



## **Bunbury City Council**

### **Minutes**

**9 December 2014**



**CITY OF BUNBURY**  
4 Stephen Street  
Bunbury WA 6230  
Western Australia

*Correspondence to:*  
Post Office Box 21  
Bunbury WA 6231

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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

## GLOSSARY OF ABBREVIATED TERMS

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

## **Bunbury City Council Notice of Meeting**

Minutes of the Ordinary meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street Bunbury held Tuesday 9 December 2014.

### **Minutes 9 December 2014**

Note: These minutes are subject to confirmation at the next Ordinary meeting of the Council.

#### **1. Declaration of Opening / Announcements of Visitors**

The meeting was declared open by the Mayor Gary Brennan at 5.30pm.

#### **2. Disclaimer**

All persons present are advised that the proceedings of this meeting will be recorded for record keeping purposes and to ensure accuracy in the minute taking process, and will also be streamed live via the internet to the public.

#### **3. Announcements from the Presiding Member**

The Mayor invited Deputy Mayor Cr Kelly to share the outcomes of the National Sustainability Awards. Cr Kelly advised that the City of Bunbury was nominated for the Keep Australia Beautiful Sustainability Awards and that the CEO and Deputy Mayor travelled to Adelaide to be part of the presentations.

The City of Bunbury was “Highly Commended” for our work in resource recovery and waste management, acknowledging the rollout of our three bin system and the good work that has been done in resource recovery. Secondly, the City received an award for “Environmental Protection and Innovation”, acknowledging the Dolphin Discovery Centre and the plans for the Ocean to Preston Regional Park, and thirdly for “Heritage and Culture” which acknowledged Bunbury’s traditional heritage, particularly the development of Wardandi Park. The trip to Adelaide also included tours of the City of Marion, who have undertaken some particularly interesting work around water farming

and water recovery that the City of Bunbury could certainly learn from as we share similar water predictions and the challenges this presents for public open space.

Cr McCleary advised that the Bunbury Setagaya Sister Cities Committee has had two major achievements this year. The City was “Highly Commended” for the overall sister cities program, which included the lantern display at the Christmas Carnival, photography competition, athletics exchange and student exchange. The City of Bunbury also received an award for community involvement and Cr McCleary thanked all who have been involved.

The Mayor welcomed the Hon Adele Farina MLC to the chamber.

#### 4. Attendance

Present:

<b>Council Members:</b>	
Presiding Member	Mayor G Brennan
Deputy Presiding Member	Deputy Mayor Cr B Kelly
Members	Councillor J Hayward
	Councillor B McCleary
	Councillor S Morris
	Councillor J Jones
	Councillor S Morris
	Councillor J Miguel
	Councillor M Steck
	Councillor K Steele
	Councillor W Giles
	Councillor D Prosser
	Councillor M Cook
<b>Executive Leadership Team (Non-Voting)</b>	
Chief Executive Officer	Mr A Brien
Director Corporate and Community Services	Ms S Addison-Brown
Director Planning and Development Services	Mr B Karaszekwych
<b>Council Officers (Non-Voting)</b>	
Manager Engineering	Mr J Gick
Manager Corporate Projects	Ms F Anderson
Media and Communications Officer	Ms L Gallo
Manager Governance	Mr G Golinski
Manager Finance	Mr D Ransom
Council Meeting Support Officer	Ms K Halbert Ms L Allan
Manager Tourism and Wildlife Park	Ms K Knight
Senior Visitor Centre Officer	Ms D Tucker
Visitor Centre Officer	Ms M Italiano
<b>Others (Non-Voting)</b>	
Members of the Public	26
Members of the Press	2

#### 4.1 Apologies

Nil

#### 4.2 Approved Leave of Absence

Nil

### 5. Declaration of Interest

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

Section 5.60A: *“a person has a **financial interest** in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”*

Section 5.60B: *“a person has a **proximity interest** in a matter if the matter concerns –*

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land; or*
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or*
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.”*

Regulation 34C (Impartiality): *“**interest** means an interest that could, or could reasonably be perceived to, adversely affect the **impartiality** of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”*

Cr Jones declared an impartiality interest in Item 10.3.4 titled *“Proposed lease over Lot 1 Prosser Street, Lot 31 and 32 Spencer Street South Bunbury with Bunbury City Plaza Shopping Centre”* as she is Chairman of the Aqwest Board, and Aqwest may negotiate with the owners of the Plaza Shopping Centre regarding off-site parking. Cr Jones will remain in the chamber for the discussion and the vote on the matter.

Cr Morris declared a financial interest in Item 10.5.2 titled *“Petition Report – Request for an alfresco area for Caf-Fez at 18-20 Prinsep Street Bunbury”* as his business sells his chocolates to Caf-Fez.” Cr Morris will vacate the chamber for the discussion and the vote on the matter.

Cr Morris declared an impartiality interest in item 10.3.1 titled *“Service Review – Bunbury Visitor Centre”* as he is a member of the Dolphin Discovery Centre Board. Cr Morris will remain in the chamber for the discussion and the vote on the matter.

Cr Kelly declared an impartiality interest in item 10.3.4 titled *“Proposed lease over Lot 1 Prosser Street, Lot 31 and 32 Spencer Street South Bunbury with Bunbury City Plaza Shopping Centre”* as he part owns a property in nearby Alexander Street (approximately 150m away). Cr Kelly will remain in the chamber for the discussion and the vote on the matter.



Cr Steck declared a financial interest in item 10.3.4 titled *“Proposed lease over Lot 1 Prosser Street, Lot 31 and Lot 32 Spencer Street, South Bunbury with Bunbury City Plaza Shopping Centre”* as her partner owns commercial property within the City. Cr Steck will vacate the chamber for the discussion and the vote on the matter.

Cr Hayward declared an impartiality interest in item 14.1 titled *“Lovegrove Avenue School Frontage Project, Contract Variation PR-1172”* as his child attends Bunbury Primary School. Cr Hayward will remain in the chamber for the discussion and the vote on the matter.

Cr Steele declared an impartiality interest in item 14.1 titled *“Lovegrove Avenue School Frontage Project, Contract Variation PR-1172”* as her children attend Bunbury Primary School. Cr Steele will remain in the chamber for the discussion and the vote on the matter.

## 6. Public Question Time

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

In accordance with Standing Order 6.7(3)(a) a person wishing to ask a question, must complete a question form which is provided in the trays at the back of the public gallery and on the City’s website. The completed form must include your name and address and contain no more than three (3) questions. If your question requires research or cannot be answered at the meeting, it will be taken on notice and you will receive a written response and a summary of your question (and any responses provided) will be printed in the minutes of the meeting.

### 6.1 Public Question Time

The matter of the sale of Lot 70 College Grove was not listed for discussion for tonight. A formal report will be provided to Council at the first round of meetings in January 2015 at which time a formal recommendation will be provided to Councillors for consideration. At this stage officers are still in the process of assessing submissions and preparing a draft report. The number of submissions as at closing date were approximately 160 submissions along with a petition which is subject of an additional report to Council.

It needs to be noted that Council is currently only going to be assessing the disposal of the site and not what the final development will be. This would be a matter for consideration as part of the due diligence process for the purchaser.

A number of related questions have been provided for consideration at the Ordinary Meeting for 9 December 2014 which are outlined below along with preliminary responses.

Mr Zyggi Uchwal – PO Box 801, Bunbury WA 6231

1. Why were private valuers used and not Valuer General Office used for valuation of the Land?

*Reply: Council regularly uses private valuers to get faster turnaround on valuations. This is in accordance with legislative provisions and valuations are from registered valuers.*

2. Why 31 sites (existing zoning) is sold to Developers for \$775,000 (\$25,000 per site) if cleaning cost only \$400,000 then effective price per lot is \$12,000? If cost of clean-up reaches \$700,000 then land will be sold for less than \$2,000 per lot

*Reply: No decision has been made on the number of lots or the decontamination of site, therefore remediation costs are not known and all costs so far are purely speculative. Decontamination will be a cost for that must be absorbed by the developers.*

3. What will be benefit to the ratepayers from proposed sale – information obtained from CEO was that this sale will pay for extension of Somerville Drive and crossing to Robinson Drive, could be explained how much of this cost will be recovered while this land is being sold for free?

*Reply: The land is not being given away and any proceeds from the sale will need to be used for repayment of debt for the Somerville Drive extension which was completed last year.*

J. Yasmina Jackson, PO Box 801, BUNBURY WA 6231

1. Whilst the proposed elderly village was refused on the grounds of lack of amenities, what amenities exist for Alliance Housing to make it so attractive to buy?

*Reply: The Council has not refused any development on the site nor has amenity been raised as an issue for an elderly village. In relation to the questions about what makes the proposed site attractive to Alliance this is a question that should be referred to them for a response.*

2. Why is there a plan to make cluster of misery where worldwide study suggest that this is worst possible scenario and it will only add to detriment not solve the problem – see research Uni of NSW – School of Social Studies et al.

*Reply: There is no formal application before Council at this stage and therefore the question cannot be answered. The comments in relation to research are noted.*

3. Why Council do not learn from Pelican Point contention (Short stay apartment block) which cost Bunbury Ratepayers close to \$60,000, stop sale of the College Grove land to the proposed developer and avoid this issue altogether?

*Reply: The two matters are not related and are therefore not comparable. The application for the development at Pelican Point was considered in accordance with requirements of the planning scheme and building requirements, and decisions were then made based on factual information. As there is no development application before Council it is not possible to compare situations.*

Gary Probin, PO Box 801, BUNBURY WA 6231

1. As this is former shooting range – copper, lead, antimony and arsenic will be present – how City will deal with contamination on the site and who will pay the bill?

*Reply: Environmental consultants are currently working on the level of site contamination and will provide Council with a report once completed. Once the situation in relation to the level of contamination and costs of remediation are known this information will be further considered by Council. Addressing the costs of decontamination will be the responsibility of the developer.*

2. What is the estimated cost of the clean-up? If not determined or established, why sell before this data is available?

*Reply: Currently reports are being prepared to consider this matter*

3. City does not have money, only what it collects in rates and taxes, why City and Councillors propose to spend Ratepayers and Taxpayers money for nothing in return?

*Reply: The Termination Deed and the Joint Venture Agreement were developed based on the requirement to sell or develop land in order to repay debt.*

Kylie Clancy for Carly Stone, PO Box 801, BUNBURY WA 6231

1. What will prevent the Developer from constructing 84 houses or four story 180 units of flats after re-zoning?

*Reply: When a development application is lodged the Council will consider the matter. At this point in time there is nothing to assess and until an application is lodged a more detailed answer cannot be provided.*

2. Who will ultimately pay for the development and infrastructure of this proposed College Grove subdivision?

*Reply: Infrastructure required as part of any development is a cost for the developer.*

3. Why did the Council not listen to the overwhelming residents of the College Grove opposition to the proposed developer?

*Reply: Council has not made a decision in relation to this matter. A report is to be provided to Council for consideration in January 2015*

Darlene Drummond, PO Box 801, BUNBURY WA 6231

1. Why has no one else been offered to tender for the land?

*Reply: The City was approach for the sale and a report provided to Council for consideration. This is standard practice and the Local Government Act provides for this to occur.*

2. Why is there going to be a zone change?

*Reply: At this stage the concept for rezoning has only been raised to assist in determining financial viability of the project. No formal application for a zoning change has been lodged.*

3. Why is the land being re-zoned to smaller blocks when the demand for 500sqm plus blocks is there?

*Reply: At this stage the concept for rezoning has only been raised to assist in determining financial viability of the project. No formal application for a zoning change has been lodged.*

Jislav Daniel Uchwal, PO Box 801 BUNBURY WA 6231

1. Did Councillor Judy Jones, Bunbury City Council member excuse herself from dispute and voting on the subject as she is as well the Chairman of Alliance Housing and land in question is going to be sold to Alliance?

*Reply: No – when the matter was first considered by Council Alliance Housing was not a party to the proposal and hence there was no need for Cr Jones to disclose any conflict.*

2. When did Alliance Housing proposed purchase of the land?

*Reply: Council was advised of the joint venture between Alliance Housing and Stellar Living and its proposal on 11 November 2014.*

3. Will the tenants include people being rehoused from prisons, pathways (mental health) and other anti-social groups?

*Reply: No application has yet been lodged for the proposed development so no answers can be provided at this stage.*

Cole Jackson, PO Box 801, BUNBURY WA 6231

1. On our Facebook Page, we have several questions when the blocks will be sold, therefore, why can't the Council subdivide land into standard residential blocks for sale in line with the previous development in College Grove?

*Reply: When a formal development application is lodged, the Council will consider the matter further. The views of the residents have been passed on to the proposed purchasers.*

2. When was the College Grove land put to tender?

*Reply: The land has not been put to tender. It has been advertised for disposal in accordance with section 3.58(3) of the LGA*

3. Could Council guarantee that property and land values of existing residents will not suffer by ANY development by devaluation of our current property prices?

*Reply: No – this is a market driven outcome*

John Robinson for Rob Drummond, PO Box 801, BUNBURY WA 6231

1. What is the Council's plan for the intersection of Sommerville Drive and Bussell Highway? With any type of development how will the Council deal with the traffic congestions?

*Reply: This will be subject to a traffic management plan as part of any development proposal. Nothing has been approved by Council at this stage.*

2. How is the Council planning to control the increase in noise if the development goes ahead?

*Reply: As a residential subdivision, noise is not considered an issue at this stage of the process.*

3. Why is the government land being sold to a selected private enterprise without being offered to the public and other developers?

