

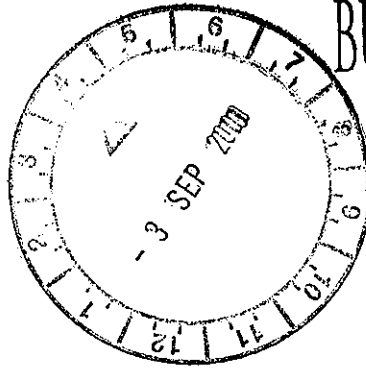
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CITY OF
BUNBURY



30 July 2009

Hon Brian Ellis MLC
Parliament House
Perth WA 6000



PUBLIC

Dear Sir,

**PETITION NO 29 - BLAIR STREET AND KOOMBANA DRIVE
LOTS 707, 681 AND 723 - RETAIN AS A PARKS AND
RECREATION RESERVE**

I refer to your letter of 24 June 2009 in relation to Petition No. 29 - Blair Street and Koombana Drive, Lots 707, 681 and 723 – Retain as a Park and Recreation Reserve.

For your information the land in question is vested in the 'Crown' and for planning purposes falls under the Greater Bunbury Regional Scheme being a matter for determination by the State Government.

The State Government through its land management agency, LandCorp, is proposing to develop this land as part of its Bunbury Waterfront project. At present, the Minister for Planning has established a Ministerial Task Force to investigate associated planning considerations with regard to this land and is expected to finalise its report to the Minister in the next few weeks. This report will assist LandCorp in its development of the site with respect to any areas required to remain as public open space as well as areas suitable for major built-form development.

It would be inappropriate for Council to make any comment at this stage until the Ministerial Task Force has completed its report. Should you require further details for what is planned for the land in question I suggest you make contact with Mr Ross Holt, LandCorp's Chief Executive Officer on 08 9482 7499, being the responsible agency for the project.

For your information I have attached a copy of Council's report/decision of 16 December 2008 which provides comment and a summary of the City's views on development options for this site (locally described as the Eastside Precinct by LandCorp).

Kind Regards


Greg Trevaskis
CHIEF EXECUTIVE OFFICER

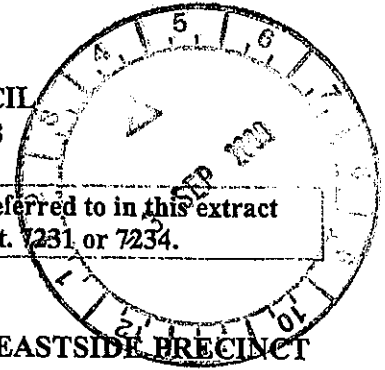
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EXTRACT FROM MINUTES OF COUNCIL MEETING HELD 16 DECEMBER 2008

Hard copies of 'reports under separate cover' or 'confidential reports' referred to in this extract can be viewed by arrangement with the Administration Officers on ext. 7231 or 7234.



11.12 BUNBURY WATERFRONT PROJECT – ASSESSMENT OF EASTSIDE PRECINCT STRUCTURE PLAN (WAS LISTED AS ITEM 11.6 ON THE MEETING AGENDA)

File Ref:	A03183
Applicant/Proponent:	Taylor Burrell Barnett, Planning Consultants (for Landcorp)
Author:	Geoff Klem & Paul Davies, Planning Consultant
Executive:	Geoff Klem, Executive Manager City Development

Summary

Taylor Burrell Barnett, Planning Consultants (on behalf of Landcorp) has submitted a report document titled "Bunbury Waterfront Eastside Precinct Structure Plan". The report supports a rezoning request in respect of the portion of the Waterfront Project area referred to as the Eastside Precinct and includes a draft Structure Plan.

At its meeting on 18 March 2008, the Council made the following decision concerning the Eastside Precinct Structure Plan:

"Council, pursuant to the Planning and Development Act 2005 and clause 5.9.13 of the City of Bunbury Town Planning Scheme No. 7, hereby resolves to:

- a) *Publicly advertise on a "Without Prejudice" basis, the proposed draft Bunbury Waterfront Eastside Precinct Structure Plan (December 2007) document as a Local Structure Plan for a period of 60 days and refer the document to relevant public authorities for review and comment.*
- b) *Following public advertising of the proposed draft Bunbury Waterfront Eastside Precinct Structure Plan (December 2007) document, the proposal and any public submissions lodged with the City during the advertising period are to be returned to Council for further consideration."*

In accordance with Council's decision, the draft Bunbury Waterfront Eastside Structure Plan was advertised for public comment closing on 5 August 2008. A total of 881 submissions were received. The purpose of this report is to consider the issues raised in the submissions and to also consider outcomes from Council briefings and a study tour of Queensland.

Following completion of the formal advertising period Landcorp submitted the results of an independent telephone survey undertaken by Patterson Market Research. Landcorp undertook the survey as an alternative assessment of community attitudes towards the Bunbury Waterfront development.

