

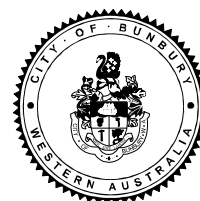
Council (Standing) Committee

Minutes

11 May 2010

Committee Terms of Reference *(last updated 24/11/09)*

1. To review reports and recommendations that are to be submitted to a meeting of the Council and (where appropriate) make alternative recommendations to those recommendations listed in the reports.
2. To request additional information necessary to assist the members of Council in making a decisions.
3. To make reference to appropriate legislation, Council's policies, local laws and the Strategic Plan when making Committee Recommendations to Council.



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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 Minutes

The Minutes of an Ordinary Meeting of the Council (Standing) Committee held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 11 May 2010.

Minutes 11 May 2010

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.

1. Declaration of Opening by the Presiding Member

The meeting was declared open at 6.01pm.

2. Record of Attendance, Apologies and Leave of Absence

PRESENT

Council Committee Members	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member:	Deputy Mayor, Councillor B Kelly
Members:	Councillor J Jones
	Councillor S Craddock
	Councillor W Major
	Councillor R Slater
	Councillor M Steck
	Councillor A Leigh
	Councillor J Harrop
	Councillor D Spencer
	Councillor H Punch
Councillor K Steele	
Executive Management Team (Non-Voting)	
Chief Executive Officer:	Mr G Trevaskis
Executive Manager - Corporate Services:	Mr K Weary
Executive Manager - City Services:	Mr M Scott
Executive Manager - City Development:	Mr G Klem
Executive Manager - City Life:	Mr D Marzano

Council Officers (Non-Voting):	
Administration Officer Corporate Services	Ms M Lloyd
Administration Officer Corporate Services	Ms N Hribar

PRESENT (continued)

Others (Non-Voting):	
Members of the Public:	19 (approx)
Members of the Press:	1

APOLOGIES:

Councillor Whittle was an apology.

3. Responses to 'Public Questions' from the Previous Council Committee Meeting not Answered at that Meeting

Nil

4. Public Question Time

Professor Adrian Egan, 145 Stirling Street, Bunbury

Question: Has a Social Impact Statement been undertaken regarding the waterfront development?

Response: No

Question: Is it intended that a Social Impact study be undertaken prior to any rezoning being approved?

Response: As it is up to Western Australian Planning Commission (WAPC) and the Minister for Planning, it was suggested he raise the matter with them, as it is not normal practice for WAPC to do so. The Council agrees that a study should be done.

Judy Johnston, 17 Lerici Circle, Pelican Point

Question: What part of the Electors Meeting held on 19 June 2008 to discuss the Waterfront Development Proposal and the unanimous vote against it does Council not understand?

Response: Firstly, this is a time to ask questions, not make comments to Council. Secondly, this is a different proposal to what was proposed at the Electors Meeting. The public process is through the WAPC, Council is making a submission only.

Joan Jenkins, Unit 5/8 Minninup Road, Bunbury

Question: Can the Minister override the suggestions made by the submissions (Waterfront Development)?

Response: Yes he can. We don't believe that he will but he has that power.

Judy Wall, 4 Carey Street, Bunbury

Question: Who was it that initiated the rezoning of Koombana South?

Response: WAPC

Question: Who asked them?

Response: Landcorp, through the recommendations made by the Waterfront Taskforce.

Question: Why did the Taskforce go down this path after receiving 880 objections?

Response: We can not speak on the decisions of the Taskforce however, Councils and the community's views were strongly put forward.

Question: Were groups such as Save Our Shores (SOS) on the Taskforce?

Response: No they were not.

Question: Why? Who made the decision?

Response: Minister of Planning made the decision as to who was on the Taskforce.

Question: Can the rezoning be changed by a new Council?

Response: They can but unlikely.

Question: Is there anything in law that states how much open space is required in any population.

Response: No, there is nothing by law.

Question: So we don't have to have any Public Open Spaces?

Response: Normal practise is 10% of available land to be reserved for Public Open Space when new subdivisions are developed.

Question: When is the Ski Beach going to be reopened?

Response: When the Department of Transport feels the Ski Beach is safe to reopen.

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

Cr Steck submitted the following question (in writing) prior to the close of the meeting agenda. A response has been provided by the Chief Executive Officer:

Question 1a: Can the CEO advise the council of any council executive that receives any remuneration, payment or fees, from any other person or body or any other organisation including Government, other than the City of Bunbury and the reasons for those payments?

Response Executive Manager City Development is a member of the South West Planning Commission and receives \$220 sitting fee per meeting of which there are approximately ten (10) per year. Neither the CEO nor any other Council Executives receive any remuneration from the Committees or Boards that they are members of.

Question 1b: If (a) above applies, can the CEO advise the council of the total amounts of moneys received by any executive, other than from the City of Bunbury?

Response: See response 1a

Question 2: Can the CEO advise the council if the Mayor receives any remuneration, payment of fees, from any other person or body or any other organisation including Government, other than the City of Bunbury and the reasons for those payments.

Response: His Worship the Mayor Mr D Smith advises that he is a member of the Bunbury Water Board, Aqwest, South West Planning Commission and The National Sea Change Taskforce. He advises that from the South West Planning Commission, he receives a \$220.00 sitting fee per meeting. As a board member of The Nation Sea Change Taskforce, his travel and accommodation expenses are paid by the Taskforce for attendance to those meetings.

The Mayor advised that should he discover any other allowances or payments he receives he will make them known at the Committee meeting.

The Mayor provided members with an extended response which is **attached** to these Minutes at Appendix 5.

6. Confirmation of Previous Minutes

The minutes of the Council (Standing) Committee Meeting held 20 April 2010, have been circulated.

Recommendation

The minutes of the Council (Standing) Committee Meeting held 20 April 2010, be confirmed as a true and accurate record.

Outcome – Council Committee Meeting 11 May 2010

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

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

Committee Recommendation

The minutes of the Council (Standing) Committee Meeting held 20 April 2010, be confirmed as a true and accurate record.

CARRIED
12 votes "for" / Nil votes "Against"

7. Disclosures of Interest Under the Local Government Act 1995

Cr Steck disclosed an impartiality interest in the item titled '*Proposed Caretakers Dwelling - Lot 100 Estuary Drive, Vittoria*' as she is a registered Bee Keeper and has an interest in common with the applicant. The Mayor put to the vote that Cr Steck be allowed to stay, participate in discussion and vote – 10 votes "for" / Nil votes "against" CARRIED. Cr Steck opted to leave the chambers and did not participate in the discussion or vote on the issue.

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

I wish to convey to Councillors that I have decided that in the future that I will be strictly enforcing the Standing Orders. It is not directed at anyone in particular, I just think that we need to pick up the length of our meetings and shorten them. The Standing Orders also apply to the Mayor like everybody else.

9. Chief Executive Officer Reports/Discussion Topics

Nil

10. Reception of Formal Petitions and Memorials

10.1 Petition – Construction of Skate Park in Glen Iris

File Ref:	A00773-14
Applicant/Proponent:	Cody Philipp
Author:	Councillor Michelle Steck
Executive:	<i>If petitions adopted by Council refer to: Michael Scott, Executive Manager City Services</i>

A petition has been received from Cody Philipp and the Residents and Ratepayers of Glen Iris in regards to the construction of a skate park in Glen Iris. The petition contained 133 signatures. A copy of the petition is **attached** at Appendix 6 (attached to the minutes).

Pursuant to City of Bunbury Standing Order 9.4, the only questions to be considered at the Council Meeting upon presentation of a petition are:

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

Outcome – Council Committee Meeting 11 May 2010

Moved Cr Steck, seconded Cr Steele that the petition be received and adopted to become the Committee's recommendation on this matter.

Committee Recommendation

Pursuant to clause 9.4(d) of the City of Bunbury Standing Orders, the petition from Cody Philipps and the Residents and Ratepayers of Glen Iris be accepted and be dealt with by the full Council.

CARRIED
12 Votes "For" / Nil Votes "Against"

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

11.1 Submission on Greater Bunbury Region Scheme Amendments – Bunbury Waterfront Project *(was listed as item 11.1 on the meeting agenda)*

File Ref:	A03183-09
Applicant /Proponent:	WA Planning Commission
Author:	Geoff Klem, Executive Manager City Development
Executive:	Geoff Klem, Executive Manager City Development

Summary

Following recommendations from the Bunbury Waterfront Project Taskforce to the W.A. Planning Commission (WAPC), the Commission resolved to recommend to the Minister for Planning that three amendments to the Greater Bunbury Region Scheme (GBRS) be advertised for public comment (details of each amendment **attached** at Appendix 1). The Minister subsequently approved the advertising of the Amendments for a period of three months from the 16 February to 17 May 2010.

The purpose of this report is to set out the planning rationale for the amendments, identify issues and make recommendations (by way of council resolutions) to the WAPC on each of the amendments.

The outcome of the GBRS Amendments procedure will trigger Amendments to Town Planning Scheme No 7 that will define the detail of development control and the scope of Stage 1 of the Bunbury Waterfront Project.

Background

1. Although a Waterfront Project has been proposed in various forms for over 20 years, the statutory planning implications of the most recent Landcorp Waterfront Project were considered by Council in March 2008 (**Decision 34/08**). At that time, Council resolved to initiate amendments to TPS No 7, advertise on a “without prejudice” basis the Bunbury Waterfront Eastside Precinct Structure Plan and to request the WAPC to initiate an Amendment to the GBRS to reflect the Structure Plan that is finally endorsed by Council.
2. The advertising of the Eastside Structure Plan attracted considerable public interest and 881 submissions were received. The major areas of concern registered by the Public were the loss of Public Open Space and the bulk, scale and height of the built form. In addition, a Special Meeting of Council was attended by 228 people where strong opposition to the loss of public open space was conveyed.
3. At its meeting on the 16 December 2008, Council considered the public comments received during the advertising of the Structure Plan, the telephone survey undertaken on behalf of Landcorp, outcomes of a special briefing session of Council held on the 14 October 2008, a briefing on the passenger

terminus options and a study tour of waterfront areas in the State of Queensland. Council resolved as follows (**Decision 245/08**):

1. *Note public submissions received during the advertising period for the Bunbury Waterfront Eastside Precinct Structure Plan and forward the summary of submissions to Landcorp and the Department of Planning and Infrastructure.*
2. *Note the report on the Queensland study tour and forward the tour outcomes document to Landcorp and the Department of Planning and Infrastructure.*
3. *Recommend that Landcorp review the proposed Bunbury Waterfront Eastside Precinct Structure Plan taking account of the public submissions, the policy statement contained in City Vision relating to the subject land, the outcomes from the study tour of Queensland and the briefing on passenger rail terminus options. Specific matters for detailed consideration include, but are not limited to, the following matters:*
 - *As part of a comprehensive plan for the Lower Leschenault Estuary and adjoining lands, make provision for activity nodes which may include restaurants/kiosks, playgrounds, toilets, shelters, barbecues and entertainment areas.*
 - *Increase the provision of public open space and in particular, increase the foreshore area or the setback to the estuary for the Eastside Precinct area.*
 - *Plan for wide foreshore paths with grade separation, integrated landscaping (particularly shade trees), public art and lighting for the entire Lower Leschenault Estuary, the "Plug" and Marlston Waterfront area, including how they connect the activity nodes referred to in 3.1.*
 - *Through the comprehensive planning of the Lower Leschenault Estuary area and Koombana Bay area, establish those areas that would be suitable for built form other than public amenities. In this regard, the building height should be considered in the context of the public submissions and Council's proposed building heights policy.*
 - *Ensure that there is adequate public parking and access to all foreshore areas.*
 - *Plan for no encroachment into the estuary and provide for the management of any development to include measures to protect the water quality of the estuary and all environmentally sensitive areas, especially the mangroves and Anglesea Island.*
 - *Establish, through liaison with the Public Transport Authority, the status of a preferred option for a passenger rail terminus in the Central Business District. In the event of no firm commitment to the planning and development of the facility and associated "fast train" service, appropriate provision be made for a rail platform on reserved land north of Koombana Drive immediately abutting the road reserve.*
4. *Council further resolves to advise Landcorp that it is committed to re-engaging in a process of planning review and to the implementation of the total Waterfront Project. In this regard, Council refers the responsibility for*

advancing discussions around a revised plan to the City Vision Implementation Committee which has as one of its Terms of Reference to implement the Bunbury Waterfront Project. Any revised plans are to be supplied to Council for its consideration.