*Reply: The land is proposed to be disposed of in accordance with provisions of section 3.58(3) of the LGA.*

Mr Ahmad Adni, PO Box 1839 Bunbury 6231

1. In regards to the City taxi rank (in front of the Lord Forrest Hotel) and after hour parking by private cars: people regularly park in the taxi night rank pick up area. This causes the other cars to go around the taxis to have to veer to the wrong side of the road to get around them, it is only a matter of time before someone is injured or killed when this happens. Can anything be done to fix this?

*Reply: This question was taken on notice and a response will be provided in writing.*

2. During any event in Bunbury, there is a complete block on vehicles entering the city area. Can taxis be exempt from this so that people can be moved in and out of the city area, before and during the event.

*Reply: This question was taken on notice and a response will be provided in writing.*

Mr Mike Fenton, 25 Acacia St Bunbury 6230

1. Last evening Council had a Bushfire Threat Assessment Meeting attended by 18 people. 75 residents did not receive meeting notices until yesterday. Will the CEO Mr Brien schedule a new meeting to enable proper community consultation?

*Reply: This question was taken on notice and a response will be provided in writing.*

2. Most questions posed by residents were beyond the scope of Mr Widmer (insurance, negligence, Parks and Gardens, Rangers, Planning, etc). Will the CEO commit to chairing future meetings?

*Reply: This question was taken on notice and a response will be provided in writing.*

3. Two years ago the CEO told me that the private land at the corner of Upper Esplanade/Stockley Road did not pose a fire risk to Wattle Hill Lodge because the owners were building imminently. Can the CEO detail how much the owners have been fined for avoiding regulation firebreaks since then?

*Reply: This question was taken on notice and a response will be provided in writing.*

## **6.2 Responses to Public Questions Taken ‘On Notice’**

Nil

## **7. Confirmation of Previous Minutes and other Meetings under Clause 19.1**

### **7.1 Minutes**

#### **7.1.1 Minutes – Ordinary Council Meeting**

The minutes of the Ordinary meeting of the Bunbury City Council held 25 November 2014 have been circulated.

#### **Outcome – Council Meeting 9 December 2014**

The recommendation (as printed) was moved Cr Cook, seconded Cr McNeill.

The Mayor put the motion to the vote and was adopted to become the Council's decision on the matter.

#### **Council Decision 443/14**

*The minutes of the Ordinary meeting of the Bunbury City Council held 25 November 2014 be confirmed as a true and accurate record.*

CARRIED

13 votes "for" / Nil votes "against"

#### **7.1.2 Minutes – Council Advisory Committees and Working/Project Groups**

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various
<b>Attachments:</b>	Appendix MTBN-1 – Youth Advisory Committee Minutes 12.11.14 Appendix MTBN-2 – Withers Advisory Committee Minutes 14.11.14

#### **Summary**

The following Advisory Committee Meetings were held and the minutes are presented for noting:

1. Title: Youth Advisory Committee Minutes 12.11.14  
Author: Elizabeth Larkin, Community Development Officer  
Appendix: MTBN-1
2. Title: Withers Advisory Committee Minutes 14.11.14  
Author: Alison Baker, EA to the Director Works and Services  
Appendix: MTBN-2

#### **Outcome – Council Meeting 9 December 2014**

The recommendation (as printed) was moved Cr Hayward, seconded Cr Miguel.

The Mayor put the motion to the vote and was adopted to become the Council's decision on the matter.

**Council Decision 444/14**

***The following Advisory Committee meeting minutes listed in the report be accepted and noted:***

- 1.** Youth Advisory Committee Minutes 12.11.14
- 2.** Withers Advisory Committee Minutes 14.11.14

CARRIED

13 votes "for" / nil votes "against"



## **8. Petitions, Presentations, Deputations and Delegations**

### **8.1 Petitions**

Nil.

### **8.2 Presentations**

Nil.

### **8.3 Deputations**

In accordance with section 6.9 (2)(b) of Councils Standing Orders, the CEO referred the following deputation requests to Council to decide by simple majority, whether or not to receive the deputation. One deputation was received being:

#### **Ms Shelley Leech, 22 Barr Road Bunbury**

Mr Leech requested to address Item 10.5.1 titled "*Petition: Barr Road Residents for Traffic Calming Devices*"

#### **Council Decision 445/14**

*Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Ms Leech's deputation request to address Item 10.5.1 titled "Petition: Barr Road Residents for Traffic Calming Devices" and allows a period of up to 5 minutes to present to Council.*

CARRIED

### **8.4 Council Delegates' Reports**

Nil.

### **8.5 Conference Delegates' Reports**

Nil.

## 9. Method of Dealing with Agenda Business

Standing Order 5.5 permits the Council to adopt the recommendations “by exception” (en-bloc). The Mayor put the matters listed in Section 10 to be “adopted by exception” to the vote.

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for items 10.1.1, 10.2.1, 10.3.2, 10.3.3 and 10.4.2

Items 10.3.1, 10.3.4, 10.4.1, 10.5.1 and 10.5.2 of the meeting agenda were then discussed and voted on separately and in the order that they appeared on the agenda. The items have been renumbered with the items voted “by exception” listed first.

The items “*adopted by exception*” was moved Cr Cook, seconded Cr Hayward.

## 10. Reports

### 10.1 Recommendations from Withers Advisory Committee *(was listed as item 10.1.1 of the Council Agenda)*

<b>File Ref:</b>	A06016
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Phil Harris, Director Works and Services
<b>Executive:</b>	Phil Harris, Director Works and Services
<b>Attachments:</b>	Appendix RAC-1: Ocean Drive Speed Reduction area Appendix RAC-2: Ocean Drive Pedestrian Crossing plan

#### Summary

At the Withers Advisory Committee Meeting held on 14 November 2014 the committee supported the change in speed zone from 70km/h to 60km/h limit between Washington Avenue and Mosedale Avenue on Ocean Drive.

#### Committee Recommendation

1. That Council supports the change in speed zoning from 70km/h to 60km/h limit between Washington Avenue to Mosedale Avenue on Ocean Drive.
2. A formal request be made to Main Roads WA to change the speed zoning.

#### Background

At the Withers Advisory Committee Meeting of 12 September 2014 a project titled PR-3708 Review of Speed zoning on Ocean Drive was approved. A review of the speed zone on Ocean Drive between Hudson Road and Washington Avenue has been a frequent request via Questions on Notice at meetings and in the recent consultation undertaken. Requests have also been received of a safe pedestrian crossing for Ocean Drive.

Council is currently undertaking a survey of pedestrian movements across Ocean Drive between Washington Avenue and Westwood Street to confirm that should a pedestrian refuge be required it is located in the appropriate position.

#### Council Policy Compliance

Not Applicable

#### Legislative Compliance

Section 5.16 of the *Local Government Act 1995* allows delegation to committees and section 5.17 (1) (c) (i) allows delegation to committees comprising of elected members and other persons (Community Members) for the proper management of Local Government property.

#### Officer Comments

Council and Main Roads staff have reviewed the section of road with a recommendation to extend the requested reduction in speed from 70 km/h to 60 km/h from Washington Avenue to Mosedale Avenue a distance of 780 meters.

The Withers Advisory Committee have previously resolved to support this change in speed zoning, and have also approved the construction of a pedestrian crossing on Ocean Road at an indicative cost of \$60,000 (including lighting), with the full cost of the crossing to be provided at the next meeting.

The Withers Advisory Committee endorsed the construction of the pedestrian crossing under delegated authority, so a formal recommendation to Council on this matter is not required.

Appendices RAC-1 and RAC-2 are **attached** and provide details of the impacted zone and concept design for the pedestrian crossing.

Regulatory Approval has been received from Main Roads to reduce the speed limit.

### **Community Consultation**

The Withers Advisory Committee plays an active role in the community consultation.

### **Councillor/Officer Consultation**

The change in speed zoning will be presented to the Roadwise Committee Meeting on 3 December 2014 for their support.

### **Outcome – Council Meeting 9 December 2014**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Cook, seconded Cr Hayward and adopted ('en bloc') to come the Council's decision on the matter.

#### **Council Decision 446/14**

- 1. That Council supports the change in speed zoning from 70km/h to 60km/h limit between Washington Avenue to Mosedale Avenue on Ocean Drive.**
- 2. A formal request be made to Main Roads WA to change the speed zoning.**

CARRIED

13 votes "for" / Nil votes "against"

**10.2 Councillor Discretionary Funds Report 20 October 2013 to 21 November 2014** (was listed as item 10.2.1 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Narissa Hribar, Corporate Administration Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

**Summary**

In accordance with Council Policy 'Councillor Discretionary Funds', Council is to be provided with a quarterly report outlining details of all Councillor Discretionary Fund payments. This agenda item satisfies the requirements of the policy and covers the discretionary spending for the period since the 19 October 2013 election.

**Executive Recommendation**

That Council receives the report for the period 20 October 2013 to 21 November 2014 relating to Councillor and Mayoral Discretionary Funds expenditure.

**Background**

At its Council meeting held 18 March 2014 Council adopted a Policy relating to Councillor Discretionary Funds. The policy requires officers to provide quarterly reports to Council outlining details of the expenditure of CDFs detailing:

- i) The name of the community group;
- ii) The purpose for which the funds were delivered; and
- iii) The amount of funds provided.

**Council Policy Compliance**

This matter is in line with the Councillor Discretionary Fund Policy requirements.

**Legislative Compliance**

There is no legislative compliance applicable to this matter.

**Officer Comments**

The following table outlines the Councillor Discretionary Fund payments made for the period 20 October 2013 to 21 November 2014:

<b>Councillor</b>	<b>Recipient</b>	<b>Purpose</b>	<b>Value</b>
B Kelly	Greater Bunbury Bicycle Users Group	Donation	\$250.00
B Kelly	Maiden Park Primary School	Donation	\$250.00
B Kelly	Enable South West – Art Partners	Assisting with the purchase of art supplies	\$1,000.00
B Kelly	Special Olympics WA South West Region	To support the multisport event in recognition of Disability Awareness	\$350.00

Councillor	Recipient	Purpose	Value
		Week and to celebrate International Day of People with Disability	
B McCleary	Friends of Des Ugle Park	Donation	\$200.00
B McCleary	Bunbury Bowling Club	Donation	\$200.00
B McCleary	SW Womens Health and Information Centre	Donation	\$1,500.00
B McCleary	Intown Lunch Centre	Assisting with the Back to School program	\$200.00
B McCleary	Bunbury Surf Life Saving Club	Assisting the club with raising money for a history book to celebrate 100 years for the club	\$300.00
B McCleary	Probus South Bunbury	Donation	\$200.00
B McCleary	Multicultural Services Centre of WA	Assist with WA Heritage Festival	\$200.00
B McCleary	Girl Guides – Bunbury	Assist with their 100 year celebrations in Guiding	\$600.00
B McCleary	Mediation South West Chris Phillips Mediator	Payment of Invoice 86869 for the Withers Action Group mediation session	\$660.00
B McCleary	Milligan House	General purpose use donation	\$500.00
B McCleary	Jaiden Lanigan	To assist with the costs of attending the 2014 Speed Skating Championships in Rosario, Argentina	\$300.00
B McCleary	Kayleen Walker – ECU Student	Full delegates ticket for attendance at the Sister Cities Conference November 2014	\$790.00
B McCleary	Sacha King – ECU Student	Full delegates ticket for attendance at the Sister Cities Conference November 2014	\$790.00
B McCleary	Bunbury Underwater Hockey Club Inc – U15's	Assist the local U15 Underwater Hockey State Team players attending the National Championships in Sydney	\$200.00
W Giles	SW Womens Health and Information Centre	Assist with the provision of services at the centre	\$2,000.00
W Giles	Milligan House	Donation to assist them to provide programs for women and general public	\$1,468.00
W Giles	Colts Cricket Club	For the development of Junior Cricket in Bunbury	\$500.00
W Giles	Bryce Lanigan	To assist with the costs of attending the 2014 State Junior Road Championships (Cycling) in QLD	\$200.00
W Giles	SW Women's Health and Information Centre	To assist with South West Aboriginal Women's Health Promotion programs	\$2,500.00
W Giles	Roselle Enriquez – ECU Student (Youth)	Student ticket for attendance at Sister Cities Conference in Bunbury	\$300.00
J Jones	Bunbury Community Radio	Donation	\$1,600.00
J Jones	Stirling Street Arts Centre	Help with the purchase of a sea container	\$1,500.00

<b>Councillor</b>	<b>Recipient</b>	<b>Purpose</b>	<b>Value</b>
J Jones	Stirling Street Arts Centre	For the assistance of the Summer School program run at the centre	\$5,000.00
M Steck	SW Women's Refuge	Donation	\$200.00
M Steck	Milligan House	Donation	\$200.00
M Steck	SW Women's Health and Information Centre	Donation	\$200.00
M Steck	Bunbury Senior Citizens	Donation	\$200.00
M Steck	Intown Lunch Centre	Donation	\$200.00
M Steck	Bunbury Surf Life Saving Club	Donation	\$1,000.00
M Steck	Friday Brass Band	To assist with the purchase of banners for competition	\$500.00
K Steele	Andrew Frazer Designs	Re.Discover 2014 Art project	\$250.00
K Steele	Bunbury Bowling & Social Club Inc	Lighting for Carpark / competition	\$500.00
K Steele	Cooinda Primary School	To assist with their nature playground	\$750.00
J Miguel	SW Women's Health and Information Centre	To support their outreach programs	\$500.00
J Miguel	Festival Brass Band	To help the group expand their musical activities in the Bunbury Community	\$500.00
J Miguel	Jaiden Lanigan	To assist with the costs of attending the 2014 World Speed Skating Championships in Rosario, Argentina	\$250.00
J Hayward	Andrew Frazer Designs	Re.Discover Bunbury art project	\$500.00
J Hayward	Friends of Des Ugle Park	Donation for the Christmas Concert and Family Day	\$250.00
J Hayward	Andrew Frazer Designs	Donation for Re.Discover 2015: An Annual Walking Street Art Exhibition	\$200.00
J Hayward	Bunbury Underwater Hockey Club Inc – U15's	Assist the local U15 Underwater Hockey State Team players attending the National Championships in Sydney	\$250.00
M Cook	Greater Bunbury Bicycle Users Group	Donation	\$200.00
M Cook	Bunbury Multicultural Group	Donation to help celebrate Chinese New Year	\$200.00
M Cook	Bunbury Surf Life Saving Club	200 Club Donation 2013/14	\$200.00
M Cook	Probus South Bunbury	Donation	\$250.00
M Cook	SW Wind & Jazz Orchestra	Assist with the purchase of Orchestra music	\$250.00
M Cook	Phyllis Barnes – Bunbury History Book	Assist with the printing of Bunbury History book	\$350.00
M Cook	SW Women's Health and Information Centre	Assist with the provision of services at the centre	\$250.00
M Cook	Enable South West – Art Partners	Assist in the purchasing of art consumables	\$250.00
M Cook	Foodbank South West	To assist with the purchase of ancilliary food supplies	\$250.00
M Cook	SW VETlink Inc	To assist with the costs of the Future	\$250.00

