

Council (Standing) Committee

Notice of Meeting & Agenda 22 September 2009

Terms of Reference

1. To review reports and recommendations submitted for consideration by the Council and (where appropriate) make alternative recommendations to those recommendations listed in the reports.
2. To request additional information necessary to assist members of the Council in making decisions.
3. To ensure recommendations made to the Council do not contravene appropriate legislation or the City's policies, local laws and strategic plans.



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GLOSSARY OF ABBREVIATED TERMS

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

GLOSSARY OF ABBREVIATED TERMS

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

Council (Standing) Committee Notice of Meeting

TO: Council Committee Members

The next Ordinary Meeting of the Council (Standing) Committee will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 22 September 2009 at 6.00pm.

Greg Trevaskis
Chief Executive Officer
(Date of Issue: 17 September 2009)

Agenda 22 September 2009

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

Council Committee Members:

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

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

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

3. Responses to Public Questions Taken 'On Notice' at the Previous Council Committee Meeting

Nil.

4. Public Questions Concerning Matters Listed for Discussion at this Meeting

Members of the public please note, that:

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

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

Nil.

6. Confirmation of Previous Minutes

The minutes of the Council (Standing) Committee Meeting held 1 September 2009, have been circulated.

Recommendation

The minutes of the Council (Standing) Committee Meeting held 1 September 2009, be confirmed as a true and accurate record.

7. Disclosures of Interest Under the Local Government Act 1995

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

8. Announcements by the Presiding Member (No Discussion Permitted)

9. Chief Executive Officer Reports/Discussion Topics

10. Reception of Formal Petitions and Memorials

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

11.1 Request for Attendance at Conference – Cr Noel Whittle

File Ref:	A00963
Applicant/Proponent:	Councillor Noel Whittle
Author:	Jack Dyson – Senior Administration Officer
Executive:	Greg Trevaskis – Chief Executive Officer

Summary

In accordance with Council Policy CEO 1, an application has been received from Councillor Whittle seeking permission to attend the 5th Western Australian State Coastal Conference 2009, at the convention centre of the Esplanade Hotel, Fremantle from 7 to 9 October 2009.

Background

Information has been received advising of the hosting of the 5th Coastal Conference in Fremantle from 7 to 9 October 2009.

Topics to be discussed at the conference will include such matters as Coastal Planning/Vulnerability and Associated Risks, Sea Level Rises, Climate Change, Population Impacts and Ecological Sustainability.

Presenters at the Conference include specialists from overseas and interstate, along with local Western Australian experts from the coastal and marine fields.

Councillor Whittle in his application suggests that this is an opportunity to be brought up to date with relevant issues affecting coastal landscapes within Western Australia and the rest of the world.

Coastal Councils throughout Australia are experiencing rapid growth rates with the trend pointing toward coastal development. Bunbury, along with Broome, Geraldton/Greenough, Mandurah, Rockingham, Busselton and Augusta/Margaret River are experiencing the strongest growth and it is predicted that the opening of the new Forrest Highway will soon have an impact on future development.

Individually, such potential change could be difficult to manage, however by working together, networking ideas, sharing resources and information, much can be achieved to address long term issues in local communities.

Strategic and/or Regional Outcomes

This proposal can be linked to Councils current Strategic Plan, Strategic Objective 5, Strategy 5.2:

“To participate in the International Council for Local Environmental Initiatives Cities for Climate Protection Plus Program”.

Community Consultation

There has been no community consultation regarding this issue as it is an internal matter for Council.

Councillor/Officer Consultation

This report serves to draw Councillor Whittle's request to the attention of Council and officers.

Analysis of Financial and Budget Implications

Conference registrations, accommodation and attendance costs can be met from within the existing Councillor Conference Expenses Budget. The total estimated cost for attendance is in the vicinity of \$1,800.00 which includes conference registration, accommodation, travel and meals.

Economic, Social, Environmental and Heritage Issues

Councillor Whittle wishes to attend this conference to enable him to keep abreast of potential impacts the City of Bunbury may have to contend with in the future. Such potential impacts may include, but are not limited to economic, social, environmental or heritage issues.

Council Policy Compliance

This application is submitted in accordance with Council Policy CEO1, "Conferences, Seminars, Training and Induction Courses – Attendance by Elected Members.

Legislative Compliance

This proposal does not conflict with any statutory or legislative obligations.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to approve Councillor Whittle's attendance at this conference as the estimated cost is in excess of \$1,000.00 (see clause 6 of policy CEO1) and it is therefore presented to Council for consideration.

Relevant Precedents

Council has on previous occasions approved the attendance of His Worship the Mayor, elected members and the Chief Executive Officer at local and interstate conferences in accordance with Council Policy CEO1.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council not approve Councillor Whittles attendance at the 5th Western Australian Coastal Conference 2009.

Conclusion

Councillor Whittle, should he be granted permission to attend the conference, will be required to submit a report to Council on the proceedings, knowledge gained and outcomes for the City of Bunbury within two (2) weeks of attending, in accordance with clause 10 of the policy.

Attendance and consideration of Councillor Whittles subsequent report may well assist Councils understanding of some of the issues facing local governments in their management of coastal planning, marine management, population impacts, climate change and potential sea level rises in the future.

Recommendation

Council approve Councillor Whittles application to attend the 5th Western Australian State Coastal Conference 2009 at the Convention Centre of the Esplanade Hotel, Fremantle from 7 to 9 October 2009.

11.2 Request to Attend Conference – Councillors Punch and Harrop

File Ref:	A00963
Applicant/Proponent:	Councillor Helen Punch & Councillor Juliet Harrop
Author:	Jack Dyson – Senior Administration Officer
Executive:	Greg Trevaskis – Chief Executive Officer

Summary

In accordance with Council Policy CEO 1, applications have been received from Councillor Punch and Councillor Harrop seeking permission to attend the 10th International Cities, Town Centres and Communities Society Conference, at the Deakin University Campus in Geelong, Victoria from 27 to 30 October 2009.

Background

Councillors recently received information from the International Cities, Town Centres and Communities Society (ICTC) advising of their 10th Conference to be held in Geelong, Victoria from 27 to 30 October 2009.

Sessions available at the conference include such matters as Urban Lifestyle/ Revitalisation, Community Building and Consultation, Regional Strategic Planning, Creating Liveable Neighbourhoods, Changing Economy, Housing Affordability, Transport/Transit Oriented Design, Demographic Shifts, Mixed Use Energy and Development Challenges.

Presenters at the Conference include specialists from overseas and interstate, along with local experts from around the Greater Melbourne area.

Councillors Punch and Harrop would like to attend the conference to “broaden their understandings of how to engage the community in decision making as Cities grow and change. It has direct relevance to:

- Community participation and consultation as part of concept, ideas development and initial planning;
- Involvement of the community in statutory consultation;
- Management of urban change from a community perspective; and
- The interface between town centres, public open space and mixed use/retail space.

The next two (2) years will see significant decisions made that will determine the future of Bunbury’s growth for the foreseeable future. The benefits to Council from attendance at the conference will be the knowledge and papers being made available to bring back and share with Council through this period.”

Strategic and/or Regional Outcomes

This proposal can be linked to Council’s current Strategic Plan, Strategic Objective 6, Strategies 6.2 and 6.3, Community participation, partnership and support and Community Planning and Infrastructure respectively.

Community Consultation

There has been no community consultation regarding this issue as it is an internal matter for Council.

Councillor/Officer Consultation

This report serves to draw the Councillor's requests to the attention of Council and officers.

Analysis of Financial and Budget Implications

Conference registrations, flights, accommodation and attendance costs can be met from within the existing Councillor Conference Expenses Budget. The total estimated cost for attendance by both Councillors is in the vicinity of \$5,000.00 which includes conference registrations, accommodation, travel and meals.

Economic, Social, Environmental and Heritage Issues

Councillor Punch and Harrop wish to attend this conference to broaden their understanding of how to engage the community in decision making as Cities grow and change. It has direct relevance to:

- Community participation and consultation as part of concept, ideas development and initial planning;
- Involvement of the community in statutory consultation;
- Management of urban change from a community perspective; and
- The interface between town centres, public open space and mixed use/retail space.

Such potential impacts may include, but are not limited to economic, social, environmental or heritage issues.

Council Policy Compliance

This application is submitted in accordance with Council Policy CEO1, "Conferences, Seminars, Training and Induction Courses – Attendance by Elected Members."

Legislative Compliance

This proposal does not conflict with any statutory or legislative obligations.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to approve Councillors Punch and Harrop's attendance at this conference as the estimated cost is in excess of \$1,000.00ea (see clause 6 of policy CEO1) and it is therefore presented to Council for consideration.

Relevant Precedents

Council has on previous occasions approved the attendance of His Worship the Mayor, various elected members and the Chief Executive Officer at local and interstate conferences in accordance with Council Policy CEO1.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council not approve the attendance of Councillor Punch and Councillor Harrop at the 10th International Cities, Town Centres and Communities Society Conference in Geelong, Victoria from 27 to 30 October 2009.

Conclusion

Councillors Punch and Harrop, should they be granted permission to attend the conference, will be required to submit a report to Council on the proceedings, knowledge gained and outcomes for the City of Bunbury within two (2) weeks of attending, in accordance with clause 10 of the policy.

Attendance and consideration of the Councillors' subsequent report, may well assist Councils understanding of some of the issues facing local governments in their management of Urban Lifestyle/Revitalisation, Community Building and Consultation, Regional Strategic Planning, Creating Liveable Neighbourhoods, Changing Economy, Housing Affordability, Transport/Transit Oriented Design, Demographic Shifts, Mixed Use Energy and Development Challenges in the future.

Recommendation

Council approve Councillor Punch and Councillor Harrop's application to attend the 10th International Cities, Town Centres and Communities Society Conference in Geelong, Victoria from 27 to 30 October 2009.

11.3 Request for Support – Western Australian Professional Golfers Association (WAPGA) – Annual Tour Event

File Ref:	A00374-32
Applicant/Proponent:	WAPGA
Author:	Jack Dyson – Senior Administration Officer
Executive:	Greg Trevaskis – Chief Executive Officer

Summary

A request for financial support of the Annual Western Australian Professional Golfers Association Championship, to be held at the Bunbury Golf Club from Thursday 29 October to Sunday 1 November 2009, has been received from the WAPGA.

Background

The WAPGA is seeking the support of Council, the Shire of Harvey and the South West Development Commission in order to ensure the continued success of the Annual WAPGA Tour Championship which is in its 76th year of operation.

The forthcoming championship is expected to consist of a player field of 156 participants, including 120 eligible Australian PGA tour members, the leading ten players from the Omega China Golf Tour and six leading Australian Amateurs,

Promotion and associated media for the event will consist of an hour long highlights package on OneHD domestically and throughout Asia and Europe the weekend following the event.

The PGA Golf Show (the following Tuesday) will incorporate a highlights package (five minutes) from the event.

In telecast benefits will include up to two minutes per hour of venue/location vignettes or postcards, to be provided by local tourism agencies, which highlight the region and the golf course itself.

The requested amount sought by the WAPGA is \$15,000.00 plus GST. The same amount is being sought from each of the aforementioned agencies.

Strategic and/or Regional Outcomes

This proposal can be directly linked to Councils Strategic Plan 2007 – 2012, Strategic Objective 6, Strategy 6.1, “Celebrate and reinforce a positive sense of community” in that it recognises and supports community events in partnership..

Community Consultation

This proposal has not been the subject of community consultation.

Councillor/Officer Consultation

Elected members and the Executive were made aware of this proposal at the Council Briefing Session conducted Tuesday 15 September 2009, when representatives from the Bunbury Golf Club made a presentation on behalf of the WAPGA.

Analysis of Financial and Budget Implications

The provision of funding for this application will be the subject of a Budget Review in December 2009.

Economic, Social, Environmental and Heritage Issues

The WAPGA submission indicates a significant economic impact on the region, particularly in the hospitality industry, with accommodation being sought for up to 280 participants, officials and juniors and families for five nights. This does not include potential other visitor numbers that are likely to attend the event. Last years event attracted approximately 1500 spectators who are predicted to spend up to \$50 each at the event.

The following media/television exposure on the SBS Golf Channel in Korea, Guangdong Golf Channel in China, Ten Sports in India and Pakistan, Astro Golf Channel in Indonesia, Malaysia, Sri Lanka, Maldives. Bangladesh and the Starhub Golf Channel in Singapore are all expected to promote the region and the golf course/club.

Further media exposure will be gained in the United Kingdom, Finland, Ireland and the Middle East.

Council Policy Compliance

There is no existing Council policy relevant to this matter.

Legislative Compliance

This proposal is submitted to Council for consideration as it has not at this stage been provided for in current budget estimates. It will therefore be the subject of a budget review in December 2009 in order to comply with current legislative requirements.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to grant approval for a request for assistance of this nature.

Relevant Precedents

Council has on previous occasions considered specific requests for assistance of this nature, including requests from the Australian Football League, Western Australian Football League, Western Australian Cricket Association and Concert/Event organisers.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council not agree to support the Western Australian Professional Golfers Association by contributing \$15,000.00 to the Annual Tour Championship Event to be held at the Bunbury Golf Club from 29 October 2009 to 1 November 2009 inclusive.

Conclusion

An event of this nature attracts a lot of attention from golfers across Australia and their families. The WAPGA is attempting to grow the event by promoting it further afield in Asia, China and Europe. If the promotion is successful the economic benefits for business in the region have the potential to be significant.

Recommendation

That Council agree to support the Western Australian Professional Golfers Association Tour Championship Event to be held at the Bunbury Golf Club from 29 October 2009 to 1 November 2009 inclusive, by contributing the sum of \$15,000.00 plus GST.

11.4 Bunbury Regional Art Galleries Feasibility Study Resource Shortfall

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

Summary

Five submissions were received to undertake the Bunbury Regional Art Galleries Feasibility Study (four submissions received were in excess of the budget provided, while the fifth did not adequately address the selection criteria (Confidential Selection Panel Assessment sheets are attached under separate cover). After consultation with the selection panel comprising Executive Manager City Life, Bunbury Regional Arts management Board and City of Bunbury Art Collection Committee representatives, the preferred candidate is APP. According to the selection panel, the APP is the most balanced of the submissions in terms of ability to carry out the economic studies, future use, audience/business feasibility study and ability to reconcile this information with the opportunities and constraints of using a heritage building as a regional art gallery.

APP were approached by the selection panel to determine if the consultants could amend their submission as the \$67,450 was well over the \$30,000 cash component allocated for the project. APP amended their proposal and indicated that they could deliver the works for \$54,675.

A Council decision is now required on how to proceed with the BRAG Feasibility Study as an extra \$24,675 of unbudgeted funds is required if Council endorses APP to undertake the work.

Background

The City of Bunbury has advertised for expressions of interest to deliver a Feasibility Study for the Bunbury Regional Art Galleries (BRAG), 64 Wittenoom Street Bunbury in accordance with Council Decision 183/08 which states:

Council approves \$15,000 of capital funding for the Bunbury Regional Art Galleries to be referred to 2009/10 budget process for the purpose of conducting a feasibility study to upgrade the building through the provision of exhibition, storage and work space on the proviso that the application to the Community Cultural Art Facilities Fund is successful.