5. *Council understands that the outcomes of a review may require a revision of the State's financial plan for the project and instructs the CEO and the Mayor to seek discussions with the relevant State Ministers and the Premier to canvass different development scenarios that meet both State and Local Government objectives, in the context of the Royalties for Regions program and any Federal financial support which may be available.*
 6.
 - (a) *Any new Structure Plan for the Eastside Precinct (prepared in the course of proposed amendments to TPS 7 and the GBRs) should form part of a new broader plan that encompasses the Lower Leschenault Estuary, Koombana Bay, Jetty Groyne, the Jetty, Breakwater and Outer Harbour.*
 - (b) *That once costings for a pre-feasibility study of the additional areas outside the current project boundaries are known, that an approach be made to the State Government for funds to undertake the study.*
 7. *Release the Study Tour Report document for public viewing via Council's public libraries, the council reception area and on Council's website.*
 8. *That Landcorp be requested to consider preparing a physical model that adequately illustrates different development scenarios once these have been developed in consultation with Council.*
4. In early 2009, correspondence between the City and Landcorp and a subsequent meeting with Landcorp involving the Mayor, CEO and Executive Manager City Development from the City and the CEO, General Manager Operations, Business Manager Regional South and Regional Manager South West from Landcorp endorsed the need for a Taskforce to address the issues associated with amending the Greater Bunbury Region Scheme.
 5. In May 2009, the Minister for Planning announced the establishment of the Bunbury Waterfront Project Taskforce chaired by the Member for Bunbury, the Hon John Castrilli MLA and included Mayor Smith as a Member. The terms of reference of the Taskforce were to:
 - *Define the Regional Open Space, City Centre uses and other uses of State interest.*
 - *Create a policy statement for the development of any area identified for urban purposes.*
 - *Establish any requirements for an environmental review of the project area.*
 - *Advance an amendment to the Greater Bunbury Region Scheme for public comment.*

The Taskforce was assisted by a Technical Advisory Committee Chaired by an independent planning consultant (Patric deVilliers) and included the Executive Manager City Development and the Director of Planning South West.

6. The Technical Advisory Committee recommended and the Taskforce approved the study area being expanded to include Marlston North (Old Jetty area) and the following criteria to be the basis of the planning review:
 - *Enhancing the public domain*
 - *Maintaining the foreshore public open space "arc"*
 - *Protecting vistas towards the foreshore*
 - *Improving entry to the city*
 - *Activating the Bunbury Waterfront.*

7. The Bunbury Waterfront Project Taskforce Report provided by the Technical Advisory Committee made the following recommendations which were subsequently adopted by the Taskforce:
 - *That the Taskforce endorse the Preferred Option and associated policy statements for Koombana South, Koombana North and Marlston North.*
 - *That the Taskforce resolve to recommend to the Minister for Planning that he request the WAPC to initiate and progress the three GBRS Amendments set out in the Taskforce report.*
 - *That the Taskforce resolve that the Bunbury Waterfront Taskforce Report is publicly released as part of the GBRS Amendment process.*
 - *That the Taskforce advise the Minister for Transport of the Recommendation of the Taskforce to delete the rail reserve in the GBRS west of the plug.*
 - *That the Taskforce request the Technical Advisory Committee to provide a model showing the proposed development areas in the broader context of central Bunbury to assist in community consultation on the GBRS Amendments; and*
 - *That the Taskforce recommends a Press Release by the Chair, in consultation with the Minister for Planning, on the Taskforce outcomes.*

9. In late 2009, the WA Planning Commission reviewed the three GBRS amendment proposals and resolved to recommend to the Minister for Planning that the three amendments be defined as "major amendments" and that they be advertised for public comment for 90 days. The Minister for Planning subsequently approved the advertising of the amendments in February 2010.

Assessment of Amendments

1. The Council resolutions made in December 2008 (**Council Decision 245/08**) in relation to the Eastside Structure Plan which was the basis of advice to Landcorp, provides the first level of assessment for the proposed GBRS Amendments. The extent to which Council's advice has been accepted and applied (***as it relates to the Amendments only***) is outlined as follows:
 - Increase the provision of Public Open Space, in particular the foreshore area or the setback to the estuary. *The amendment for Koombana South,*

has substantially reduced the area for urban development and retained the majority of the area as Regional Open Space.

- Comprehensive planning for the whole of the Lower Leschenault Estuary which identifies nodes and built form other than public amenities. *Landcorp has advised that it would not support the funding of a Masterplan for the areas adjoining the project area. The cost of planning and project implementation would therefore have to borne by Council and other sources such as the Royalties for Regions program.*
 - Ensure that there is adequate parking and access to all foreshore areas. *The Amendment to TPS 7 and the foreshore Masterplan will identify the requirements for access and parking.*
 - Plan for no encroachment into the Estuary and protection of water quality. *The revised urban footprint for Koombana South does not allow any encroachment into the estuary. Urban drainage will be strictly controlled through development conditions.*
 - Establish the status of the "fast train" and if not feasible to bring into the CBD, make provision for a platform on reserved land north of Koombana Drive. *On the basis of advice received from the Minister for Transport, The Public Transport Authority and the Minister Assisting the Minister for Transport, provision has been made for a platform on reserved land north of Koombana Drive and for a terminus immediately east of the plug on the rail reserve.*
 - The Mayor and CEO were authorized to discuss various development scenarios with the State Government that would meet both Council and State Government objectives. *The establishment of the Taskforce was an outcome of those discussions.*
 - That Landcorp be requested to consider preparing a physical model which shows the development options. *A physical model has been constructed by Council.*
2. The above review has revealed that the Council advice to Landcorp had a significant (positive) impact on the direction and content of future plans. Major issue areas requiring further debate are the addition of the Marston North area, the scope and cost of preparing a Masterplan for the whole of the Lower Leshenault Estuary (including the 3 Waters Centre, Queen's Gardens and the Frank Buswell Foreshore) and the extent and form of urban development proposed in the Koombana South amendment.
3. Detailed Assessment.
- 3.1 **Marlston North** (see **attached** Appendix 1). This area did not form part of the Eastside Precinct area that was advertised for public comment. However, as a result of concerns over the level of development at Koombana South and given that this area has been included in all previous plans (including Harbour City, The People's Plan and the most recent Bunbury Waterfront Concept Plan), the Technical Advisory Committee and The Waterfront Taskforce saw merit in including this location in the amendment program.

This location involves the reclamation of a small area of Koombana Bay and follows the alignment of the old jetty that is underwater, but visible

from the air. The amendment area is 1.4 hectares and will create a new foreshore reservation around a Regional Centre Zone.

Issues

- (i) *The Inclusion of Marlston North.* There is a strong case for the inclusion of this area on the basis of previous planning and the opportunity to enhance the Marlston Waterfront mixed use strip which is developing into a vibrant and popular area.
- (ii) *Environmental impact.* The EPA has advised that there is no requirement for a formal assessment and has stated that any impacts can be managed through the design and construct phase.
- (iii) *Interface with adjoining planning/development.* It is essential that there be adequate separation between the built form on the amendment area and existing development to the South to facilitate appropriate design and functional connection. In addition, the future of the Bunbury Jetty and the Causeway needs to be resolved so as to ensure appropriate design connections with the Amendment area.
- (iv) *Building Height.* Although not part of the Amendment, the Taskforce report stated that building height should be in the order of 7 and 6 storey developments with the high rise component (residential) being 5 and 4 respectively. The bottom 2 stories are proposed for parking and commercial uses. These heights are consistent with the W.A. Planning Commission Policy for coastal developments and would not be out of character with the existing and proposed development in proximity. The forthcoming Amendment to TPS 7 (if this Amendment is approved) will include appropriate provisions to control the scale of the development and will be the subject of further public consultation.
- (v) *Climate Change and Sea Level Rise.* The implications and ramifications of sea level rise and the increase in the frequency of extreme weather events needs to be explicitly provided for in development control requirements. In this regard, the W.A. Planning Commission needs to provide expert advice on the necessary development control provisions to take account of identified trends.

Recommendation

That the W.A. Planning Commission be:

1. Advised that Council supports the proposed Greater Bunbury Region Scheme Amendment for Marlston North and further advises that it would be prepared to initiate an amendment to Town Planning Scheme No 7 that provides an appropriate zone, structure plan, development plan and development control provisions consistent with the Region Scheme (as amended).
2. Requested to provide expert advice on the extent to which the impacts of climate change need to be incorporated in development control measures.

- 3.2 **Koombana North.** (see **attached** Appendix 1). This area formed part of the previously advertised Eastside Structure Plan. The bulk of the submissions received in opposition to the Structure Plan did not relate to the land north of Koombana Drive. Feedback received from the advertising of the Structure Plan and the current advertising of the GBRS Amendment has generally supported the concept of continuing the Marlston mixed use waterfront development around to the "Plug".

Issues

- (i) *The Loss of Open Space.* Generous provision has been made for a foreshore Reserve to promote public use of the ski beach area and to facilitate public access through a continuous dual use path system and landscaped foreshore around the waterfront and vehicle/pedestrian access via Holman Road. The balance of the area is framed by the Mantra Hotel complex and a private development site on the corner of Casuarina Drive and Koombana Drive which has similar development potential as the Marlston Mixed Use area. In addition, the Koombana North area is the preferred location for a passenger rail platform and there is currently a Railways Reservation traversing the site.

Feedback from the Eastside Precinct public submissions and the current GBRS Amendment has revealed that there is support for a continuation of the Marlston Waterfront mixed use type of development around to the "Plug".

- (ii) *Environmental Impact.* The EPA has advised that there is no requirement for a formal assessment and that it is not necessary to provide any advice.
- (iii) *Passenger Rail Requirements.* The emergence of the possibility of a fast train service and how it would access the Bunbury CBD was a significant issue that needed resolution if the Waterfront Project was to proceed in timely manner. In advice to the Taskforce, the Minister for Transport stated:

".....The current proposal...includes two stations. The first station would be a park and ride/bus transfer facility at Eaton to replace what functionally now occurs at the present terminus. The site is about 9 kilometres north of the "Plug" and could be the terminus if a dedicated bus connector was integrated as part of the total service package. Naturally this would involve a transfer in the final stage of any trip from Perth to Bunbury. Travel time from Eaton to Perth Underground is estimated at less than 90 minutes.