Councillor	Recipient	Purpose	Value
		Possibilities Conference	
M Cook	Friends of Des Ugle Park	Donation for the Christmas Concert and Family Day	\$250.00
M Cook	Val Lishman Health Research Foundation	Assist with Autism Research	\$250.00
M Cook	Men's Shed	Assit with the purchase/creation of Standard Operating Procedure Manuals for the Building	\$250.00
M Cook	Bunbury Seniors Computer Club	Assist with training materials	\$250.00
M Cook	Life Without Barriers	Support Bunbury Athletes at Special Olympics, Melbourne	\$250.00
M Cook	Bryce Lanigan	To assist with the costs of attending the 2014 State Junior Road Championships (Cycling) in QLD	\$250.00
M Cook	Bunbury Surf Life Saving Club	200 Club Sponsorship for season 2014/2015	\$220.00
M Cook	Special Olympics WA South West Region	Assist with the procedures and governance setup	\$250.00
M Cook	Festival Brass Band	Support funding to facilitate visits by musicians to Nursing Homes, School, Retirement Villages and the like	\$250.00
M Cook	Jaiden Lanigan	To assist with the costs of attending the 2014 World Speed Skating Championships in Rosario, Argentina	\$250.00
M Cook	Andrew Frazer Designs	Donation for Re.Discover 2015: An Annual Walking Street Art Exhibition	\$280.00
M Cook	Bunbury Community Radio	Support start-up of Bunbury Community Radio	\$250.00
N McNeill	Chef's Long Table Luncheon Movie Night	To pay for the Volunteers Movie night	\$500.00
N McNeill	Jaiden Lanigan	To assist with the costs of attending the 2014 World Speed Skating Championships in Rosario, Argentina	\$200.00
N McNeill	Bunbury Underwater Hockey Club Inc – U15's	Assist the local U15 Underwater Hockey State Team players attending the National Championships in Sydney	\$250.00
D Prosser	Friends of Des Ugle Park	Donation for the Christmas Concert and Family Day 2013	\$100.00
D Prosser	Bunbury City Band	Donation	\$500.00
D Prosser	Bunbury Rowing Club	For the summer junior rowing program	\$500.00
D Prosser	Bunbury Surf Life Saving Club	200 Club Sponsorship	\$500.00
D Prosser	Bunbury Bowling Club	For events sponsorship	\$500.00
D Prosser	Festival Brass Band	Support funding to facilitate visits by musicians to Nursing Homes, School, Retirement Villages and the like	\$500.00
S Morris	St John of God Foundation	Donation for the South West Coronary Care and Cancer Service	\$5,000.00



<b>Councillor</b>	<b>Recipient</b>	<b>Purpose</b>	<b>Value</b>
Mayor Brennan	Chef's Long Table Lunch	Public Liability Insurance	\$2,000
Mayor Brennan	Bunbury Cathedral Grammar School	Year 12 Presentation Donation	\$100
Mayor Brennan	Bunbury Senior High School	Year 12 Presentation Donation	\$100
Mayor Brennan	Newton Moors Senior High School	Year 12 Presentation Donation	\$100
Mayor Brennan	Bunbury Catholic College	Year 12 Presentation Donation	\$100
Mayor Brennan	Cooinda Primary School	Year 7 Presentation Donation	\$40
Mayor Brennan	Djidi Djidi Aboriginal School	Year 7 Presentation Donation	\$40
Mayor Brennan	St Joseph's Primary School	Year 7 Presentation Donation	\$40
Mayor Brennan	Carey Park Primary School	Year 7 Presentation Donation	\$40
Mayor Brennan	Bunbury Primary School	Year 7 Presentation Donation	\$40
Mayor Brennan	South Bunbury Primary School	Year 7 Presentation Donation	\$40
Mayor Brennan	Maiden Park Primary School	Year 7 Presentation Donation	\$40
Mayor Brennan	Adam Road Primary School	Year 7 Presentation Donation	\$40
Mayor Brennan	Manea Senior College	Year 12 Presentation Donation	\$100
Mayor Brennan	Grace Christian School	Year 7 Presentation Donation	\$40
Mayor Brennan	St Mary's Primary School	Year 7 Presentation Donation	\$40
Mayor Brennan	Picton Primary School	Year 7 Presentation Donation	\$40
Mayor Brennan	College Row School	Year 7 Presentation Donation	\$40
Mayor Brennan	Newton Moore SHS ESC	Year 12 Presentation Donation	\$100
Mayor Brennan	PCYC – Circus Quirkus	Sponsorship Circus Quirkus	\$275
Mayor Brennan	Poolegrave	Re.Discover Project Plaques	\$704
Mayor Brennan	Chef's Long Table Lunch	Donation in lieu of Civic Reception	\$1,000
Mayor Brennan	Bunbury Cathedral Grammar School	Donation 2014 Graduation Ceremony	\$80.00
Mayor Brennan	Bunbury Senior High School	Donation 2014 Graduation Ceremony	\$100.00
Mayor	Newton Moore Senior High	Donation 2014 Graduation Ceremony	\$100.00

Councillor	Recipient	Purpose	Value
Brennan	School		
Mayor Brennan	Bunbury Catholic College	Donation 2014 Graduation Ceremony	\$100.00
Mayor Brennan	Manea Senior College	Donation 2014 Graduation Ceremony	\$100.00
Mayor Brennan	Cooinda Primary School	Donation 2014 Graduation Ceremony	\$40.00
Mayor Brennan	Djidi Djidi Aboriginal School	Donation 2014 Graduation Ceremony	\$40.00
Mayor Brennan	St Joseph's Primary School	Donation 2014 Graduation Ceremony	\$40.00
Mayor Brennan	Carey Park Primary School	Donation 2014 Graduation Ceremony	\$40.00
Mayor Brennan	Bunbury Primary School	Donation 2014 Graduation Ceremony	\$40.00
Mayor Brennan	South Bunbury Primary School	Donation 2014 Graduation Ceremony	\$40.00
Mayor Brennan	Maidens Park Primary School	Donation 2014 Graduation Ceremony	\$40.00
Mayor Brennan	Adam Road Primary School	Donation 2014 Graduation Ceremony	\$40.00
Mayor Brennan	Grace Christian School	Donation 2014 Graduation Ceremony	\$40.00
Mayor Brennan	Picton Primary School	Donation 2014 Graduation Ceremony	\$40.00
Mayor Brennan	St Mary's Primary School	Donation 2014 Graduation Ceremony	\$40.00
Mayor Brennan	College Row School	Donation 2014 Graduation Ceremony	\$40.00
Mayor Brennan	Newton Moore SHS Education Support Centre	Donation 2014 Graduation Ceremony	\$40.00
Mayor Brennan	Andrew Frazer – Six Two Three Zero	Re.Discover 2015 Sponsorship	\$2,000.00

The following table indicates how much funding each organisation/group/individual has received from the Councillors Discretionary Funds:

Organisation/Group/Individual	Total Funding Received
South West Women's Health and Information Centre	\$6,950.00
Stirling Street Arts Centre	\$6,500.00
Andrew Frazer Designs – Six Two Three Zero	\$3,934.00
Chef's Long Table Luncheon	\$3,500.00
Bunbury Festival Band	\$2,250.00
City of Bunbury Surf Life Saving Club	\$2,220.00
Milligan House	\$2,168.00
Bunbury Community Radio	\$1,850.00
Enable South West – Art Partners	\$1,250.00
Bunbury Bowling & Social Club	\$1,200.00
Jaiden Lanigan (Speed Skating)	\$1,000.00

Organisation/Group/Individual	Total Funding Received
Cooinda Primary School	\$830.00
Friends of Des Ugle Park	\$800.00
Kayleen Walker – ECU Student	\$790.00
Sacha King – ECU Student	\$790.00
Bunbury Underwater Hockey Club Inc. – Under 15's	\$700.00
Mediation South West Chris Phillips Mediator	\$660.00
Girl Guides – Bunbury Branch	\$600.00
Special Olympics WA South West Region	\$600.00
Colts Cricket Club	\$500.00
Bunbury Rowing Club	\$500.00
Greater Bunbury Bicycle Users Group	\$450.00
Probus South Bunbury	\$450.00
Bryce Lanigan (Cycling)	\$450.00
Intown Lunch Centre	\$400.00
Bunbury Multicultural Group	\$400.00
Phyllis Barnes	\$350.00
Maidens Park Primary School	\$330.00
Roselle Enriquez – ECU Student (Youth)	\$300.00
PCYC	\$275.00
South West Wind and Jazz Orchestra	\$250.00
Foodbank South West	\$250.00
South West VETlink Inc	\$250.00
Val Lishman Research Foundation	\$250.00
Men's Shed	\$250.00
Bunbury Seniors Computer Club	\$250.00
Life Without Barriers	\$250.00
Bunbury Senior High School	\$200.00
Newton Moore Senior High School	\$200.00
Bunbury Catholic College	\$200.00
Manea Senior College	\$200.00
Multicultural Services Centre of WA	\$200.00
South West Women's Refuge	\$200.00
Bunbury Senior Citizens Centre	\$200.00
Bunbury Cathedral Grammar School	\$180.00
Djidi Djidi Aboriginal School	\$80.00
St Joseph's Primary School	\$80.00
Carey Park Primary School	\$80.00
Bunbury Primary School	\$80.00
South Bunbury Primary School	\$80.00
Adam Road Primary School	\$80.00
Grace Christian School	\$80.00
Picton Primary School	\$80.00
St Mary's Primary School	\$80.00
College Row School	\$80.00
Newton Moore SHS Education Support Centre	\$80.00

### **Analysis of Financial and Budget Implications**

There are no financial or budget implications as the money allocated has been included in the 2014/15 Budget.

The Mayor is allocated \$15,000 and each of the Councillors are allocated \$5,000 per annum for discretionary use in accordance with the Council Policy: *Councillor Discretionary Funds*. This report covers two financial years (13/14 and 14/15) which is why the tables may reflect some Councillors overspending their annual allocation.

### **Community Consultation**

There is no community consultation required for this matter.

### **Councillor/Officer Consultation**

There is no councillor/officer consultation required for this matter.

### **Outcome – Council Meeting 9 December 2014**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Cook seconded Cr Hayward and adopted ('en bloc') to come the Council's decision on the matter.

#### **Council Decision 447/14**

***That Council receives the report for the period 20 October 2013 to 21 November 2014 relating to Councillor and Mayoral Discretionary Funds expenditure***

CARRIED

13 votes "for" / Nil votes "against"

**10.3 Proposed Deed of Lease Bunbury Waterpolo Association, over portion of Reserve 30601 “Hay Park”, Lot 3001 Parade Road, Withers (was listed as item 10.3.2 of the Council Agenda)**

<b>Applicant/Proponent:</b>	Bunbury Waterpolo Association
<b>Author:</b>	Jane Dawson, Senior Property Officer
<b>Executive:</b>	Stephanie Addison-Brown, Director Community & Corporate Services
<b>Attachments:</b>	Appendix DCCS-4: Location Plan

**Summary**

The Bunbury Waterpolo Association (“the Club”) have occupied a portion of Reserve 30601 “Hay Park”, Lot 3001 Parade Road, Withers for use as Clubrooms for over thirty (30) years with no lease agreement being agreed to in the past.

The Contracts and Property Department have managed to negotiate and agree to lease conditions with the Club. All other sporting groups who operate at “Hay Park” have a lease or licence agreement in place, (except the Bunbury Swimming Club, who will also be required to enter into a lease agreement) and as this is Crown Land under Management the City must ensure a uniform and transparent approach to leasing and licensing for all users of “Hay Park”. The Club and the City must also ensure rights and responsibilities are adhered to and that legislative requirements and insurances comply.

A location plan is **attached** at Appendix DCCS-4

**Executive Recommendation**

Council agrees to grant a Deed of Lease to the Club over portion of Reserve 30601 “Hay Park”, Lot 3001 Parade Road, Withers, for a period of five (5) years with a further option of five (5) years, subject to the terms and conditions as specified in the report, and the following:

1. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.
2. Approval of the Minister for Lands.

**Background**

The Club have occupied the site for over thirty (30) years with no lease Agreement being in place for the portion of land they occupy, adjacent to the South West Sports Centre, over a portion of Reserve 30601 “Hay Park”, Lot 3001 Parade Road, Withers . The Club have erected clubrooms, which have been approved by the City’s Building Department BA7217 in 1989, which are used to store the Club’s equipment, and hold meetings.

Discussions have been held and communication forwarded to the Club advising the proposed terms of a lease and the annual rental. The Club have agreed to all the proposed terms and the adopted Rent Tier Matrix.