This project is the result of \$15,000 of funding made available by the Department of Culture through the Arts Cultural Communities Arts Facilities Fund, \$15,000 of funds made available from the City of Bunbury 2009/2010 budget and \$15,000 of in-kind support including access to all of its networks for consultative purposes, communication to the Arts sector in the broader community, office space and related amenities and specialist staff expertise.

The underlying aim of the Feasibility Study is to identify the opportunities, investment and benefits for redevelopment and expansion of the Galleries to include a range of additional facilities that will service the regional community for at least the next two

decades. The study should enable the City of Bunbury to make well informed strategic decisions in planning and executing the expansion of the Galleries site.

The focus of the BRAG Feasibility study involves the renovation of existing infrastructure and extending, through replacement of non heritage sections of the site, the facility so that it may incorporate additional exhibition space, café, wine bar, gallery retail outlet, storage space, live in studio, large communal studio, maintenance workshop, replacement of existing studio, office space and staff amenities.

The main focus of the Feasibility Study will be the articulation of redevelopment and extension possibilities of the Galleries with the economic investment required and cost benefits to the place's cultural significance for key stakeholders, the community and visitors. The feasibility study will examine such venue considerations as the available site, identification of user groups and uses, innovative design, urban vitality and sustainability.

The study will also provide a costing guide to the City of Bunbury/Regional Art Galleries in the redevelopment and expansion of the site and specific recommendations for the benefits of specific individual facilities. The plan will also contain a prioritised set of recommendations to enable implementation of any improvements required.

Heritage listed architect consultant involvement is required and present Conservation Plan and Upgrade Project Management Plan will be taken into consideration as part of the broader context for the building. The successful consultant is required to liaise with the City's preferred heritage architect for the project, Mr Ian Molyneux.

This project is the result of \$15,000 of funding made available by the Department of Culture through the Arts Cultural Communities Arts Facilities Fund, \$15,000 of funds made available from the City of Bunbury 2009/2010 budget and \$15,000 of in-kind support provided by BRAG including access to all of its networks for consultative purposes, communication to the Arts sector in the broader community, office space and related amenities and specialist staff expertise. This is essentially administrative and project management support which will reduce the expectations on the consultant and as a consequence reduce the cash cost of the project accordingly.

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. The increased exhibition, storage and working space would allow flexibility and provide opportunities to enhance Bunbury's appeal as a cultural tourism destination.

Community Consultation

Bunbury Regional Art Management Board and the City Art Collection Committee have been consulted. Further, feedback has been received from other industry professionals and factored into the information as presented.

Councillor/Officer Consultation

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

Analysis of Financial and Budget Implications

If Council approves the submission from APP, additional funds would need to be sourced from either the December Budget Review process or another revenue source.

Economic, Social, Environmental and Heritage Issues

Improvement of the 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

Council allocates the extra \$24,675 required for the purpose of meeting the APP resubmission shortfall to conduct the BRAG Feasibility Study.

Option 2

Council does not allocate the extra \$24,675 required for the purpose of meeting the APP resubmission shortfall to conduct the BRAG Feasibility Study

Option 3

Council readvertises Expressions of Interest for the BRAG Feasibility Study at a fixed price of \$30,000.

Conclusion

APP is well regarded in WA. The breadth of medium sized regional projects in their curriculum vitae indicates that the proponents understand the scale of this project. APP's community consultant is highly experienced, Palassis Architects are recognised for their heritage projects. While Nerida Mordaunte is well regarded by the Heritage Council.

This is in the selection panel's view the most balanced of the submissions in terms of ability to carry out the economic studies, future use, audience/business feasibility study and reconciling this information with the opportunities and constraints of using a heritage building as a regional art gallery.

Recommendation

For Council Committee's decision.

11.5 Proposed New Iconic Event for Bunbury

File Ref:	A03402
Applicant/Proponent:	City Promotions Committee
Author:	Nardine Walford-Jones, Events Officer
Executive:	Domenic Marzano, Executive Manager City Life

Summary

With regards to the development of an iconic new event for Bunbury, in place of the Bunbury International Jazz Festival, the City Promotions Committee recommends that Council endorse the following concept identified by the community consultation workshops:

A children's festival, which is to be funded in part by the City of Bunbury, and is to be coordinated by the City of Bunbury Events team, will be staged in Bunbury during 2011.

Additionally, an aquatic-themed festival is to be further explored by approaching potentially interested individuals and community groups to determine the level of interest in this concept.

Background

In December 2008 Council made the decision that the Bunbury International Jazz Festival was not to proceed. Council Decision 241/08 was as follows:

- 1. That the Bunbury International Jazz Festival does not proceed for 2009.*
- 2. That a new events strategy be developed, stage one of which to include community consultation via advertised community workshops with the aim of developing a replacement iconic event during the 2009/10 financial year. A report on these workshops and other consultation with interested parties to be prepared containing a recommendation for action. This report to be discussed by the City Promotions Committee with a recommendation to go to Council by April 2009.*
- 3. Sufficient funds allocated to the Bunbury International Jazz Festival be retained for the purpose of facilitating community consultation.'*

In June 2009 two community consultation workshops were held at the City of Bunbury, both of which were facilitated by 361 Degrees Stakeholder Management Services – independent consultants specialising in stakeholder management, project management and the facilitation of groups and workshops.

Participants were advised that, when considering ideas for an iconic new event in Bunbury, it would need to achieve the City's objectives for a successful event and those objectives are:

1. Create a sense of pride and place for residents
2. Be accessible for all members of the community

3. Increase visitor numbers and enhance the visitor experience
4. Achieve our target audience levels
5. Increase the social and economic benefits to Bunbury
6. Generate grant and sponsorship investment
7. Have good future growth and sustainability prospects

At the conclusion of the workshops, a report was prepared by the Facilitators and this was tabled at the City Promotions Committee meeting on 20 July 2009 for discussion.

The report included a total of 39 potential events which were identified during the workshops. Of these 39 events, only three events received a broad level of support from workshop attendees and these were:

1. A children's festival
2. An indigenous cultural event, and
3. A water themed festival

The City Promotions Committee discussed each of these ideas at length and the following conclusions were made:

1. An indigenous cultural event has been staged in Bunbury before. It was organised by a committee of predominantly indigenous community members and significant amounts of funding were obtained, however it was ultimately not sustainable because (a) the committee members were unable to continue in their roles indefinitely, and (b) it did not have a wide enough appeal to the general community to warrant its continuation.
2. A water-themed festival has also been staged in Bunbury before – first as the Aqua Spectacular in the late 1980's, after which it evolved into the 3-Waters Festival in the early 1990's. The committee agreed that the event's ultimate downfall was that as the 3-Waters Festival, the event was no longer driven by the community and sporting groups who participated in the event. This event needs to be owned by and driven by the community if it is to be successful again into the future.
3. An award-winning children's festival has been staged in Warrnambool, Victoria for the past 11 years. This type of event meets the objectives identified in the workshops as requirements for success and Bunbury is a growing City with a significant population of families. Therefore the Committee believes it has the greatest potential for success in Bunbury.

Eventscorp have also been consulted with regards to a children's festival and a water-themed festival. An analysis of the pros and cons of both events, in terms of the likelihood of the event receiving financial support from a major grant provider such as Eventscorp, has supported the Committee's decision to recommend the children's festival.

Children's Festival	Water-themed Festival
A totally interactive children's event would be unique for WA	Is not unique. 90% of the Australian population lives on the coast and in WA there are water-themed festivals in Broome, Geraldton, Fremantle, Mandurah, Busselton, Albany, Esperance etc
Is a completely new idea	Is not a new idea – has been done twice before and failed
The concept is a known entity – having been successfully run in Warrnambool for 11 years	The old concept is a known entity – but it failed A new concept would not be a known entity
Would be modelled on an existing event and would therefore require less human resources to run	Would require significant human resources to run
A children's event is very appealing to sponsors and because of its interactive and unique nature, ability to educate, entertain and encourage healthy lifestyles, would also appeal to grant providers	Is not as appealing to sponsors and grant providers as it is not unique
Has a much wider appeal to community groups including seniors, schools, artistic and indigenous	Would only appeal to a select few community & sporting groups involving water sports
Has the potential to receive extensive media coverage because it is so unique to WA	Would not achieve significant media coverage because it is not unique
Has the potential to attract more visitors to Bunbury from all over the state, which the community has identified as one of the objectives they hope to achieve with a new event	The potential to attract visitors is limited to those interested in water sports
The event will be held under cover which means weather is less of an issue	This event is weather dependant and therefore must be run in summer
The event can be held outside the peak tourism period, which is better for accommodation, resources, weather etc	The event must be held during a peak tourism period where accommodation & resources are at a premium
There are no significant competing events at this time of year	There are many other competing events at this time of year

The City Promotions Committee's recommendation is also supported by the Australian Bureau of Statistics Census data from 2006, which indicates:

- 9,359 children under the age of 12 years live in the Bunbury urban area (from Australind in the north to Stratham in the south).
- 14,603 'families' live in the Bunbury urban area (includes one or two parents with dependant children, grandparents with dependant children etc).
- 7,201 'families' with one or more dependant children live in the Bunbury urban area.

In light of the City Promotions Committee's recommendation, a successful children's event in Warrnambool, Victoria has been investigated and a brief summary of this event follows.

Fun4Kids Festival

The Fun4Kids Festival has been running in Warrnambool, Victoria for the past 11 years and has won several major Tourism Awards including:

- The Australian Tourism Award for the Best Festival or Event in 2006, 2007 & 2008;
- The Victorian Tourism Award for the Best Festival or Event in 2006, 2007 & 2008; and
- The Victorian Tourism Award for Outstanding Contribution by Volunteers in 2008;

Fun4Kids has also been inducted into the State and National Hall of Fame.

The Fun4Kids Festival has become so successful because it provides a purpose-built indoor village where children are encouraged to create, participate, play and learn in a safe, protected and healthy environment.

The event now features 15 major sponsors, 19 festival partners and 63 festival friends; recruits more than 600 volunteers from the local community; and attracts in excess of 30,000 visitors to the host city every year.

Research conducted by Encore in 2008 indicated visitors to the Fun4Kids Festival in Warrnambool came from the following areas:

- 30% or 9,000 people were locals from in and around Warrnambool
- 27% or 8,100 people travelled from the metropolitan area
- 25% or 7,500 people were visitors from regional Victoria
- 15% or 4,500 people were 'day trippers' who travelled less than 1 hour
- 3% or 900 people were from interstate or overseas

This proposal is to develop a similar event in Bunbury, Western Australia which will target children aged 2 – 12 years and their families.

Target attendance figures for a children's event in Bunbury are as follows:

Year 1: 4,000 – 6,000
Year 2: 8,000 – 10,000
Year 3: 12,000 – 15,000
Year 4: 18,000 – 25,000
Year 5 & beyond: 30,000+

As the Events team will need to embark on a period of research and development, and will need to start sourcing commitment from sponsors and grant providers, Council is asked to endorse the City Promotions Committee's recommendation, and to receive a budget submission for a Bunbury children's event in April 2010.

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

1. City of Bunbury Community Event Development Workshop Report July 2009
2. City of Bunbury Community Event Development Workshop Report Companion Document July 2009
3. Council Briefing document – Proposed New City of Bunbury Event – 15 September 2009

Strategic and/or Regional Outcomes

This proposal is in accordance with Strategic Objective 6 “Develop Social Capital” of the City’s Strategic Plan 2007-12. The proposed event relates to Strategy 6.1: Celebrate and reinforce a positive sense of community.

Community Consultation

Two community workshops were held on Friday 5 and Saturday 6 June. Invitations were issued through various City Life networks and advertising was placed in the City Update column in the Bunbury Mail over several weeks. In total 53 people representing a wide variety of community groups, local businesses, City of Bunbury staff and Councillors attended the workshops and contributed their ideas to the discussion.

Additional consultation has been undertaken with Chris Tate, Regional Events Manager from Eventscorp. Mr Tate represents Tourism WA’s events interests in the south west and is responsible for deciding which events should receive grant funding.

If this proposal is endorsed by Council, the Events Officer will also consult with representatives from local children’s interest groups such as the Bunbury offices of the Department for Child Protection and the Department of Education and Training, the Milligan Community Learning and Resource Centre, the Bunbury Early Years Network, the Nest Family Resource Centre and Playgroup WA, in order to ensure the event meets the needs of the local community.

Councillor/Officer Consultation

Several Councillors attended the community workshops and were invited to contribute their ideas for an iconic new event for Bunbury.

The City of Bunbury Community Event Development Workshop Report July 2009 was discussed by the City Promotions Committee on 20 July 2009.

This proposal has also been discussed with the Mayor, the Deputy Mayor, the CEO, the Executive Manager City Life, the Manager Economic & Social Development, the Manager Bunbury Visitor Centre, the Communications Officer, the Marketing Officer, the Cultural Development Officer, the Community Development Officer and the Youth Development Officer.

Analysis of Financial and Budget Implications

An extensive period of research and development will be required before an appropriate budget can be proposed for the Bunbury children's event.

Areas to be examined include potential sponsorships, available grants and ticket prices. Event expenditure will be tailored to the estimated total income.

It is proposed that a request for a small amount of research and development funds be submitted at the December budget review.

A full event budget application would then be submitted for Council approval during the 2010-11 budget process and these funds would be used to commence contracts and commit resources throughout the 2010-11 period. The event will then be delivered in October 2011.

Life-cycle Maintenance Costs (Capital Works Projects Only)

Not applicable.

Economic, Social, Environmental and Heritage Issues

The Council briefing document prepared by the Events Officer, Nardine Walford-Jones details the social and economic benefits for Bunbury.

Council Policy Compliance

There is no Council Policy in relation to this matter.

Legislative Compliance

Not applicable.

Delegation of Authority

The Chief Executive Officer does not have delegated authority in this matter.

Relevant Precedents

The City is engaged through its advisory committees and staff in an ongoing process of evaluating and reviewing its programs, with resultant changes to strategy and operations as required.

Options

Option 1

As per the recommendation listed in this report.

Option 2

Not to proceed with the recommendation made by the City Promotions Committee in July 2009.

Conclusion

The proposal to hold a children's event in Bunbury provides an excellent opportunity for the City to develop a new event that targets children aged 2-12 years and their families. The event would provide a totally interactive and educational environment for children, teaching both life skills and physical skills as well as promoting healthy lifestyle choices. The event would be run at a much larger scale than any existing Bunbury children's event and our aim would be to achieve an attendance of 30,000+ people within 5 years.

Advice received from Eventscorp to City staff and the City Promotions Committee is that developing a new event, which is based on an existing, successful event in another state, and which is supported by and involves the local community, is more likely to result in a successful outcome for Bunbury.

Hosting the event in Bunbury will provide significant social benefits to the City including the involvement of a large number of community groups as volunteers and the opportunity to bring families together in a safe and supportive environment. A large scale children's event such as this would also introduce a sense of vibrancy and life to the local community.

A children's event will also provide economic benefits to Bunbury including accommodation, retail and tourist expenditure as well as increased business to local event suppliers.

And finally, an event for children and families will be attractive to sponsors and grant providers, and has the potential to build the City's media profile throughout WA.