To make the service more attractive to potential visitors to Bunbury itself, the second station would be a destination walk-off station as close as possible to the city centre. To that end, the PTA has worked with Landcorp planners for some time to define the minimal reservation for a railway contiguous with the northern boundary of the Koombana Drive reservation, as well as definition of the minimal spatial requirements for a terminal station between the "Plug" and Casuarina Drive."

The proposed GBRS Amendment makes adequate provision to accommodate the development scenario conveyed by the Minister for Transport.

- (iv) *Building Height.* Although not part of the Amendment, the Taskforce report stated that building heights should be in the order of 6 storey developments facing north to the Ski Beach with the high rise component (set back) being 5 stories. The ground level development will mirror the type of development currently on the Marlston Waterfront.

The building heights recommended for developments fronting Koombana Drive/railway platform and facing South, is stepped from 4 stories at the Eastern (Plug) end to 5 and then to 6 in proximity to the Mantra Hotel.

The building heights proposed are consistent with the W.A. Planning Commission policy for coastal developments and in keeping with the scale of development adjoining to the West. The forthcoming Amendment to TPS 7 (if this Amendment is approved) will include appropriate provisions to control the scale of development and will be the subject of further public consultation.

- (v) *Interface with Adjoining Existing and Proposed Developments.* As previously outlined, the intention is to continue the scale and type of development currently in place on the Marlston Waterfront. A key consideration in the preparation of any Structure Plan and Development Plan, is the accommodation of a public transport facility north of Koombana Drive and how it will relate to the adjoining developments including the provision for the necessary parking and access. In addition, the connection of this precinct to the areas south of Koombana Drive is of critical importance in terms of landscaping, pedestrian and cycle paths.
- (vi) *Climate Change and Sea Level Rise.* Vulnerability and risk are equally as relevant for this Amendment.

Recommendation

That the W.A. Planning Commission be:

1. Advised that Council supports the proposed Greater Bunbury Region Scheme Amendment for Koombana North and further advises that it would be prepared to initiate an Amendment to Town Planning Scheme 7 that provides for an appropriate zone, Structure Plan, Development Plan and development control provisions consistent with the Region Scheme (as amended).
 2. Requested to provide expert advice on the extent to which the impacts of climate change need to be incorporated in development control measures.
 3. Requested to provide details of a "final solution" for the Perth to Bunbury fast train passenger service station to service the city's Central Business District.
- 3.3 **Koombana South** (see **attached** at Appendix 1) this area formed part of the previously advertised Eastside Precinct Structure Plan. The bulk of the submissions in opposition to the Structure Plan related to this area

and although not as substantial, feedback on the GBRS Amendment for Koombana South has registered similar opposition. The concerns are summarized as opposition to the loss of public space and to the introduction of built form that is regarded as major in terms of bulk, scale and height.

Issues

- (i) *The Loss of Public Open Space.* In response to the strong opposition to the loss of public open space in the Eastside Structure Plan, The Technical Advisory Committee to the Waterfront Taskforce concluded that a major reduction in built form was warranted, including the removal of any incursion into the Lower Leschenault Inlet. The preservation of a foreshore reserve "arc" from the Rowing Club to the "Plug" was a key objective that was adopted by the Committee and the Taskforce.
- (ii) *The Extent of Built Form and Building Heights.* An outcome of the Technical Advisory Committee deliberations was that there is merit, on urban design grounds, to provide for a corridor of built form from the "Plug" to Blair Street as an entry statement and introduction to the CBD of the city. The southern side of the corridor (this amendment) is very narrow and results in only a minor reduction in the area of Open Space. It is set back from the "Plug" to allow for vistas thorough to the City. Building heights are recommended to be no greater than 5 stories with the exception of a higher building (possibly 7 stories) on the corner of Koombana Drive and Blair Street.
- (iii) *Environmental Impact.* The EPA has advised that there is no requirement for a formal assessment and that it is not necessary to provide any advice.
- (iv) *Compatibility with City Vision.* The City Vision Strategy and Action Plan adopted by Council includes a specific policy statement (Sub Precinct 1) for the Amendment area. In summary, the major guiding statements are to promote low impact (5 storey), high quality civic, cultural and commercial developments in an open and enhanced public open space setting. Priority should be given to tourist and recreation uses and development should not adversely impact on the Inlet. City Vision also states (CBD 30) that other development opportunities may be considered following the release and community feedback on the Bunbury Waterfront Project prepared by Landcorp. The significant "scaling down" of the area proposed for development and the preservation of the majority of the open space area is generally consistent with the City Vision statements. In addition, the work of the Taskforce Advisory Committee acknowledged that a major restaurant/tavern/tearooms style of development on the foreshore would be appropriate along with a strong preference for short stay tourist accommodation for the built area.
- (v) *Climate Change and Sea Level Rise.* Vulnerability and Risk are equally as relevant for this Amendment.
- (vi) *The Extent to Which Regional Open Space Can be Developed.* Concerns have been expressed that the Regional Open Space Reservation

effectively prevents development. This matter was investigated by the Technical Advisory Committee and advice from the Department of Planning is that there is a wide range of uses that could be permitted including restaurants, cafes and public buildings.

Regardless of whether this Amendment is approved or not, there is a need to commence planning for the improvement of this area of Regional Open Space. One element that has been canvassed is the introduction of a café/restaurant for the point adjoining the “Plug” and for the design of the building to make a statement that the City is progressive and vibrant. Another is to provide for a pedestrian/cycle bridge from the restaurant area across the “plug” to the foreshore in front of the Power Boat Club. This would be a key element in promoting pedestrian/cycle use of the foreshore areas.

Other elements include the introduction of children’s adventure playgrounds, the enhancement of the existing small beach near the area where the restaurant is proposed and the development of areas for formal and informal activities.

The many good ideas need to be brought together and analysed as part of a Masterplan for the Lower Leschenault Estuary foreshore which should include the 3 waters project, the mangroves, Queen’s Gardens and Frank Buswell foreshore. The plan must incorporate an implementation schedule linked to budget allocations.

Recommendation

That the W.A. Planning Commission be:

1. Advised that Council Supports the proposed Greater Bunbury Region Scheme Amendment for Koombana South and further advises that it would be prepared to initiate an Amendment to Town Planning Scheme 7 that provides for an appropriate zone, Structure Plan, Development Plan and development control provisions consistent with the Region Scheme (as amended).
2. Requested to provide expert advice on the extent to which the impacts of climate change need to be incorporated in development control measures.
3. Advised that Council is keen to commence work on a Masterplan for the development of the Lower Leschenault Estuary foreshore areas and seeks support for the establishment of a working group to determine the nature an extent of improvements that would be acceptable to the W.A. Planning Commission and a program of implementation.

Strategic and Regional Outcomes

As a consequence of the recommendations of City Vision, Strategic Objective 4 “Implement City Vision” provides support to progressing development of the Waterfront areas in accordance with a set of guiding principles, objectives and strategies.

Community Consultation

The Bunbury Waterfront Project (in its various forms) has been extensively canvassed with the community. The three Greater Bunbury Region Scheme Amendments are open for public comment as part of a State planning procedure and the purpose of this report and recommendations is to make a submission to the W.A. Planning Commission.

Councillor/Officer Consultation

Although the amendment procedure is the responsibility of Department of Planning on behalf of the W.A. Planning Commission, the City has joined with the Department in an effort to inform the community of the purpose and detail of the amendments.

Analysis of Financial and Budget Implications

There is no budget or financial implications at this planning stage of the Waterfront Project. However, it would be appropriate to include the Lower Leschenault Estuary Foreshore Masterplan project in the next round of discussions for the 5 Year Financial Plan.

Economic, Social, Environmental and Heritage Issues

Environmental issues have been reviewed by the EPA and the Authority has not registered any major concerns. There are no known heritage issues; however a detailed review of any heritage requirements will be undertaken for those areas that are approved for urban development.

Economic and Social issues have not formed part of the Amendment procedure; however will form part of the detailed planning that will follow for the areas approved.

Legislative and Council Policy Compliance

Amendments to the Greater Bunbury Region Scheme are required to be undertaken in accordance with the requirements of the Planning and Development Act 2005.

Delegation of Authority

There is no delegated approval relevant to consideration of this matter.

Relevant precedents

The existing Marlston Waterfront development, undertaken by Landcorp, has proven to be a successful and highly valued addition to the Central Business District of the City.

Options

Option 1

In accordance the recommendation in this report.

Option 2

That Council resolves to advise the W.A. Planning Commission that it does not support the Koombana South Amendment to the Greater Bunbury Region Scheme and further resolves to advise the W.A. Planning Commission that it:

- (i) Provide expert advice on the extent to which the impacts of climate change need to be incorporated in development control measures, and
- (ii) Seeks the support of the Commission in the establishment of a working group to determine the nature and extent of improvements that would be acceptable to the Commission for the Lower Leschenault Estuary foreshore areas along with a program of implementation as part of the development of a Masterplan for the foreshores.

Option 3

That Council resolves to advise the W.A. Planning Commission that it does not support the Koombana North Amendment to the Greater Bunbury Region Scheme and further resolves to request details of the "final solution" for the fast train station to service the city's CBD and expert advice on the extent to which the impacts of climate change need to be incorporated in development control measures.

Option 4

That Council resolves to advise the W.A. Planning Commission that it does not support the Marlston North Amendment to the Greater Bunbury Region Scheme and further resolves to request expert advice on the extent to which the impacts of climate change need to be incorporated in development control measures.

NOTE: In the event that Options 2, 3 and/or 4 are adopted, the Amendment areas not included in the resolution to be determined in accordance with Option 1.

Conclusion

The Bunbury Waterfront has been the subject of several plans for development for over 20 years. The most recent proposal included the Eastside Precinct Structure Plan as part of Stage 1 of the Landcorp Development Plan for the Waterfront. The advertising of the Eastside Structure Plan resulted in significant opposition to the loss of public open space and the introduction of major built form.

To address the community concerns and advance the planning for Stage 1 of the Waterfront Project, a Ministerial Taskforce was established with support from a Technical Advisory Committee. The outcomes from the Taskforce have formed the basis of the three Greater Bunbury Region Scheme Amendments, the subject of this report.

The assessment of the three Amendments is supported by the extensive professional discussion and debate which was part of the Technical Advisory Committee's work in advising the Ministerial Taskforce. The conclusions of the Advisory Committee are supported by the internal review undertaken by the Executive Manager City Development. Accordingly, the recommendation to the W.A.

Planning Commission is to support all three Amendments to the Greater Bunbury Region Scheme.

Recommendation

That Council resolves to advise the W.A. Planning Commission that it:

1. (i) Supports the proposed Greater Bunbury Region Scheme Amendment for **Marlston North** and further advises that it would be prepared to initiate an Amendment to Town Planning Scheme 7 that provides an appropriate zone, structure plan, development plan and development control provisions consistent with the Region Scheme (as amended), and
(ii) Requests the W.A. Planning Commission to provide expert advice on the extent to which the impacts of climate change need to be incorporated in development control measures.
2. (i) Supports the proposed Greater Bunbury Scheme Amendment for **Koombana North** and further advises that it would be prepared to initiate an amendment to Town Planning Scheme 7 that provides an appropriate zone, structure plan, development plan and development control provisions consistent with the Region Scheme (as amended), and
(ii) Requests the W.A. Planning Commission to provide expert advice on the extent to which the impacts of climate change need to be incorporated in development control measures and
(iii) Requests the W.A. Planning Commission to provide details of the “final solution” for the Perth to Bunbury fast train passenger service station to service the city’s Central Business District.
3. (i) Supports the proposed Greater Bunbury Region Scheme Amendment for **Koombana South** and further advises that it would be prepared to initiate an amendment to Town Planning Scheme 7 that provides an appropriate zone, structure plan, development plan and development control provisions consistent with the Region Scheme (as amended), and
(ii) Requests the W.A. Planning Commission to provide expert advice on the extent to which the impacts of climate change need to be incorporated in development control measures, and
(iii) Requests support from the W.A. Planning Commission for the establishment of a working group to determine the nature and extent of improvements that may be acceptable to the Commission along with an implementation program that would contribute to the development of a Masterplan for the Lower Leschenault Estuary foreshore areas.