A Landgate market rental valuation was obtained on 30 July 2014, showing an annual rental of \$4,400.00 + GST.

The Contracts and Property Department have reduced the amount to be charged for annual rent to \$616.00 + GST per annum based on the City's adopted "Rent Tier Matrix", giving a discount of 86% which takes into account:-

- The facility/site itself;
- Maintenance and lifecycle of the building/clubrooms;
- Commercial Operation (where applicable); and
- Where a healthy lifestyle is promoted.

*Proposed New Lease Details*

Commencement:	1/12/2014
Term:	Five (5) years with a further five (5) year option
Expiry Date:	30/11/2024
Rental:	\$616.00 + GST per annum
Rent Review:	CPI annually, Market Rent Review every third year
Outgoings:	Responsibility of the Lessee
Insurance:	Lessee to maintain Public Risk, Building Insurance and General Insurance cover over the premises with Public Liability to be set at \$10 million
Maintenance:	The Lessee is responsible for all maintenance of the building including structural.
Document Preparation:	The Lessee to pay full cost of document preparation

**Legislative Compliance**

Advertising in accordance with Section 3.58 of the Local Government Act 1995.

**Officer Comments**

It is recommended the Bunbury Waterpolo Association have a lease in place with the City.

All other sporting groups (except the Bunbury Swimming Club, who will also be required to enter into a lease agreement), who operate at "Hay Park" have a lease or licence agreement in place, as this is Crown Land under Management the City must ensure all users of "Hay Park" comply with Insurances, Health compliance and know their rights and responsibilities.

**Analysis of Financial and Budget Implications**

Annual rental of \$616.00 + GST.

Consumer Price Index to be applied annually and Market Rent Review to be assessed every three (3) years.

**Community Consultation**

The Club was approached in March 2014 by the Contracts and Property Department, confirming there was no lease in place between the City and the Club over a portion of Hay Park, and were advised the City would begin the process of negotiations for a lease over the land the Club is using.

The Club have been advised of the process involved before a lease agreement can be entered into, in writing:

- 22 August 2014 – A letter was sent advising the valuation had been received from Landgate, the proposed term of the lease, the annual rent to be charged annually, the process for the reduction of the rent, Insurance compliances to be met, cost of document preparation a Draft Lease was forwarded for the Club to review.
- 24 September 2014 – A letter was sent to the Club confirming they had no recommendation for changes to the proposed term and annual rental and that an Agenda Item was being prepared to Council for the proposed lease.
- Mr Peter Edwards from the Club has confirmed verbally they have no objections.

Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

#### **Councillor/Officer Consultation**

The Executive Leadership Team and the Development Coordination Unit have no objections to the proposed lease.

#### **Outcome – Council Meeting 9 December 2014**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Cook, seconded Cr Hayward and adopted ('en bloc') to come the Council's decision on the matter.

#### **Council Decision 448/14**

***Council agrees to grant a Deed of Lease to the Club over portion of Reserve 30601 "Hay Park", Lot 3001 Parade Road, Withers, for a period of five (5) years with a further option of five (5) years, subject to the terms and conditions as specified in the report, and the following:***

- 1. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.***
- 2. Approval of the Minister for Lands.***

CARRIED

13 votes "for" / Nil votes "against"

**10.4 Proposed Deed of License over Lot 501 Ecclestone Street, Carey Park – Bunbury Trotting Club Inc.**  
*(was listed as item 10.3.3 of the Council Agenda)*

<b>File Ref:</b>	CAP-COML-00001
<b>Applicant/Proponent:</b>	Bunbury Trotting Club Inc.
<b>Author:</b>	Kristen Anderson, Administration Officer Property and Procurement
<b>Executive:</b>	Stephanie Addison-Brown, Director Corporate and Community Services
<b>Attachments:</b>	Appendix DCCS-5: Location Plan Bunbury Trotting Club Inc License Area

**Summary**

The Deed of Lease between the City of Bunbury (the “City”) and Bunbury Trotting Club Incorporated (the “Applicant”), over Lot 501 Ecclestone Street, Carey Park (the “Premises”), which was concluded for a period of two (2) years, is expiring on 26/12/2014. A new Deed of License has been proposed as opposed to a Lease, as the land is free of any significant structures and all relevant conditions can still be applied under a License agreement. A location plan of the Premises is **attached** at Appendix DCCS-5.

At the Council Meeting on 30 October 2012, Council agreed to grant a Deed of Lease to the Applicant for a period of two (2) years only, due to the land being registered as a suspected contaminated site under the Contaminated Sites Act 2003, which raised the need for the City to investigate further.

To date, investigations by the City have not yet been undertaken due to the high cost usually associated with site contamination investigations and the priority of other projects. No timeframe for said investigations have been established, therefore the Applicant has sought a longer term for the new License.

Officers have discussed at length, the option of a longer term of tenure over the Premises and have ensured provision for possible contamination matters which may arise at the Premises to be addressed under the ‘Special Conditions’ as set out in the License.

The proposed Deed of License is now referred to Council for consideration.

**Executive Recommendation**

Council agrees to grant a new Deed of License to the Bunbury Trotting Club Inc over portion of Lot 501 Ecclestone Street, Carey Park for a term of five (5) years with a further option of five (5) years subject to the terms and conditions as specified in the report, and the following:

1. The Applicant to pay all costs associated with the license application including document preparation and advertising.
2. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

**Background**

The Applicant has occupied the Premises since 1991 and has utilised this space to train trotting horses and conduct trotting trials and other associated activities.



The Premises has been registered as a suspected contaminated site under the Contaminated Sites Act 2003 and the Department of Environment and Regulation (DER) has classified this site as ‘possibly contaminated – investigation required’. This places a legal responsibility on the City to conduct scientific investigations onsite and to potentially undertake remediation works in the future if found to be required.

Due to the possible contamination the Applicant was previously granted a two (2) year Lease term so the City could formulate an investigation plan. To date, this has not yet occurred due to the high cost usually associated with site contamination investigations and the priority of other projects. The Applicant has requested a longer term to enable the Applicant and its members to make appropriate financial and related decisions for the future.

A longer term has been considered in this instance due to the Special Conditions drafted by the Officer and agreed to by the Applicant which ensure all parties are aware of the contamination issues. Provision has also been made in the License agreement to enable the City, if required, to undertake site investigations and if necessary, remediate any contamination of the Premises.

The provisions included in the License agreement also acknowledge that if site investigations or remediation is required, there could potentially be an interruption to the Applicant’s operation and use of the Premises or could ultimately result in the Applicant having to vacate the Premises.

Current Lease Details

Commencement:	27 December 2012
Term:	Two (2) years
Expiry Date:	26 December 2014
Rental:	\$684.64 + GST per annum
Rent Review:	CPI annually
Outgoings:	Responsibility of the Lessee
Insurance:	Lessee to maintain Public Risk and General Insurance cover over the premises with Public Liability to be set at \$10 million

Proposed New License Details

Commencement:	27 December 2014
Term:	Five (5) years with a further five (5) year option
Expiry Date:	26 December 2019
Rental:	\$1,600.00 + GST per annum
Rent Review:	CPI annually, Market Rent Review every third year
Outgoings:	Responsibility of the Licensee
Insurance:	Licensee to maintain Public Risk and General Insurance cover over the premises with Public Liability to be set at \$10 million
Special Conditions:	The Redevelopment Clause has been included  Contamination The Licensee has been made suitably aware of the suspected contamination of the Licensed Premises and takes the necessary precautions to protect human and environmental health including but not limited to no

	<p>excavation occurring within the Licensed Premises without first seeking and taking into account the advice of any relevant Governmental Agency including but not limited to the Department of Health and Department of Environment Regulation (DER).</p> <p>The Licensee has been made suitably aware that contaminated site investigations and possibly site works may need to occur during the License Term, which may result in the disturbance of the Licensee’s activities, however, the Licensor will endeavour to ensure that such disturbance is minimised wherever possible through sufficient prior notice.</p> <p>No groundwater abstraction is to continue or commence prior to analytical testing and confirmation from DER and the Department of Health of its acceptability for use occurs.</p>
Document preparation:	The Lessee to pay full cost of document preparation and advertising

An updated market rental value for the leased property has subsequently been obtained from Landgate, for \$8,000 per annum. The City has applied the Leases and Licenses (Rent Tier Matrix) Policy and subsequently discounted this valuation by 80%, from \$8,000 to \$1,600.

Taken into consideration is the minimal infrastructure present at the Premises, that the Premises is only used for training, that the majority of maintenance is undertaken by the Applicant and that the land is contaminated, which in turn limits the Applicant’s operations in and about the Premises.

The Applicant has acknowledged that although the rent amount payable has more than doubled under the new Deed of License, it has agreed to the new rental amount.

**Legislative Compliance**

- Section 3.58 of the Local Government Act 1995

**Officer Comments**

The Applicant has satisfactorily fulfilled its obligations and responsibilities under the current Lease. The Applicant provides like-minded participation from local community members and visitors. The City’s insurance company (LGIS) has been consulted to ensure the suspected contamination of the Licensed Premises does not adversely affect the City’s liability. Due to the provisions created in the Deed of License, which have been agreed to by the Applicant, LGIS have confirmed the City is covered in an insurable event and have requested a copy of the Deed of License, once executed for their records.

**Community Consultation**

Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995 will take place following Council endorsement.

Written confirmation of the Applicants acceptance of the terms and conditions as set out herein was received on 2<sup>nd</sup> October 2014.

#### **Councillor/Officer Consultation**

Comment was sought from the Development Coordination Unit with no objections having been received.

The Officer, in conjunction with the Sustainability and Integrated Land Use Planning Department, has drafted conditions specifically addressing the contamination issues that ensure all parties are aware of their rights and obligations under the License.

#### **Outcome – Council Meeting 9 December 2014**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Cook, seconded Cr Hayward and adopted ('en bloc') to come the Council's decision on the matter.

#### **Council Decision 449/14**

***Council agrees to grant a new Deed of License to the Bunbury Trotting Club Inc over portion of Lot 501 Ecclestone Street, Carey Park for a term of five (5) years with a further option of five (5) years subject to the terms and conditions as specified in the report, and the following:***

- 1. The Applicant to pay all costs associated with the license application including document preparation and advertising.***
- 2. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.***

CARRIED

13 votes "for" / Nil votes "against"

**10.5 Initiation of Scheme Amendment 75 – Modification of Special Use Zone No .20 (Lot 20 Lyons Cove)**  
(was listed as item 10.4.2 of the Council Agenda)

File Ref:	A06008
Applicant/Proponent:	HMA Architects Pty Ltd
Author:	Teshome Tadesse, Senior Planning Officer Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-3: Location Plan Scheme Amendment 75 Appendix DPDS-4: Extract of the current Scheme Map Appendix DPDS-5: Scheme Amendment Report

**Summary**

The City of Bunbury has considered a scheme amendment proposal prepared by HMA Architects Pty Ltd submitted on behalf of Valeque Pty Ltd as the landowner of Lot 20 Lyons Cove. While the applicant's submission only related to Lot 20 Lyons Cove, the City of Bunbury has prepared the proposed scheme amendment for the entire "Special Use Zone No. 20 – Resort Accommodation, Mixed Use & Residential Development" area (S.U.20), which includes Lot 20 Lyons Cove (the subject site).

The purpose of Scheme Amendment 75 is to rationalise and update the provisions of Special Use Zone No. 20, which in certain cases have become redundant or superfluous with the areas subdivision and development. In particular, it proposes modifications to the current special uses and conditions contained in Schedule 2 of the Special Use Zone in relation to the subject site to permit the development of multiple dwellings as an "unrestricted residential accommodation" use.

The proposed scheme amendment is consistent with Council's adopted Local Planning Strategy for Tourism (LPS-T) in terms of promoting the development of both short-stay and permanent accommodation for tourism and related lifestyle housing choice in this particular location. Therefore, it is recommended that Council initiates Scheme Amendment 75 to the City of Bunbury Town Planning Scheme No. 7 (TPS7), in order to publicly advertise the proposal for comment.

**Executive Recommendation**

That Council:

1. In accordance with the *Planning and Development Act 2005*, resolves to initiate Scheme Amendment 75 to the City of Bunbury Town Planning Scheme No. 7 to replace the existing text under Schedule 2 – Special Use Zone No. 20, as detailed in the scheme amendment report, in order to:
  - (a) rationalise and update the provisions of the special use zone in accordance with designated precinct areas; and
  - (b) permit the development of Lot 20 Lyons Cove (street number 2), Bunbury, for multiple dwellings as an "unrestricted residential accommodation" use.
2. Notify the Western Australian Planning Commission (WAPC) of Council's decision to initiate the proposed scheme amendment, and to furnish the Commission with a copy of the scheme amending documentation prior to proceeding to public advertising.

3. Refer a copy of the proposed scheme amendment documentation to the Environmental Protection Authority (EPA) and any other relevant public authority, for consideration and comment.
4. Subject to formal assessment not being required by the EPA and no objection received from the WAPC, proceed to advertise the proposed scheme amendment for public comment with a submission period of not less than forty two (42) days.
5. Following public advertising of the proposed scheme amendment, the proposal together with any public submissions lodged with the City of Bunbury to be presented to Council for further consideration and determination.

### **Background**

Scheme Amendment 75 relates to the entire Special Use Zone No. 20 area. Formerly, Special Use Zone No. 20 comprised of a single parcel of land – Lot 749 Koombana Drive. However, since the late 1990s, the land has been subdivided and developed for single houses, grouped dwellings and a tourist related facility (i.e. Quest Apartments). At present, there remains only a small number of undeveloped parcels of land left within the area of the special use zone (refer to location plan **attached** at Appendix DPDS-3).