It is recommended that Landcorp review the proposed Bunbury Waterfront Eastside Precinct Structure Plan taking account of the public submissions, the policy statement contained in

City Vision Strategy relating to the subject land, the outcomes from the study tour of Queensland and the briefing on passenger rail terminus options. Specific matters for detailed consideration include, but are not limited to, the following matters:

- As part of a comprehensive plan for the Lower Leschenault Estuary and adjoining lands, make provision for activity nodes comprising restaurants/kiosks, playgrounds, toilets, shelters, barbecues and entertainment areas.
- Increase the provision of public open space and in particular increase foreshore or the setback to the estuary for the Eastside Precinct area.
- Plan for wide foreshore paths with grade separation, integrated landscaping (particularly shade trees), public art and lighting for the entire Lower Leschenault Estuary, the "Plug" and Marlestone Waterfront area.
- Through the comprehensive planning of the Lower Leschenault Estuary area, establish those areas that would be suitable for built form other than public amenities. In this regard building height should be restricted to that of the Marlestone Waterfront or where there is adequate separation from the water - 5 storeys or 8 storeys subject to performance criteria.
- Ensure that there is adequate public parking and access to all foreshore areas.
- Plan for no encroachment into the estuary and provide for the management of any development to include measures to protect the water quality of the estuary.
- Establish, through liaison with the Public Transport Authority, the status of a preferred option for a passenger rail terminus in the Central Business District. In the event of no firm commitment to the planning and development of the facility and associated commuter "fast train" service, appropriate provision be made for a rail platform on reserved land north of Koombana Drive.

Background

The Eastside Precinct Structure Plan forms part of the first stage of the Bunbury Waterfront Project proposals by Landcorp, to secure future redevelopment over areas of Crown land along the coastal foreshore west of the Bunbury Inner Harbour up to and including the Outer Harbour.

The land is principally reserved for "Regional Open Space and Railways" under the Greater Bunbury Region Scheme and as "Parks and Recreation and Railways" under Town Planning Scheme No 7. Accordingly, a series of amendments are required in order to progress the project.

A copy of the "Bunbury Waterfront Eastside Precinct Structure Plan" report submitted by Taylor Burrell Barnett Planning Consultants has previously been circulated to Council.

At its meeting on 18 March 2008, the Council resolved to:

"Council Decision 34/08

1. *Council, in pursuance of section 75 of the Planning and Development Act 2005 (as amended), resolves to initiate an amendment to City of Bunbury Town Planning Scheme No. 7 by:*

- a) Rezoning Lot 707 Blair Street, Lot 681 Koombana Drive, portion of Lot 674 Blair Street, portion of Lot 723 Koombana Drive, portion of Lot 628 Koombana Drive and parcels of Unallocated Crown Land from "Parks and Recreation Reserve" to "Special Use Zone No. 51" on the Scheme Map;
- b) Rezoning portion of Lot 723 Koombana Drive and parcels of Unallocated Crown Land from "Railway Reserve" to "Special Use Zone No. 51" on the Scheme Map;
- c) Rezoning portion of Lot 723 Koombana Drive and parcels of Unallocated Crown Land from "Railway Reserve" to "Parks and Recreation Reserve" on the Scheme Map
- d) Rezoning portions of Koombana Drive from "Parks and Recreation Reserve" to "Local Distributor Road Reserve" on the Scheme Map
- e) Rezoning portions of Unallocated Crown Land from "Parks and Recreation Reserve" to "Waterways" on the Scheme Map; and
- f) Inserting land uses and development standards for 'Special Use(s)' and 'Conditions' of "Special Use Zone No. 51" under Schedule 2 – Special Use Zones of the Scheme Text,

in accordance with "Local Planning Scheme Amendment Report - Scheme Amendment No. 26 to Town Planning Scheme No. 7".

2. The proponent be advised of Council's decision and requested to submit 5 copies of cadastrally correct Scheme Map amendment documentation in both electronic and hard copy formats to the satisfaction of the Executive Manager of City Development.
3. A copy of the Scheme Amendment proposal to be referred to the Environmental Protection Authority and any other relevant public authority, for consideration and comment.
4. Council, pursuant to the Planning and Development Act 2005 and clause 5.9.13 of the City of Bunbury Town Planning Scheme No. 7, hereby resolves to:
 - a) Publicly advertise on a "Without Prejudice" basis, the proposed draft Bunbury Waterfront Eastside Precinct Structure Plan (December 2007) document as a Local Structure Plan for a period of 60 days and refer the document to relevant public authorities for review and comment.
 - b) Following public advertising of the proposed draft Bunbury Waterfront Eastside Precinct Structure Plan (December 2007) document, the proposal and any public submissions lodged with the City during the advertising period are to be returned to Council for further consideration.
5. At a time decided upon by the City's Executive (in consultation with the Mayor and Deputy Mayor) the Council resolves to request the Western Australian Planning Commission to initiate an Amendment to the Greater Bunbury Region Scheme to reflect the proposed Eastside Precinct Proposal."

Submissions

In accordance with the Council's decision, the draft Bunbury Waterfront Eastside Structure Plan was advertised for public comment closing on 5 August 2008 and a total of 881 submissions were received. Table 1 below includes a summary of the main issues raised in the submissions.

A full Schedule of Submissions was prepared previously and forwarded to all councillors on computer disc and the submissions, without names, were subsequently posted on the City's website. A hard copy of the submissions is included as part of this item at Appendix 7. A number of submissions included sketch plans for possible development options for the area and these have been included in the Schedule of Submissions.