Outcome – Council Committee Meeting 11 May 2010

The Mayor asked if there were any members of the public that would like to speak to the item.

Mr Steven Down, President Bunbury Chamber of Commerce and Industry (BCCI), addressed the Committee. During the discussion the following points were raised:

- The BCCI has over 600 small business members
- The majority of members support the rezoning of the waterfront
- They support well planned developments but not development at all cost
- Bunbury needs to grow and needs development to enhance public facilities
- Koombana South seems to be a compromise
- Accepting the rezoning will secure public open spaces
- Needs to be a balance provided between development and the retention of public open space
- They believe the amendments are fair and the compromise is fair
- There was no formal survey of members, just informal and received no negative feedback
- The ten (10) BCCI executives hold a unanimous view in support of the amendments

Ms Amanda Doust, Venn Street, Bunbury, member of Save Our Shores (SOS) addressed the Committee and stated that they (SOS) do not object to Koombana North, but they do object to Koombana South being developed.

Ms Judy Wall, Carey Street, Bunbury, addressed the Committee and raised the following points:

- 880 submissions were received after the first public consultation with 75% against redevelopment
- She stated that the proposed entry statement would be an eyesore
- The development provided accommodation for tourists, not Bunbury residents
- If Blair Street was to be reduced to two (2) lanes, traffic would become a nightmare with traffic jams
- Are 5-7 storey building economically viable?
- Public open spaces – need more not less – as the population of Bunbury increases
- Bunbury needs a community focus point
- Still need to see the water
- Need to bring people into the city

Cr Steele moved, Deputy Mayor Cr Kelly seconded option 2.

It was requested that the mover and seconder accept an amendment to point (ii) which added the following, before the word Seeks "...Council favours the retention of the whole of the Koombana South area as Regional Open Space and seeks..." This amendment was agreed to.

All Councillors spoke for and against the motion.

Cr Steele vacated the chambers at 9.15pm.

The Mayor called for the mover to close debate. As Cr Steele was absent, the Mayor called a five (5) minute adjournment.

The meeting reconvened at 9.31pm and all members returned to the chambers with the exception of Cr Steele.

The Mayor requested the direction of the meeting, as Cr Steele was absent, suggesting that there were two (2) options, to either defer the matter to the Ordinary Council Meeting or put the matter for decision.

CR Steck moved, Deputy Mayor Cr Kelly seconded that the matter be deferred to the Ordinary Council Meeting. The Mayor put this to the vote – 6 votes “for” / 5 votes “against” CARRIED

Committee Recommendation

This matter be deferred to the Ordinary Council Meeting for a decision.

11.2 Proposed Caretaker's Dwelling – Lot: 100 Estuary Drive, Vittoria *(was listed as item 11.2 on the meeting agenda)*

File Ref:	P11992
Applicant/Proponent:	Wayne Stewart
Author:	Lindsay Bergsma, Planning Officer
Executive:	Geoff Klem, Executive Manager City Development

Summary

Council has received a development application from Wayne Stewart for a 'Caretaker's Dwelling' at Lot 100 Estuary Drive, Vittoria.

The subject site is zoned Industry and a 'Caretaker's Dwelling' is an 'A' use within this zone. The proposal was advertised and four (4) submissions were received. It is for this reason that the proposal is being referred to Council for determination.

Background

The subject land is currently zoned Industry and there is no intention to change the zoning. An industrial shed was previously approved by the City for the site (in 2008) and the shed has since been constructed. The existing business on site is South West Sandblasting Services Pty Ltd.

A location plan of the subject lot is issued **under separate cover** at attachment 1.

The applicant has applied for a caretaker's dwelling on the site. A 'Caretaker's Dwelling' in the Industry zone is an 'A' use under the City's current Town Planning Scheme meaning this is a use that is not permitted unless the local government exercises its discretion and grants planning approval after advertising the proposal for public comment.

In accordance with the Scheme requirements, the proposal was advertised for 21 days and four (4) submissions were received. All four of the submissions state some concern in relation to the proposal (the submissions are discussed in more detail later in this report).

Pursuant to the City's Local Planning Policy – Development Applications Assessment Processes: Rights of the Applicant and the Community, *"Upon closure of the advertising period, all submissions are [to be] compiled and incorporated into agenda item to Council for their consideration."* This therefore is the purpose of this report.

It should be noted that the applicant has been living on the subject site for some time in a caravan. This was brought to the City's attention and the City's Compliance Officer discussed the situation with the applicant. As a result, this planning application has been lodged with the City.

It should also be noted that the subject lot abuts Greater Bunbury Region Scheme Reserves- 'Regional Open Space' and 'Port Installations' under the City's Town Planning Scheme No. 7 (TPS No. 7). In accordance with the Greater Bunbury Region Scheme (GBRS) a person must not commence or carry out development

without first having obtained planning approval. Any approval in regard to the GBRS is required to be issued by the Western Australian Planning Commission (WAPC). The City as local government has only been delegated the authority under the GBRS to refuse the application. Therefore, in making its determination, Council has the option to either refuse the proposal or make recommendation to the WAPC to approve the proposal.

Proposal

The proposal submitted to the City is for a caretaker's dwelling at Lot 100 Estuary Drive, Vittoria. Plans of the proposal are issued under separate cover at attachment 2.

The proposed caretaker's dwelling meets the relevant requirements of the City's TPS No. 7.

Planning Bulletin

A Planning Bulletin (No. 70) has been issued by the WAPC in relation to caretaker's dwellings in industrial areas. The Bulletin states as its purpose to highlight the issues associated with the establishment of caretakers' dwellings in industrial areas and outline a policy for dealing consistently with caretaker's dwellings throughout the state of Western Australia.

The Planning Bulletin notes that the State Planning Framework cites principles and considerations for good decision making in land use planning and development. These principles and considerations include the separation of incompatible land uses and protection of key infrastructure such as ports.

Planning Bulletin No. 70 states as an objective, *"to discourage the establishment of residential uses in industrial areas which may compromise the integrity of industrial areas and create unacceptable residential environments."* It goes on to state that *"there should be a general presumption against the establishment of caretakers' dwellings in industrial areas to avoid potential conflict and associated environmental problems."* Again, along similar lines, the Bulletin states that caretakers' dwellings *"should generally be prohibited in zones designated for general industrial uses unless there are special circumstances which justify their establishment in such areas."*

The applicant has submitted the following justification. The applicant has stated, *"The purpose of the caretakers' residence is for the onsite security for the new storage shed which will contain machinery, tools, and products used for my business which is South West Sandblasting Services Pty Ltd. With my block's proximity being away from large industrial subdivisions where security patrols are regular, it is deemed a necessity for onsite security. With a high volume of foot traffic between Bunbury and Eaton along Estuary Drive, vandalism and break-ins are a regular occurrence."*

In response, the Development Services contends that the subject site is located within a zone designated for general industrial uses from which caretakers' dwellings should generally be prohibited (as stated in the Planning Bulletin). Also, it can be argued that there are other security alternatives to onsite security by means of a caretaker's dwelling. Security measures such as private security patrols, dogs and electric fences (in line with the City's planning policy) could all be considered. It is therefore a concern that a precedent may be set if approval was granted for this

proposal. Approval of this application may lead to many other applications for caretakers' dwellings in industrial areas (including the Bunbury Business Park) and could potentially change these areas dramatically by compromising the integrity of the industrial areas and leading to unacceptable residential environments.

Submissions

The proposed development was advertised for a period of three weeks in which time four (4) submissions were received. The submissions are issued in full in the 'Schedule of public submissions' **under separate cover** at attachment 3.

In summary all four submissions received by the City, if not objecting outright to the proposed development, at least raise concerns in relation to the proposal. Three of the four submissions question the compatibility of the land uses (i.e. industrial/residential). Further to that, concerns have been raised in relation to the stormwater management of the site and approval of this development would most likely lead to further issues in this regard.

In response, the Development Services notes the objections and concerns raised in the submissions. The key issue raised in the submissions is that of the compatibility of the industrial/ residential land uses. In light of Planning Bulletin No. 70, the provisions of which were discussed earlier in this report, the establishment of residential uses in industrial areas which may compromise the integrity of industrial areas and create unacceptable residential environments is a major concern. It is for this reason that the Bulletin discourages residential uses in these industrial environments.

At the same time it should be highlighted that in relation to the Bunbury Port, concern has been raised regarding the proximity of the proposed residential use. In light of Planning Bulletin No. 70, it is noted that protection of key infrastructure such as ports is essential. The Bulletin states that the operation and expansion of key infrastructure can be restricted by development such as caretaker residences. This should be prevented as much as possible.

Strategic and/or Regional Outcomes

The City's 2007–2012 Strategic Plan states that *"The City will ensure that it maintains a comprehensive and fully integrated planning system to meet community expectations."* In this case, the proposal has been considered in the context of its compliance with current Scheme and other requirements and the submissions received by the City have been evaluated.

It is considered that the broad direction of the City's 2007–2012 Strategic Plan would be compromised if the proposed development was supported.

Community Consultation

The proposal was advertised for a three week period. Four (4) submissions were received during the advertising period.

Councillor/Officer Consultation

The proposal was received by the City and it was tabled for the Development Coordinating Unit (DCU) of the following week. At this time some issues were discussed among the relevant departments of the City.

Following the DCU meeting, the proposal was prepared for advertisement in accordance with scheme requirements.

Since the proposal also raises Greater Bunbury Region Scheme (GBRS) issues, the City consulted with the Department of Planning (DoP) to discuss the proposal and its relation to the GBRS. A meeting was held between the City and the DoP and the DoP indicated that they supported the recommendation of this report. They also stated that even in the case that the City supported the proposal and recommended approval under the GBRS, the DoP was unlikely to endorse this recommendation.

Analysis of Financial and Budget Implications

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

Life-cycle Maintenance Costs (Capital Works Projects Only)

Not applicable.

Economic, Social, Environmental and Heritage Issues

There are no known economic implications regarding the proposal. The site/ premises are not listed under the City's Municipal Inventory. With regard to social implications, these have been discussed earlier in the report in the section considering the submissions that were received. One submission also included some environmental concerns for the site (regarding stormwater).

Council Policy Compliance

It is considered that the Recommendation does not contravene any known operable Council policy.

Legislative Compliance

Legislative requirements relating to the Local Government Act or any other Act, Local Law, or regulations have been complied with in the processes leading up to the finalisation of this report.

Delegation of Authority

The City's Local Planning Policy- Development Applications Assessment Processes: Rights of the Applicant and the Community requires for an application to be automatically referred to Council for a decision when submissions are received as the result of public advertising.