Hence, the current description of the land under Schedule 2, Special Use Zone No. 20 does not reflect the present subdivision and development patterns found across the site; and in addition, the provisions contained under Schedule 2 of the special use zone requires modifications to reflect the current and preferred future land use outcomes for the locality.

HMA Architects Pty Ltd, acting on behalf of Valeque Pty Ltd as the landowner of Lot 20 Lyons Cove, has submitted a scheme amendment proposal relating to Special Use Zone No. 20, made with particular reference to the subject site. In order to facilitate the proposal, the City of Bunbury has prepared a scheme amendment report for the entire Special Use Zone No. 20 area, in order to reflect the significance of the site as a 'non-strategic tourism site' in accordance with the LPS-T. It proposes additional types of tourism accommodation in the form of "unrestricted residential accommodation" (URA), "unrestricted residential occupation" (URO) and "short-stay unit" land use classes. Specifically, the proposed scheme amendment facilitates the development of Lot 20 Lyons Cove for tourist oriented accommodation as multiple dwelling - URA.

**Attached** at Appendix DPDS-4 is an extract of the current Scheme Map encompassing the subject site.

Council previously considered Scheme Amendment 16 to TPS7 in relation to Lot 20 Lyons Cove, which "proposed modification to the development conditions of Schedule 2 Special Use Zone No. 20" on 15 February 2005 and resolved to initiate the amendment. However, later in that year on 26 July 2005, Council resolved to defer the final determination on the proposed scheme amendment to give the applicant a chance to explore different options for the development of Lot 20 Lyons Cove.

The scheme amendment was forwarded to the WAPC for determination in accordance with the *Town Planning Regulations 1967*, and the Commission determined to refuse Scheme Amendment 16 on 30 August 2006 for the following reasons:

- "(i) the amendment is considered premature given the City has not prepared a Local Tourism Strategy to justify the significant removal of tourist accommodation potential in what is likely to be a strategic tourism site as defined by the "Tourism*

*Taskforce” report.*

- (ii) *The proposed scheme amendment is premature considering Council is in the process of preparing a City Vision Framework, and considering major redevelopment proposals for the Koombana Bay, North Shore, Outer Harbour and City Foreshore areas.*
- (iii) *The scheme amendment proposes changes which are a major departure from the original amendment and the current endorsed Overall Concept Development Plan. There has been no strategic justification given for the removal of the requirements of for “Short Stay Accommodation” in relation to “Permanent Residential” ratio; the removal of the “Mixed Uses” requirements; and the lack of provisions of “Communal Recreation Area/Facilities”.*
- (iv) *Concerns and objections are expressed in the submissions over the nature of the development, the visual appearance and height, and over the significant reduction of the percentage ratio of “Short stay” versus “Permanent” ratio. These concerns have not been adequately addressed or resolved.*
- (v) *The amendment documentation refers to incorrect lot numbers which no longer exists, and the dates in the document are inconsistent.”*

In addition to the above, the WAPC advised the City of Bunbury of the following:

“Council is advised that no further amendments be considered for this locality until a Local Tourism Strategy has been prepared and endorsed in accordance with the recommendations of the “Tourism Taskforce”.

The City of Bunbury has taken the initiative of preparing Scheme Amendment 75 mainly to enhance the tourism potential and functions of the subject site. The proposed scheme amendment can now be progressed given that the WAPC requirement regarding the preparation of a local tourism strategy has been fulfilled with the adoption of the LPS-T. As such, the LPS-T document has informed the preparation of Scheme Amendment 75 in terms of the importance of promoting the development of the locality for tourism accommodation and related lifestyle options.

## **Council Policy Compliance**

### **Local Planning Strategy for Tourism**

The LPS-T was adopted by Council on 19 May 2009 (Council Decided: 89/09). The LPS-T is one of a number of related land use planning strategies prepared by the City of Bunbury that will eventually be fully integrated into a forthcoming Local Planning Strategy. As such, the LPS-T provides a spatial planning context that recognises the importance of tourism to the city and responds to the predictions of growth in the sector by promoting changes to the Local Planning Scheme.

The LPS-T identifies the eastern portion of Special Use Zone No. 20 as being a ‘non-strategic tourism site’\* within part of the Inlet North Strategic Tourism Location (Inlet North STL). The STL is recognised as contributing significantly to the provision of short-stay accommodation within this part of Bunbury, and the LPS-T requires that new development respects the primary tourism function of the location. Figure 13 of the scheme amendment report (page 25) reproduces Map 3.7 – Inlet North STL of the LPS-T.

(Note \*: Non-Strategic Tourism Site (n-STS) means a regionally renowned site providing (currently or potentially) short-stay accommodation within a location and at a scale (local market share) such that it is deemed essential to future of the local tourism product at least into the mid-term.)

Specifically in respect of Special Use Zone No. 20, the LPS-T identifies the need for a review and update of the development conditions and approved concept development plan associated with the site by way of a scheme amendment. The scheme amendment proposes land uses that promote the tourism function of the overall site primarily in providing tourism accommodation compatible with existing forms of housing in each precinct.

Scheme Amendment 75 enhances the potential of the subject site being developed for a tourism and lifestyle orientated product – by simultaneously enabling both short-stay and permanent accommodation in the form of multiple dwelling - URA. Such development would not undermine or detract the established tourism character of the area, but has the potential over time to broaden the range and type of short-stay accommodation in the locality, and as such, is considered consistent with the general intent of the LPS-T.

### **Planning Bulletin 83/2013 Planning for Tourism**

Planning Bulletin 83 was originally released by the WAPC in June of 2007 and was then subsequently revised in June 2009, July 2011 and January 2013. This bulletin sets out the policy position of the WAPC on tourism development within the State and is intended to guide decision-making by the Commission and local government on subdivision, development and scheme amendment proposals for tourism purposes. As such, the bulletin seeks to:

- provide for a strategic focus of broader planning concepts such as locations and precincts to replace the existing “strategic” and “non-strategic” tourism sites;
- place greater emphasis on the local planning framework in addressing regional and local tourism issues and land use planning objectives;
- highlight that local governments may set a limit to residential development as part of tourism sites within their local planning strategy or a local planning policy; and
- encourage developers to consider other non-tourist development (such as commercial, retail, conference/reception centre, restaurant/café) within tourism sites, before or at the very least in conjunction with any residential component.

The more recent Planning Bulletin 83/2013 promotes a strategic and flexible approach to planning for tourism, in order to encourage and support investment in the industry. This has since been reflected in the preparation of proposals for the Back Beach Tourism Precinct and in relation to the redevelopment of the former Fawltly Towers site. As such, given that dedicated short-stay units have already been developed within the Special Use Zone No. 20 area (i.e. Quest Apartments), the approach taken of including URA into the subject site’s portion of the special use zone in a manner that is consistent with other tourism related scheme amendments can be supported as proposed under Scheme Amendment 75.

### **Local Planning Policy: Unrestricted Residential Accommodation**

The proposed scheme amendment is in line with Local Planning Policy: Unrestricted Residential Accommodation (URA). This is a contemporary Local Planning Policy adopted by Council in May 2011 to promote short-stay tourism accommodation in appropriate locations within the city. Currently, URA is not a listed use under Table 1 of TPS7. However, the Local Planning Policy specifies procedures and processes in dealing with such an application in accordance with the Scheme requirements applicable to “use not listed” provisions.

The Local Planning Policy definition of URA reads as follows:

*“a premises comprising a dwelling or dwellings (either single, grouped or multiple) that benefit from extended rights in that they may be occupied either permanently as a residential dwelling, or temporary for short-stay accommodation.”*

The Local Planning Policy defines “short-stay accommodation” as follows:

*“a building or buildings used for the purpose of providing accommodation for a person or a persons on a temporary basis for a period of time not exceeding three months in duration within a 12 month period.”*

“Unrestricted residential accommodation” can only apply as a dual use in the forms of:

- single house - unrestricted residential accommodation,
- grouped dwelling - unrestricted residential accommodation, and/or
- multiple dwelling - unrestricted residential accommodation.

In the cases of grouped dwelling - URA and multiple dwelling - URA, an Operational Management Plan as ratified by the relevant corporate body is required to administer the uses of such accommodation on a short-stay basis in an orderly and proper manner. The suggested ‘Operational Management Plan’ under the Local Planning Policy includes the following:

- (a) a local manager/caretaker contactable 24hr;
- (b) cleaning, garden and waste disposal matters;
- (c) rental agreement controls; and
- (d) a fire risk and management plan, etc.

The Local Planning Policy provides clear guidelines as to how this form of land use can be realised in the city (i.e. mainly in the city centre and special use zones). It is considered that the necessary planning control mechanisms and operational aspects of URA are in place, and therefore, the inclusion of URA into Special Use Zone No. 20 can be supported as proposed under Scheme Amendment 75.

### **Local Planning Policy: Unrestricted Residential Occupation**

Local Planning Policy: Unrestricted Residential Occupation (URO) seeks to provide for the option of allowing short-stay accommodation to be permitted as dual use on a time limited basis through the temporary planning approval process. This Local Planning Policy is applicable to an existing single house and grouped dwellings.

URO is defined as follows:

*“a premises comprising a single house or grouped dwelling that benefits from extended rights in that they may be occupied either permanently as a residential dwelling, or temporarily for short-stay accommodation on a time limited basis.”*

Scheme Amendment 75 as proposed is consistent with the Local Planning Policy, in that it provides the possibility of URO within Precinct 1 as an alternative short-stay tourism accommodation type.



### **Local Planning Policy: Building Height**

Local Planning Policy: Building Height identifies Special Use Zone No. 20 within the category of the Central Business District (CBD), with a nominated maximum building height of 16m across the entire special use zone area. However, the issue of building height does concern Lot 20 Lyons Cove, given that the landowners of the subject site have proposed an 18m building height in their submission.

### **Local Planning Policy: Koombana Cove Design Guidelines**

This Local Planning Policy is mainly applicable to the west and south-west portions of Special Use Zone No. 20 site area where the main housing typology is single houses. The policy states the following objectives:

- “(a) to ensure that the siting and design of dwellings encourage privacy, housing variety and a high level of residential amenity; and*
- (b) to offer a high standard of housing in a well presented fully planned community development.”*

In line with the above-mentioned objectives, the policy provides development standards in terms of setbacks, building envelopes, building design and materials. It is considered that the proposed Amendment is in line with the Policy in that it will not change the existing single house typology in Precinct 1. It only encourages the additions of URA and URO land uses to promote short-stay tourism accommodation in this location.

### **Legislative Compliance**

Scheme Amendment 75 has been prepared in accordance with the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*. If Council resolves to initiate the proposed scheme amendment, the amending documentation will be referred to the EPA for environmental assessment and to the WAPC for information purposes and/or consent to advertise.

Upon receipts of consents from the EPA and the WAPC, as required, the proposed scheme amendment will be publicly advertised for 42 days. Following advertising, the scheme amendment documentations together with any submissions will be presented to Council for final determination. Council’s resolution and the necessary scheme amendment documentation will then be referred to the WAPC for endorsement and approval by the Minister for Planning for gazettal.

### **Officer Comments**

The LPS-T identifies Special Use Zone No. 20, including the subject site, as part of the ‘Inlet North Strategic Location’ (Inlet North STL). The tourism strategy nominates the following uses as preferred and permissible uses within the Inlet North STL:

- (a) Preferred: caravan park, short-stay multiple units and exhibition centre; and
- (b) Permissible: backpackers, hotel, motel, short-stay grouped units, unrestricted residential accommodation, unrestricted residential occupation, bed and breakfast, guest house, shop (limited floor space), restaurant, lunch bar and civic use.

Scheme Amendment 75 includes, among other things, further tourism oriented accommodation types in the forms of:

- “short-stay multiple unit”,
  - “multiple dwelling – unrestricted residential accommodation”,
  - “grouped dwelling – unrestricted residential accommodation”, and
  - “unrestricted residential occupation”;
- in accordance with the nominated land uses under the LPS-T.

A copy of the scheme amendment report prepared by the City of Bunbury is **attached** at Appendix DPDS-5. A copy of the applicant’s scheme amendment submission is also contained as an attachment to the scheme amendment report document.

The proposed scheme amendment provides choices for landowners within the subject site to use their dwelling for permanent residential use or alternatively as a short-stay accommodation that can be rented out to tourists visiting the city. As such, it is considered that this approach will increase the availability and quality of short-stay tourism accommodation options found in the city.

To achieve the intended purpose of the site as a strategic tourism location, the proposed scheme amendment identifies three distinct precincts within the Special Use Zone No. 20 in line with the current residential character within each precinct. It also reflects the intended use of Lot 20 Lyons Cove for URA multiple dwellings. The three proposed precincts being:

- Precinct 1 – Single House and Grouped Dwelling Unrestricted Residential Accommodation;
- Precinct 2 – Multiple Dwelling Unrestricted Residential Accommodation; and
- Precinct 3 – Short-Stay Grouped Unit Accommodation.

Figure 16 of the scheme amendment report (page 33) provides a map of the proposed precinct boundaries under a revised Special Use Zone No. 20. The following is a list of the proposed land use classes nominated in each precinct area:

- (a) Precinct 1:
  - grouped dwelling – unrestricted residential accommodation,
  - grouped dwelling,
  - single house – unrestricted residential accommodation,
  - single house, and
  - unrestricted residential occupation.
- (b) Precinct 2:
  - hotel,
  - motel,
  - multiple dwelling - unrestricted residential accommodation, and
  - short-stay multiple unit.
- (c) Precinct 3:
  - convenience store,
  - hotel,
  - motel,
  - multiple dwelling - unrestricted residential accommodation,
  - office (< 200m<sup>2</sup> nla),
  - reception centre,
  - recreation private,
  - restaurant,
  - short-stay grouped unit, and
  - short-stay multiple unit.

