is granted leave of absence from all Council-related business from 6 May 2009 to 8 June 2009 (inclusive).

10. RECEPTION OF FORMAL PETITIONS AND MEMORIALS

11. RECEPTION OF REPORTS AND RECOMMENDATIONS FROM THE COUNCIL (STANDING) COMMITTEE MEETING HELD 7 APRIL 2009

Standing Order 16.1.1 permits the Council to adopt the Committee Recommendations listed in Section 11 of this agenda "*en bloc*".

<p>At the meeting, councillors to identify any items requiring individual attention.</p>

**11.1 BUNBURY BMX CLUB INC. - NEW LEASE OVER PORTION RESERVE 30601
"HAY PARK" (LOT 944) CORNER WASHINGTON AVENUE & ROTARY DRIVE,
BUNBURY**

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:

14 April 2009
Agenda - Council Meeting

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.

11.2 CHOOSE RESPECT

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.*'

Outcome of the Council Committee Meeting - 7 April 2009

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.

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.

Committee Recommendation

Council endorses the 'Choose Respect' program.

11.3 BUNBURY REGIONAL ART GALLERIES FUTURE DIRECTIONS

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:

14 April 2009
Agenda - Council Meeting

- 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.***

11.4 ELIOT STREET PARKING AND ROAD PLANNING PROJECT

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	\$318,000.00
	=====

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.

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 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.*

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

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

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.*

11.6 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR HARROP

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 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).

11.7 COUNCILLOR NOEL WHITTLE - RESIGNATION FROM CITY OF BUNBURY AIRPORT ADVISORY COMMITTEE

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 of 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

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.

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

11.8 PROPOSED LOCAL PLANNING POLICY - MINOR STRUCTURES (INCLUDING OUTBUILDINGS)

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.*

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***

11.10 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.*

11.11 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.

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

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.*

**11.12 ITEMS NOTED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING
ON 7 APRIL 2009**

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

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

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***

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 MOTION ON NOTICE - DRAINAGE OPTIONS FOR AREA INCLUDING FORREST AVENUE (BETWEEN WISBEY STREET, BRAY STREET, ECCLESTONE STREET & HENNESSY ROAD), SANDRIDGE ROAD AND KING ROAD

File Ref:	F00102
Applicant/Proponent:	Councillor Judy Jones
Author:	Councillor Judy Jones
Executive:	<i>If adopted refer to:</i> Michael Scott, Executive Manager City Services

Cr Jones submitted the following motion (in writing) for inclusion in the meeting agenda:

"The Bunbury City Council investigate all drainage options for the area which includes Forrest Avenue (between Wisbey Street, Bray Street, Ecclestone Street and Hennessy Road), Sandridge Road and King Road".

Comments - Cr Jones

Cr Jones provided the following comments in support of her motion:

"Drainage problems already exist in this location. Increased levels of development have already been approved. Large residential blocks in the vicinity have unit-development opportunities for the future, all of which have the potential to exacerbate the drainage problems".

Executive Comments

The drainage problem that currently occurs along sections of Forrest Avenue takes place completely on private property and at no point, does the water go to (or from) Council land onto private property. Engineering officers have held discussions with a number of the property owners along Forrest Avenue and have discussed with them the options available to them to alleviate the problem.

Given that the flooding occurs (and remains) on private property it is not the City's responsibility to complete this work on behalf of the private property owners. As the work required is the responsibility of each property owner rather than the City, the majority of property owners are unwilling (at this stage) to progress further with any of the options.

Engineering officers believe that the investigation requested by Cr Jones has already occurred and no further action or investigation is required on behalf of the City in relation to this matter.

Cr Jones' Motion

The City of Bunbury to investigate all drainage options for the area which includes Forrest Avenue (between Wisbey Street, Bray Street, Ecclestone Street and Hennessy Road), Sandridge Road and King Road.

**12.2 MOTION ON NOTICE - VICTOR HOWES BUILDING/PLANNING APPLICATION
- LOT 101 AUSTRALIND BYPASS**

File Ref:	P12873
Applicant/Proponent:	Councillor Michelle Steck
Author:	Councillor Michelle Steck
Executive:	If adopted by Council refer to Geoff Klem, Executive Manager City Development

Cr Steck submitted the following motion (in writing) prior to the close of the agenda for the meeting:

"Council writes to the Port Authority and the South West Planning Commission advising that Council has no objection to the land known as Lot 101 Australind Bypass, Bunbury, being rezoned to 'Industrial' as it supports Mr Howes' application to rezone, or, Mr Howes be advised that he may proceed with the owner development application with the design that was submitted to council previously."

Comments - Cr Steck

In support of her motion, Cr Steck states that, *"Given the length of time and considerable stress and cost to Mr Howes the Council has an obligation to remedy this situation. Further Mr Howes does not appear to have been consulted during any period during the process of the Port Land being re-zoned. (which is neighbouring his property) The information for reasons why staff rejected Mr Howes' development application is not sufficient in fact, only hear say not fact to base a decision on as any attempt to run a bed and breakfast would require an application before council so that argument is pointless.*

I have discussed the matter with Mr Howes and although he did not think of rezoning his land to Industrial he is also happy for this outcome. Likewise he is more than happy to have his home built."

Executive Comments

At the Council Committee Meeting held Tuesday 7 April 2009, the Executive Manager City Development indicated that this matter would be investigated further with a view to clarifying Mr Howe's situation.

Should Council choose to support Cr Steck's Notice of Motion at this point in time, it could potentially lead to significant legal implications being introduced. At the time of preparing this agenda the appropriate staff were unavailable to provide detailed comment, nor has sufficient time elapsed since the Committee Meeting to allow further investigation and therefore provide any further clarification or clarity to the matter.

It is respectfully suggested that any further consideration of this matter be deferred until such time as the results of the aforementioned investigations are concluded and the detail reported back.

Note: Cr Steck has requested that items of correspondence submitted to her by Mr Howes be circulated to members - refer to Confidential Report.

Cr Steck's Motion

Council writes to the Port Authority and the South West Planning Commission advising that Council has no objection to the land known as Lot 101 Australind Bypass, Bunbury, being rezoned to 'Industrial' as it supports Mr Howes' application to rezone, or, Mr Howes be advised that he may proceed with the owner development application with the design that was submitted to council previously.

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

14. **ITEMS TO BE NOTED (NO DISCUSSION)**

There are no new items for noting.

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

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

16. **CLOSE OF MEETING**