Relevant Precedents

There are no known relevant precedents.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Support the proposal. Should Council resolve to proceed with this option, a suggested format for such action is as follows:

Council, under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby resolves to:

1. *Support the proposed caretaker's dwelling for Lot 100 Estuary Drive, Vittoria and recommend to the Western Australian Planning Commission that approval be granted for the proposed caretaker's dwelling subject to:*
 - 1.1 *Revised plans being received from the applicant which show the caretaker's dwelling reduced in area to 100 square metres maximum (measured from the external face of walls), in accordance with the Western Australian Planning Commission's Planning Bulletin No. 70.*
 - 1.2 *All other applicable development conditions to the satisfaction of the Senior Manager Development Services.*
2. *Advise the applicant and submitters of Council's decision.*

Conclusion

The proposed caretaker's dwelling was advertised for three weeks and four submissions were received by the City. All four submissions if not objecting outright to the proposed development, at least raised concerns in relation to the proposal. The main issue raised in the submissions was the issue of the incompatibility of the subject land uses (industrial/ residential).

This is a key issue in the determination of this proposal. The WAPC's Planning Bulletin No. 70 acknowledges this issue to be fundamental in relation to caretakers' dwellings. It therefore states that there should be a general presumption against the establishment of caretakers' dwellings in industrial areas to avoid potential conflict and associated environmental problems. There is no compelling reason why Council should vary this position.

At the same time, Department of Planning (DoP) have indicated that they are not in favour of the proposal. Even if the City supports the proposal and recommends approval under the GBRS, the DOP is unlikely to endorse this recommendation.

Further to the above, there is the issue of a precedent being set if approval was to be granted. Approval of this application may lead to many other applications for

caretakers' dwellings in industrial areas (including the Bunbury Business Park) and could potentially change these areas dramatically by compromising the integrity of the industrial areas and leading to unacceptable residential environments.

It is recommended that the proposed caretaker's dwelling be refused.

Recommendation

Council, under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby resolves:

1. Not to grant Planning Approval for the proposed caretaker's dwelling for Lot 100 Estuary Drive, Vittoria on the following grounds:
 - 1.1 The development is likely to compromise the integrity of the industrial area in which it is proposed to be located and allow an unacceptable residential environment.
 - 1.2 The proposed development is contrary to the provisions of clause 1.6.3, (k) of the City's Town Planning Scheme No. 7 in that it does not ensure the separation of incompatible land uses.
 - 1.3 The proposed development does not guarantee protection of the Bunbury Port but is likely to compromise the operation and proposed expansion of this key infrastructure.
 - 1.4 The proposed development is contrary to the provisions of clause 10.2.1, (b) of the City's Town Planning Scheme No. 7 in that it would not meet the requirements of orderly and proper planning and would create an undesirable precedent.
2. Advise the applicant and submitters of Council's decision.

Outcome – Council Committee Meeting 11 May 2010

Cr Steck disclosed an impartiality interest in this item as she has an interest in common with the applicant. She has elected to leave the chambers during discussion and not vote on this matter.

The applicant Mr Wayne Stewart was in attendance in the gallery and was available to answer any questions from members. During discussion Mr Stewart stated that he had been on the premises for the past ten (10) years and he kept bees in hives. He has previously kept them at other locations but has been the victim of vandalism. Since being at Estuary Drive he has not had an issue. He was asked by a councillor if he was prepared to address the issues raised by his neighbours in the submissions. He stated that he would.

Cr Slater moved, Cr Jones seconded option 2 (as printed).

The Mayor put Option 2 to the vote and was adopted to become the Committee's recommendation on this issue.

(Committee Recommendation over leaf)

Committee Recommendation

Support the proposal. Should Council resolve to proceed with this option, a suggested format for such action is as follows:

Council, under and by virtue of the powers conferred upon it by the Planning and Development Act 2005 hereby resolves to:

- 1. Support the proposed caretaker's dwelling for Lot 100 Estuary Drive, Vittoria and recommend to the Western Australian Planning Commission that approval be granted for the proposed caretaker's dwelling subject to:
 - 1.1 Revised plans being received from the applicant which show the caretaker's dwelling reduced in area to 100 square metres maximum (measured from the external face of walls), in accordance with the Western Australian Planning Commission's Planning Bulletin No. 70.**
 - 1.2 All other applicable development conditions to the satisfaction of the Senior Manager Development Services.****
- 2. Advise the applicant and submitters of Council's decision.**

CARRIED
6 votes "for" / 4 votes "against"

It was requested that the votes be recorded as follows:

For: Mayor D Smith, Cr Leigh, Cr Jones, Cr Slater, Cr Harrop, Cr Punch

Against: Deputy Mayor Cr Kelly, Cr Spencer, Cr Major, Cr Craddock

11.3 Proposed Relinquishment of Interest in Reserve 46925 (Lot 1043) Stallard Place, Bunbury *(was listed as item 11.3 on the meeting agenda)*

File Ref:	F000101
Applicant/Proponent:	T.J & A Vandenhurk, Owners: 44 Stallard Place, Bunbury
Author:	Ron Boardley, Senior Property Officer
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

An application has been received from T.J & A Vandenhurk being the owners of 44 (Lot 1) Stallard Place, Bunbury seeking Council's consideration to relinquish its interest in Reserve 46925 (Lot 1043) Stallard Place and then offering to purchase the land for amalgamation from Department of Regional Development and Lands (Land Division – South West).

A copy of the site plan **attached** at Appendix 2.

Background

The City holds the Management Order over Reserve 46925 on Crown Land record LR Vol 3128 Fol 331 for the purpose "Access".

The Water Corporation has an existing easement over the Reserve for "Water Sewerage or Drainage Purposes" and has no objection to the proposal subject to the applicant being aware that development of the site is restricted due to this easement.

WA Gas Networks (formally known as Alinta Gas) have a pipeline on the site and have no objection to the proposal provided that WA Gas Networks is granted a section 144 easement over the land.

The properties to the west along Stallard Place have also received the benefit of acquiring a similar track of land/amalgamation under a separate proposal back in 2002.

Reserve 46925 serves no purpose as public open space access as it is developed on three boundaries and due to its area of 44m² it is deemed surplus to the City's requirements. The land is zoned Residential R15/30.

The owners of 82 Parade Road adjoining the Reserve on the opposite side, have no objections to the proposal.

Subject to Council relinquishing the Reserve, the applicant will be required to:

- Finalise the Contract of Sale with Department of Regional Development and Lands.
- Water Corporations easement to be registered over the new Certificate of Title.
- WA Gas Networks easement to be registered over the new Certificate of Title.

- Meet all costs associated with the transaction.

Strategic and/or Regional Outcomes

Strategic Issues

Council's land facilities portfolio are considered with reference to the Council's 2007 – 2012 Strategic Plan through Strategic Direction 2.4 which states that the City will *“develop a property strategy that benefits the City's residents, businesses, community and sporting organisations”*.

Regional Outcomes

Not applicable to this item.

Community Consultation

The adjoining property owner at 82A Parade Road, Department of Regional Development and Lands, Aqwest, Western Power, Telstra and Water Corporation have no objection to the proposal.

Councillor/Officer Consultation

The City's Executive and the applicants have mutually agreed on the terms and conditions for the purchase of the reserve.

The City's Development Services Officers have been consulted.

Analysis of Financial and Budget Implications

Council has incurred only minor expenditure in maintaining the site over recent years.

Subject to the necessary approvals being obtained by the applicant to purchase, the proceeds will be retained but the State.

The applicant will be responsible to meet all associated costs in this transaction.

Life-cycle Maintenance Costs (Capital Works Projects Only)

Not applicable to this item.

Economic, Social, Environmental and Heritage Issues

Economic Issues

There are no known economic issues associated with the proposal.

Social Issues

The amalgamation provides the applicant with the benefit of an increase in land area to improve the amenity of the land holding.

Environmental Issues

The sewer easement will be protected by the existing easement, whilst WA Gas will be granted an easement on the new title to protect its interests.

Heritage Issues

There are no known heritage issues associated with the proposal.

Council Policy Compliance

The policy associated with Town Planning Scheme No. 7 has been complied with. There are no other relevant policies.

Legislative Compliance

Pursuant to Section 3.58 of the Local Government Act 1995 "Disposing of Property", Regulation 30(2)(a)(ii) does not require disposition to be advertised as the subject land would not be of significant benefit to anyone other than the applicant.

Pursuant to Section 50 of the Land Administration Act 1997 the Minister for Lands will revoke the Management Order subject to Council's decision to relinquish.

Delegation of Authority

Pursuant to Section 5.42 of the Local Government Act 1995 the Chief Executive Officer is delegated to approve any Reserve administration matters which do not expressly require a resolution of Council including such matters as closures of pedestrian accessways, public right of ways, private right of ways, leasing of Reserves, modifications to Reserve areas and accepting / or surrendering management orders.

Relevant Precedents

Council has previously considered similar proposals from owners of adjoining Council land including:

- Portion of road reserve – Lot 11 Minnipup Road
- Portion of drainage reserve – Lot 26 Forrest Avenue

Options

Option 1

Per the recommendation listed in this report.

Option 2

Per the recommendation listed in this report, with addition or amendments suggested by members of Council at the meeting.

Option 3

Council do not support the application to purchase Reserve 46925.

Conclusion

The subject Reserve is surplus to the Council's requirements and serves little purpose as public open space as it is developed on three sides, has an area of 44m² and the permitted uses are limited. Permitting the applicant to amalgamate the land with their property at 44 Stallard Place will reduce the City's maintenance costs and provide the applicant with an opportunity to develop the property to it's best advantage.

Recommendation

Council agrees to an application from TJ & A Vandenhurk 44 (Lot 1) Stallard Place, Bunbury to relinquish the management of Reserve 46925 (Lot 1043) Stallard Place, Bunbury to Department of Regional Development and Lands on the following conditions:

1. The applicant and Department of Regional Development and Lands enter into a Contract of Sale of Reserve 46925 for amalgamation with the applicants property, 44 (Lot 1) Stallard Place, Bunbury and register the existing Water Corporation sewer, and WA Gas Networks pipeline easements on the new Certificate of Title.
2. The applicant will be responsible for meeting all associated costs in this transaction.

Outcome – Council Committee Meeting 11 May 2010

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

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

Committee Recommendation

Council agrees to an application from TJ & A Vandenhurk 44 (Lot 1) Stallard Place, Bunbury to relinquish the management of Reserve 46925 (Lot 1043) Stallard Place, Bunbury to Department of Regional Development and Lands on the following conditions:

1. **The applicant and Department of Regional Development and Lands enter into a Contract of Sale of Reserve 46925 for amalgamation with the applicants property, 44 (Lot 1) Stallard Place, Bunbury and register the existing Water Corporation sewer, and WA Gas Networks pipeline easements on the new Certificate of Title.**

2. The applicant will be responsible for meeting all associated costs in this transaction.

CARRIED
11 votes "for" / Nil votes "against"

11.4 Proposed Disposal of Section 20A Reserve 31945 (Lot 1032) Harrison Place, Bunbury *(was listed as item 11.4 on the meeting agenda)*

File Ref:	AO3518
Applicant/Proponent:	Internal report
Author:	Bill Carlsen, Project Officer
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

The City has identified Reserve 31945 Harrison Place as being surplus to its requirements and has recently attained State Lands – South West comments that it has no objection to the disposal subject to Section 20A guidelines for the disposal of Public Recreation Reserves.