Following completion of the advertising period Landcorp has submitted the results of an independent telephone survey undertaken by Patterson Market Research. The telephone survey was undertaken by Landcorp to determine community attitudes towards the Bunbury Waterfront development.

Table 1

Issue	Comments	No of submissions	%
1	Retain all existing Open Space, Do not support rezoning	370	42
2	No High Rise Buildings	360	41
3	Provide more landscaping public facilities, playgrounds, toilets, barbeques, shelters	286	32
4	Protect estuary waterways for passive use and concern with development impact on water quality	189	27
5	Provide Cafes / Restaurant facilities.	180	20
6	Support Landcorp design/ proposal	165	19
7	Provide more open space	143	16
8	No encroachment / fill on Estuary	118	13
9	Retain Public Open Space south of Koombana Drive	97	11
10	Concerned with lack of car parking proposed reduced road widths	84	10
11	Concern with environment in future including global warming and sea level rising.	77	9
12	Support revised design for more low rise development opportunity	74	8
13	Concern with impact on Rowing Club and inlet activities	58	7
14	Support low rise development to north side of Koombana Drive	65	7
15	Support Tourism Development	56	6
16	Revise concept in accordance with City Vision	55	6
17	Development in accordance with Sustainable Cities principles.	55	6
18	Include railway to city centre	34	4
19	Provide more pathways, cycle routes	25	3

Issue	Comments	No of submissions	%
20	Provide Museum or cultural centre	22	3
21	Retain Blair Street Roundabout	9	1
22	Relocate Graham Bricknell soundshell to foreshore	9	1
23	Concern with impact on Ski Beach	7	1
24	Concerned with reduced property values for existing properties	6	1
25	Provide bigger jetty for mooring in estuary	5	1
26	Restore Historic Timber Jetty	4	
27	Concern with conflict with Bunbury Port operations traffic, noise, dust	3	

1. Public Open Space

42% of the submissions received recommend that the whole Eastside Precinct area be retained as open space and not be rezoned for development. 16% of submissions recommend that more public open space be provided in the area with 11% outlining particular concern for the area south of Koombana Drive which is considered desirable to retain usage for current significant community events such as fireworks and displays.

2. Development Requirements

The other major concern outlined in the submissions is development of high rise buildings on the foreshore. 41% of submissions recommend that no high rise buildings be allowed on the foreshore area. A number of submissions recommended that the maximum building height on the foreshore area should be 4-5 storeys.

32% of submissions recommend that the Eastside Precinct area only be developed with landscaping and public facilities and amenities including playgrounds, and or

toilets, barbeques and shelters or other amenities. 20% of the submissions outline that the area should include some commercial uses such as Cafes and Restaurant or kiosks.

19% of submissions supported the overall development concept as outlined in the proposed Landcorp Structure Plan. 8% support a revised proposal for low rise development, 6% support low rise development north of Koombana Drive and 6% support development for Tourism purposes.

6% of submissions recommend that the proposal be revised to conform to City Vision proposals for the Precinct area. Also 6% of submissions outline that any development in the area should be in accordance with Sustainable Cities principles.

Other issues raised in the submissions included bringing the railway into the city centre, provide museum or cultural centre, and relocate the Graham Bricknell soundshell to the foreshore.

3. Environment

27% of submissions outline concern with pollution from development and increased boat usage in the area impacting on the water quality of the estuary and particularly mangrove areas. 9% of submission outline concerns with possible environmental changes such as global warming and sea level rise.

Concern is also raised in regard to proposed fill of the estuary and impact on the possible creation of a formal rowing course in the area.

4. Car Parking and Traffic

10% of submissions outline concern in regard to lack of car parking or reduction in road pavement widths for Blair Street and Koombana Drive. The proposed development includes a number of submissions that outline that the roundabout at Blair Street and Koombana Drive should be retained as an entry to the City.

The proposed Structure Plan indicates possible development of approximately 14,710m² of office / commercial floor space and 10,970m² of retail hospitality floor space which could generate demand for approximately 900 car parking bays based on current Town Planning Scheme No 7 requirements.

The provision of the required car parking spaces could result in significant traffic demands for the area and implications for road layout/design.

5. City Vision Strategy

The Bunbury Waterfront Project in general, and the proposed Eastside Precinct Structure Plan in particular has high significance when considered in conjunction with the recommendations and objectives of the City Vision Strategy, adopted by Council in 2007. Key extracts from the City Vision Strategy include the following;

Priority Issues / Proposals - Social Strategy 2.1

"Prepare a plan that provides for improved physical and visual connection of the CBD to the water and foreshore areas of the Outer harbour, Koombana Bay, Leschenault Inlet and Ocean Beach and the continuous improvement of recreation and other associated community facilities"...

"The extent, design, scale and bulk of any development on the foreshore areas are critical factors affecting a strategy to engage with the water areas of the City. Currently, views to the water from many vantage points are uninterrupted because of the lack of development. However, there is no magnet or major attraction near the foreshores to draw people towards the water. To satisfy competing objectives, the identification of limited low impact, high quality attractions in a setting of open, enhanced recreation and civic areas as proposed."

Priority Issues / Proposals - Economic Strategy 2.2

"Identify, enhance and expand tourist attractions in the Strategic Regional Centre and ensure that the CBD is planned and developed as the arrival point for visitors including an enhanced Tourist Visitor Centre" ...