The proposed scheme amendment enhances the significance of the locality as a 'non-strategic tourism site' by providing land uses that promote tourism, in particular short-stay tourism accommodation.

### **Residential Density Coding**

The proposed scheme amendment allocates residential density codes that reflect the existing developments on the ground. It also takes into consideration the intended future development format on Lot 20 Lyons Cove. It nominates R60 for Precinct 1 in line with the current housing density within this precinct. The number of units that can be built on a lot within this precinct will stay unchanged under the current proposal.

Precinct 2, which relates to Lot 20 Lyons Cove, is currently a vacant land. The proposed scheme amendment allocates an R100 density over this particular location. It is considered that it is an ideal location for a medium rise landmark building given its location along Koombana Drive and entry into the city centre.

The proposed scheme amendment prescribes an R100 density for developments within Precinct 3. This precinct is fully developed and the allocation of an R100 is unchanged under the current proposal.

### **Building Height**

Notwithstanding Local Planning Policy: Building Height, Table 4 of the Residential Design Codes (R-Codes) assigns a maximum building height of 15m to the top of a pitched roof for developments under the R100 density code.

Nevertheless, having regards to the principles and objectives of the building height policy, the Development Assessment Team recommends that a maximum building height of 18m may be supported as a variation to the policy position, given the subject site's:

- suitability as a location for a landmark building, and
- adequate separation distance to development within the lower rise/density residential precinct to the west.

Accordingly, given that the proposed scheme amendment nominates Lot 20 Lyons Cove as a medium rise URA multiple dwelling development, the proposed scheme amendment specifies a maximum building height of 18m over the subject site as an acceptable minor variation to the building height policy.

### **Plot Ratio**

The R-Codes prescribes a maximum plot ratio limitation for multiple dwellings in areas coded R30 or greater. In this case, the subject site is coded R100, which specifies a maximum plot ratio of 1.25 (refer to Table 4 of the R-Codes). However, as with the matter of building height, the issue of plot ratio also concerns Lot 20 Lyons Cove, given that the landowners of the subject site have proposed a plot ratio of 1.50 in their submission.

It would therefore be considered necessary to vary the R100 standard for plot ratio requirements in

order to accommodate the desired building bulk and scale with greater certainty. As opposed to relying upon this being entertained at the application for planning approval stage, with the variation to maximum plot ratio being considered through the design principles mechanism of the R-Codes.

Consequently, given that it is anticipated that Lot 20 Lyons Cove will be designed and constructed to a high standard of quality as serviced apartments, the proposed scheme amendment specifies a maximum plot ratio of 1.50 over the subject site as an acceptable variation to the R-Codes.

#### **Analysis of Financial and Budget Implications**

The recommendation will not impact on the existing Annual Budget, nor is it expected to result in any costs to Council.

#### **Community Consultation**

Scheme Amendment 75 was informally advertised to the landowners within the Special Use Zone No. 20 area prior to the finalisation of this report for Council consideration. A total of 58 landowners were consulted (with a letter sent on 20 October 2014 to their respective address) regarding the details of the proposed scheme amendment. No objections to date have been received. Counter enquires received from neighbouring landowners were supportive of the proposed additional land uses on the subject site for short-stay accommodation (tourist accommodation).

#### **Councillor/Officer Consultation**

Officers from across the Planning and Development Services directorate have analysed the proposal and provided input as required.

#### **Delegation of Authority**

In accordance with Regulation 25 of the Town Planning Regulations 1967, a Council resolution is required to initiate a proposed scheme amendment.

#### **Outcome – Council Meeting 9 December 2014**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Cook, seconded Cr Hayward and adopted ('en bloc') to come the Council's decision on the matter.

#### **Council Decision 450/14**

##### ***That Council:***

- 1. In accordance with the Planning and Development Act 2005, resolves to initiate Scheme Amendment 75 to the City of Bunbury Town Planning Scheme No. 7 to replace the existing text under Schedule 2 – Special Use Zone No. 20, as detailed in the scheme amendment report, in order to:***
  - (a) rationalise and update the provisions of the special use zone in accordance with designated precinct areas; and***
  - (b) permit the development of Lot 20 Lyons Cove (street number 2), Bunbury, for multiple dwellings as an “unrestricted residential accommodation” use.***

***2. Notify the Western Australian Planning Commission (WAPC) of Council's decision to initiate the proposed scheme amendment, and to furnish the Commission with a copy of the scheme amending documentation prior to proceeding to public advertising.***

***3. Refer a copy of the proposed scheme amendment documentation to the Environmental Protection Authority (EPA) and any other relevant public authority, for consideration and comment.***

***4. Subject to formal assessment not being required by the EPA and no objection received from the WAPC, proceed to advertise the proposed scheme amendment for public comment with a submission period of not less than forty two (42) days.***

***5. Following public advertising of the proposed scheme amendment, the proposal together with any public submissions lodged with the City of Bunbury to be presented to Council for further consideration and determination.***

CARRIED

13 votes "for" / Nil votes "against"

**10.6 Service Review – Bunbury Visitor Centre** *(was listed as item 10.3.1 of the Council Agenda)*

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Kristina Knight, Manager Tourism, Events and Wildlife Park
<b>Executive:</b>	Stephanie Addison-Brown, Director Corporate and Community Services
<b>Attachments:</b>	Appendix DCCS-1: Service Review Appendix DCCS-2: Visitor Service Consultation Report Appendix DCCS-3: South West Development Commission Response

**Summary**

The City of Bunbury has implemented a program of service reviews and the review of the Bunbury Visitor Centre is now complete. This report outlines the options considered and the results of the community and industry consultation. A copy of the Service Review is **attached** at Appendix DCCS-1. A copy of the Visitor Service Consultation Report is **attached** at Appendix DCCS-2 and the response from the South West Development Commission to the review is **attached** at Appendix DCCS-3.

**Executive Recommendation**

That Council maintain the Bunbury Visitor Centre at its existing location.

**Background**

Establishing a program of service reviews across the organisation is a key performance indicator for the Chief Executive Officer. Each directorate selected a service for the first round of reviews, being parking, airport leasing, the South West Sports Centre and Bunbury Visitor Centre.

The Bunbury Visitor Centre was selected due to the changing nature of visitor servicing in Australia. The growing trend for visitors to book tours and accommodation on line has seen a dramatic decrease in revenue (it has halved in 4 years), despite visitor numbers through the door remaining high. This has impacted the financial sustainability of the Bunbury Visitor Centre, as well as the other 101 visitor centres in the state.

Tourism WA recently released a report into the sustainability of regional visitor centres due to this problem.

**Council Policy Compliance**

Not applicable

**Legislative Compliance**

Not applicable

**Officer Comments**

A number of options for the model of operation and location of the service were investigated as part of the service review. These are outlined below:

**Status Quo**

The Bunbury Visitor Centre has been located at its current site for over 20 years and while the location has some challenges it is well known and has established infrastructure. Antisocial behaviour (everything from swearing, fights and intimidation, to defecation on the doorstep in daylight) is encountered on a daily basis and is the biggest issue with the existing location. Mitigation measures are required if the visitor centre is to stay in this location. Previous mitigation attempts have not been effective.

The consultation indicated strong support for the retention of the current location with 67% of visitors and community respondents and 27.6% of industry, saying it was their preferred option.

### **New building adjacent to water playground**

The second option of co-location with the proposed water playground was the most popular option with industry and those who attended the evening workshop. Discussion took place around what could be developed included toilets; space for a café and a boat shed that could be leased to an aquatic hire business, generating income that would help deliver a return on investment. It would also ensure the visitor centre was co-located with other complimentary attractions – activating the area.

As part of the community consultation undertaken for the water playground the provision of toilets was considered the most important infrastructure requirement while a café was ranked 8<sup>th</sup> out of 11 options. However, having somewhere to buy food and drink was frequently mentioned in the open comments field.

This location also works well in terms of being close to the CBD and still part of the main entry corridor into Bunbury. The establishment of a new visitor centre by the proposed water park would be costly and there are currently no funds available to pursue this option, however revenue could be generated through leasing of an adjacent café/boat shed and the existing visitor centre site.

### **Customer Service, Library, Bunbury Museum**

The option of co-location with the City of Bunbury customer service team, library and new museum would all deliver a cost saving however they were the least preferred options amongst the community, visitors and industry.

### **Bunbury Regional Art Gallery (BRAG)**

Co-location with the BRAG would deliver two positive outcomes: a cost saving for the operation of the visitor centre; and a much needed customer service presence for BRAG. It is also a prominent CBD location however it would require directional signage and caravan parking.

This option was relatively well supported and was ranked third by the community and visitors (7%) and equal third by industry (14%).

### **Dolphin Discovery Centre**

The Dolphin Discovery Centre is an iconic tourism attraction for Bunbury with excellent development plans awaiting funding. Its location is also within the main entry corridor to Bunbury making it easily accessible with good parking.

Two options have been investigated in regards to this location; operation of the visitor centre by the City of Bunbury and operation by the Dolphin Discovery Centre under a service level agreement.

Industry was asked what their preferred model of operation was in regards to the visitor centre; the response was clearly in favour of management by the City of Bunbury (55%) with operation by a third party being preferred by 21% of respondents. When asked if they would support a visitor centre run by the Dolphin Discovery Centre the response was mixed with 55% of industry respondents saying no and 45% saying yes.

As a potential location the Dolphin Discovery Centre was not supported by the community and visitors with each option only receiving 4% of the vote. It was rated higher amongst industry with 10% preferring the option managed by the City of Bunbury and 14% opting for the location operated by the Dolphin Discovery Centre. The South West Development Commission have also written in support of the visitor centre being based at the Dolphin Discovery Centre.

If this option was to be pursued it would not be feasible until the redevelopment of the Dolphin Discovery Centre was complete, unless an interim model could be established.

### **Service Standards**

The community and visitors rated the services delivered by the Bunbury Visitor Centre as being 4.09 out of 5, with the majority of respondents (80.4%) rating the service as either 'very good' or 'excellent' indicating a high level of customer service and professionalism.

The industry response was slightly lower at 3.41 out of 5 with 58.6% of respondents awarding it a 'very good' or 'excellent'.

### **Analysis of Financial and Budget Implications**

Any relocation of the visitor centre would incur initial set up costs but ongoing operating savings could be found with a colocation model. Revenue would also be generated by leasing out the current premise.

### **Community Consultation**

Consultation was undertaken with the tourism industry, Bunbury community and patrons of the visitor centre. The consultation period was open for 4 weeks and closed on the 14 November 2014. A full report of the consultation process and results is attached to this report.

### **Councillor/Officer Consultation**

Consultation was undertaken with the Director Corporate and Community Services, Visitor Centre team and Manager Art and Culture. Councillors Morris, Cook and Giles attended the workshop held at the Visitor Centre on the 6 November 2014.

### **Outcome – Council Meeting 9 December 2014**

Cr Morris declared an impartiality interest in this matter (see Section 5).

The recommendation (as printed) was moved Cr Steele, seconded Cr McCleary.



Cr Kelly requested that a second point be added to the Executive Recommendation, reading “That Council review this decision in three (3) years.” This change was accepted by Crs Steele and McCleary as mover and seconder.

Cr McNeill proposed an amendment that the period of three (3) years be amended to two (2) years. The amendment was seconded Cr Hayward. The Mayor put the amendment to the vote and it was CARRIED to become part of the substantive motion.

For ease of reference, the substantive motion is printed as follows:

- 1. That Council maintain the Bunbury Visitor Centre at its existing location.*
- 2. That Council review this decision in two (2) years*

The Mayor put the substantive motion to the vote and was adopted to become the Council’s decision on the matter.

**Council Decision 451/14**

***That Council:***

- 1. That Council maintain the Bunbury Visitor Centre at its existing location.***
- 2. That Council review this decision in two (2) years***

CARRIED

12 votes “for” / 1 vote “against”

**10.7 Proposed lease over Lot 1 Prosser Street, Lot 31 and Lot 32 Spencer Street, South Bunbury with Bunbury City Plaza Shopping Centre** *(was listed as item 10.3.4 of the Council Agenda)*

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Stephanie Addison-Brown, Director Corporate & Community Services
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix DCCS-6 Plaza Architectural Plan Appendix DCCS-7 Plaza Lease Site Plan

**Summary**

The Owners of the Bunbury City Plaza Shopping Centre are seeking Council support for a formal lease over three (3) lots owned by the City of Bunbury being Lot 1 Prosser Street, and Lots 31 and 32 Spencer Street, South Bunbury, as attached at Appendix DCCS-7. Woolworths are seeking a fifteen (15) year lease at the Plaza Shopping Centre and it is proposed that the arrangements for the car park will be in line with these plans

The Owners have enjoyed the use of City owned property (which was the negotiated outcome with the City when it decided to widen Spencer Street and change what was angle parking to parallel parking which reduced the available parking bays within the Plaza by approximately 20 bays), for many years for car parking without a formal lease. The Owners have requested to formalise a lease (on a commercial basis) to enable the redevelopment of the Woolworths store.

**Executive Recommendation**

That Council approve (“In Principle”) a Deed of Lease between the Bunbury City Plaza Shopping Centre and the City over Lot 1 Prosser Street, Lots 31 and Lot 32 Spencer Street, South Bunbury with lease terms to be negotiated.

**Background**

Discussions between the owners and City Officers have been ongoing for the past three years with the intent to secure car parking spaces on City property, and more recently in relation to the redevelopment of the existing Woolworths Shopping Centre, including the rezoning of adjacent private property to enhance the provision of additional car parking spaces.

This has included discussions surrounding the future of the Lady Mitchell Memorial Health Centre and surrounds. The health centre building and associated garden transcends the boundaries of Lots 1, 31 and 32. The centre is identified as HCWA Place Number 5682 and is listed on the Municipal Heritage Inventory.