In accordance with the guidelines net proceeds from the sale will be allocated to improve capital infrastructure on public open space in close proximity. Staff have identified Irwin Street Reserve path improvements, interpretative signage and table/seating rest areas as priority needs to be funded by proceeds from the sale of the subject reserve. A public consultation programme was recently undertaken to inform and seek opinion on the sale and intended use of proceeds. The submissions received support the proposal and also drew to attention, the need for pathways to improve links and accessibility to the Irwin Street reserve.

The proposed expenditure from the nett proceeds from the sale of the Harrison Street Reserve is as follows:

- a. Irwin Street Reserve provisions
 - i. A path network upgrade through the reserve.
 - ii. Interpretive signs.
 - iii. Gates and bollards
 - iv. Rest area benches.
- b. Provision of access for the residents from Wattle Hill Lodge to the Irwin Street Reserve.
- c. Provision of sections of a new shared path on Greensell Street between Stockley Road and William Street

Background

On 12 June 2001 the City agreed to relinquish portion of Reserve 31945 for amalgamation with property owned by Wattle Hill Lodge Inc. Clause (c) (ii) of the Council's decision states that a portion of the reserve was to be retained as an 'open space buffer' to satisfy the objection of the (then) owners of Lot 605 Harrison Place.

In correspondence received 21 June 2005 the new owners of Lot 605 Harrison Place expressed interest in purchasing the adjoining subject land, Reserve 31945. In response the owners were advised on process of sale and that any decision to sell the land would require the City to formally relinquish its interest in Reserve 31945 and consent to sale.

At the Council Meeting held on 7 August 2007 it was decided to amend the City's Town Planning Scheme No.7 Zoning for various portions of land including the subject land from "Parks and Recreation" to "Residential R40". The Western Australian Planning Commission (WAPC) approved the amendment (Ref: 853/6/2/11 Pt 20) on 12 January 2009. Subsequently a copy of the notice was published in accordance with the provisions of regulation 23(2) of the Town Planning Regulations 1967

Council has previously given its consent to dispose of land identified as surplus to its public open space requirements in accordance with the "Guidelines for the Administration of Section 20A Public Recreation Reserves". Proceeds from the disposal of Crown Land vested for Parks and Recreation are to be utilised for capital improvements on public open space in close proximity to the disposed site. Prior to commencing proceedings preliminary consent was sought from the Minister for Lands for the advertising and disposal of the Harrison Place Reserve. A site map of the subject land comprising an area of 860m² and overviews of the proximal area is **attached** at Appendix 3.

On 11 December 2009 the Department of Regional Development and Lands (DRDL) advised that it had no objections to the proposed disposal of Reserve 31945 subject to 20A Guidelines for the disposal of Public Recreation Reserves. Subsequently a community consultation programme was undertaken and a market valuation was sought from Landgate Valuation Services.

Strategic and/or Regional Outcomes

Council's Strategic Directions states: *"having parks and recreational facilities that meet customer needs, are well maintained, are strategically placed and provide value for money."*

The Integrated Open Space Strategy identifies a number of undeveloped reserves as being surplus to Council requirements. The rationalisation programme complies with Council's Strategic Plan 2(a) i.e., it provides support to the City's economy by developing the City's residential, tourism and commercial landholdings.

Community Consultation

Public consultation was previously undertaken as part of the rezoning process of a number of reserves that included the subject reserve.

Further to this, a community consultation programme to deal specifically with disposal of the Harrison Place Reserve was commenced 8 February 2010 and involved the following actions:

- Owners and/or occupiers of property within 500 metres of each site received a letter of introduction and copy of the relevant site plan, with an invitation to comment by 2 March 2010.
- The proposal to dispose of Reserve 31945 Harrison Place, Bunbury was advertised in the Bunbury Herald Newspaper on 10 February 2010. The notice also advised that public submissions were sought and that these needed to be lodged by the due date.

- A copy of the public notice was displayed on the City's website and public information boards at the City Administration Centre and both libraries.
- A sign was also placed on the reserve providing notice of the proposal to dispose.

Outcomes of the Consultation Programme Ended 2 March 2010:

Only one objection was received based on a perceived accessibility impact to personal property; however this was subsequently withdrawn following further consultation. There were no objections to the proposed allocation of proceeds to provide infrastructure on the Irwin Street Reserve improvements.

Summary of Mail-Out.			
Total Sent to Residents/Owners in Bunbury & External	Total sent to service Authorities	Responses	Objections
348	6	17	1 (Subsequently withdrawn)

Four (4) respondents advised their support for sale and use of proceeds for Irwin Street Reserve improvements without indicating preferred infrastructure. One respondent while not against Irwin Street Reserve improvements, identified an alternative recreational site for consideration.

During the consultation period a total of fifteen (15) submissions were received and another two (2) were received after the closing date. Notwithstanding one objection to the sale of the reserve received and subsequently withdrawn after further consultation, the proposal was well received by residents, owners and service authorities consulted. The allocation of proceeds for Irwin Street Reserve improvements and its associated pathway links also gained favour.

Irwin Street Reserve favoured for appropriation of the major part of proceeds from sale of the Irwin street reserve is a sand dunal reserve with coastal dunal vegetation (coastal heath) in the western part and moderate area of tuart, marri and peppermint trees in the eastern part. It is approx 9 hectares in size.

The City of Bunbury Community Conservation Network has been working with the "Friends of the Irwin Street Reserve" and Aqwest to undertake rehabilitation activities. While the volunteers will continue this work into the future, significant infrastructure and links for improved accessibility is required to enable the Irwin Street Reserve to achieve its full potential as strategic public open space to be appreciated by the wider community.

In the submission of projects identified by the members of Friends of the Irwin Street Reserve, attention is drawn to a draft bushland management plan prepared for the reserve in 2001 and its recommendations for improvements relating to public access and recreation as well as use by the elderly and disabled.

A Schedule of Submissions is **attached** at Appendix 4 for Council's consideration.

Councillor/Officer Consultation

Councillors, the Executive Management Team and relevant officers have previously been briefed in relation to disposal of Section 20A Reserves.

At its meeting held 30 October 2008 the Land Rationalisation & Acquisitions Committee in relation to Crown Reserve 31945 Harrison Place agreed, "...*The City is to obtain community consultation (combined with preliminary comments from DPI) before presenting a proposal to dispose of this land to the Council...*" The minutes were received by Council at its meeting held on 16 December 2008.

A memorandum to His Worship the Mayor and Councillors dated 2 February 2010 was circulated in regards to disposal of Reserve 31945 (Lot 1032) Harrison Place.

Analysis of Financial and Budget Implications

The market valuation prepared by Landgate Valuation Services dated 18 February 2010 identifies the former Reserve land on the basis of residential R40 to be valued at \$330,000 (inclusive of GST)

The disposal of the Harrison Place Reserve would provide funds to develop other local open space and its linkages identified in this report.

Nett Proceeds Available for Allocation to Capital Works:

- Disposal of Section 20A Reserves should generally be on the basis of payment to Department of Planning and Infrastructure (DPI) of \$500 or 5% of unimproved market value (as advised by the Valuer General), whichever is the greater. In respect the Harrison Place valuation, a payment of \$16,500 would be on order.
- The constructing a turning circle (if required) to enable driveway access to the Harrison Street Reserve will be deducted from the proceeds of the sale and is estimated to cost \$40,000.
- Other costs include statutory and selling fees payable Council.

Life-cycle Maintenance Costs (Capital Works Projects Only)

There is no impact on the current budget. Due to the nature of proposed capital improvement on the Irwin Street Reserve and attraction of volunteer support, minimal on-going maintenance extended over a long term can be anticipated.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The high level of public open space development and maintenance further increases property values.

Social Issues

The presentation and amenity of the public open space enhances local resident's lifestyle and is in line with Council's Strategic Directions that states "...*having parks*

and recreational facilities that meet customer needs, are well maintained, are strategically placed and provide value for money..."

Environmental Issues

The proposal does not conflict with the amenity of the area, and there is no perceived environmental issues relating to the proposed development.

Heritage Issues

There are no known heritage issues relative to this item.

Council Policy Compliance

The proposal does not contravene any existing Council Policy.

Legislative Compliance

The proposal does not conflict with Council's statutory or legislative obligations

The proposed disposal of the subject reserve will be undertaken in accordance with the "Guidelines for the Administration of Section 20A Reserves" and Section 3.58(3) of the Local Government Act 1995.

Delegation of Authority

The Chief Executive Officer does not have Delegated Authority to approve the sale of Section 20A Reserves.

Relevant Precedents

Council has previously sold Section 20A Reserves and Council Freehold Title land to provide community benefits.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Not to proceed with the sale of the Harrison Street Reserve

Option 3

To Revise the Expenditure Programme

Conclusion

The City has identified Reserve 31945 Harrison Place as being surplus to its requirements and has attained State Lands – South West comments that it has no objection to the disposal subject to 20A guidelines for the disposal of Public

Recreation Reserves. In accordance with those guidelines a public consultation programme was undertaken on the proposed sale and use of proceeds.

No objection to the sale of the subject reserve and allocation of the proceeds to improve capital infrastructure on the Irwin Street Reserve identified during consultation was received from residents, owners and public authorities consulted.

Progression of the disposal of Reserve 31945 Harrison Place will provide funds for capital improvements on the Irwin Street Reserve and its related path network that may otherwise not be available from other sources in the foreseeable future. The action is in line with Council's Strategic Directions that dictates: *"...having parks and recreational facilities that meet customer needs, are well maintained, are strategically placed and provide value for money..."*

Recommendation

1. Council proceed with the process for disposal of Reserve 31945 Harrison Place, Bunbury in accordance with the "Guidelines for the Administration of Section 20A Reserves".
2. On final approval from the Minister for Lands Reserve 31945 Harrison Place is to be offered for sale at the Market Value determined by the Valuer General 18 February 2010.
3. The Nett proceeds from the disposal of Reserve 31945 are to be appropriated for Capital infrastructure on the Irwin Street Reserve and related connecting links in agreed order of priority listed and limited in extent by total net proceeds available:
 - a. Irwin Street Reserve provisions
 - i. A path network upgrade through the reserve.
 - ii. Interpretive signs.
 - iii. Gates and bollards
 - iv. Rest area benches.
 - b. Provision of access for the residents from Wattle Hill Lodge to the Irwin Street Reserve.
 - c. Provision of sections of a new shared path on Greensell Street between Stockley Road and William Street

Outcome – Council Committee Meeting 11 May 2010

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

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

Committee Recommendation

1. **Council proceed with the process for disposal of Reserve 31945 Harrison Place, Bunbury in accordance with the "Guidelines for the Administration of Section 20A Reserves".**

- 2. On final approval from the Minister for Lands Reserve 31945 Harrison Place is to be offered for sale at the Market Value determined by the Valuer General 18 February 2010.**

- 3. The Nett proceeds from the disposal of Reserve 31945 are to be appropriated for Capital infrastructure on the Irwin Street Reserve and related connecting links in agreed order of priority listed and limited in extent by total net proceeds available:**
 - a. Irwin Street Reserve provisions**
 - i. A path network upgrade through the reserve.**
 - ii. Interpretive signs.**
 - iii. Gates and bollards**
 - iv. Rest area benches.**
 - b. Provision of access for the residents from Wattle Hill Lodge to the Irwin Street Reserve.**
 - c. Provision of sections of a new shared path on Greensell Street between Stockley Road and William Street**

CARRIED
11 votes "for" / Nil "against"

11.5 Australian Local Government Association – National General Assembly of Local Government Conference – Canberra 14 to 17 June 2010 inclusive.*(was listed as item 11.5 on the meeting agenda)*

File Ref:	A00106
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary

The Australian Local Government Association has advised of the National General Assembly of Local Government Conference, to be held in Canberra from Monday 14 June to Thursday 17 June 2010 inclusive.