"The proposal for increased commercial opportunities and other development on foreshores meets this objective/strategy".

Composite Recommendations (Leschenault Inlet / Koombana Bay Foreshore Reserves)

The Inlet (City End - The "Plug" to Bunbury Yacht Club)

CBD30: That major and extensive built development is not supported on the Inlet foreshore excepting a project area at the western end of the Inlet that provides an attraction or magnet to the water. The type of development consistent with community values for this area is a restaurant, tearooms and/or tavern combined with bike and boat hire, facilities for barbeques, child/youth play areas and live entertainment facilities. This development should align closely with the key pedestrian and visual connector with the City centre, being Symmons Street. Other development opportunities maybe considered following the public release and community feedback on the Bunbury Waterfront Project prepared by Landcorp."

Koombana Bay/North Shore

CBD34: That development of the foreshore areas must be low impact with an emphasis on civic, cultural and tourist orientated uses. Other development opportunities may be considered following the public release and community feedback on the Bunbury Waterfront Project

Bunbury Waterfront – Recommendations

CBD35: Reaffirm the conclusion that the Outer Harbour offers a significant development opportunity that will complement the adjoining CBD and North Shore areas of the City.

CBD36: That the City in partnership with Landcorp undertake further planning and financial analysis to establish the mix of uses that meet objectives and strategies that seek to improve connectivity between the CBD and the Harbour, provide for a broad range of tourism and recreation experiences, protect and enhance heritage values and build on the existing facilities that currently service small craft to large ships.

6. Landcorp Telephone Survey

Following completion of the formal advertising period Landcorp has submitted the results of an independent telephone survey undertaken by Patterson Market Research. The telephone survey was undertaken by Landcorp to determine community attitudes towards the Bunbury Waterfront development.

A copy of the Telephone Survey Results provided by Landcorp is attached at Appendix 8. The telephone survey was undertaken on a random dial selection of 201

residents and 100 business managers and owners. The resident survey comprised of residents throughout the Greater Bunbury Region.

It should be noted that the Telephone survey is not part of the formal statutory advertising process for Planning Applications or rezoning proposals. On this basis, the results of the Telephone survey have limited consideration as part of a formal advertising process.

The formal advertising process for development proposals under Town Planning Scheme No 7 is as follows;

"9.4.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways –

- a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date not being less than 14 days from the day the notice is served;*
- b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local authority by a specified date not being less than 14 days from the day the notice is served;*
- c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected."*

"9.4.4 The notice referred to in clause 9.4.3 (a) and (b) is to be in the form prescribed in Schedule 5 with such modifications are considered appropriate by local government."

"9.4.5 Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government."

The Structure Plan has been advertised in accordance with parts (b) and (c) of the clause 9.4.4 of Town Planning Scheme No 7.

Notwithstanding the above the Telephone survey does provide some general information relevant for Council's consideration of the proposal. The Telephone survey would most appropriately be considered as a submission on the proposal by the proponent.

The results of the Telephone survey suggest that 60% of residents and 71% of businesses support or strongly support the project. The survey also indicates that there is a good level of community interest in the project with 60% of residents indicating a high level of interest.

Further the survey suggested 28% of residents objected to the proposal principally on the basis that it is too commercial and has too much high rise development. Also, there was concern with detrimental impact on the waterfront and beach access.

7. Summary of Comments at the Council Special Briefing Session Held on the 14th October 2008

1. Rail terminus to be included in plan. No large buildings or tall buildings near water. Need to be 2 storeys – the same as Aristos and Dome.
2. Need better liaison with Landcorp and information on how other foreshore areas have been developed. There is no “ICONIC” development and the recommendations are too safe rather than proactive.
3. Landcorp has not been effective as the developer. City Vision is a poor reference and there is a need for something iconic.
4. Consideration needs to be given to sea level rise and the need to expand Koombana Bridge to 4 lanes. Building height should be restricted to 5 storeys and the overall development consistent with City Vision. There is no provision for low cost housing/facilities and the navigators should be moved early.
5. Agrees with the concerns about open space but notes that the majority are “for” the proposal in some form.
6. Patterson’s survey more reflective of public opinion. The foreshore needs to be activated and height should not be prescribed. Viability of project an issue if wholesale changes made.
7. Need to look at interim uses of foreshore given long lead time on planning and development. The planning for the train station a critical issue.
8. Eastside must be integrated with Queens Gardens. The project should be analysed from a social perspective as well as economic. Other areas in the CBD would be easier to plan develop.
9. A museum and cultural centre not realistic at this location. A large playground supported. Impressed with level of interest from youth.
10. The Community Reference Group needs to have strong Council representation. More details needed on the operation of this group. Museums and cultural centre not realistic at this location.
11. More parks needed and buildings need to have much smaller footprints.
12. Something needs to be done in the interim and move Stage 1 to the Marina, (shown as Stage 3).

13. Geraldton foreshore a useful reference and the Albany Community were not served well by the Albany Community Reference Group. The existing amenity of the area should be enhanced and much greater attention needed for pedestrian and cycle paths. Will major events such as fireworks still be possible?

14. City Vision got it right and this is reflective of community values. Most City Vision Taskforce members supported the recommendations. Essential that Council clearly enunciates what it wants. Landcorp's approach heavy handed.