Recommendation

That Council endorse the following concept identified by the community consultation workshops:

1. A children's festival, which is to be funded in part by the City of Bunbury, and is to be coordinated by the City of Bunbury Events team, will be staged in Bunbury during 2011.
2. Additionally, an aquatic-themed festival is to be further explored by approaching potentially interested individuals and community groups to determine the level of interest in this concept.

11.6 Bunbury Regional Athletics Track – Track Surfacing

File Ref:	A03696
Applicant/Proponent:	Council
Author:	Stewart Parkinson – Project Manager
Executive:	Greg Trevaskis - CEO

Summary

A major component of the proposed Hay Park Athletic Track is the track surfacing. The stakeholders have indicated a preference for Sportflex Sx Performance Overlay from Mondo Pacific Pty Ltd.

As there is only one supplier of this material, it is proposed that the quote from Mondo be included in the construction tender as a “prime cost” and Mondo be a nominated subcontractor.

Background

A key component of the Athletics Track is the track surfacing. The standard and type of surfacing is critical to achieving the best running surface to maximise the opportunity of athletes to set new records.

As advised by Councils Design Consultant, there are basically two types of surfacings:

1. **Prefabricated overlay (i.e. Sportflex)**

Advantages:

- Largely non-porous.
- Embossed or textured surface finish to improve traction and slip resistance.
- Produced in "controlled conditions" of a factory and therefore the properties should be very uniform.
- Proven high quality surface - used at Olympic Games.

Disadvantages:

- Generally more expensive than in-situ products.
- The prefabricated sheets will conform to any irregularities of the asphalt surface - vitally important that the asphalt layer adheres to the design levels and tolerances.
- Installation requires a high degree of skill and accuracy.
- The durability of the surface is only as good as the integrity of the bond between itself (joints in sheets) and the base.
- More joints which can open and let in water.

2. In-Situ

Advantages:

- Can be cheaper than prefabricated.
- Full polyurethane tracks have been used at many major international championships.*
- Better able to accommodate slight imperfections in the asphalt base.

Disadvantages:

- More susceptible to delays due to wet weather.
- There is some evidence that some of these surfaces can harden with ageing.*

** Refers to comments made by Denis Wilson, IAAF technical director, in a report titled "Synthetic Track Surfaces"*

Sportflex has been used at a number of Australian and International athletics tracks including the Sydney Olympic Stadium and the recently completed AK Stadium in Perth.

The selection of the Sportflex surfacing will streamline the preparation of the detailed plans, as a number of construction details are dependant on the type of surfacing used.

A key driver for this project is the timing. Selection of a particular surfacing at this time will ensure compliance with the funding provider's time requirement, for construction to commence in December 2009.

Strategic and/or Regional Outcomes

Nil

Community Consultation

The Athletics Track Community Interest Group has indicated a preference for the Mondo product, Sportflex Sx Performance.

Councillor/Officer Consultation

The CEO has been consulted.

Analysis of Financial and Budget Implications

A quote has been received from Mondo as follows:

"To supply and install Sportflex Sx Performance overlay plus testing, line marking and associated civil works supervision\$810,488."

This is a similar price to a Davis Langdon Quality Surveyors project estimate obtained in June 2009.

It is also in line with an earlier quote provided by Mondo in response the consultancy tender in June 2009.

The price is also close to the budget allocation for this component of the whole works.

Life-cycle Maintenance Costs (Capital Works Projects Only)

This surfacing (similar to all types of surfacing) will last 10 plus years. Council is required as per the CSRFF Funding agreement to establish a reserve for funding the eventual replacement of the surfacing. This reserve will commence in 2010/2011 at a rate of \$70,000 per annum.

Economic, Social, Environmental and Heritage Issues

Nil

Council Policy Compliance

N/A

Legislative Compliance

Because there is only one supplier for this product, Council is exempt under clause 11(f) of the Tender regulations, Local Government (Functions and General) Regulations 1996 from calling tenders for this item.

Delegation of Authority

The CEO has delegated authority to determine tenders on this project but not specific authority to invoke clause 11(f).

Relevant Precedents

N/A

Options

Option 1

Per the recommendation listed in this report.

Option 2

Award a contract directly to Mondo-Pacific Pty Ltd for the surfacing supply and installation.

This option is not recommended as the success of the track construction relies on a close interaction between the civil contractor and the surfacing installer. This will be best achieved through a contractor/sub contractor relationship.

Conclusion

Incorporating the selection of Sportflex Sx Performance overlay in the civil works contract as a “prime cost” and for Mondo to be a nominated subcontractor will allow this project to proceed in a timely manner and streamline the process.

Recommendation

That the strategy to include the supply and installation of Sportflex Sx Performance track overlay material as a prime cost (\$810,488) and to include Mondo Pacific Pty Ltd as a nominated subcontractor in the Athletics Track construction tender documentation, be endorsed.

11.7 Proposed Change of Use from Non-Conforming Use (Bunbury Freight) to Another Non-Conforming Use (Storage for 2 Trucks, Office and Mechanical Workshop) – Lot 16 (No. 84) Strickland Street, Bunbury

File Ref:	P09271
Applicant/Proponent:	Phillip Panomarenko (Geographe Bins)
Author:	Tesh Tadess, Senior Town Planning Officer
Executive:	Geoff Klem, Executive Manager City Development

Summary

The proposal involves a change of use application from one existing non-conforming use to another non-conforming use in a residential zone on Lot 16 (No. 84) Strickland Street. Clause 4.9 of Town Planning Scheme No.7 (TPS7) specifically requires public advertisement prior to determination of the proposal by Council.

The proposal was publicly advertised for a period of 21 days and two submitters raised the matters of noise and the activities associated with proposed mechanical workshop. Development Services considers that the proposed non-conforming use would be less detrimental relative to the existing non-conforming use on-site. It is considered by Development Services that continuation of a non-conforming use is considered to be appropriate for the site.

Development Services therefore recommends that the application be approved.

Background

The City is in receipt of a Development Application (DA) which involves a change of use from one non-conforming use (Bunbury Freight) to another non-conforming use (storage for 2 trucks, office and mechanical workshop). The proposed development proposal is by Geographe Bins at Lot 16 (No. 84) Strickland Street.

(Attached at Appendix 1 is a location plan)

The subject land is zoned Residential (R30) in TPS7. The existing use of the land is identified as being a non-conforming use in the respective zone, as the site has already been developed for commercial purposes (Bunbury Freight). The current proposal also comes under the category of non-conforming use, as it nominates the site to be used for Geographe Bins and A & M Auto Repairs activities. Technically, the proposal would have to be considered as a change of use application for the reason that the proposed uses are not similar to that of the existing use on-site.

Clause 4.9 of TPS7 provides that a change of use from one non-conforming use to another non-conforming use is required to be advertised in accordance with Clause 9.4 of the Scheme prior to determination by Council. The proposal was advertised and 3 submissions were received.

Proposal

The applicant in respect of his proposed development has provided the following justification:

"We are applying for the site to continue with its current status of Non Conforming Use. Bunbury Freight have operated from the site since 1990, establishing a new shed and offices in 2002. They operated out this new complex until relocating in April of 2009. Within the make up this business they operated the following:

1. *Opening hours: 5am to 5:30pm 5 days per week
7.30am to 12.30pm Saturdays*
2. *Opening Machinery: 7 Trucks, 2 Delivery Vans, 2 Office Cars.*
3. *Staff: 12 in Total.*
4. *Serving: All mechanical servicing and repairs were carried out on the premises. As you can see from the above this business operated over 19 years without we believe too much disruption to the surrounding area.*

The proposed business to operate from this location will be as follows:

Geographe Bins

1. *Storage for 2 trucks at night on the premises. One truck will leave the location at 7am, 5 days a week and return at approximately 4pm in the afternoon. The second truck is solely used as a back up truck for the first truck. Two office vehicles will be located at the premises.*
2. *Office – will be operated as a base for 2 office staff purely to take calls and do other office tasks. Hours of operation will be 8.30am to 5pm.*
3. *All servicing of trucks and cars will be carried out on site.*

A & M Auto Repairs

1. *This is a mobile based business but will also carry out mechanical repairs and servicing within shed area. We will also house the mobile van in the shed.*
2. *Office- We will have 1 temporary office member purely for answering phone calls and doing bookwork etc.*
3. *Hours of operation will be 8.30 am to 5pm.*

As you can see from the above information compared to the business that has run for 19 years from this location the proposed operation will be far less obtrusive to the surrounding area, residence or any traffic flow."

(Attached at Appendix 2 is a site plan with building layout and parking).

The applicant has confirmed that no bins or rubbish will be kept on site with the exception of empty bins on the truck. The advice by the applicant that skip bins will not be stored or cleaned on-site is important and will tend to minimise any potential adverse impact on adjoining residents.

In accordance with the Scheme requirements, the proposal was advertised for 21 days between the middle of August and early September 2009, and the advertisement was organised as follows:

- Public notices were placed in the Bunbury Mail on the 12, 19 and 26 of August 2009.

- One sign on-site.
- Eight letters to adjoining landowners and;
- On City's internet site.

At the end of the advertisement period, three submissions were registered, two from the surrounding residents and one "no objection" letter from the Department of Housing as the owner of the adjoining properties (Lots 17 & 18 Strickland Street and Lot 34 White Street). The two submitters who have concerns to the proposed development have raised noise and the activities of the mechanical workshop as their main concerns. Their concerns have some level of merit in that the subject site is in close proximity to the surrounding grouped dwellings development. However, the site has been used for commercial related activities for a number of years. In addition, the applicant, in his submission, has successfully demonstrated that the proposed uses on-site would be less detrimental as compared to the previous use (Bunbury Freight); for example, previously seven trucks were stored on site and 12 staff were employed. The new proposal will consist of only storage for two trucks and about six employees on-site.

(Attached at Appendix 3 is a schedule submission).

The subject land is surrounded by a non -residential use (petrol station) to the west (at the front) and dwellings to all other directions. Lot 17 immediately west of the subject land is group housing for the elderly and people who need care. Although the subject land is significantly surrounded by grouped dwellings, the nature of development on the subject land is suitable for commercial development. Buildings on-site include 458m² metal deck storage and an ancillary office. The structures are similar to any conventional commercial/ industrial development site in terms of bulk and height. They are considered to be appropriate to support commercial related uses. In addition, there are sufficient parking spaces on-site to comply with Scheme requirements.

(Attached at Appendix 4 is building structures on-site - photograph)

Clause 4.9.3 of TPS7 states that *"...the local government shall not grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone."*

On balance it is considered that the development meets the requirements of Clause 4.9.3 in that the amenity of the development related to the proposed development would be significantly less than that related to the prior land-use (freight depot) with no controls in terms of times of operation etc.

The City has no records demonstrating that the previous commercial activities were detrimental to the amenity of the surrounding residents. However, it is considered appropriate to put some control on the level of noise by limiting working hours of the proposed mechanical workshop.

Approval is therefore recommended for the proposed development.

Strategic and/or Regional Outcomes

It is considered that the proposal is within the intent of the City's 2007 – 2012 Strategic Plan, and it has no implication to the Greater Bunbury Region Scheme (GBRS).

Community Consultation

The proposal was advertised from 12 August 2009 to 4 September 2009, and at the end of the advertisement period three submissions were received; two were from the general public and one was from the Department of Housing as the landowner to the surrounding grouped dwellings.

Councillor/Officer Consultation

The proposal has been discussed within Development Services and with Senior 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 will it require financial commitment from Council.

Life-cycle Maintenance Costs (Capital Works Projects Only)

N/A

Economic, Social, Environmental and Heritage Issues

It is considered that the proposed development will create employment opportunities for at least six persons. No environmental and heritage issues have been identified under the current proposal.

Council Policy Compliance

The proposed development complies with all Local Planning Policies.

Legislative Compliance

The proposal was advertised for public comment in accordance with Clause 4.9 of TPS7 which provides that a change of use from a non-conforming use to another non-conforming use is required to be advertised in accordance with Clause 9.4 of TPS prior to planning approval. Accordingly, the proposal was advertised for public comment prior to presentation to Council for determination.

Delegation of Authority

Any proposal which attracts public submissions is required to be considered by Council in accordance with City's Local Planning Policy (LPP) – *Development Applications Assessment Processes: Rights of the Applicant and the Community*. In this regard, three submissions were received out of which two submissions from the surrounding residents have raised the matter of noise and mechanical workshop activities on-site as their main concerns.

Relevant Precedents

There are no known relevant precedents in this case.

Options

Option 1

Per the recommendation listed in this report.

Option 2

As determined by Council

Conclusion

The subject land has been used for commercial purposes for a number of years, and the existing building structures on-site are purpose built to conduct commercial activities.

On balance it is considered appropriate to grant planning approval in this instance in that the land has been used for commercial purpose for some years and in that the proposed development complies with Clause 4.9.3 of TPS7 which gives power to grant planning approval in a situation such as the matter at hand where a new proposed non-conforming use is determined to be less detrimental.

Recommendation

Council under and by virtue of the power conferred upon it pursuant to the Planning and Development Act 2005 hereby resolves to grant planning approval to Phillip Panomarenko (Geographe Bins) on behalf of (Elizebeth Patricia Martin) for the proposed change of use from non-conforming use (Bunbury Freight) to another non-conforming use (storage for two trucks, office and mechanical workshop at Lot 16 (No. 84) Strickland Street, with the following conditions

1. Use and Development
 - 1.1 The premises being used only in accordance with the definition of **“Storage”, “Motor vehicle repair” and “Office – incidental” (non-conforming uses)** contained in Schedule 1 of Town Planning Scheme No.7 unless otherwise approved by Council.
 - 1.2 All development shall be generally in accordance with the approved development plans, which form part of this Planning Approval.
 - 1.3 The approval shall expire unless the works hereby authorised have been substantially commenced within two years of the date of issue or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.
 - 1.4 Mechanical repair activities in the work shop to be limited to normal working hours between 8.30am and 5pm Monday to Friday.

2. Drainage & Road Requirements

- 2.1 The access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded drained, linemarked and finished with a sealed or paved surface or equivalent by the developer to an approved design to satisfaction of the City Engineer. Once constructed, the access way(s), parking area(s) and turning area(s) shall be maintained at all times to the satisfaction of the City Engineer.

(Advice Note: Design and construction shall be in accordance with the City of Bunbury Engineering Design and Construction Standards, Austroads Part 11 Guide to Traffic Engineering Practice: Parking, Australian Standard AS2890.1-2004 Off-street car parking & Australian Standard AS2890.2-2002 – Off street commercial vehicle facilities).

- 2.2 The applicant shall construct and maintain vehicle crossovers to the development. Existing crossovers not required for proposed development shall be removed, the verge made good and kerbing reinstated, immediately upon completion of the building.

(Advice Note: Crossovers shall be in accordance with Council's Standard Drawings MISC-01-03; MISC-01-04, MISC-01-05 or approved alternative design (Copies of standard plans attached).

Crossovers shall not vary from the standard designs without written approval from the City Engineer. Pedestrian access across the crossover shall be free of tripping hazards (e.g. no raised kerbing).

Paths shall take priority over crossovers.

In accordance with Local Planning Policy – "Vehicle Crossovers", Council's Crossover rebate will only be issued where construction has been completed in accordance with the standard drawings.