Recent discussions have taken place with the Owner of the Bunbury City Plaza Shopping Centre, on the formalisation of car parking through a lease, which includes the enhancement of the Lady Mitchell Memorial Health Centre garden and associated car parking.

**Council Policy Compliance**

Not applicable

### **Legislative Compliance**

Not applicable

### **Officer Comments**

The shopping centre is aged and is in need of redevelopment. Its future viability as a sub-CBD locality with diverse and quality shopping experience is dependent on the replacement of the Woolworths store and speciality shopping with adequate car parking space provision.

The current informal and no monetary return from the utilisation of the three portions of lots as a car park is not sustainable for either the City or owners of the shopping centre. Composite area of private property and City owned property managed by one entity (the owner) is the preferred outcome providing that the car park is constructed to the requirements of the City that addresses safe pedestrian and vehicle access and egress, landscaping, lighting and CCTV security monitoring, at no cost to the City.

The WA Country Health Services administration has recently written to the City expressing a desire to continue with leasing of the premises into the future, the previous lease expired on the 10th November 2013 and they are currently in Holding Over.

- In the lease the City will specify that any proposed redevelopment and maintenance works to the Lady Mitchell Memorial Health Centre are to be in accordance with the draft Conservation Management Plan for the Lady Mitchell Memorial Child Health Centre at 2 Prosser Street, South Bunbury, as **attached** at Appendix DCCS-6.
- The Owners will be required to continue to sub-lease the Lady Mitchell Memorial Health Centre to WA Country Health Service.
- The Owners will be responsible for the ongoing maintenance and compliance of the tenancy of WA Country Health Services under the Lease.

### **Analysis of Financial and Budget Implications**

Currently, the City receives no income from the use of the City owned land for car parking purposes. The estimated annual commercial return from the use of City property by the Bunbury City Plaza Shopping Centre, based on the rental valuation dated 6 June 2014, would be approximately \$99,960.00 per annum, net of GST, based on 2,499m<sup>2</sup> at \$40m<sup>2</sup> per annum .

The City currently receives \$19,750.00 including GST per annum from the lease of the Lady Mitchell Memorial Health Centre.

### **Community Consultation**

Not applicable

### **Councillor/Officer Consultation**

The Mayor, CEO and Director Planning and Development Services met with the Owners of the Bunbury City Plaza Shopping Centre and their representatives on 11 November 2014.

**Outcome – Council Meeting 9 December 2014**

Cr Jones declared an impartiality interest (see Section 5).

Cr Kelly declared an impartiality interest (see Section 5).

Cr Steck declared a financial interest (see Section 5) and vacated the chamber at 6:05pm.

The recommendation (as printed) was moved Cr Kelly, seconded Cr Jones “pro-forma”.

The Mayor put the motion to the vote and was adopted to become the Council’s decision on the matter.

Cr Steck returned to the chamber at 6:09pm.

**Council Decision 452/14**

***That Council:***

***That Council approve (“In Principle”) a Deed of Lease between the Bunbury City Plaza Shopping Centre and the City over Lot 1 Prosser Street, Lots 31 and Lot 32 Spencer Street, South Bunbury with lease terms to be negotiated.***

CARRIED

11 votes “for” / 1 vote “against”

**10.8 Initiation of Scheme Amendment 80 – Modification of Special Use Zone No .7 (Punchbowl) (was listed as item 10.4.1 of the Council Agenda)**

File Ref:	A00398-23
Applicant/Proponent:	City of Bunbury
Author:	Kelvin D Storey, Team Leader Integrated Land Use Planning
Executive:	Bob Karaszekwych, Director Planning and Development
Attachments:	Appendix DPDS-1: Amending Pages (Draft) Appendix DPDS-2: Punchbowl Concept Plan

**Summary**

A resolution by Council is sought to initiate a scheme amendment that proposes changes to the special land uses and development conditions associated with Special Use Zone No.7, located at Lot 210 Holywell Street and Lot 211 Pental Street, South Bunbury (former Punchbowl Caravan Park).

Whereas current Scheme provisions require the site to be developed primarily for short-stay accommodation (tourism) uses, the amendment facilitates a more flexible outcome, including the opportunity to develop the site for a mix of medium and higher density housing, with the on-going option of their occupation on a short term or long term (permanent) basis, in a manner similar to the approach recently adopted for the Back Beach Tourism Precinct.

**Executive Recommendation**

That Council:

1. In accordance with the Planning and Development Act 2005, resolves to initiate a scheme amendment to the City of Bunbury Town Planning Scheme No. 7 by:
  - (a) Modifying text in the table under Schedule 2 – Special Use Zones at No. 7 within the “Special Use(s)” and “Conditions” columns; and
  - (b) Amending the Scheme Map by revising the annotation shown on Lot 210 Holywell St and Lot 211 Pental St South Bunbury, from “S.U.7” to “S.U.7 Mixed Use-Tourism”,
2. In accordance with the Amending Pages (Draft), attached at Appendix DPDS-1.
  - a. Instructs City of Bunbury officers to prepare scheme amending documentation to accompany the proposal.
  - b. Advise the Western Australian Planning Commission (WAPC) of Council’s decision to initiate the proposed scheme amendment and furnish the Commission with a copy of the scheme amending documentation prior to proceeding to public advertising.
  - c. Refer a copy of the proposed scheme amendment documentation to the Environmental Protection Authority (EPA) and any other relevant public authority, for consideration and comment.
  - d. Subject to formal assessment not being required by the EPA and no objection received from the WAPC, proceed to advertise the proposed scheme amendment for public comment with a submission period of not less than forty two (42) days.

- e. Further consider the proposal together with any public submissions lodged with the City of Bunbury following the conclusion of the statutory public advertising period.

### **Background**

Owned freehold by the City of Bunbury, the caravan and camping operations on this site ceased in 1998 and follow-up efforts to re-lease the site for that use were not successful. A scheme amendment was subsequently pursued (Scheme Amendment 17) that altered the special use from that of “Caravan Park” to the current arrangement, and this was initiated in May 2007 (Resolution 71/70) and adopted by Council in November 2007 (Resolution 239/07), and finally approved by the Minister for Planning in October 2009.

Despite being on the market for sale for several years, no offer acceptable to Council has been received to date. Recent advice provided by the City’s estate agents suggests that whilst there is very little interest in the site or demand for the type of tourism anticipated under conditions of the current Special Use Zone, there may be heightened interest if the site was able to be developed primarily for “Unrestricted Residential Accommodation”. A scheme amendment that could facilitate such an outcome is therefore presented to Council for consideration.

### **Council Policy Compliance**

The potential contribution of the site for the benefit of tourism is recognised within Council’s adopted Local Planning Strategy for Tourism 2009 (LPS-T), and was acknowledged within Scheme Amendment 17, which incorporated the condition that 75% of site must be retained for short-stay accommodation (tourism) purposes. The approach taken in Scheme Amendment 17 was at that time consistent with the policy position advocated by the State government and the WAPC (notably Planning Bulletin 83/2009). Subsequent guidance from the Commission (Planning Bulletin 83/2013), promotes a more strategic and flexible approach in order to encourage and support investment in the industry. This has since been reflected in the preparation of proposals for the Back Beach Tourism Precinct and in relation to the redevelopment of the former Fawcety Towers site.

### **Legislative Compliance**

Proposals to amend a Local Planning Scheme are required to be undertaken in accordance with the Planning and Development Act 2005 and associated Town Planning Regulations 1967. The documentation prepared for the scheme amendment will need to be referred to the EPA and WAPC for their review prior to any formal public advertising period.

Once public advertising is concluded, should Council then resolve to adopt the scheme amendment, documentation together with the schedule of submissions and Council’s resolution is to be referred to the WAPC for its endorsement and to the Minister for Planning for final approval and gazettal.

### **Officer Comments**

Given the endeavours of Council without success to secure a short-stay/tourism function for the site since the caravan and camping activities ceased in 1998, it may be regarded as reasonable to consider alternative development options, in particular those that still hold the potential to contribute to the range and quality of the tourism and related lifestyle product in Bunbury over time.

The primary modification as part of the scheme amendment involves the removal the current requirement for at least 75% of the site to be developed solely for short-stay accommodation purposes, and thus facilitates greater flexibility in the extent and mix of uses that may be accommodated. Residential uses incorporated within any future development would necessarily benefit from an “Unrestricted Residential Accommodation” classification, meaning that they would be available for occupation either on a short term or long term/permanent basis, and thus be responsive to changes in market demand over time. This arrangement is similar to the scheme amendment provisions approved by Council within the Back Beach Tourism Precinct, and would also be consistent with the intention to designate this site a mixed use tourism zone within Local Planning Scheme No. 8 (LPS8).

The majority of existing special uses and other conditions controlling development associated with Special Use Zone No. 7 are intended to remain largely unchanged, including those requiring the preparation of a Local Development Plan (previously termed a Detailed Area Plan), site layout and interface arrangements, and matters regarding building height. A conceptual layout has been prepared and is attached at Appendix DPDS-2.

#### **Analysis of Financial and Budget Implications**

The scheme amendment procedure has no associated budgetary impact other than public advertising. The amendment, if finally approved, could be expected to increase interest in the purchase of the site from prospective developers/investors.

#### **Community Consultation**

The proposed scheme amendment will be required to be advertised for public comment in accordance with the requirements of the Planning and Development Act 2005 and associated Town Planning Regulations 1967 for a minimum period of 42 days.

#### **Councillor/Officer Consultation**

The informal views of Councillors have been sought in respect of the future development of the Punchbowl site.

#### **Outcome – Council Meeting 9 December 2014**

The recommendation (as printed) was moved Cr Hayward, seconded Cr Cook.

The Mayor put the motion to the vote and was adopted to become the Council’s decision on the matter.

#### **Council Decision 453/14**

##### ***That Council:***

***1. In accordance with the Planning and Development Act 2005, resolves to initiate a scheme amendment to the City of Bunbury Town Planning Scheme No. 7 by:***

***(a) Modifying text in the table under Schedule 2 – Special Use Zones at No. 7 within the “Special Use(s)” and “Conditions” columns; and***

- (b) Amending the Scheme Map by revising the annotation shown on Lot 210 Holywell St and Lot 211 Pental St South Bunbury, from “S.U.7” to “S.U.7 Mixed Use-Tourism”,**
- 2. In accordance with the Amending Pages (Draft), attached at Appendix DPDS-1.**
- a. Instructs City of Bunbury officers to prepare scheme amending documentation to accompany the proposal.**
  - b. Advise the Western Australian Planning Commission (WAPC) of Council’s decision to initiate the proposed scheme amendment and furnish the Commission with a copy of the scheme amending documentation prior to proceeding to public advertising.**
  - c. Refer a copy of the proposed scheme amendment documentation to the Environmental Protection Authority (EPA) and any other relevant public authority, for consideration and comment.**
  - d. Subject to formal assessment not being required by the EPA and no objection received from the WAPC, proceed to advertise the proposed scheme amendment for public comment with a submission period of not less than forty two (42) days.**
  - e. Further consider the proposal together with any public submissions lodged with the City of Bunbury following the conclusion of the statutory public advertising period.**

CARRIED

10 votes “for” / 3 votes “against”

It was requested that Crs Steck, Steele and Giles votes “against” be recorded.  
All other Councillors and the Mayor voted “for” the motion.



**10.9 Petition: Barr Road Residents for Traffic Calming Devices** *(was listed as item 10.5.1 of the Council Agenda)*

<b>File Ref:</b>	R00030
<b>Applicant/Proponent:</b>	Shelley Leach on behalf of Barr Road Residents
<b>Author:</b>	Jason Gick – Manager Engineering
<b>Executive:</b>	Phil Harris, Director Works & Services
<b>Attachments:</b>	Appendix DWS-1: Petition from residents of Barr Rd, Bunbury

**Summary**

A 15 signatory petition representing 12 Barr Road households and one on Brittain Road has been lodged by Shelley Leach requesting that the “Bunbury City Council install effective calming devices in our road to prevent speeding vehicles passing through the area.” A copy of the petition is **attached** at Appendix DWS-1.

**Executive Recommendation**

That the Council request a report be prepared recommending suitable treatment.

**Background**

The cover letter supporting the petition outlines the concerns of residents and land owners fronting Barr Road with respect to speeding traffic. The cover letter makes some suggestions to deal with speeding through traffic including, closure of Barr Road at one end and improved traffic calming devices including speed humps.

In 2010/11 the City installed two traffic splitter island to create evenly spaced traffic devices along Barr Road. The splitter islands create a squeeze point, but unfortunately do not provide sufficient lateral deflection to force a vehicle to change its direction and therefore reduce speed through the islands. This configuration was a compromise design to accommodate vehicles towing floats, busses and to accommodate some property crossovers.

The City has received a few anecdotal complaints of speeding vehicles, which are periodically referred to the WA Police. No recent traffic analysis has been undertaken to determine traffic volumes or crash incidents.

**Council Policy Compliance**

There is no Council Policy applicable to this matter.

**Legislative Compliance**

There is no legislative compliance applicable to this matter.

**Officer Comments**

The petition indicates that the concerns of residents and land owners relates to traffic entering Barr Road and traversing between Ecclestone Street and Brittain Road. The submitters concerns, supported by several petitioners comments, relate to speed and the risk of conflict with horses and buggies along Barr Road.

Most of the properties on Barr Road accommodate horse training facilities and stables and access an existing commons located at Lots 471 & 501. The commons can be access from two east-west ROWS from Barr Road, one major north-south access from Oliver Street to the north and another major east-west access from Ecclestone Street.

Bus route 829, which services Carey Park and Kinkella Park, traverses along Barr Road. One petitioner indicated that they don't want to "lose the bus".