It was discussed that if development was to occur at Eastside it should be set back at least 30 metres and the public access (paths especially) needed to be a priority. It was noted that a museum and cultural centre is not appropriate at this location and development north of Koombana Drive supported.

8. Proposed Passenger Rail Terminus in the CBD and Associated Fast Train Commuter Service

The Minister for Planning and Infrastructure and subsequently the Premier under the previous Government stated that they were committed to the planning and development of a "fast train" passenger service from Perth to Bunbury.

The Public Transport Authority briefed Council officers on the scope of the project however made it clear that there was no funding to progress the project to a more detailed phase. As a consequence, the Bunbury terminus component of the project is only in a basic conceptual format and cannot adequately inform the structure planning process for the Eastside area. Landcorp has briefed Council on four options for bringing the passenger service into the CBD.

Given the change of Government, it is now essential that a clear statement of intent is obtained in relation to the "fast train" project. Should there be no firm commitment, then structure planning should proceed on the basis of a land allocation north of Koombana Drive that could accommodate a rail platform if required some time in the future. This would be consistent with the current structure plan.

9. Queensland Study Tour

As part of the budget deliberations for the 2008/09 year, Council allocated and approved the funding for a study tour for nominated Councillors and senior officers to visit some key waterfront developments in Queensland. A report and graphic journal of the trip are contained under separate cover at Attachments 1-6 & 9.

Key outcomes from the trip are summarized as follows:

- A high standard of public amenity near the coast was extremely popular with local residents as well as visitors.
- Generous dual use paths and a high level of landscaping was a feature of the foreshore developments.
- Any built form was well set back from the foreshore areas and restricted to low rise outside of CBD areas.

- Planning for the foreshore areas of the inlet should not be confined to the Eastside precinct. A comprehensive plan or master plan of the total area and its relationship with Marlston Waterfront and the existing CBD is needed.
- Water playgrounds were the most popular attraction, however swimming facilities are not needed in Bunbury.
- Nodes of activity were spread throughout the waterfront projects and were linked with high quality paths and landscaping.
- Lighting and public art added points of interest and improved the amenity of the foreshore areas.
- Careful consideration needs to be given to the cost of maintenance of any public areas and the City's capacity to meet those costs.

Discussion

The Department for Planning and Infrastructure ("DPI") advises that the land uses and developments proposed in the structure plan are inconsistent with the reservations over the site and an amendment to both the Greater Bunbury Region Scheme ("GBRS") and Town Planning Scheme No. 7 ("TPS 7") will be required. A copy of the DPI's letter is **contained under separate cover at Attachments 10.**

Further, as the Structure Plan is inconsistent with the GBRS, a decision by the Council to adopt or endorse the plan is not possible at this stage. Council may however, assess the submissions received to gauge public opinion on the development and consider the proposed land uses for the site.

The DPI also advises that the Western Australian Planning Commission ("WAPC") has resolved and advised Landcorp that it will consider an amendment to the GBRS to facilitate the Bunbury Waterfront Project (Eastside Precinct) subject to supporting documentation (planning and environmental) being prepared and submitted to the WAPC. An amendment to TPS 7 cannot progress until an amendment to the GBRS is finalised.

On the basis of the DPI's comments it is proposed that Council consider the submissions received during the advertising of the Eastside Precinct Structure Plan along with outcomes from Council briefings and a study tour of Queensland and advise Landcorp to consider modifications to the proposed Structure Plan to reflect the concerns of the community.

The submissions received and further investigations in regard to the Structure Plan indicate a number of concerns with the proposal. The principal issues of concern are the area of open space provided and the bulk and height of buildings in the proposed in the Structure Plan.

Strategic Corporate Planning

As a consequence of the City Vision Strategy's recommendations, Strategic Objective 4 '*Implement City Vision*' (City of Bunbury Strategic Plan 2007-2012) provides support to progressing, in principle, the Scheme Amendment and rezoning of the land.

Community Consultation

In accordance with the Council Resolution the draft Bunbury Waterfront Eastside Structure Plan was advertised for public comment closing on 5 August 2008 and a total of 881 submissions were received.

Table 1 includes a summary of the issues raised in the submissions. A schedule of submissions has been prepared previously and forwarded to all Councillors on disk. The full list of submissions has been posted on the City's website without names.

Councillor/Officer Consultation

The proponent provided a presentation on a preliminary draft of the Structure Plan at a Council Briefing Session on the 26th February 2008. Officers of Development Services, and other City staff, have also sought to contribute to the planning process. Further briefings to Council have been undertaken in relation to passenger rail terminus options and the outcomes of the Queensland Study Tour.

Analysis of Financial and Budget Implications

The financial implications of the proposal on the City's Annual Budget have not been quantified.

Economic, Social, Environmental and Heritage Issues

Economic Issues

Note City Vision Economic Strategy 2.2 i.e. "*Identify, enhance and expand tourist attractions in the Strategic Regional Centre and ensure that the CBD is planned and developed as the arrival point for visitors....*"

Social Issues

Note City Vision Social Strategy 2.1 i.e., "*Prepare a plan that provides for improved physical and visual connection of the CBD to the water and foreshore areas of the Outer harbour, Koombana Bay, Leschenault Inlet and Ocean Beach and the continuous improvement of recreation and other associated community facilities*"...