- 2.3 The applicant shall dispose of stormwater onsite. Plans and specifications relating to the disposal of stormwater and groundwater for the development shall be submitted and approved by the City Engineer prior to the issue of a building licence (Refer Local Planning Policy – Stormwater Disposal from Private Property).

(Advice Note: The applicant is to provide 1m³ of underground stormwater storage for each 65m² of impervious area, including parking, driveways, other paved and sealed and roof areas.)

- 2.4 The applicant shall provide stormwater treatment facilities in the form of petrol and oil trap(s). Details of the stormwater treatment facilities shall be shown on the stormwater drainage plan.

- 2.5 Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the City Engineer at the developer's expense.

3. Health Requirements

- 3.1 Compliance with Environmental Protection (Noise) Regulations 1997 will be required.
- 3.2 Compliance with Environmental Protection (Unauthorised Discharges) Regulations 2004 will be required.

Notes:

- 1. Compliance with the Health Act 1911 is required.
- 2. Compliance with the City of Bunbury Health Local Laws 2001 is required.

11.8 Ocean to Preston River Regional Park - Implications for the City of Bunbury

File Ref:	FOL5
Applicant/Proponent:	Internal Report
Author:	Ben Deeley, Senior Environmental Officer
Executive:	Geoff Klem, Executive Manager City Development

Summary

The State Government is currently planning for the establishment of the Ocean to Preston River Regional Park in order to provide a substantial education, recreation and conservation resource for the existing and future population of Greater Bunbury.

The proposed regional park is situated almost entirely within the City of Bunbury and Council is currently responsible for managing approximately 60% (~560 ha) of the parks total area of 913 hectares. A portion of the regional park is located in the Shire of Capel, which is currently vested in the State Housing Commission and the Water Corporation.

The Western Australian Planning Commission released the Draft Ocean to Preston River Regional Park Establishment Plan in April 2008 in order to guide the establishment of the regional park. Within the document it is proposed that the City of Bunbury relinquishes the majority of its current land holdings to the State Government for management by the Department of Environment and Conservation, excluding the Maidens playground area which is to remain under Council's control.

In May 2008, the Western Australian Planning Commission contacted the City of Bunbury in order to seek confirmation of the land holdings that Council is willing to relinquish to the State Government.

The regional park proposal presents many issues for Council to consider and there is still much uncertainty regarding the likely final outcome. It is understood that much of this uncertainty will not be resolved until the Department of Environment and Conservation prepares the Conservation Management Plan for the regional park in the future.

It is recommended that Council provides in principle endorsement for the relinquishment of its land holdings as proposed within the Draft Establishment Plan, albeit with modifications, subject to the resolution of the management plan and land compensation matters to the satisfaction of Council.

Background

The State Government is currently planning for the establishment of the Ocean to Preston River Regional Park in order to provide a substantial education, recreation and conservation resource for the existing and future population of Greater Bunbury.

Regional parks are areas of Regional Open Space that have been identified through the planning process for their outstanding conservation, landscape and recreation values.

The Greater Bunbury Region Scheme provides for the creation of several regional parks in the Bunbury area in the future. The Ocean to Preston River Regional Park is the first of these and is also the first regional park to be proposed outside of the Perth Metropolitan Region. A map depicting the location of the proposed regional park is **attached** under separate cover at Appendix 1.

The Ocean to Preston River Regional Park is contained almost entirely within the City of Bunbury and includes major conservation areas such as the Maidens, Usher / Shearwater Forest Block, bushland at Hay Park, Manea Park and Loughton Park. The City of Bunbury is currently responsible for the management of approximately 60% (~560ha) of the regional park's total area of 913 hectares. A portion of the regional park is located in the Shire of Capel, which is currently vested in the State Housing Commission and the Water Corporation.

The establishment of the Ocean to Preston River Regional Park is being coordinated by the Western Australian Planning Commission. The Western Australian Planning Commission has formed a Technical Advisory Group and a Community Consultative Committee to assist with this process. The City of Bunbury is represented upon both of these committees.

In April 2008, the Western Australian Planning Commission released the Draft Ocean to Preston River Regional Park Establishment Plan for public comment. This document provides the broad guidelines for the establishment of the regional park including the proposed future land tenure arrangements. The Draft Establishment Plan proposes that the regional park will be primarily managed by the Department of Environment and Conservation and City of Bunbury with the potential involvement of other stakeholders such as the Shire of Capel in the future. A copy of the Draft Ocean to Preston River Regional Park Establishment Plan is **attached** under separate cover at Appendix 2.

Unlike the City of Bunbury, the Department of Environment and Conservation does not have any landholdings in the regional park at present. Whilst the Department is likely to assume the control of several existing State Government landholdings when the regional park is established, the Department has indicated that it will require the control of additional landholdings in order to warrant its involvement in the future management of the regional park. The State Government has previously identified many of the City of Bunbury's landholdings as being suitable for management by the Department of Environment and Conservation on account of their high conservation value (N.B. based upon their size, vegetation condition, presence of threatened species etc.). Hence, the Draft Ocean to Preston River Regional Park Establishment Plan proposes that the City of Bunbury relinquishes the majority of its current land holdings to the State Government for management by the Department of Environment and Conservation (~548ha), excluding the Maidens playground area which is to remain under Council's control.

In May 2008, the Western Australian Planning Commission requested the City of Bunbury to identify which of its landholdings in the regional park it considers appropriate for transfer to the State Government for vesting in the Conservation Commission of Western Australia and subsequent management by the Department of Environment and Conservation. It is understood that the Western Australian Planning Commission will finalise the Ocean to Preston River Regional Park

Establishment Plan once Council has determined which of its landholdings it is willing to relinquish to the State Government.

Once the Establishment Plan is finalised, the Minister for Planning, possibly in conjunction with the Minister for the Environment, will seek final approval for the regional park through a Cabinet minute that supports the establishment, vesting and funding requirements of the regional park. The Department of Environment and Conservation will prepare a management plan for the regional park in accordance with the *WA Conservation and Land Management Act 1984* and commence its management role following the proclamation of the regional park and the receipt of funding from State Treasury.

There are no timelines available for the proposal at present because it is contingent upon Cabinet and will be subject to approval processes through State Parliament. As such, the City of Bunbury will continue to have management responsibility for its landholdings in the regional park for an indeterminate time period. This issue is discussed further herein.

Proposal

It is recommended that Council provides in principle endorsement for the relinquishment of its land holdings as proposed within the Draft Establishment Plan, albeit with modifications, subject to the resolution of the management plan and land compensation matters to the satisfaction of Council. The rationale for this recommendation is discussed below:

1. City of Bunbury Investigations

The City of Bunbury's Strategic & Environmental Planning Unit has undertaken several investigations in order to determine the likely implications of the regional park proposal for the Council and the Bunbury community. A brief description of each of the investigations is provided below whilst the findings of these investigations are discussed within Section 2 of this report:

1.1. Review of the Draft Ocean to Preston River Regional Park Establishment Plan

In April 2008, the Western Australian Planning Commission released the Draft Ocean to Preston River Regional Park Establishment Plan for public comment. A review of the document has been undertaken by the City of Bunbury's Strategic & Environmental Planning Unit, as summarised below:

The objectives of the Draft Establishment Plan include:

- To provide the broad guidelines for the establishment of the regional park, which will assist in the preparation of the Conservation Management Plan;
- To provide a reference document for the preparation of a joint cabinet submission requesting Cabinet (State Treasury) to allocate funds for the administration, development and ongoing management of the park;
- To allow for public comment on the establishment of the park;

- To provide a proposal for the land area to be included in the park; and
- To propose the management responsibility for reserves that form the regional park.

Key Aspects of the Draft Establishment Plan include:

- The regional park is to be managed under a joint management agreement between the Department of Environment and Conservation and City of Bunbury whereby each organisation manages discrete sections of the regional park separately;
- The Department of Environment and Conservation will coordinate the planning, development and management of the regional park;
- It is proposed that the City of Bunbury accepts the vesting of existing and future recreational nodes and that the Department of Environment and Conservation takes responsibility for the conservation of natural bushland areas, although the City of Bunbury can continue to manage its existing bushland reserves consistent with the future management plan if it wishes;
- The Department of Environment and Conservation may or may not accept the management responsibility for degraded lands such as car parks and areas with significant weed invasion. Such matters will be negotiated during the development of the Conservation Management Plan;
- The development of future recreational sites along the periphery of the regional park will be considered during the preparation of the Conservation Management Plan. These sites will be subject to further planning and approvals, and will likely be vested in the respective local government for development and management;
- A special allocation of funds provided by the State Government will be required for the administration, development and management of lands vested in the Department of Environment and Conservation;
- The Water Corporation has advised that its land in the park may be required for infrastructure expansion, however timelines for any such works are unknown at present;
- The Department of Environment and Conservation will coordinate the preparation of the Conservation Management Plan which will be undertaken in association with stakeholders and will be the guiding document for the planning, development and management of the park into the future. A community advisory committee, appointed by the Minister for the Environment, will be convened to oversee preparation of the Conservation Management Plan and to guide the forward planning for the park. The Conservation Management Plan is expected to have a lifespan of 10 years, followed by review and update; and
- There may be other lands identified as suitable for inclusion in the regional park. Following designation as Regional Open Space under the Greater Bunbury Region Scheme, the

Western Australian Planning Commission would proceed with acquisition when the land and funds become available for purchase. Following creation of the park, the land acquired by the Western Australian Planning Commission for incorporation in the regional park will most likely be managed by the Department of Environment and Conservation.

Further details regarding the review of the Draft Ocean to Preston River Regional Park Establishment Plan are **attached** under separate cover at Appendix 3.

1.2. Survey of Senior Environmental Staff at Local Government Authorities in Perth

In March 2009, a survey of senior environmental officers at 14 Local Government Authorities in the Perth Metropolitan Region was undertaken in order to document the key issues and experiences of the organisations in regard to their local Regional Park/s. The 14 Local Government Authorities that were consulted with include:

- City of Armadale;
- City of Canning;
- City of Cockburn;
- City of Gosnells;
- City of Joondalup;
- City of Melville;
- City of Rockingham;
- City of Stirling;
- City of Swan;
- City of Wanneroo;
- Shire of Kalamunda;
- Shire of Mundaring;
- Shire of Serpentine-Jarrahdale; and
- Town of Kwinana.

The findings of the survey have been documented within a report, which is **attached** under separate cover at Appendix 4.

1.3. Survey of Senior City of Bunbury Staff

In March 2009, a survey of senior staff at the City of Bunbury was undertaken in order to:

1. Collate internal advice regarding the proposed transfer of City of Bunbury land holdings to the State Government;
2. Determine the City of Bunbury's roles and responsibilities in regard to the land parcels that form the regional park, both currently and in the future; and
3. Infer potential risks to the organisation and the community associated with the regional park proposal.

A list of the senior staff members involved in the survey is detailed in Section 6 of this report.

A table documenting the full list of roles and responsibilities that the City of Bunbury currently performs in regard to the land parcels that form the regional park is **attached** under separate cover at Appendix 5.

1.4. Meeting with Department of Environment and Conservation's Community & Regional Parks Branch

On the 5 May 2009, staff from the Strategic & Environmental Planning Unit met with the Department of Environment and Conservation's Manager Community & Regional Parks, Mr Brendan Dooley, and Planning Officer, Mr Simon Dobner, in order to:

- Brief the Department upon the findings of the City of Bunbury's investigations to date and gain confirmation of the validity of the conclusions formulated;
- To determine which roles and responsibilities currently performed by Council could be assumed by the Department if it were to gain responsibility for Council's landholdings in the future; and
- Discuss a list of queries and concerns with the regional park proposal in order to seek resolution of them where possible.

The Department's comments in regard to the roles and responsibilities it would assume if it were to gain control of the City of Bunbury's landholdings is **attached** under separate cover at Appendix 5.

The full list of queries and concerns in regard to the regional park proposal as formulated through the City of Bunbury investigations and corresponding comments from the Department of Environment and Conservation is **attached** under separate cover at Appendix 6.

2. Ocean to Preston River Regional Park Key Issues

Based upon the investigations undertaken by the Strategic and Environmental Planning Unit to date, the Ocean to Preston River Regional Park proposal is considered likely to present the following issues for Council and the Bunbury community:

2.1. Likely Benefits for the City of Bunbury in Relinquishing Land Holdings to the State Government

The proposed transfer of its land holdings to the State Government is likely to generate a range of benefits for Council as detailed below:

Cost savings:

Whilst the full cost to Council of the management of its land holdings in the regional park has not been calculated, the figure is likely to be considerable given the wide range of roles and responsibilities that Council currently performs. Hence, the transfer of its land holdings to the State Government may result in substantial cost savings for

Council and may also result in a reduction in Council's risk liability through transfer of duty of care to the State Government.

It should be noted however, that the Department of Environment and Conservation is unlikely to assume the responsibility for certain roles and responsibilities such as mosquito control and stormwater system maintenance as discussed at Appendix 5 (**attached** under separate cover) (N.B. see Section 2.6 of this report for further discussion of this issue). Hence, it is likely that Council will continue to have a substantial financial and risk liability in the context of the regional park even if it does relinquish its land holdings as proposed.

Involvement of the Department of Environment and Conservation in the management of the regional park:

As discussed previously, the Department of Environment and Conservation's participation in the future management of the regional park is considered to be somewhat reliant upon Council's relinquishment of landholdings to the State Government.

The Department of Environment and Conservation's involvement in the management of the regional park is viewed positively as it is anticipated to provide the following benefits for the City of Bunbury and the regional park itself:

- Provision of greater resources for the regional park in terms of finances, equipment and personnel than if Council 'went it alone';
- Input of a greater degree of conservation experience into the management of the regional park thus resulting in improved management outcomes;
- Opportunities for community groups to access the Department's grant funding scheme for volunteers;
- Increased State Government agency presence in Bunbury potentially resulting in greater exposure of local environmental issues; and
- Improved opportunities for collaboration between Council and the Department, thus resulting in capacity building for Council staff.

Compensation for the Relinquishment of City of Bunbury Land Holdings:

Council currently controls a range of land holdings in the proposed regional park, including properties held in freehold title, endowment land and crown reserves vested in Council for management. Given its range of land holdings, the City of Bunbury's potential entitlement to compensation is considered to be a complex issue. Further information concerning the City of Bunbury's land holdings within the proposed region park is **attached** under separate cover at Appendix 7.

Lavan Legal was recently engaged in order to provide an expert legal opinion in regard to the City of Bunbury's compensation entitlement. The legal opinion advises that whilst Council may be entitled to receive compensation for the properties it holds in freehold title, it is unlikely that compensation can be claimed for Crown land vested in the City because this land is essentially 'owned' by the Crown. Further investigations of the relevant certificates of title and management orders are however required in order to confirm whether the City has any interests in respect to the Crown land it currently manages.

Based upon the legal opinion received from Lavan Legal, it is understood that Council has five options in progressing with the compensation issue:

- Option 1. Relinquish the land holdings to the State Government free of charge;
- Option 2. Do nothing and await compulsory acquisition of the land holdings by the State Government, in which case compensation would be payable to Council for the land compulsorily acquired;
- Option 3. Undertake an informal approach by negotiating with the Department of Planning's WAPC Property Management Services Branch for the exchange of Council's land holdings in return for some form of benefit, be it monetary or otherwise;
- Option 4. Claim compensation for injurious affection under the Greater Bunbury Region Scheme triggered through the sale or subdivision of the land holdings; or
- Option 5. Retain the land holdings.