The theme for this year's conference is "Population, Participation and Productivity".

It is advised that delegates attending the conference will be informed on aspects and implications of the high population growth scenario, the ageing population and associated issues with a view to identifying solutions that will assist council's to meet the future challenges in providing services and infrastructure at the local level.

This conference will be followed on Friday 18 June 2010 by the third meeting of the Australian Council of Local Government.

Background

The conference will commence with the Government hosting a welcome reception on the evening of the 14 June 2010.

The following days consist of speakers including the Prime Minister (Invited), Kerry O'Brien (ABC 7.30 Report), Senator Bob Brown, the Hon Warren Truss MP, the leader of the opposition the Hon Tony Abbot MP and the Federal Minister for Local Government, the Hon Anthony Albanese MP.

Topics to be discussed include Constitutional Reform, 2010 Federal Election (The Inside Story), Population Debate, Women in Politics and Productivity and Participation into the future.

Strategic and/or Regional Outcomes

This item can be aligned with the City of Bunbury Strategic Plan 2007 – 2012, Strategic Objective 6 *"Develop Social Capital, Strategy 6.3 "Community Planning and Infrastructure"*.

The Chief Executive Officer has indicated he may also attend this conference as it is proposed by the Members of the recently formed WA Regional Councils Alliance, to conduct a meeting of their own whilst in Canberra and where they may have the opportunity of direct access to Federal Ministers.

His Worship the Mayor has also indicated that it is his intention to attend a National Sea Change Taskforce meeting which is due at approximately this time (time and date yet to be confirmed).

His Worship the Mayor has also indicated a desire to leave on Friday 11 June 2010 in order to attend to other Council business in Sydney prior to the conference at his own expense.

Community Consultation

There is no requirement for this matter to be referred for community consultation.

Councillor/Officer Consultation

His Worship the Mayor and the Chief Executive Officer have been made aware of this conference by receipt of their invitations.

This report serves to provide Council with the formal process to approve attendance by His Worship, in accordance with Council policy CEO1, *“Conferences, Seminars, Training and Induction Courses – Attendance by Elected Members”*.

Analysis of Financial and Budget Implications

Councils 2009/10 Budget contains sufficient funding allocations to accommodate attendance at this conference.

Economic, Social, Environmental and Heritage Issues

It is anticipated that attendance at this conference will assist in long term identification of several economic, social and potentially environmental issues, and will contribute to the development of policy and future planning processes that will enhance the City of Bunbury’s capacity to continue to provide good governance, service and facilities for its communities.

Council Policy Compliance

Attendance at this conference complies with existing Council Policy CEO1, *“Conferences, Seminars, Training and Induction Courses – Attendance by Elected Members”*.

Legislative Compliance

There is no legislative compliance issues associated with this matter other than compliance with the aforementioned policy CEO1.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to approve elected member attendance at this conference.

Relevant Precedents

Council has on numerous occasions in the past, approved the attendance of His Worship the Mayor and/or other elected members to attend relevant conferences.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council not approve attendance at the Inaugural Australian Council of Local Government Conference in Canberra, on Tuesday 18 November 2008.

Conclusion

All Mayors, Shire Presidents and Chief Executive Officers from Australian Local Government received notification of the Local Government Association of Australia National General Assembly of Local Government Conference to be held in Canberra from Monday 14 June to Thursday 17 June 2010.

It is anticipated that the conference will address issues relevant to the City of Bunbury with regards to infrastructure development, economic sustainability, planning for the growing population, capacity building, productivity and participation.

Recommendation

Council approve the attendance of His Worship the Mayor, David Smith at the Australian Local Government Association National General Assembly of Local Government Conference to be held in Canberra from Monday 14 June to Thursday 17 June 2010 inclusive.

Outcome – Council Committee Meeting 11 May 2010

At this point in the proceedings (10.18pm) Deputy Mayor Cr Kelly left the chambers and did not return in time to vote.

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

During the discussion His Worship the Mayor requested that the members accept his application for Leave of Absence as an amendment to the motion. The mover and seconder accepted this amendment.

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

(Full Committee Recommendation overleaf)

Committee Recommendation

- 1. Council approve the attendance of His Worship the Mayor, David Smith at the Australian Local Government Association National General Assembly of Local Government Conference to be held in Canberra from Monday 14 June to Thursday 17 June 2010 inclusive.**
- 2. Pursuant to Section 2.25 of the Local Government Act 1995, His Worship the Mayor is granted Leave of Absence from all Council related business from Friday 11 June 2010 to Friday 18 June 2010 inclusive.**

CARRIED

10 votes "for" / Nil votes "against"

11.6 Attendance – Third Meeting of Australian Council of Local Government - Friday 18 June 2010 *(was listed as item 11.6 on the meeting agenda)*

File Ref:	A00106
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary

On 18 September 2008, the Prime Minister, The Honourable Kevin Rudd MP and the Minister for Infrastructure, Transport, Regional Development and Local Government, the Honourable Anthony Albanese MP, announced the establishment of the Australian Council of Local Government (ACLG)

His Worship the Mayor attended this inaugural meeting of (ACLG) on Tuesday 18 November 2008 at Parliament House in Canberra.

An invitation has now been extended to attend this year's meeting on Friday 18 June 2010 following the National General Assembly of Local Government Conference entitled "Population, Participation and Productivity" which is being conducted from Monday 14 June to Thursday 17 June 2010 inclusive. (Refer previous agenda item 11.5)

Background

The third meeting of the Australian Council of Local Government has been scheduled for Friday 18 June 2010 in Canberra and will follow on from the National General Assembly of Local Government Conference which is being held from Monday 14 to Thursday 17 June 2010. (Refer previous agenda item 11.5).

A formal invitation is expected to be received in the near future, detailing aspects from the proposed agenda.

Strategic and/or Regional Outcomes

This item can be aligned with the City of Bunbury Strategic Plan 2007 – 2012, Strategic Objective 1, "Improve the relationships with State, Federal and Other Local Governments. It also ties in with strategy 1.1, to "place Bunbury and the South West on the Agenda for the Federal Regional Development Council".

The Chief Executive Officer has indicated he may also attend this meeting.

Community Consultation

There is no requirement for this matter to be referred for community consultation.

Councillor/Officer Consultation

His Worship the Mayor has previously attended this meeting and early approval will guarantee accommodation in close proximity to the venue.

This report serves to provide Council with the formal process to approve attendance by His Worship the Mayor, in accordance with Council policy CEO1, *“Conferences, Seminars, Training and Induction Courses – Attendance by Elected Members”*.

Analysis of Financial and Budget Implications

Councils 2009/10 Budget contains funding allocations to accommodate attendance at this meeting.

Economic, Social, Environmental and Heritage Issues

It is anticipated that attendance at this meeting will assist in long term identification of several economic, social and potentially environmental issues, and will contribute to the development of policy and future planning processes that will enhance the City of Bunbury's capacity to continue to provide good governance for its communities.

Council Policy Compliance

Attendance at this meeting complies with existing Council Policy CEO1, *“Conferences, Seminars, Training and Induction Courses – Attendance by Elected Members”*.

Legislative Compliance

There is no legislative compliance issues associated with this matter other than compliance with the aforementioned policy CEO1.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to approve attendance at this meeting.

Relevant Precedents

Council has on numerous occasion in the past, approved the attendance of His Worship the Mayor and/or other elected members to attend relevant conferences.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council not approve attendance at the Council of Local Government Meeting in Canberra, on Friday 18 June 2010.

Conclusion

All Mayors and Shire Presidents from Australian Local Government have been invited to attend the third Meeting of the Australian Council of Local Government in Canberra on Friday 18 June 2010.

It is anticipated that the meeting may address issues relevant to the City of Bunbury and Local Government in general with regards to future funding, infrastructure development, economic sustainability and other relevant issues.

Recommendation

Council approve the attendance of His Worship the Mayor, David Smith at the third Meeting of the Australian Council of Local Government in Canberra, on Friday 18 June 2010.

Outcome – Council Committee Meeting 11 May 2010

Deputy Mayor Cr Kelly had not returned to the Chambers during this item and therefore was not present for the vote.

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

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

Committee Recommendation

Council approve the attendance of His Worship the Mayor, David Smith at the third Meeting of the Australian Council of Local Government in Canberra, on Friday 18 June 2010.

CARRIED
10 votes "for" / Nil votes "against"

11.7 Advisory Committee and/or Project Control Group Minutes to be Noted at the Council Committee Meeting (was listed as item 11.7 on the meeting agenda)

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

Committee Members are to refer to the report issued under separate cover.

Recommendation

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

1. Title: Minutes –Bunbury-Setagaya Sister Cities Committee (24/02/2010 & 8/04/2010)
Author: Jennelle Dunn, Cultural Development Officer
File: A00443-27

Outcome – Council Committee Meeting 11 May 2010

Deputy Mayor Cr Kelly had not returned to the Chambers during this item and therefore was not present for the vote.

The recommendation (as printed) was moved Cr Jones, seconded Cr Major

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

Committee Recommendation

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

1. Title: Minutes –Bunbury-Setagaya Sister Cities Committee (24/02/2010 8/04/2010)
Author: Jennelle Dunn, Cultural Development Officer
File: A00443-27

CARRIED
10 votes "for" / Nil votes "against"

12. Motions on Notice

12.1 Motion on Notice – Skate Park in Glen Iris (was listed as item 12.2 in the meeting agenda)

File Ref:	A00217
Applicant/Proponent:	Councillor Michelle Steck
Author:	Councillor Michelle Steck
Executive:	<i>If adopted by Council refer to: Michael Scott, Executive Manager City Services</i>

Cr Steck has given notice that she intends to move the following motions at the Council Committee Meeting on 11 May 2010:

- "1. *The City of Bunbury approves the establishment of a skate park in Glen Iris in the 2010 Budget.*
2. *That a local working committee with community members be established to develop a design and maximum benefit to the local community. "*

Comments - Cr Steck

In support of her motion, Cr Steck states that, *"I recently received several requests from residents of Glen Iris, notably from an eleven year old boy Mr Cody Phillip, requesting for the construction of a skate park in Glen Iris. It is my view that Glen Iris does need a skate park. I drove around the suburb to identify what the suburb had in play infrastructure, door-knocked and discussed the matter of a skate park with residents. The proposal was well received with those who I spoke with.*

Although Glen Iris is an established suburb with three schools, it is still a developing suburb with many new homes being constructed. In truth, Glen Iris is probably the most developing suburb in Bunbury. The demographics are mostly young families.

There is no cycle path from the Suburb to the City of Bunbury. If the children wanted to get to the city centre skate park, they would be riding on the highest traffic volume road in Bunbury. The local transit busses also charge extra for bicycles. Parents are not in favour of their children seemingly loitering around the city. Yet the suburb of Glen Iris has two main entrances on two major arterial roads, notably the Freeway.