Environmental & Heritage Issues

The proposed Structure Plan was referred to the EPA under section 37B of the Environmental Protection Act 1986. Any proposed amendments to the Greater Bunbury Region Scheme and Town Planning Scheme No 7 would need to be referred to the EPA. As yet no response has been received from the EPA.

Land in the vicinity has been identified as the former site of a Military Camp (1830) and appears upon the Municipal Inventory (ref: B126).

Legislative and Council Policy Compliance

Rezoning of any site is required to be undertaken in accordance with requirements of the Planning and Development Act 2005.

Delegation of Authority

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

Relevant Precedents

No similar proposals creating precedent have been identified.

Options

Option 1

Per the recommendation listed at the end of this report.

Option 2

"Council resolves to:

1. Advise Landcorp that the proposed Bunbury Waterfront Eastside Precinct Structure Plan is supported as advertised by the City of Bunbury for submission to the Western Australian Planning Commission as the basis of an appropriate amendment to the Greater Bunbury Region Scheme.
2. Forward copies of the public submissions received to Landcorp for information. "

Conclusion

The draft Bunbury Waterfront Eastside Structure Plan was advertised for public comment closing on 5 August 2008 and a total of 881 submissions were received. Council has received briefings on the public submissions, passenger rail terminus options for the CBD and the outcomes of a study tour of Queensland.

It is recommended that Council note the submissions and recommend that Landcorp review the proposed Bunbury Waterfront Eastside Precinct Structure Plan taking account of the public submissions, the policy statement in the City Vision Strategy relating to the subject land, the outcomes from the study tour of Queensland and the briefing on passenger rail terminus options for the CBD.

Recommendation

In relation to the proposed Bunbury Waterfront Eastside Precinct Structure Plan, Council resolves to:

1. Note public submissions received during the advertising period for the Bunbury Waterfront Eastside Precinct Structure Plan and forward the summary of submissions to Landcorp and the Department of Planning and Infrastructure.
2. Note the report on the Queensland study tour and forward the tour outcomes document to Landcorp and the Department of Planning and Infrastructure.

3. Recommend that Landcorp review the proposed Bunbury Waterfront Eastside Precinct Structure Plan taking account of the public submissions, the policy statement contained in City Vision Strategy relating to the subject land, the outcomes from the study tour of Queensland and the briefing on passenger rail terminus options. Specific matters for detailed consideration include, but are not limited to, the following matters:
 - 3.1 As part of a comprehensive plan for the Lower Leschenault Estuary and adjoining lands, make provision for activity nodes which may include restaurants/kiosks, playgrounds, toilets, shelters, barbecues and entertainment areas.
 - 3.2 Increase the provision of public open space and in particular increase foreshore or the setback to the estuary for the Eastside Precinct area.
 - 3.3 Plan for wide foreshore paths with grade separation, integrated landscaping (particularly shade trees), public art and lighting for the entire Lower Leschenault Estuary, the "Plug" and Marlestone Waterfront area.
 - 3.4 Through the comprehensive planning of the Lower Leschenault Estuary area, establish those areas that would be suitable for built form other than public amenities. In this regard building height should be restricted to that of the Marlestone Waterfront or where there is adequate separation from the water - 5 storeys and 8 storeys subject to performance criteria.
 - 3.5 Ensure that there is adequate public parking and access to all foreshore areas.
 - 3.6 Plan for no encroachment into the estuary and provide for the management of any development to include measures to protect the water quality of the estuary.
 - 3.7 Establish, through liaison with the Public Transport Authority, the status of a preferred option for a passenger rail terminus in the Central Business District. In the event of no firm commitment to the planning and development of the facility and associated commuter "fast train" service, appropriate provision be made for a rail platform on reserved land north of Koombana Drive immediately abutting the road reserve.
4. Council further resolves to advise Landcorp that it is committed to re-engaging in a process of planning review and to the implementation of the total Waterfront Project. Council understands that the outcomes of a review will necessitate a review of the financial plan for the project and a fresh submission to the State Government. In this regard, the City is keen to discuss different land use and development scenarios that can meet both State and Local Government objectives.

Outcome of the Council Committee Meeting – 9 December 2008

Cr Craddock moved, Cr Whittle seconded the recommendation with the following amendments:

Point 3.3 be amended to include the wording "*Including how they connect the activity node referred to in 3.1*" following the end of the sentence.

Point 3.4 to include an additional sentence to read "*In this regard the building height should be considered in the context of the public submissions and Council's proposed Building Heights Policy.*"

Point 3.6 to include the wording "*and all environmentally sensitive areas, especially the Mangroves and the Anglesea Island*" follow the end of the sentence.

Point 4 cease after the wording "...implementation of the total Waterfront Project".

New Points 5, 6 and 7 to read:

- "5. *Council understands that the outcomes of a review may require a revision of the State's financial plan for the project and instructs the CEO and the Mayor to seek discussions with the relevant State Ministers and the Premier to canvass different development scenarios that meet both State and Local Government objectives, in the context of the 'Royalties for the Regions' program and any Federal financial support which may be available.*"
- "6. *Any new Structure Plan for the Eastside Precinct (prepared in the course of proposed amendments to TPS 7 and the GBRS) should form part of a new broader plan that encompasses the lower Leschenault Inlet, Koombana Bay, Jetty Groyne, Jetty, Breakwater and Outer Harbour.*"
- "7. *Release the Study Tour Report document for public viewing via Council's public libraries, the Council reception area and on Council's website.*"

Members of the Gallery were provided with a copy of the amendments and extended the opportunity to speak on the new motion.