In reviewing these five options it is considered by the Strategic & Environmental Planning Unit that option 3 is the most appropriate course of action at this time because:

- If successful, this option will result in Council receiving some form of benefit for its relinquished land holdings, be it monetary or otherwise, unlike options 1 and 5 which will not result in any such form of benefit for Council;
- This option is likely to involve less legal expenses than option 4;
- This option is unlikely to result in the potential negative social and environmental consequences of option 4; and
- This option can be initiated by Council rather than awaiting the State Government to take action which could take an indeterminate amount of time to occur as in the case of option 2.

If Council is unsuccessful in its negotiations with the Department of Planning's WAPC Property Management Services Branch, the other options listed above could then be explored further if feasible.

N.B. It is understood that the Department of Housing is considering seeking compensation for the relinquishment of the State Housing Commission landholdings within the regional park.

Interim Recommendation 1:

That Council approaches the Department of Planning's WAPC Property Management Services Branch with the view to commencing negotiations regarding the relinquishment of Council's land holdings in exchange for some form of benefit, be it monetary or otherwise.

N.B. Interim Recommendations have been detailed within the body of this report in order to provide for the resolution of specific issues relating to the State Government's proposal. These have been collated at the end of the report to form the final recommendation to Council.

2.2. Funding for the Regional Park

The Department of Environment and Conservation has advised that it will not commence the preparation of the Conservation Management Plan or management of the regional park until it receives funding from the State Government.

The Greater Bunbury Region Scheme does not have a mechanism for the funding of Regional Open Space acquisitions and management such as the 'Metropolitan Regional Improvement Tax' under the Metropolitan Region Scheme in Perth.

Hence, the establishment and ongoing management of the regional park as proposed is contingent upon State Treasury allocating sufficient funding to the Department of Environment and Conservation.

No funding has been allocated towards the regional park to date.

Interim Recommendation 2:

It is recommended that Council actively lobbies the State Government to ensure that sufficient funding is allocated towards the establishment and ongoing management of the Ocean to Preston River Regional Park.

2.3. Interim Management of the Regional Park

The Department of Environment and Conservation and the Department of Planning have both advised that current land managers should continue managing their Regional Open Space land holdings until otherwise negotiated.

Given that the Department of Environment and Conservation will not commence its management role until it receives funding from State

Treasury, the City of Bunbury will continue to be responsible for the management of its land holdings for an indeterminate amount of time.

It is understood that neither State Government agency will provide funding to the City of Bunbury for the management of its current land holdings during the interim period preceding the Department of Environment and Conservation's active management role, nor will they manage the land on the City's behalf.

The Strategic and Environmental Planning Unit is becoming increasingly aware that key environmental issues such as weed management, dieback management and the control of illegal access in the regional park are not being sufficiently addressed within the capacity of current management efforts.

If the commencement of the Department of Environment and Conservation's management role is overly delayed, Council may have to consider investing greater resources towards the management of these issues, otherwise degradation of the regional park's values is likely to result. Clearly, this issue will be exacerbated if Council ceases management of its land holdings altogether during the interim period. This could result in a greater proportion of degraded areas within the regional park which the Department of Environment and Conservation may be unwilling to manage and would thus remain the responsibility of Council.

Interim Recommendation 3:

It is recommended that Council continues to manage its land holdings in the Ocean to Preston River Regional Park until otherwise directed by the State Government.

Interim Recommendation 4:

If the commencement of Department of Environment and Conservation's management role is overly delayed, it is recommended that Council considers addressing emerging key issues in the Ocean to Preston River Regional Park in order to protect its intrinsic values e.g. by seeking to advance the creation of the regional park community advisory committee and lobbying the State Government for access to stop gap funding.

2.4. Uncertainty Surrounding the Regional Park Proposal

The full implications of the State Government's proposal are currently unclear as the detailed arrangements for the management of the regional park will not be formalised until the Conservation Management Plan is prepared in the future. Hence, Council has been asked to decide which of its land holdings it is willing to relinquish to the State Government without perfect or complete knowledge of the matter. Clearly, there is a degree of risk to Council in making such a decision.

The Department of Environment and Conservation has advised that it will not commence the preparation of the Conservation Management Plan until it receives funding from State Treasury as discussed previously.

Council may be able to facilitate the 'early' preparation of the Conservation Management Plan, that is, prior to the proclamation of the regional park and allocation of funding towards it by the State Government, through the provision of financial and in-kind support to the Department of Environment and Conservation. The preparation of the Conservation Management Plan in this manner may provide the following benefits:

- Greater certainty for all stakeholders in regard to the proposed regional park, including Council in the context of the future of its current landholdings and the treatment of residual risks e.g. fire threat to adjacent properties;
- Assistance in leveraging State Cabinet / Parliamentary support for the proposal by further clarifying the parks conservation, recreation and education values and management imperative. It would also demonstrate the level of interest and good will expressed towards the proposal by Council, the Greater Bunbury community and other stakeholders;
- By making a significant contribution towards the Conservation Management Plan, Council's stake in the decision making process may be enhanced; and
- Current management of the land forming the proposed regional park is limited in its success as it lacks strategic direction and integration across land tenure and habitat type, which the Conservation Management Plan is considered likely to provide.

However, there are some concerns associated with this approach including the fact that the preparation of a Conservation Management Plan is likely to be expensive and thus may be beyond the capacity of Council and the Department of Environment and Conservation to prepare without State Treasury support and that the 'early' preparation of the Conservation Management Plan may be in vain if the regional park proposal is not ultimately endorsed by Cabinet and State Parliament.

If Council is supportive of this approach, its feasibility can be explored further during future negotiations with the State Government regarding the establishment of the proposed regional park.

2.5. Concerns with the Department of Environment and Conservation's Joint Management Model

Several of the Perth Local Government officers surveyed expressed concerns with their Local Government's joint management agreement with the Department of Environment and Conservation. These

concerns included perceived insufficient communication and collaboration between joint land managers, insufficient community engagement and lack of continuity of management effort across land tenure. These concerns were presented to the Department of Environment and Conservation for comment at the meeting on the 5 May 2009 as discussed previously (**attached** under separate cover at Appendix 6).

It should be noted that these concerns were not shared by the majority of senior Local Government officers surveyed and as such they may be symptomatic of relationship management issues as opposed to inherent problems with the joint management model.

The majority of the senior Local Government officers surveyed indicated that they viewed their organisation's relationship with the Department of Environment and Conservation positively.

Clearly, the success or failure of the proposed joint management arrangement between Council and the Department of Environment and Conservation will be contingent upon the efforts of both parties.

As such, these concerns are not seen as being an impediment in moving forwards with the proposal, but rather that consciously managing the relationship with the Department of Environment and Conservation should be borne in mind during future negotiations.

2.6. Continuity of City of Bunbury Roles and Responsibilities

A list of the roles and responsibilities currently performed by the City of Bunbury within the regional park was formulated through a survey of senior staff from across the organisation as discussed previously. The Department of Environment and Conservation has reviewed the list and has advised that it would assume the majority of the City of Bunbury's current roles and responsibilities if it were to gain control of Council's current land holdings in the future (**attached** under separate cover at Appendix 5).

It should be noted that the following City of Bunbury roles and responsibilities **will not** be assumed by the Department:

- Maintenance and expansion of roads including repair of pot holes, management of tree roots; installation of street signs, line marking, road upgrades, street lighting, central islands etc.;
- Enforcement of City of Bunbury local laws;
- Mosquito surveillance and control, such as the application of larvicides and growth regulators to control mosquito numbers; and
- Stormwater system maintenance including the management of siltation with brushes and high pressure hose, repairs, expansion and improvements.

The Department of Environment and Conservation has advised that Council can continue to perform these duties once it has relinquished its land holdings to the Department via:

- The City of Bunbury's statutory powers as a Local Government Authority;
- Written agreement with the Department of Environment and Conservation (e.g. the Conservation Management Plan); or
- The creation of easements and / or use of other instruments that grant the City of Bunbury rights of ingress and egress in respect to Department of Environment and Conservation land holdings.

In addition, the following City of Bunbury roles and responsibilities may be addressed by the Department of Environment and Conservation on its own, or the Department may seek a joint response with appropriate agencies such as the City of Bunbury:

- Pruning of vegetation adjacent to the Bunbury Airport runway to provide safe clearance for aeroplanes;
- Dog control; and
- Five Mile Brook maintenance including the management of weeds and rubbish within the brook and the future installation and maintenance of screens as necessitated by the proposed development of the Tuart Brook residential neighbourhood.

Given that the Department of Environment and Conservation is unable to assume all of the City of Bunbury's current roles and responsibilities, Council will continue to have financial commitments and statutory obligations in regard to the landholdings it decides to relinquish to the State Government and thus will need to continue to budget and plan for these. It is understood that these arrangements will be formalised during the preparation of the Conservation Management Plan in the future.

2.7. Loss of Control & Opportunities

The Department of Environment and Conservation has advised that Local Government Authorities do not have decision making authority in the context of Department of Environment and Conservation land holdings in regional parks, beyond their statutory powers afforded by legislation such as the *WA Local Government Act 1995*.

As such, in relinquishing its land holdings to the State Government, Council will lose control of the lands including any rights to the opportunities and benefits that may be derived from those lands. For example, the City of Bunbury may lose control of:

- The type and nature of future land management in terms of methodology, location, frequency etc.;
- The quality of the regional park in terms of amenity and visitor experience; and

- The type and nature of future park developments and facilities e.g. walk trails, signage, boardwalks, interpretive centres etc.

The City of Bunbury may also lose opportunities and benefits associated with the land holdings, including:

- Eco-tourism and revenue generating potential of the land holdings, especially in the context of places such as the Maidens and Manea Park, which are considered to be key tourism products in Bunbury (N.B. Whilst the City of Bunbury would lose the ability to extract the revenue generating potential of the land directly, the formalisation of an adequately management regional park would have positive economic benefits for the community as a tourism and recreation asset as discussed further herein);
- Grant funding;
- Risk management e.g. climate change adaptation such as the mitigation of sea level rise;
- Control over access for permanent and temporary activities and facilities e.g. Walk-It Bunbury;
- Benefits for City of Bunbury operations e.g. future opportunities for storm water system expansions, opportunities for temporary storage of plant equipment, materials, supplies etc., ease of access for Council rangers to Mindalong Beach through the Maidens etc.

2.8. Senior City of Bunbury Staff Concerns

During the interviews, 20 senior City of Bunbury staff expressed a range of reasons as to why Council's land holdings, either in their entirety or certain sections, should not be relinquished to the State Government. Many of these concerns have been addressed by the Department of Environment and Conservation as discussed previously. Concerns that were not addressed by the Department or otherwise are of particular pertinence are detailed below:

“The community will expect the City of Bunbury to resolve issues concerning the regional park irrespective of resultant land tenure”:

Local Government is the closest tier of government to the community. It is a more visible and accessible form of government than either the State or Federal Governments.

Local Government is traditionally responsible for the management of local issues such as park and reserve management and it is structured accordingly e.g. maintenance programs, equipment, work teams etc. As such, the community may expect Council to continue to be accountable for any land holdings that are relinquished to the State Government.

This is supported by the experiences of other Local Government's involved in regional park management as documented through the surveys of senior Local Government staff in Perth.

The major concern in relation to this is the potential for Council to become embroiled in issues that are outside the scope of its direct roles and responsibilities.

The Department of Environment and Conservation has acknowledged that this issue would need to be actively and constructively managed in a collaborative manner between the Department, Council and other stakeholders in the future e.g. through the community advisory committee.

"The City of Bunbury is locally-based and thus can provide a more rapid response to issues than the Department of Environment and Conservation is able to provide from Perth"

The Department of Environment and Conservation has advised that it would manage the regional park with staff based in Bunbury.

Furthermore, many forms of risk management, e.g. fire control, stormwater system maintenance, mosquito control etc., will continue to be delivered under current arrangements once the regional park is established, either by the City of Bunbury or by other agencies such as the Fire and Emergency Services Authority (N.B. Council will need to continue to plan and budget for these responsibilities where appropriate as discussed previously).

"Management of the regional park by Council will provide for a greater degree of community ownership than management by the State Government"

The success of the regional park is likely to depend upon its level of ownership by the community, especially in the context of the management of issues such off road vehicle usage and rubbish dumping.

The Department of Environment and Conservation has advised that in addition to managing the regional park from Bunbury, it will work actively with local community groups (e.g. the community advisory committee and friends of groups), stakeholders and the City of Bunbury to foster community ownership of the regional park.

"Council will provide better management of its land holdings than the State Government is likely to do"

Clearly, this is a subjective statement and it needs to be considered as such. However, it should be noted that this opinion was expressed by six of the City of Bunbury's senior staff members during interviews, based upon their previous dealings with various State Government agencies. These staff members represent five of Council's work areas

at the 'Department' level, including several of Council's operational (on-ground) work areas.

It should be noted that a decision to retain all landholdings in the regional park by Council would place a considerable ongoing demand upon Council's resources as discussed herein.

"The Department of Environment and Conservation might restrict public access if it assumes control, either directly through fencing or indirectly through the introduction of visitor fees"

The provision of public access within the regional park will be based upon the environmental sensitivity of areas, that is, access might be restricted in particularly fragile environments in order to limit degradation. It is anticipated that the current level of public access would continue to be provided in the future, although there will be a focus upon the control of illegal access, particularly by four wheel drive vehicles and trail bikes.

Access to all of the regional parks in Perth is currently free of charge. There are no plans at present to introduce visitor fees at any of the regional parks.

"Regional parks are a regional issue and the surrounding shires, as likely benefactors from the Ocean to Preston River Regional Park, should contribute towards its management"

This issue has not been canvassed with the three surrounding shires by the City of Bunbury's Strategic and Environmental Planning Unit to date.

It is understood that none of the surrounding shires have significant land holdings in the regional park at present, nor are they likely to under the State Government's proposal.

The funding arrangements for the regional park and the equity of financial and in-kind support provided by all relevant Local Government Authorities given their likely derived benefits may be considered in the context of broader regional funding and governance issues during the preparation of the Conservation Management Plan.

Other Issues:

Several minor concerns were also raised by the senior staff members. All of the concerns raised by senior City of Bunbury staff members were included in the consolidated list of queries and concerns presented to the Department of Environment and Conservation on the 5 May 2009 (**attached** under separate cover at Appendix 6).

2.9. Specific Operational Issues

Several key operational issues in regard to the State Government's proposal have been identified through the Strategic & Environmental Planning Unit's investigations, as described below:

Strategic Road Reserves:

The Department of Environment and Conservation has advised that road reserves contained within the proposed regional park might be assumed into the conservation and recreation land holdings if deemed to be surplus to requirement by relevant planning and management authorities in the future.

The City of Bunbury's Engineering and Planning Departments have recommended that the following road reserves be excluded from the proposed regional park on the basis that they are of strategic importance to the future growth and development of the City of Bunbury:

- Centenary Road;
- Parade Road;
- Washington Avenue;
- Bussell Highway;
- Somerville Drive;
- Robertson Drive; and
- South Western Highway.