Residents are crossing four freeway lanes if they are travelling by bus. The freeway does have a bus stop with no shelter. The bus stop is very dangerous and needs urgent attention also. "

Executive Comments

It is not normally acceptable for Council to approve a project without first identifying a suitable site and undertaking an assessment of the cost of the works for approval prior to the consideration of other budget works and priorities.

Cr Steck's Motions

1. The City of Bunbury approves the establishment of a skate park in Glen Iris in the 2010 Budget.
2. That a local working committee with community members be established to develop a design and maximum benefit to the local community.

Outcome – Council Committee Meeting 11 May 2010

This matter was dealt with before section 11 (at approx 6.34pm).

The Motion on Notice (as printed) was moved Cr Steck, seconded Cr Steele to become the motion under discussion.

The Mayor asked if there were any members of the public that would like to speak to the item.

Mr Cody Philipp (11 years old) of 14 Salvia Link, Glen Iris addressed the Committee and asked for their consideration in building a skate park in Glen Iris. As he is only 11 years old, he is unable to ride his bike into the city as he has to cross main roads and there is no footpaths connecting Glen Iris to the city It costs too much to take his bike on the bus and his mother can not drive.

Deputy Mayor Cr Kelly moved, Cr Leigh seconded an amendment to point 2 of the motion as follows:

2. that a local working committee with community members be established
 - 2.1 to identify a suitable site for the proposed skate park in Glen Iris
 - 2.2 to develop a design
 - 2.3 to undertake an assessment of the cost of works including assessment management cost on a yearly basis
 - 2.4 refer the construction to the 2010 / 2011 budget and or next round of Royalties for Regions funding

The Mayor put the Kelly / Leigh amendment to the vote – 10 votes “for”/2 votes “against” CARRIED

The Mayor then put the Steck / Steele amended motion to the vote in separate parts:

Point 1: 2 votes “for” / 10 votes “against” LOST

Point 2: 12 votes “for” / Nil votes “against” CARRIED

Committee Recommendation

- 1. That a local working committee with community members be established**
 - 1.1 to identify a suitable site for the proposed skate park in Glen Iris**
 - 1.2 to develop a design**
 - 1.3 to undertake an assessment of the cost of works including assessment management cost on a yearly basis**
 - 1.4 refer the construction to the 2010 / 2011 budget and or next round of Royalties for Regions funding**

12.2 Motion on Notice – Hansard *(was listed as item 12.1 on the meeting agenda)*

File Ref:	A00217
Applicant/Proponent:	Councillor Michelle Steck
Author:	Councillor Michelle Steck
Executive:	If adopted by Council refer to:

Cr Steck submitted the following motion for the Council Committee Meeting on 11 May 2010:

- “1. *For the purposes of accurate record keeping, accountability, transparency and fair information exchange to the public, Bunbury City Council approve in the 2010 budget the establishment of Hansard, for the purposes of all verbal records (transcripts) to be placed on the council website with the council minutes of meetings.*
2. *That an internal policy be established providing the framework and guidelines including publishing and audit times for variations before being posted/released as an official council record.*

Comments - Cr Steck

In support of her motion, Cr Steck states that, *“On occasions I have requested transcripts from meetings and the current process is for councillors to put the request in writing to staff. On one occasion when I requested information, it was relayed to me that councillors are not able to access all information from meetings, especially if what was said is deemed to be of a sensitive nature- however the particular item requested was mentioned in open gallery.*

I have been concerned for some time with information exchanged and being presented to Council during Council Meetings. My concern is when information presented at Council Meetings which at times has assisted in determining Council directions for policy or motions, which subsequently then information had been presented again in the future, only to be completely opposite or considerably varied with the intent of what was said or policy. Notably for me, The Underground Power Project – Withers and the adoption of a Scheme Amendment for Town Planning Scheme no 7 (being the 500m2 rule). Recently, insurance coverage for councillors and employees.

Of particular concern is when community groups and individuals have not been able to access meeting transcripts and have suggested that they found the process very frustrating. It was also indicated to me that on seeking information on transcripts, individuals felt almost bullied and were required to pay a hefty fee. This process can appear to be a deterrent for individuals and community groups trying to obtaining record information. Some Individuals and community groups have raised concern and have bluntly said ‘they should be allowed to access public meeting records anytime, as it is their council, they pay for it in rates and it’s their community’.
Individuals and groups have raised concern with me about being told at times that they are ‘not allowed to copy information from certain transcripts-meaning not allowed to take notes’.

This has also been stated to me in the past when I had requested access to listening of transcripts.

I find this completely unacceptable. The process is very onerous, clumsy and time consuming for executives. All councillors and community members should be able to access transcript records from any council meeting that is open to the public. After each meeting all comments and discussion should be placed onto the web for any community member to read.

Hansard would also tidy up what some councillors may or may not say during debate which would effectively make debate more professional.

Hansard will also keep an accurate record of what is being said by executives and guests of council. On occasion I have found conflicting information on certain issues, this would eradicate that also.

Another area of particular importance is obtaining access to information on transcripts which are over 12 months old.

With the recent request of the State Government in tightening councillor records, I believe Hansard would be an invaluable tool for councillors in the event that there is any investigation.

Executive Comments

The Executive's suggest that this matter be referred to a future Committee/Council meeting in order that research and opinion may be sought.

The initial view is that this proposal could be harmful in that our current minutes are fully compliant with established procedures and guidelines as determined by the Department of Local Government. The Local Government guidelines are considered to be best practice throughout the industry.

Cr Steck's Motion

1. For the purposes of accurate record keeping, accountability, transparency and fair information exchange to the public, Bunbury City Council approve in the 2010 budget the establishment of Hansard, for the purposes of all verbal records (transcripts) to be placed on the council website with the council minutes of meetings.
2. That an internal policy be established providing the framework and guidelines including publishing and audit times for variations before being posted/released as an official council record.

Outcome – Council Committee Meeting 11 May 2010

Pursuant to clause 2.7 of the City of Bunbury Standing Orders the Mayor is of the opinion that the councillor comments of the motion are of an objectionable nature and declares that it shall not be considered. In conjunction with clause 11.3.1 no member of council may impute motives or use objectionable expressions in reference to any member, officer of the council or any other person. The Mayor did state that if the motion was to be reworded it can then be resubmitted.

12.3 Motion on Notice – Glen Iris Pathway *(was listed as item 12.3 in the meeting agenda)*

File Ref:	A00217
Applicant/Proponent:	Councillor Michelle Steck
Author:	Councillor Michelle Steck
Executive:	<i>If adopted by Council refer to: Michael Scott, Executive Manager City Services</i>

Cr Steck has given notice that she intends to move the following motions at the Council Committee Meeting on 11 May 2010:

- "1. *That council endorses the immediate construction of a dual pathway from Glen Iris to the City in the 2010 budget.*

- 2 (a) *That council endorses the immediate construction of a bus shelter at the Freeway drop point in Glen Iris from the 2010 budget.*

- OR

- (b) *That council conduct an immediate enquiry into all the City Transit traffic routes which encompass Glen Iris as a drop-off point, for the purposes of improving pedestrian safety for the residents of Glen Iris.*

3. *That council endorses the immediate feasibility study in conjunction with main roads, for a pedestrian overpass being constructed either at the freeway connection at Glen Iris or the Eelup-round-about."*

Comments - Cr Steck

In support of her motion, Cr Steck states that, "Glen Iris is the only suburb in Bunbury who does not have a pedestrian connection to the city. A suburb the size of Glen Iris should have a pedestrian connection. Although Glen Iris is a mature suburb, it is still developing. Glen Iris is more than likely, the most developing suburb in all of Bunbury. Glen Iris has three schools, one of which extends to a senior school yet, there is no path connection to the city.

There are many new parents who use prams, there are some who have disabilities and there are people who deserve the right, to ride a bicycle to work or shopping for general fitness and mental wellbeing in a safe environment.

Glen Iris is less than ten minutes from the city. A connection pedestrian and cycle pathway is embarrassingly overdue. I have raised the issue of the pathway on many occasions during debate and truly the time has come for action from all of us.

The amounts of rates the citizens of Glen Iris have paid over the years should demand that a bus shelter on the freeway side and an immediate dual purpose path be constructed. I would expect that a bus shelter should also be constructed on Vittoria Avenue. The suburb connects onto two main arterial roads, one being the freeway the other Vittoria Avenue.

It is not acceptable that any person should be attempting to manoeuvre over four lanes of high volume traffic. The issue of safety for the residents of Glen Iris should be of a higher priority.

An enquiry into the possibility of changing the traffic route for the Bunbury City Transit should also occur. The transit bus should go via Vittoria Avenue through the suburb of Glen Iris and then out to the lights connection onto the freeway, before heading to other suburbs such as Eaton and Australind. Presently the transit bus drops off citizens at the freeway point, stranded to cross four lanes of traffic."

Executive Comments

This proposal requires assessment against council's currently approved priorities for City pathways based on established and agreed criteria.

Due to a lack of prior notice staff have not been able to provide any detailed comments on the implications or resources required to undertake the requested tasks.

Cr Steck's Motions

1. That council endorses the immediate construction of a dual pathway from Glen Iris to the City in the 2010 budget.
 - 2 (a) That council endorses the immediate construction of a bus shelter at the Freeway drop point in Glen Iris from the 2010 budget.
- OR
- (b) That council conduct an immediate enquiry into all the City Transit traffic routes which encompass Glen Iris as a drop-off point, for the purposes of improving pedestrian safety for the residents of Glen Iris.
 3. That council endorses the immediate feasibility study in conjunction with main roads, for a pedestrian overpass being constructed either at the freeway connection at Glen Iris or the Eelup-round-about.

Outcome – Council Committee Meeting 11 May 2010

The Motion on Notice (as printed) was moved Cr Steck, seconded Cr Harrop (pro forma) to become the motion under discussion.

The Mayor put the motion to the vote and it was LOST – 1vote "for / 10 votes "against"

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: Christmas Carnival 2009 Event Operational Report
Author: Nardine Walford-Jones, Events Officer
File: A03402
2. Title: Australia Day Celebrations & Fireworks Spectacular 2010 Event Operational Report
Author: Nardine Walford-Jones, Events Officer
File: A03402
3. Title: Viva Bunbury! 2010 Event Operational Report
Author: Nardine Walford-Jones, Events Officer
File: A03402
4. Title: Building Approvals/Development Applications – April 2010
Author: Gary Fitzgerald, Manager Development Services
File: A00566
5. Title: Schedule of Accounts Paid for the Period 1 April 2010 to 30 April 2010
Author: David Ransom, City Accountant
File: A00083

Outcome – Council Committee Meeting 11 May 2010

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

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

Committee Recommendation

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

1. **Title: Christmas Carnival 2009 Event Operational Report**
 Author: Nardine Walford-Jones, Events Officer
 File: A03402

2. **Title: Australia Day Celebrations & Fireworks Spectacular 2010**
 Event Operational Report
 Author: Nardine Walford-Jones, Events Officer
 File: A03402

3. **Title: Viva Bunbury! 2010 Event Operational Report**
 Author: Nardine Walford-Jones, Events Officer
 File: A03402

4. **Title: Building Approvals/Development Applications – April 2010**
 Author: Gary Fitzgerald, Manager Development Services
 File: A00566

5. **Title: Schedule of Accounts Paid for the Period 1 April 2010 to**
 30 April 2010
 Author: David Ransom, City Accountant
 File: A00083

CARRIED
11 votes "for" / Nil votes "against"

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

Nil

16. Close of Meeting

The meeting was declared closed at 10.40pm.