Ms Amanda Doust spoke against commercial and retail built forms being developed on the Waterfront suggesting that the Council look at forms such as Water Parks which attract community involvement. She reiterated that she is not against the site being developed, but against high-rise being built on the area.

Mr Bernhard Bishoff spoke in support of community infrastructure being built on the site which may include attractions such as a Museum and Restaurants.

Mr Allan Birrell of the Bunbury Chamber of Commerce and Industries addressed Council indicating there is strong support from the local business community for the Waterfront Project development and feel that it is necessary for the long term sustainability of the City Mr Birrell indicated concern that if the City is to request Landcorp review the proposal, this

may involve the Stage Government changing their view on the project and may eventuate to Bunbury losing the development.

Mrs Karen Steele thanked Council for their time and consideration in relation to the Waterfront Development.

During discussion the following points were raised:

- Only 19% of the submissions received were in favour of the current proposal.
- The site does need to be developed as it is currently underutilised.
- Bunbury has grown from an Industrial Port to a City and consideration should be taken at looking 50 years into the future for what the Waterfront Development would do for Bunbury.
- At the recent State Elections, \$45M was re-committed to the project, so there should be no fear that Bunbury will lose the project.
- Council has taken into consideration, the views of the public and would like to see the Structure Plan reviewed to incorporate these views.

Cr Punch moved, Cr Leigh seconded (pro forma) the following additional Point 3.8 to the motion:

"3.8 Recognise that the principle planning objective for the Eastside Structure Plan should be to provide quality civic amenities in an environment that supports commercial investment and contributes to building vibrancy within the CBD."

Cr Punch moved, Cr Jones seconded (pro forma) the following amendment to Point (4.) of the motion:

"4. That the City of Bunbury work with Landcorp, the Western Australian Planning Commission and the Environmental Protection Authority to determine an appropriate level of documentation to progress an amendment to the Greater Bunbury Region Scheme. This should occur ahead of the certainty of the rail relocation issue and include an appropriate setback from the foreshore for public open space in order to support a revision of Stage 1 of the Bunbury Waterfront Development in concept form."

Cr Punch moved, Cr Slater seconded (pro forma) the following addition of a Point 8 to the motion:

"8. That the City enter into a collaborative relationship with LandCorp as the State's land developer to ensure that an appropriate level of investment is planned for Stage 1 of the Bunbury Waterfront Development without compromising the City's regulatory role."

Cr Slater vacated the chamber at 9.20pm.

The Presiding Member put the motions to the vote with the following results:

Additional Point 3.8 was lost 2 votes "for" to 9 votes "against".

Cr Slater returned to the chamber at 9.22pm.

Amended Point 4 was lost 4 votes "for" to 8 votes "against".

Additional Point 8 was tied 6 votes "for" to 6 votes "against". The Mayor then exercised his casting vote and the motion was lost 6 votes "for" to 7 votes "against".

Due to point 8 being lost, Cr Leigh then moved, Cr Major seconded (pro forma) the following:

- "8. *Landcorp to work with the Community Group of Bunbury and deliver a proposal which is sustainable and acceptable to the whole of Bunbury, taking into consideration all EPA's, Planning, Traffic Management and public submissions. All final proposals to be brought before full Council for consideration.*"

The Presiding Member put the motion to the vote and it was lost 2 votes "for" to 10 votes "against".

The Amended Recommendation as moved by Cr Craddock, seconded Cr Whittle was then put to the vote and it was adopted 12 votes "for" to Nil votes "against" to become the Committee's recommendation on this issue.

Committee Recommendation

1. Note public submissions received during the advertising period for the Bunbury Waterfront Eastside Precinct Structure Plan and forward the summary of submissions to Landcorp and the Department of Planning and Infrastructure.
2. Note the report on the Queensland study tour and forward the tour outcomes document to Landcorp and the Department of Planning and Infrastructure.
3. Recommend that Landcorp review the proposed Bunbury Waterfront Eastside Precinct Structure Plan taking account of the public submissions, the policy statement contained in City Vision Strategy relating to the subject land, the outcomes from the study tour of Queensland and the briefing on passenger rail terminus options. Specific matters for detailed consideration include, but are not limited to, the following matters:
 - 3.1 As part of a comprehensive plan for the Lower Leschenault Estuary and adjoining lands, make provision for activity nodes which may include restaurants/kiosks, playgrounds, toilets, shelters, barbecues and entertainment areas.
 - 3.2 Increase the provision of public open space and in particular increase the foreshore area or the setback to the estuary for the Eastside Precinct area.
 - 3.3 Plan for wide foreshore paths with grade separation, integrated landscaping (particularly shade trees), public art and lighting for the entire Lower Leschenault Estuary, the "Plug" and Marlston Waterfront area, including how they connect the activity nodes referred to in 3.1.