Conversely, Ocean Drive (south of its intersection with Mosedale Avenue) is not considered to be strategic in nature by the City's Engineering and Planning Departments and thus could be assumed into the regional park if deemed appropriate by relevant planning and management authorities in the future.

Interim Recommendation 5:

It is recommended that the following road reserves be excluded from the proposed Ocean to Preston River Regional Park's conservation and recreation land holdings because they are of strategic importance for the future growth and development of the City of Bunbury:

- *Centenary Road;*
- *Parade Road;*
- *Washington Avenue;*
- *Bussell Highway;*
- *Somerville Drive;*
- *Robertson Drive; and*
- *South Western Highway.*

Airport Vegetation Maintenance:

The City of Bunbury currently conducts vegetation pruning at the south western end of the Bunbury Airport runway in order to provide safe clearance for aeroplanes. A six hectare section of this vegetation is included in the regional park as illustrated by the figure **attached** under separate cover at Appendix 8.

Interim Recommendation 6:

It is recommended that the area comprising the airport runway pruning envelope remain under the control of the City of Bunbury in the interests of maintaining integrated airport management and ensuring airport user safety.

Maidens Bore & Controller:

A bore and controller unit located near the Maidens playground provide for the irrigation of a considerable amount of street verges and Public Open Space in the Withers area as illustrated by the figure **attached** under separate cover at Appendix 9. The City of Bunbury must retain control of this infrastructure in order to ensure the continued irrigation of these areas.

Interim Recommendation 7:

It is recommended that Council requests the Western Australian Planning Commission to amend the Ocean to Preston River Regional Park Establishment Plan to highlight the City of Bunbury as the future management authority for the land comprising the bore, controller unit and other related infrastructure (e.g. pipe work) located near the Maidens playground.

Five Mile Brook (Tuart Brook):

The Five Mile Brook performs a critical flood mitigation function for the South Bunbury area. A considerable amount of the land that contains the Five Mile Brook is either owned or vested in Council and Council currently manages the Brook on private land holdings via its statutory powers under the *WA Local Government Act 1995*.

The City of Bunbury's Engineering Department has highlighted the Tuart Brook section of the regional park as being an important component of the Five Mile Brook system. This section has an area of approximately 36 hectares. The majority of the land is currently in private ownership, excluding lot 632 Parade Road which is owned in freehold by Council (N.B. lot 632 comprises two land parcels within Tuart Brook). The Engineering Department has advised that Council should retain control of lot 632 (both land parcels) and seek to acquire the private land (e.g. through subdivisional processes) in order to provide for the integrated management of the entire Five Mile Brook system by Council. A figure illustrating the land in question is **attached** under separate cover at Appendix 10.

It should be noted that this land is likely to have an ongoing management requirement beyond that of the maintenance of the Five Mile Brook, for example, in terms of weed control, rehabilitation activities, grass mowing etc., which will need to be resourced appropriately by Council if it is successful in acquiring the land. This requirement is likely to increase as the remainder of the Tuart Brook

area is developed and a greater degree community ownership and scrutiny of management practices upon the land occurs.

Interim Recommendation 8:

It is recommended that Council requests the Western Australian Planning Commission to amend the Ocean to Preston River Regional Park Establishment Plan to highlight the City of Bunbury as the future management authority for the following land parcels within the regional park on the basis that they are of strategic importance to Council's operations:

- *Lot 632 Parade Road on Plan 183835 (Vol 1605, Fol 789 – N.B. two land parcels, the 1.4 hectare section east of Parade Road and the 8.9 hectare section north of Centenary Road);*
- *Pt Lot 3 Bussell Highway on Diagram 30204 (Vol 1287, Fol 464);*
- *Pt Lot 4 Bussell Highway on Diagram 30204 (Vol 1287, Fol 465);*
- *Pt Lot 8 Bussell Highway on Diagram 75424 (Vol 1836, Fol 884); and*
- *Pt Lot 500 on Plan 46368 (Vol 2610, Fol 501).*

It is further recommended that Council seeks to acquire the Regional Open Space portions of the following land parcels as the opportunity arises in the future in order to provide for the integrated management of the Five Mile Brook by Council:

- *Pt Lot 3 Bussell Highway on Diagram 30204 (Vol 1287, Fol 464);*
- *Pt Lot 4 Bussell Highway on Diagram 30204 (Vol 1287, Fol 465);*
- *Pt Lot 8 Bussell Highway on Diagram 75424 (Vol 1836, Fol 884); and*
- *Pt Lot 500 on Plan 46368 (Vol 2610, Fol 501).*

Loughton Park Active Open Space:

An active open space area at Loughton Park, Armanta Drive, has been highlighted within the Draft Ocean to Preston River Regional Park Establishment Plan for management by the Department of Environment and Conservation in the future.

This area (~2 ha) comprises of a playground, mowed turf and a cricket pitch and as such is best suited to management by the City of Bunbury rather than the Department of Environment and Conservation in much the same manner as the Maidens playground area. The area is currently managed by Council and it is proposed that this continue to occur in the future once the regional park is established.

Interim Recommendation 9:

It is recommended that Council requests the Western Australian Planning Commission to amend the Ocean to Preston River Regional

Park Establishment Plan to highlight the City of Bunbury as the management authority for the active open space area at Loughton Park (Pt lot 617 on Plan 12039, LR3007-783).

Lot 632 Parade Road:

Lot 632 Parade Road (Plan 183835, Vol. 1605, Fol. 789) is a 21.9 hectare property located west of Parade Road along the southern boundary of the City of Bunbury, which is owned in freehold title by Council (**attached** under separate cover at Appendix 7).

Until recently, a significant portion of Lot 632 was zoned as 'Development Zone – Residential' under Council's Town Planning Scheme Number 7, however, the State Government recently amended the Town Planning Scheme in order to reflect the zonings and designations of the Greater Bunbury Region Scheme and as a result the entire property is now designated as 'Regional Open Space' under the Town Planning Scheme.

Lot 632 is potentially of strategic importance to the City of Bunbury in the context of the integrated planning and development of its southern border, consistent with its previous zoning under Council's Town Planning Scheme Number 7 and its location in close proximity to the proposed Tuart Brook residential neighbourhood. Further investigations are required in order to confirm this.

Interim Recommendation 10:

It is recommended that Lot 632 Parade Road (Plan 183835, Vol. 1605, Fol. 789 N.B. 21.9ha property west of Parade Road) remain under the care and control of the City of Bunbury until further investigations regarding its importance in the context of the integrated planning and development of the City of Bunbury's southern boundary are completed.

3. Information Synthesis & Discussion

The regional park proposal, as outlined in the Draft Ocean to Preston River Regional Park Establishment Plan, presents a range of issues for Council to consider as described above.

There is considerable uncertainty regarding the likely final outcome as far as the regional park is concerned. This uncertainty is unlikely to be resolved until the Conservation Management Plan is prepared for the regional park in the future. As such, Council has been asked to decide which of its land holdings it is willing to relinquish to the State Government without perfect or complete knowledge.

It is considered that Council has four potential options in moving forward with the proposal as described below. In each case, it is assumed that Council also retains / gains control of the recommended land parcels as documented within Section 2.9 of this report.

3.1. Option 1. As per the Draft Ocean to Preston River Regional Park Establishment Plan with modifications

This option entails Council accepting the recommendations of the State Government by relinquishing the majority of its land holdings within the regional park to the Conservation Commission of Western Australia and retaining control of the Maidens playground and other areas as recommended within Section 2.9 of this report.

Key Benefits:

- Potential cost savings for Council through the transfer of certain roles and responsibilities to the State Government;
- Council may be entitled to compensation for the relinquished land holdings (N.B. see section 2.1 for further details);
- Presumably the Department of Environment and Conservation would receive sufficient land holdings to warrant its involvement in the management of the regional park. As such, the benefits of the Department's involvement would be realised e.g. greater resources and experience would be made available to the regional park; and
- Continuity of management effort across the regional park will be provided for by the fact that one land manager will have control of all of the conservation lands (Department of Environment and Conservation).

Key Concerns:

- Council may lose control of the relinquished land holdings e.g. in terms of future management regimes, quality of amenity etc.; and
- Council may lose ownership of the benefits associated with the relinquished land holdings e.g. future revenue potential.

Overall, this option is likely to result in a strong outcome in the context of environmental protection. The regional park would be managed in an integrated manner, albeit by the Department of Environment and Conservation alone, and the benefits of the Department's involvement would be realised.

N.B. Option 1 is the preferred option and is listed as the final recommendation in this report.

3.2. Option 2. Council retains some conservation land holdings (e.g. the Maidens or Pultenaea Loop in Manea Park, 100-200 ha), but relinquishes the bulk of its land holdings to the State Government (e.g. 260 - 360 ha)

Areas such as the Maidens and Pultenaea Loop in Manea Park have been identified by senior City of Bunbury staff as being key tourism products in Bunbury. As such, Council may wish to retain control of these areas in order to control their management, amenity and derived benefits into the future.

Key Benefits:

- As per Option 1, albeit reduced in magnitude given that less land would transferred to the State Government.

Key Concerns:

- As per Option 1, albeit reduced in magnitude given that less land would transferred to the State Government;
- It is unclear as to whether the Department of Environment and Conservation would receive sufficient land holdings under this option to warrant its involvement in the management of the regional park;
- It is likely that Council would incur increased expenditure for Natural Resource Management on the land holdings it chose to retain in line with community and other stakeholder expectations; and
- Given that the regional park would not be managed by a single agency under this option, continuity of management across the park is dependant on effective integration / coordination of efforts through the community advisory committee.

The strength of the environmental outcome under Option 2 is dependant upon whether or not the Department of Environment and Conservation decides to participate in the joint management of the regional park and the amount of resources committed by Council towards the management of the land holdings it chose to retain.

3.3. Option 3. Council and the Department of Environment and Conservation negotiate a different joint management arrangement e.g. the co-vesting of land and both parties manage the entire regional park together:

The proposed joint management model, as documented within the Draft Establishment Plan, entails the City of Bunbury and the Department each managing discrete sections of the regional park separately. This model is not a true joint management model as commonly understood in other jurisdictions (e.g. joint management of National Parks by State Government agencies and local indigenous communities). This model presents a range of concerns, such as the potential for lack of continuity of management effort across land tenure and the loss of benefits for Council through the relinquishment of certain land holdings.

An alternative joint management model that provides for the integrated management of the entire regional park by both organisations together would eliminate such concerns. This could be achieved via the creation of Crown Reserves across the regional park and the co-vesting of them with the Department of Environment and Conservation and Council or by way of written agreement between the parties. The benefits and concerns of such a proposal are described below:

Benefits:

- Some cost savings for Council through the relinquishment of certain roles and responsibilities to the Department of Environment and Conservation, particularly in the context of Natural Resource Management;
- The full range of benefits associated with the Department's involvement would be realised; and
- Council could continue to enjoy the level of control and benefits it currently derives from its land holdings, albeit on a negotiated shared basis with the Department.

Concerns:

- Compensation for Council through the relinquishment of land holdings may be compromised (N.B. if at all payable – see section 2.1 for further details);
- Council may be required to commit significant, ongoing resources towards the management of the regional park as a major partner (with or without contributions from the surrounding Local Government Authorities);
- As discussed, the future Conservation Management Plan will be statutory in the context of Conservation Commission of Western Australia land holdings. Given that the entire regional park is both Council land and Conservation Commission of Western Australia land under this option, Council's operations in the regional park may be limited by the statutory Conservation Management Plan as a result; and
- This joint management model is new and has never been applied to a regional park before i.e. it is untested.

Option 3 would result in a very strong outcome in the context of environmental protection through an integrated management effort by Council and the Department of Environment and Conservation. The resources and experience of both organisations would be made available in managing the regional park in a manner that provides for continuity of management effort across the park without necessitating the relinquishment of land holdings by Council.

Unfortunately, informal advice provided by the Department of Environment and Conservation indicates that the WA Conservation and Land Management Act 1984 limits such an arrangement between the Department and another organisation. However, based upon an investigation of this and other applicable legislation by senior City of Bunbury staff, this advice is questioned. Should Council decide to proceed with Option 3, then this matter will need to be formally resolved.

3.4. Option 4. Council decides to retain and manage all of its current land holdings in the regional park:

Benefits:

- No loss of control of land holdings by Council; and
- No loss of benefits associated with land holdings by Council.

Concerns:

- Department of Environment and Conservation involvement in the management of the regional park may be compromised; and
- Council may incur significant increased expenditure on Natural Resource Management for its land holdings in addressing community and other stakeholder expectations.

The strength of the environmental protection outcome resultant through this option is dependent upon the amount of resources committed by Council towards the management of its land holdings. The benefits derived from the involvement of the Department of Environment and Conservation in the management of the regional park may not be realised, which may limit the success of the option in leveraging environmental outcomes.

Strategic and/or Regional Outcomes

The recommendation listed in this report will provide for the finalisation of the Ocean to Preston River Regional Park Establishment Plan by the Western Australian Planning Commission. This document is likely to underpin a future joint Cabinet submission by the Ministers for Planning and Environment, which will recommend the proclamation and funding of the regional park.

The Ocean to Preston River Regional Park proposal, as documented in the Draft Ocean to Preston River Regional Park Establishment Plan, entails the creation of the first regional park outside of the Perth Metropolitan Region.

Once established, the regional park will serve as a regional conservation-based asset that will provide for a range of passive recreational and educational activities.

The proposal will provide for the ongoing management and protection of many of Bunbury's key conservation areas such as the Maidens, Hay Park Bushland and Manea Park.

The proposal is also likely to have a positive effect on the local economy through the creation of several jobs (e.g. Department of Environment and Conservation staff to manage the park) and influence on tourism in the region.

The Executive Recommendation contributes towards the following strategic objectives of Council's Strategic Plan 2007-2012:

1. *Improve the relationships with the state, federal and other local governments;*
4. *Implement City Vision;*

5. *Promote ecological sustainable development of the City's built and natural environment; and*
6. *Develop social capital.*

Council's City Vision Strategy discusses the environmental significance of the Ocean to Preston River Regional Park and its importance to the community, particularly residents in the southern suburbs.

The City Vision Strategy's Strategy 4.1 states "Develop and/or review as a high priority management plans for the Ocean to Preston River Regional Park, Big Swamp, Hay Park, the Preston River and the Leschenault Estuary and Inlet".

The City Vision Strategy's Recommendation SS3 states "That a management plan be prepared for the Ocean to Preston River Regional Park that protects and enhances natural values and features".

The recommendation listed in this report is consistent with these aspects of the City Vision Strategy and the document in general.

The Ocean to Preston River Regional Park is provided for by virtue of the lands designation as "Regional Open Space" under the Greater Bunbury Region Scheme i.e. the proposal is consistent with the Scheme.

Community Consultation

The Western Australian Planning Commission released the Draft Ocean to Preston River Regional Park Establishment Plan for public comment between the 4 April 2008 and the 4 July 2008.

The Western Australian Planning Commission has organised a Community Consultative Committee to oversee the establishment of the regional park, which is comprised of community members from Bunbury. His Worship the Mayor, Councillor Brendan Kelly and Councillor Ross Slater are members of this committee.