Several opportunities exist to reduce the impact of speeding through traffic along Barr Road, including:

- Closure of the road at one end to create a cul-de-sac
- Partial closure of the road at both ends to reduce the attractiveness of Barr Road as a short cut option
- Further development and greater deflection of the existing splitter islands
- Introduction of raised platforms and / or speed humps to break up the length of road available for high speed and acceleration.

Each of these options has advantages and disadvantages. The introduction of Local Area Traffic Management should be undertaken following a sensible analysis process that establishes clear objectives, investigates options for consideration, documents the scope of the proposal and its consequences, obtains community input and reaches an acceptable solution for implementation.

#### **Analysis of Financial and Budget Implications**

Collecting accurate traffic data for Barr Road will take three weeks and cost approximately \$500 which can be funded from existing funds for traffic data collection.

Undertaking an internal analysis of the data, crash patterns, road configuration and street lighting can be done internally.

#### **Community Consultation**

The agenda item is presented in response to a community petition.

#### **Councillor/Officer Consultation**

The matter was referred to the Mayor who has requested it be presented as an agenda item at the 2 December 2014 Briefing Session.

The matter has been discussed informally within the Engineering Team.

#### **Outcome – Council Meeting 9 December 2014**

Ms Shelley Leech addressed Council on the matter.

The recommendation (as printed) was moved Cr Kelly, seconded Cr McCleary.

Cr Cook requested that the wording "in consultation with the residents" be added to the Executive Recommendation. The amendment was accepted by Crs Kelly and McCleary as mover and seconder.

The Mayor put the amended motion to the vote and was adopted to become the Council's decision on the matter.

**Council Decision 454/14**

***That the Council request a report be prepared in consultation with the residents recommending suitable treatment.***

CARRIED

13 votes "for" / Nil votes "against"

**10.10 Petition Report – Request for an Alfresco area for Caf-Fez at 18-20 Prinsep Street, Bunbury (was listed as item 10.5.2 of the Council Agenda)**

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	James Shepherd, Manager Assets and Projects
<b>Executive:</b>	Phil Harris, Director Works and Services
<b>Attachments:</b>	Appendix DWS-2: Minutes Extract Caf-Fez Alfresco

**Summary**

At the Council Meeting held 11 November 2014, Council Decision 408/14 resolved:

Council Decision 408/14

*That the petition received from Georgina and Michael Grove of 51 Tuart Street Bunbury titled “Petition in relation to request for an alfresco area for Caf-Fez” at 18-20 Prinsep St Bunbury, WA is received and referred to the relevant officer for a report to be submitted within the next two rounds of Council meetings.*

CARRIED

**Executive Recommendation**

That Council

1. Approve in principal the establishment of an alfresco area at Caf-Fez, 18-20 Prinsep Street, Bunbury
2. Bring forward proposed streetscape works in the immediate vicinity of Caf-Fez.
3. Approve the transfer of \$50,000 from PR-2625 Koombana Drive Upgrade to PR- 1218 Prinsep Street Streetscape Project.
4. That officers continue to work with Traders to identify increased opportunities to enhance the CBD.
5. Note that this may be a short term solution pending redevelopment of the Stirling Centre precinct.

**Background**

Georgina and Michael Groves, as owners of Caf-Fez, have been in discussion with City staff over the past 5 months regarding the establishment of an on street alfresco area outside their Prinsep Street premises with the primary focus being for the City to bring forward street scaping works on Prinsep Street that would complement the recently completed traffic and pedestrian improvements in the area and further allow equity with other on street cafes.

The City has provided a number of design options and costings associated with the street scape improvements in the area that would be consistent with recently completed works and would not result in a reduction in parking. Utilising the bitumen paved area at the front of the premises in its existing shape and condition is unsuitable and would require new kerbing, pavers and a grated stormwater channel. The concept would also see the existing loading bay on Prinsep Street relocated to the eastern end of the newly constructed taxi bay – a proposal that is supported in writing by Prinsep Street traders and the Bunbury Chamber of Commerce and Industry.

The agreed concept to modify the pavement and install shade structures is estimated to be in the vicinity of \$45,000 which the proponent has requested that Council fund the street scaping component of \$26,000 while they would cover remaining costs including a shade structure.

The proponents initially attempted to establish the expanded area alfresco in 2008 expending considerable time and funds on planning consultants and legal professions to pursue their proposal until eventually withdrawing their application due to frustration and lack of progress.

Appendix DWS-2 provides agenda item and attachments that informed Council Decision 219/08

### **Council Policy Compliance**

There is no Council Policy applicable to this matter although a policy is currently being established which will be available for consultation purposes in the New Year. The proponents are aware that modifications to their existing outdoor eating license would be required.

### **Legislative Compliance**

There is no Legislative Compliance applicable to this matter.

### **Officer Comments**

While there are no funding provisions in 2014/15 for Prinsep Street Streetscape works, Councils Long Term Financial Plan includes Project PR- 1218 Improve Streetscape – Prinsep Street which is allocated to commence in 2015/16 and complete by 2017/18. This provides \$230,000 for the design and implementation of a streetscape project for Prinsep Street from Victoria Street to Haley Street.

Project PR-1218 intent is to continue this year's works in a easterly direction from Victoria Street and although not fully designed at this stage it will provide for footpath widening, drainage improvements, pavement repairs and street trees / garden bed installation. Any work bought forward to facilitate the Caf-Fez proposal would be designed with this project in mind to ensure that any short term changes initiated can be integrated into the final design for PR-1218.

Officers are aware of various proposals over the past 6 years that relate to potential developments/modifications to the Prinsep Street / Haley Street / Carmody Place area however given that nothing has progressed since the original Alfresco request in 2008 it is not envisaged that the streetscape works would impede developers.

### **Analysis of Financial and Budget Implications**

It is proposed that \$50,000 from the 2014/2015 Koombana Drive Upgrade Project PR-2625 be transferred to Streetscape works with a \$26,000 allocation to the Prinsep Street and \$24,000 for other areas of the CBD. It would be further proposed that PR-1218 be reduced by a corresponding amount of \$50,000 in 2015/2016.

PR-2625 Koombana Drive upgrade is a \$250,000 City of Bunbury and \$500,000 Regional Road Group project that will span several financial years with a review of the recent status of the project indicating that not all of this year's funding would be expended.

There are several other minor streetscape projects identified and subject to consultation and accurate costing that would be funded from the remaining \$24,000.

### **Community Consultation**

In addition to the petition the proponents have letters of support from 11 Prinsep Street traders relating to the establishment of the alfresco area and relocation of the Loading Bay. The Bunbury Chamber of Commerce and Industry have also provided a letter of support.

### **Councillor/Officer Consultation**

A cross directorate working group which includes Health, Parking, Engineering and the Director of Works and Services has spent significant time working with the proponents.

### **Outcome – Council Meeting 9 December 2014**

Cr Morris declared a Financial Interest (see Section 5). Cr Morris vacated the Chamber at 6:22pm.

The recommendation (as printed) was moved Cr Steck, seconded Cr Giles.

The Mayor put the motion to the vote and was adopted to become the Council's decision on the matter.

Cr Morris returned to the Chamber at 6:22pm.

### **Council Decision 455/14**

#### ***That Council***

- 1. Approve in principal the establishment of an alfresco area at Caf-Fez, 18-20 Prinsep Street, Bunbury***
- 2. Bring forward proposed streetscape works in the immediate vicinity of Caf-Fez.***
- 3. Approve the transfer of \$50,000 from PR-2625 Koombana Drive Upgrade to PR- 1218 Prinsep Street Streetscape Project.***
- 4. That officers continue to work with Traders to identify increased opportunities to enhance the CBD.***
- 5. Note that this may be a short term solution pending redevelopment of the Stirling Centre precinct.***

CARRIED

12 votes "for" / Nil votes "against"

**11. Applications for Leave of Absence**

No requests for Leave of Absence had been received at the time of printing.

**12. Motions on Notice**

No Motions on Notice had been received at the time of printing.

**13. Questions on Notice**

**13.1 Response to Previous Questions from Members taken on Notice**

Nil

**13.2 Questions from Members**

Nil

## 14. New Business of an Urgent Nature Introduced by Decision of the Meeting

Due to time constraints to complete the works a decision is necessary to deal with this matter as urgent business prior to the Christmas break and Council recess period.

### Recommendation

That Council pursuant to section 5.4 of Councils Standing Orders, agree to receive the item entitled *“Lovegrove Avenue School Frontage Project, Contract Variation PR-1172”* as a matter of urgent business.

### Outcome – Council Meeting 9 December 2014

The recommendation (as printed) was moved Cr Cook, seconded Cr McNeill.

The Mayor put the motion to the vote and was adopted to become the Council’s decision on the matter.

#### Council Decision 456/14

*That Council pursuant to section 5.4 of Councils Standing Orders, agree to receive the item entitled “Lovegrove Avenue School Frontage Project, Contract Variation PR-1172” as a matter of urgent business.*

CARRIED

13 votes “for” / Nil votes “against”

### 14.1 Lovegrove Avenue School Frontage Project, Contract Variation PR-1172

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Phil Harris, Director Works & Services
<b>Executive:</b>	Phil Harris, Director Works & Services
<b>Attachments:</b>	Nil

#### Summary

In October 2014 Council awarded Carbone Bros a contract to upgrade Lovegrove Avenue as part of the School Frontage Program. Work is scheduled to commence on 19 December 2014 and be completed by 1 February 2015 to coincide with the school holiday period. The purpose of this agenda item is to seek Councils approval for a variation to the contract RFT 1415 – 00008.

#### Executive Recommendation

That Council approve

1. Variation One to the value of \$ 42,500 thereby increasing the total contract value to \$290,070.
2. The transfer of \$19,570 from PR-2395 Renew, resleeve and improve drainage network 2014/15 to PR-1172 Contribute to EdWA school frontage program - road network expansion 2014/15 (Lovegrove Avenue).



## **Background**

The Lovegrove Avenue project forms part of the Bunbury Primary School, Department of Education/City of Bunbury School Frontage program and has been the subject of extensive consultation over the past twelve months.

The City of Bunbury appointed Carbone Bros to complete the works following a public tender process in October 2014. During the tender evaluation period a number of clarifications were sought from the two tenderers as the pricing structure for the separable components contained large variations. Both tenderers responded confirming that their submitted prices were accurate.

On 27 November the contractor advised the City that due to an error in their pricing structure Carbone Bros would not be able to complete the contracted works for the tendered amount as per Council Decision 422/14. Carbone Bros indicated that there was an error in their submission to the value of \$85,000.

A review of the tender and contract documentation on 27 and 28 November 2014 confirmed that contractually Council has followed due process however due to the time constraints associated with delivery of the project and inability of the second tenderer to undertake the works the most palatable option was to enter into negotiations with Carbone Bros to share the burden of their error.

On Thursday 3 December 2015, Jason Gick, Michael Stewart and Phil Harris met with Carbone Bros representatives to discuss the options with the emphasis on achieving an outcome that would see the project progress yet address some of the financial concerns of the contractor.

## **Council Policy Compliance**

Not Applicable.

## **Legislative Compliance**

Section 5.42 of the Local Government Act 1995

Part 4 of the Local Government (Functions and General) Regulations 1996

## **Officer Comments**

Following a Briefing to Council on 2 December 2014 City Officers entered into negotiations with Carbone Bros to seek a mutually agreeable outcome that would ensure that the project was completed during the school holidays. On Friday 5 December 2014 Carbone Bros agreed to that it would be able to progress the works if the City was to make a 50% (\$42,500) contribution of what it considered the realistic cost to undertake the works.

Officers are proposing that funds from drainage projects be transferred to the Lovegrove Avenue project to cover the shortfall.

## **Analysis of Financial and Budget Implications**

The project

Contract Award	\$247,570
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Variation One	\$42,500
Revised Contract Value	\$290,070

Available funds in PR-1172 Lovegrove Avenue           \$270,500  
Funds Transferred from PR- 2395 Renew Drainage       \$ 19,570

The Department of Education has contributed \$93,000 towards this project.

**Community Consultation**

No formal community consultation has been under taken in relation to this variation.

**Councillor/Officer Consultation**

This matter has been subject to discussions at ELT and the Council Briefing of 2 December 2014.

**Outcome – Council Meeting 9 December 2014**

The recommendation (as printed) was moved Cr Hayward, seconded Cr Cook.

Cr Cook requested that it be reflected in the minutes of the meeting that the taxpayer contribution to this project was \$93,000 while the ratepayer contribution was \$200,000 and that he believed the State should be doing more to support regional communities.

The Mayor put the motion to the vote and was adopted to become the Council’s decision on the matter.

**Council Decision 457/14**

***That Council approve***

***1. Variation One to the value of \$ 42,500 thereby increasing the total contract value to \$290,070.***  
***2. The transfer of \$19,570 from PR-2395 Renew, resleeve and improve drainage network 2014/15 to PR-1172 Contribute to EdWA school frontage program - road network expansion 2014/15 (Lovegrove Avenue).***

CARRIED  
9 votes “for” / 4 votes “against”

## **15. Meeting Closed to Public**

### **15.1 Matters for which the Meeting may be Closed**

Nil

### **15.2 Public Reading of Resolutions that may be made Public**

Nil

## **16. Closure**

The meeting was declared closed at 6:26 pm.

On behalf of Council, the Mayor expressed his condolences at the passing of former Council staff member Mr Jack Dyson.

The Mayor also thanked Council for their work over the past year and wished all a safe and Merry Christmas. The Mayor also thanked all members of the public who attended the meeting.

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Confirmed this day 20 January 2015 to be a true and correct record of proceedings of the Bunbury City Council Meeting held 9 December 2014.

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**Mr Gary Brennan**  
**MAYOR**