No formal community consultation has been coordinated by the City of Bunbury in regard to the matter to date.

Councillor/Officer Consultation

Council was provided with a briefing upon the matter by representatives from the Department of Environment and Conservation, Department of Planning and Western Australian Planning Commission on the 25 August 2009.

The City of Bunbury Executive Management Team was briefed upon the matter on the 29 July 2009.

The following City of Bunbury staff completed the internal senior staff survey or otherwise have been consulted with in regard to the matter:

- Mr Greg Trevaskis, Chief Executive Officer;
- Mr Ken Weary, Executive Manager Corporate Services;
- Mr Cameron Woods, Manager South West Sports Centre;

- Mr John Beaton, Manager Administration & Property;
- Mr Dom Marzano, Executive Manager City Life;
- Mrs Felicity Anderson, Manager Bunbury Visitor Centre;
- Mrs Jackie Massey, Manager Economic & Social Development;
- Mrs Del Ambrosius, Communications Officer;
- Mr Callan Hatchman, Sports & Recreation Club Development Officer;
- Mrs Dee Tucker, Visitor Centre Officer;
- Mr Geoff Klem, Executive Manager City Development;
- Mr Gary Fitzgerald, Senior Manager Development Services;
- Mr Thor Farnworth, Coordinator Strategic & Environmental Planning;
- Mr John Kowal, Manager Community Law & Safety;
- Mr Lewis Winter, Deputy Manager Community Law & Safety;
- Mrs Sarah Upton, Manager Environmental Health;
- Mr Ben Deeley, Senior Environmental Officer;
- Mr Colin Spencer, Environmental Officer;
- Mr Michael Scott, Executive Manager City Services;
- Ms Beatrice Plant, (then) City Engineer;
- Mr Jason Gick, City Engineer;
- Mr Jonathon Haylock, Senior Engineer – Design & Development;
- Mr Chris Gibberd, Operations Manager;
- Mr Ric Normington, Operations Work Coordinator;
- Mr Mark Dhu, Parks Coordinator;
- Mr Steve Stirton, Manager Building, Construction & Maintenance;
- Mr Tony Battersby, Manager Waste Services; and
- Mr Grant Bilton, (then) Senior Technical Officer, Parks & Urban Design.

Analysis of Financial and Budget Implications

The recommendation listed in this report may result in significant cost savings for Council through the transfer of roles and responsibilities to the State Government. This is not likely to occur until the Department of Environment and Conservation has received funding and has commenced its management role as discussed. As such, Council should continue to budget for the management of its land holdings as occurs at present until the transfer of land is complete.

Several emerging Natural Resource Management issues may warrant a targeted management response from Council during the interim period preceding the establishment of the regional park as discussed. The City of Bunbury's Strategic & Environmental Planning Unit will continue to monitor these issues and will keep Council informed as appropriate.

Endorsement of the recommendation listed in this report will provide for the commencement of negotiations with the Department of Planning's WAPC Property Management Services Branch regarding the transfer of Council's land holdings in exchange for some form of benefit, be it monetary or otherwise.

Council will remain responsible for several key roles and responsibilities such as stormwater system maintenance and mosquito control irrespective of future land tenure arrangements and will need to continue to plan and budget for these.

The transfer of Council's land holdings to the State Government as proposed is likely to render a significant proportion of the Strategic and Environmental Planning Unit's

operational budget available for the enhanced management of other conservation areas in Bunbury such as Big Swamp, Irwin St Reserve and the Leschenault Inlet White Mangrove Community.

The option of facilitating the 'early' preparation of the Conservation Management Plan, as discussed in Section 2.4 of this report, is likely to have financial and/or human resources implications for Council if it is supported by the Department of Environment and Conservation.

Economic, Social, Environmental and Heritage Issues

No further economic, social, environmental or heritage issues are thought to arise as a result of the proposal.

Council Policy Compliance

There is no Council policy applicable to this proposal.

Legislative Compliance

Regional parks are formally proclaimed by an act of State Parliament.

The preparation of the Conservation Management Plan and subsequent management of the conservation land holdings by the Department of Environment and Conservation will occur through the Department's powers under the *WA Conservation and Land Management Act 1984*.

It is understood that there are no other statutory responsibilities upon the City of Bunbury in effecting the establishment and proclamation of the regional park other than minor administration actions and costs associated with the relinquishment of property titles.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to undertake actions required by the recommendation listed in this report.

Relevant Precedents

There are no relevant precedents.

Options

Option 1:

Per the recommendation listed in this report.

Option 2:

Council decides to retain some conservation land holdings (e.g. the Maidens or Pultenaea Loop in Manea Park), but relinquishes the bulk of its land holdings to the State Government.

Option 3:

Council and the Department of Environment and Conservation negotiate an alternative joint management arrangement e.g. the co-vesting of land and both parties manage the entire regional park together.

Option 4:

Council decides to retain and manage all of its current land holdings in the proposed Ocean to Preston River Regional Park:

Conclusion

Option 1 is the preferred option because it is likely to result in a strong environmental protection outcome and will result in significant cost savings and potentially grounds for compensation for Council. However, it should be borne in mind that this option may result in Council losing control of its relinquished land holdings and thus any rights to ongoing benefits that might be derived from them. A figure is **attached** under separate cover at Appendix 11 which provides a consolidated overview of this option.

Options 2 and 4 are not supported because the involvement of the Department of Environment and Conservation in the management of the regional park is not assured, Council's cost savings and potential compensation may be compromised and Council may incur significant expenses in regard to Natural Resource Management activities on the land holdings it decides to retain.

Option 3 is considered to be the best option in terms of environmental protection on the basis that it entails the integrated management of the entire regional park by both Council and the Department of Environment and Conservation and thus capitalises upon the resources and experience of both organisations. However, option 3 is likely to necessitate a significant ongoing contribution of resources by Council as a major partner in the management of the regional park and may preclude the receipt of compensation for the relinquishment of land holdings, if at all payable (N.B. see section 2.1 for further details). Also, the Department of Environment and Conservation has informally advised that the *WA Conservation and Land Management Act 1984*, limits the formation of such an arrangement between the Department and another organisation.

Recommendation

Part A. That Council approaches the Department of Planning's WAPC Property Management Services Branch with the view to commencing negotiations regarding the relinquishment of Council's land holdings in exchange for some form of benefit, be it monetary or otherwise.

Part B. That Council endorses the transfer of the following land parcels to the State Government for vesting in the Conservation Commission of Western Australia and management by the Department of Environment and Conservation as part of the proposed Ocean to Preston River Regional

Park, in principle, subject to the resolution of the management plan and land compensation matters to the satisfaction of Council:

1. Reserve 670 (Lot 1180 on Plan 33518, LR3129-302);
2. Pt Reserve 35020 (Lot 613 Maiden Park Road on Plan 182781, LR3007-779);
3. Lot 626 Ocean Drive on Plan 183497 (Vol 2132, Fol 265);
4. Lot 632 Parade Road on Plan 183835 (Vol 1605, Fol 789) N.B. 0.2 hectare land parcel south of Centenary Road;
5. Pt Reserve 30601 (Lot 3001 on Plan 43554, LR3136-213);
6. Pt Reserve 32963 (Lot 940 on Plan 220463, LR3114-806);
7. Pt Reserve 670 (Lot 500 on Plan 62343, LR3157-2);
8. Reserve 32963 (Lot 939 on Plan 220463, LR3114-805);
9. Reserve 670 (Lot 1052 on Plan 33287, LR3129-424);
10. Reserve 32719 (Lot 567 on Diagram 41565, LR3004-678);
11. Pt Lot 617 on Plan 12039 (LR3007-783) - N.B. vegetated section of only;
12. Reserve 32722 (Lot 568 on Plan 215947, LR3004-679, PIN 499576);
13. Reserve 670 (Lot 1051 on Plan 33288, LR3129-423);
14. Pt Reserve 46486 (Lot 6092 on Plan 19647, LR3123-78);
15. Reserve 40664 (Lot 706 on Plan 217259, LR3140-53, PIN 494553);
16. Pt Reserve 670 (Lot 1085 on Plan 39511, LR3133-172); and
17. Pt Reserve 670 (Lot 1050 on Plan 33291, LR3129-422).

Part C. That Council requests the Western Australian Planning Commission to exclude the following road reserves from the proposed Ocean to Preston River Regional Park's conservation and recreation land holdings because they are of strategic importance for the future growth and development of the City of Bunbury:

1. Centenary Road;
2. Parade Road;
3. Washington Avenue;
4. Bussell Highway;
5. Somerville Drive;
6. Robertson Drive; and
7. South Western Highway.

Part D. That Council requests the Western Australian Planning Commission to amend the Ocean to Preston River Regional Park Establishment Plan to highlight the City of Bunbury as the future management authority for the following land parcels within the regional park on the basis that they are of strategic importance to Council's operations:

1. Pt Reserve 35020, Lot 613 Maiden Park Road on Plan 182781, (LR3007-779 N.B. The bore, controller unit and other related infrastructure located near the Maidens playground);
2. Lot 632 Parade Road on Plan 183835 (Vol 1605, Fol 789 – N.B. three land parcels, the 21.9 hectare section west of Parade Road, the 1.4 hectare section east of Parade Road and the 8.9 hectare section north of Centenary Road;

3. Pt Lot 3 Bussell Highway on Diagram 30204 (Vol 1287, Fol 464 – N.B. Regional Open Space portion only);
4. Pt Lot 4 Bussell Highway on Diagram 30204 (Vol 1287, Fol 465 – N.B. Regional Open Space portion only);
5. Pt Lot 8 Bussell Highway on Diagram 75424 (Vol 1836, Fol 884 – N.B. Regional Open Space portion only);
6. Pt Lot 500 on Plan 46368 (Vol 2610, Fol 501 – N.B. Regional Open Space portion only);
7. Pt lot 617 on Plan 12039 (LR3007-783 - N.B. active open space area at Loughton Park); and
8. The area comprising the Bunbury Airport runway pruning envelope (Pt Reserve 670 (Lot 500 on Plan 62343, LR3157-2) and Pt Reserve 32963 (Lot 940 on Plan 220463, LR3114-806)).

Part E. That Council seeks to acquire the following land as the opportunity arises in future in order to provide for the integrated management of the Five Mile Brook by Council:

1. Pt Lot 3 Bussell Highway on Diagram 30204 (Vol 1287, Fol 464 – N.B. Regional Open Space portion only);
2. Pt Lot 4 Bussell Highway on Diagram 30204 (Vol 1287, Fol 465 – N.B. Regional Open Space portion only);
3. Pt Lot 8 Bussell Highway on Diagram 75424 (Vol 1836, Fol 884 – N.B. Regional Open Space portion only); and
4. Pt Lot 500 on Plan 46368 (Vol 2610, Fol 501 – N.B. Regional Open Space portion only).

Part F. That Council actively lobbies the State Government to ensure that sufficient funding is allocated towards the establishment and ongoing management of the proposed Ocean to Preston River Regional Park.

Part G. That Council continues to manage its land holdings in the proposed Ocean to Preston River Regional Park as occurs at present until otherwise directed by the State Government.

Part H. That Council considers addressing emerging key Natural Resource Management issues in the proposed Ocean to Preston River Regional Park, as advised by the City of Bunbury's Strategic & Environmental Planning Unit, should the commencement of Department of Environment and Conservation's management role be overly delayed e.g. by seeking to advance the creation of the regional park community advisory committee and lobbying the State Government for access to stop gap funding.

Note councillors should refer to Appendices 1 – 11 of the report under separate cover when considering this recommendation.

11.9 Council Support for the Proposed Land - Lot 66 on Plan 9123, Lots 50, 51, 52 & 53 on Plan 2075 and Lots 6 & 9 on Plan 9152 for Road Dedication

File Ref:	R00702-02
Applicant/Proponent:	Main Roads Western Australia
Author:	Jason Gick, City Engineer
Executive:	Michael Scott, Executive Manager City Services

Summary

On the 29 August 2008 the City of Bunbury received correspondence from Main Roads Western Australia (MRWA) **attached** at Appendix 5 requesting Council support for the dedication of the following land as road in accordance with Section 56 of the Land Administration Act (1997):

1. Lot 66 on Plan 9123
2. Lots 50, 51, 52 and 53 on Plan 2075
3. Lots 6 and 9 on Plan 9152

Council is requested to endorse the Land Dealings Plans which show the area of land required **attached** at Appendix 6.

Background

Main Roads acquired the aforementioned pieces of land for the purpose of constructing Robertson Drive however at the time the land was not dedicated as road reserve. To comply with the Land Administration Act 1997 regulations it is a requirement that the Local Authority grant its approval to the dedication of the land as road.

Strategic and/or Regional Outcomes

There are no strategic or regional outcomes to consider.

Community Consultation

Any required community consultation will be undertaken by MRWA.

Councillor/Officer Consultation

The City's Executive has considered the proposal and has no objections.

Analysis of Financial and Budget Implications

There will be no detrimental effect on the City's Annual Budget. MRWA will bear all cost in relation to the dedication of the land to road reserve.

Life-cycle Maintenance Costs (Capital Works Projects Only)

N/A

Economic, Social, Environmental and Heritage Issues

There will be no economic, social, environmental or heritage implications for the City of Bunbury.

Council Policy Compliance

No Council policy applies.

Legislative Compliance

The road has been physically completed for many years and this dedication is an adjustment to the status of the land on which it rests. No actual transfer of land will take place and the Land Administration Act (1997) requires Council to pass a decision supporting MRWA's request.

Delegation of Authority

The Department of Planning and Infrastructure (DPI) requires the official support of the Council.

Relevant Precedents

Council Decision 134/09 Dedication of land and closure of redundant portion of road reserve Bunbury Port Access Road and 138/08 Dedication of Bunbury port access road land requirement.

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council does NOT support the request.

Conclusion

To satisfy the DPI's requirements the City is now requested by way of a formal Council Decision to support the dedication of land shown on Plans 9123, 2075 and 9152 as road under Section 56 of the Land Administration Act (1997).

MRWA will indemnify Council against all costs and charges.

Recommendation

Council to concur to the dedication of Lot 66 on Plan 9123, Lots 50, 51, 52 and 53 on Plan 2075 and Lots 6 and 9 on Plan 9152 as road and provide the Department of Planning and Infrastructure with a formal decision to support Main Roads Western Australia's request.

11.10 Scheme Amendment No 26 – Glen Iris Residential - Close of Advertising Period

File Ref:	A03443
Applicant/Proponent:	City of Bunbury
Author:	Neville Dowling, (Consultant Strategic Planner) Thor Farnworth, (Coordinator Strategic and Environmental Planning)
Executive:	Geoff Klem, Executive Manager City Development

Summary

Scheme Amendment No. 26 is an administrative change to reflect the fact that a significant portion of Glen Iris is currently included in “Development Zone – Residential” under the Scheme, but which has since either been substantially developed for housing or has subdivisional approval. This scheme amendment is an initiative of the Glen Iris – Moorlands Local Area Plan.

The objective of this amendment is to rationalise zonings in Glen Iris whereby land uses are rezoned or reserved to reflect their existing and/or intended purpose. An example of this are the large areas of residential land in Vittoria Heights which is zoned “Development Zone – Residential”, yet has been developed in accordance with the Residential Zone to a residential density equivalent to the R20 R-Code. Alternatively, land obtained as development contributions for public open space (roads and parkland) have also been developed as such, and require their status to be accurately reflected in the Scheme.

The amendment report is **attached under separate cover at Attachment 1**.

Background

Council at its ordinary meeting on 9 September 2008 resolved to initiate Amendment 26 – Glen Iris Residential, along with Amendment 29 - Gateway Commercial (Decision 163/08). In accordance with the Town Planning Regulations Amendment 26 documentation was referred to the Environmental Protection Authority (EPA) prior to advertising.

The EPA advised that the amendment proposal did not require a full environmental assessment on 14 October 2008. However as Amendment 26 was considered to have regional significance it was also required that consent be obtained from the WA Planning Commission (WAPC). Written consent was provided by the WAPC on 12 February 2009.

The amendment was withheld from advertising until July 2009 as at the time there were other projects being advertised in the Glen Iris area such as the advertising of the Glen Iris Structure Plan (GISP) and the Gateway Commercial rezoning (Amendment 29). It was considered best to advertise the Glen Iris Structure Plan first as Amendment 26 forms a direct by-product of the Structure Plan. The proposed revised draft GISP is still being formulated in consultation with the Department of Planning and the Department of Housing in relation to the future of the bushland south of Jubilee Road. Nevertheless Scheme Amendment 26 is not affected by the revised draft GISP, as it does not include any land that is the subject

of further negotiation. Therefore Scheme Amendment 26 can proceed to final adoption given that it is in accordance with the previously endorsed GISP as well as the revised draft GISP.

Strategic and/or Regional Outcomes

The amendment is considered consistent with the aims and goals of Council's 2007 – 2012 Strategic Plan and the objectives and recommendations of the City Vision Strategy (2007). The amendment is also consistent with the Greater Bunbury Region Scheme.

Community Consultation

Formal advertising was undertaken from 8 July for 42 days closing on 19 August 2009.

The following actions were undertaken to advertise the amendment:

- three signs were placed at strategic locations around the amendment site for a period of 42 days.
- letters were sent to property owners with any undeveloped parcels of land or land perceived to be the most directly affected by the proposed amendment.
- letters were sent to all the relevant State government departments and servicing authorities;
- public notices were placed in the Bunbury Mail, City Focus section on 8, 22 July and 5 August 2009;
- information regarding the amendment was placed on the City of Bunbury website; and
- a copy of the amendment was made available for viewing at the City of Bunbury library.

The closing date for receiving submissions was at the end of business on Wednesday 19 August 2009. Eight submissions were received and there were no objections. Six of the submissions were from State government departments or servicing agencies. Of the two other submissions, one indicated support for the amendment and the other referred to matters unrelated to the amendment.

A copy of the Schedule of Submissions is attached for Council's consideration **under separate cover at Attachment 2 – Schedule of Submissions.**

Councillor/Officer Consultation

The amendment was compiled by Development Services as a follow up to the compilation of the Glen Iris-Moorlands Local Area Plan (LAP) which was adopted by Council at its meeting on 16 December 2008. This amendment was indicated as the first in the schedule of amendments that accompanied the LAP report which went to Council 16 December 2008. The compilation of the LAP had undergone significant

councillor and officer liaison since 2007. Amendment 26 is essentially a by-product of the LAP and the Glen Iris Structure Plan which have both undergone significant Councillor/Officer consultation.

Analysis of Financial and Budget Implications

There are not considered to be any direct financial or budget implications to the City of Bunbury.

Economic, Social, Environmental and Heritage Issues

There are not considered to be any economic, social, environmental or heritage issues relating to this amendment.

Council Policy Compliance

There are no Council Policies that have any bearing on this amendment.

Legislative Compliance

Proposals to amend a Local Planning Scheme are required to be undertaken in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967.

Following the advertising of the scheme amendment as outlined above, submissions are analysed and the amendment is then submitted back to Council for its consideration to finally adopt with or without modifications. The amendment is then forwarded to the WAPC for recommendation to the Minister for Planning for final approval prior to gazettal.

It should be noted that clause 5.9.12 of Town Planning Scheme No.7 requires that the land included in a "Development Zone" have a structure plan adopted by Council and endorsed by the WAPC prior to any subdivision or development. The process for preparing and adopting a structure plan is set out under clause 5.9.13 of the Scheme.

Despite the fact that the adopted GISP is being revised by the City in line with the Glen Iris – Moorlands Local Area Plan, the WAPC has permitted subdivision to occur within the area subject to this Scheme Amendment. It is advisable that in accordance with clause 5.9.12 of the scheme that in future the rezoning of Development Zone land should occur as a condition of subdivision approval in accordance with a structure plan in order to keep the zoning up to date with the land uses that are created following subdivision.

Delegation of Authority

There is no relevant delegation of authority in respect of this proposal.

Relevant Precedents

There are no relevant precedents.

Options

As per the recommendation listed in this report.

There are no alternative options given as the amendment is a rationalisation of zonings and is therefore required in order to take place reflect the land uses that occupy each site and to bring them into conformity with City of Bunbury Town Planning Scheme No.7.

Conclusion

Proposed Scheme Amendment No. 26 has received no objections during the public advertising period. Given that the amendment is simply to rationalise the zonings in the Glen Iris area as to their rightful designation then the amendment should be supported. Also the amendment involves no changes 'on the ground' and has no land use conflict implications.

It is therefore recommended that Council resolve to finally adopt the amendment.

Recommendation

1. Council, under and by virtue of the powers of the Planning and Development Act 2005 (as amended), hereby resolves to grant final approval to Amendment No. 26 to the City of Bunbury Town Planning Scheme No. 7.
2. Council to forward the signed and sealed Scheme Amendment No. 26 documents to the Minister for Planning via the Western Australian Planning Commission, with a request for final approval.
3. Where subdivision applications are approved in the "Development Zone", the WAPC be requested to include as a condition of subdivision approval that the land be rezoned appropriately to reflect the land uses in accordance with the approved structure plan.

11.11 Financial Statements for Months July and August 2009

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

Summary/Background

Financial Statements for August 2009 have been circulated to members **under separate cover**. The statements include the following:

- Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Statement of Financial Activity
- Statement of General Purpose Income
- Statement of Rating Information

The Financial Statements also contain a number of explanatory notes covering the following topics:

- Significant Accounting Policies
- Description of Programmes
- Net Current Assets
- Trade and Other Receivables
- Other Current Assets
- Trade and Other Payables
- Provisions
- Trust Funds
- Capital Expenditure
- Key Operating Expenditure & Income
- Loan Funds
- Reserve Funds
- Bunbury Timber Jetty
- Investment Funds

Financial statements for the month of July 2009 will be tabled at the meeting for the information of members.

Recommendation

The Financial Statements for the months of July and August 2009 be received.

11.12 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 Environment and Sustainability Advisory Committee (3/09/2009)
Author: Ben Deeley
File: A02445

12. Motions on Notice

12.1 Motion on Notice - Review of Delegations Register

File Ref:	A00276
Applicant/Proponent:	Councillor Noel Whittle
Author:	Councillor Noel Whittle
Executive:	If adopted by Council refer to: Ken Weary, Executive Manager Corporate Services

Cr Noel Whittle has given notice that under Clause 2 of Section 15.9 of the Standing Orders "That the Motion Lie on the Table", he intends to move the following motion at the Council Committee Meeting on 22 September 2009:

"That the Motion is 'raised from the table'"

Comments – Cr Whittle

In support of his motion, Cr Whittle states that:

"This matter was considered at the Council Committee Meeting held on 1 September 2009 when it was resolved "That the Motion 'lie on the table'", to enable Councillors to provide any suggested amendments for consideration by Council.

An overview of Councils delegations were provided to Councillors at the Council Briefing held on 15 September 2009 wherein questions raised in respect to delegations were responded to.

The Motion is now required to be raised from the table to enable Council to consider the report on the Review of the Delegations Register,"

Motion on Notice

"Moved Cr Whittle, Seconded Cr

"That the Motion is 'raised from the table'"

Review – Delegations Register

File Ref:	A00276
Applicant/Proponent:	Internal Report
Author:	Ron Boardley, Relief Senior Administration Officer
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

This report relates to the review of the City of Bunbury "Delegations Register" and recommends that Council endorses the Delegations of Authority, including the

variations outlined in the 'Schedule of Variations' **circulated under separate cover** (Attachment 1).

Background

Under the provisions of the Local Government Act 1995, Council's Delegations of Authority are to be reviewed at least once every financial year.

The City of Bunbury currently has 91 specific items of delegation within the "Delegations Register".

Council's Executive Managers and Managers have recently conducted an internal review of the 'Delegations Register'. During the review process, it was established that an additional delegation relating to "Right of Entry" to enter and inspect buildings on behalf of the City of Bunbury, is required.

A copy of Council's Delegations Register was circulated to Councillors under memorandum dated 6 August 2009, under separate cover for the Council Committee Meeting held on 1 September 2009 and is again **circulated under separate cover** (Attachment 3).

At the Committee Meeting held on 1 September 2009, it was resolved that "*That the Motion 'Lie on the table'*" to enable Councillors to provide any suggested amendments for consideration by Council.

Councils delegations were further reviewed at the Council Briefing on 15 September 2009 and the 'Schedule of Variations' that was referred to the Council Briefing is **circulated under separate cover** (Attachment 1).

The Executive Manager Development Services requests that Council review the suggestions relating to Delegations 4.5 and 4.9 for the reasons outlined in the Memorandum which is **circulated under separate cover** (Attachment 2).

A Local Government the size of the City of Bunbury cannot operate without utilising Council's power under the Local Government Act to delegate functions to the Chief Executive Officer. The purpose of delegations is to free up councillors time to enable them to set broad directions in regard to the Strategic Plan, Five Year Financial Plan and Budget; thereby enabling the Chief Executive Officer to efficiently put into effect Council decisions and implement Council Policy. Delegations need to be provided to ensure that the organisation can operate efficiently.

Delegations to the Chief Executive Officer are not an abolishment of Councils authority or control. A council is the controlling body of a local authority and the Chief Executive Officer and his staff are accountable through the following:

- Council Policies
- Strategic Plan
- Five Year Financial Plan
- Budget
- Performance reporting and direction set by Council through the Chief Executive Officer's Performance Contract.

A local government may delegate to its Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, other than those as specified. The powers that may not be delegated under the provisions of Section 5.43 of the Local Government Act 1995 are as follows:

1. Any power or duty requiring a decision of an absolute majority or a 75% majority (Special Majority) of the local government – for example, establishing advisory committees, appointing members to committees, making local laws, imposition of fees and charges, etc.
2. Accepting a tender that exceeds \$100,000.
3. Appointing an Auditor.
4. Acquiring or disposing of property valued at or above \$50,000.
5. Any of the City's powers under Sections 5.98, 5.99 and 5.100 of the Act which relate to fees, allowances, and meeting fees for council members including the annual allowance for the Mayor/Deputy Mayor and payments to committee members who are not council members.
6. Borrowing money on behalf of the Local Government.
7. Hearing or determining an objection of a kind referred to in Section 9.5 – where a person lodges an objection to a council decision.
8. Any power or duty that requires the approval of the Minister or Governor.
9. Such other powers or duties as may be prescribed (Note: There are no items prescribed to date).

Likewise, the Chief Executive Officer is able to be delegated all allowable delegations from the following Acts, including regulations and local laws made under these Acts:

- Trustees Amendment Act
- Council Town Planning Scheme
- Planning and Development Act 2005
- Residential Planning Codes
- Reserved Street Names Register – Land Administration Act 1997
- Town Planning Scheme 'R' Codes
- Building Regulations of Western Australia 1989
- Council Local Laws
- Health Act 1911
- Litter Act 1979
- Bush Fires Act 1954
- Environmental Protection Act 1986
- Road Traffic Act 1974
- Control of Vehicles (Off Road Areas) Act 1978
- Dog Act 1976 and Amendment Act 1976
- Strata Titles Act 1985
- Local Government (Miscellaneous Provisions) Act 1960

- Health (Treatment of Sewerage and Disposal of Liquid Waste) Regulations 1974
- Caravan Parks and Camping Grounds Act 1995
- Caravan Park and Camping Grounds Regulations 1997
- Parks and Reserves Act 1895

The Chief Executive Officer may delegate to any employee of Council, the exercise of any of the CEO's powers or the discharge of any of his duties under the provisions of the Act, other than the power of delegation. On-delegated powers and duties are identified at the rear of each section of the Delegations Register.

Council has been operating successfully over the past years with these delegations and they have proved suitable for the efficient management of the organisation.

Strategic and/or Regional Outcomes

As stated earlier in this report, the purpose of delegations is to free up councillors time to enable Council to set broad directions in regard to Strategic and Financial Planning, Budget and Council Policy.

Community Consultation

Community consultation is not necessary on this matter.

Councillor/Officer Consultation

Council's Executive Managers and Managers have recently conducted an internal review of the Delegations Register as circulated to Councillors' under memorandum dated 6 August 2009 and again under separate cover with the Agenda for the Council Committee Meeting held on 1 September 2009.

This matter has previously been considered by Council at the Committee Meeting on 1 September 2009 and referred to the Council Briefing on 15 September 2009.

Analysis of Financial and Budget Implications

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

Life-cycle Maintenance Costs (Capital Works Projects Only)

Not applicable.

Economic, Social, Environmental and Heritage Issues

There are no Economic, Social, Environmental or Heritage Issues associated with this item.

Council Policy Compliance

The proposal does not contravene existing Council policies or work procedures.

Legislative Compliance

Under the provisions of the Local Government Act 1995, Council's Delegations of Authority are to be reviewed at least once every financial year.

Section 5.42 of the Local Government Act 1995 requires that delegations to the Chief Executive Officer must be by an absolute majority of the Council.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to alter the content of the Delegations Register.

Relevant Precedents

Council has approved delegations to the Chief Executive Officer since the implementation of the Local Government Act 1995.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Per the recommendation listed in this report, with any further amendments determined by Council.

Conclusion

The preferred option is for Council to endorse the existing delegations, including the suggestions listed in Attachment 1 and also the proposed new delegation (4.14 – Right of Entry) as the use of delegations has been in operation over the past years, most since 1995, and have proven to be suitable to date.

Recommendation

That Council endorses the Delegations of Authority as circulated under separate cover, including the variations outlined in Attachment 1, and also the new delegation "4.14 – Right of Entry" which reads as follows:

"Pursuant to the provisions of Section 5.42 of the Local Government Act 1995 and the Local Government (Miscellaneous Provisions) Act 1960, the Chief Executive Officer and the Building Surveyor (Senior Manager Development Services) have delegated authority to authorise persons to enter and inspect buildings on behalf of the City of Bunbury under Section 420 of the Local Government (Miscellaneous Provisions) Act 1960".

(Note: Absolute Majority Required)

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

14. Items to be Noted or Endorsed

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

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

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

Recommendation

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

1. Title: Schedule of Accounts Paid - August 2009
Author: David Ransom, City Accountant
File: Ken Weary, Executive Manager Corporate Services
2. Title: Development and Subdivisional Approvals – July and August 2009
Author: Gary Fitzgerald, Manager Development Services
File: A00566

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

There are no items recommended for endorsement.

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

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

16. Close of Meeting