- 3.4 Through the comprehensive planning of the Lower Leschenault Estuary area, and Koombana Bay area, establish those areas that would be suitable for built form other than public amenities. In this regard the building height should be considered in the context of the public submissions and Council's proposed building heights policy.
- 3.5 Ensure that there is adequate public parking and access to all foreshore areas.
- 3.6 Plan for no encroachment into the estuary and provide for the management of any development to include measures to protect the water quality of the estuary and all environmentally sensitive areas, especially the mangroves and Anglesea Island.
- 3.7 Establish, through liaison with the Public Transport Authority, the status of a preferred option for a passenger rail terminus in the Central Business District. In the event of no firm commitment to the planning and development of the facility and associated commuter "fast train" service, appropriate provision be made for a rail platform on reserved land north of Koombana Drive immediately abutting the road reserve.
4. Council further resolves to advise Landcorp that it is committed to re-engaging in a process of planning review and to the implementation of the total Waterfront Project.
5. Council understands that the outcomes of a review may require a revision of the State's financial plan for the project and instructs the CEO and the Mayor to seek discussions with the relevant State Ministers and the Premier to canvass different development scenarios that meet both State and Local Government objectives, in the context of the 'Royalties for the Regions' program and any Federal financial support which may be available.
 - 6a) Any new Structure Plan for the Eastside Precinct (Prepared in the course of proposed amendments to TPS 7 and the GBRS) should form part of a new broader plan that encompasses the Lower Leschenault Inlet, Koombana Bay, Jetty Groyne, Jetty, Breakwater and Outer Harbour.
 - 6b) That once costings for a pre-feasibility study of the additional areas outside the current project boundaries are known, that an approach be made to the State Government for funds to undertake the study.
7. Release the Study Tour Report document for public viewing via Council's public libraries, the Council reception area and on Council's website.

AT THE COUNCIL MEETING – 16 DECEMBER 2008

Cr Craddock moved, Cr Steck seconded (pro forma), the Committee Recommendation with the following amendments:

Point 4 to include the following additions:

4. *Council further resolves to advise Landcorp that it is committed to re-engaging in a process of planning review and to the implementation of the total Waterfront Project. In this regard, Council refers the responsibility for advancing discussions around a revised plan to the City Vision Implementation Committee which has as one of its Terms of Reference to implement the Bunbury Waterfront Project. Any revised plans are to be supplied to Council for its consideration.*

A new Point 8 to read:

8. *That Landcorp be requested to consider preparing a physical model that adequately illustrates different development scenarios once these have been developed in consultation with Council.*

In support of his amended Point 4, Cr Craddock stated that the City Vision Committee was created to implement the Bunbury Waterfront Project and would be able to consider any plans in conjunction with the City Vision document.

In relation to the additional Point 8, Cr Craddock advised that by having a 3D scale model of the proposal would not only assist members in making a decision on the project, but would be of benefit to members of the community as well.

During discussion on the amendments, Cr Punch foreshadowed the following motion should the amendments be defeated:

1. *Advise Landcorp that the proposed Bunbury Waterfront Eastside Precinct Structure Plan is supported in principle.*
2. *Request Landcorp to take into account the public submissions received by the City of Bunbury and examine options to reduce building heights, increase public open space including increased access to the Waterfront. This advice to be used as a basis for a submission to the Western Australian Planning Commission in support of an appropriate amendment to the Greater Bunbury Region Scheme.*
3. *Forward copies of the public submissions received to Landcorp for information.*

In support of her foreshadowed motion, Cr Punch advised that members have always been aware that the project is required to be cost-neutral to go ahead and that the majority of the residence would like to see the project started.

The Mayor advised that he intended to put points 1 to 3, the amended Point 4, Points 5 to 7 and the new Point 8 to vote individually, with the following results:

Points 1 to 3 were carried 9 votes "for" to 3 votes against to form part of the Council Decision. It was requested that all names be recorded:

For: His Worship the Mayor, Cr's Spencer, Whittle, Craddock, Major, Rooney, Harrop, Jones and Kelly.

Against: Cr's Slater, Steck and Punch.

Amended Point 4 was carried 8 votes "for" to 4 votes "against" to form part of the Council Decision. It was requested that all names be recorded:

For: His Worship the Mayor, Cr's Whittle, Craddock, Major, Rooney, Harrop, Jones and Kelly.

Against: Cr's Slater, Spencer, Steck and Punch.

Points 5 to 7 were carried 8 votes "for" to 4 votes "against" to form part of the Council Decision. It was requested that all names be recorded:

For: His Worship the Mayor, Cr's Whittle, Craddock, Major, Rooney, Harrop, Jones and Kelly.

Against: Cr's Slater, Spencer, Steck and Punch.

New Point 8 was carried 7 votes "for" to 5 votes "against" to form part of the Council Decision. It was requested that all names be recorded:

For: His Worship the Mayor, Cr's Whittle, Craddock, Rooney, Harrop, Jones and Kelly.

Against: Cr's Major, Slater, Spencer, Steck and Punch.

Council Decision 245/08

1. *Note public submissions received during the advertising period for the Bunbury Waterfront Eastside Precinct Structure Plan and forward the summary of submissions to Landcorp and the Department of Planning and Infrastructure.*
2. *Note the report on the Queensland study tour and forward the tour outcomes document to Landcorp and the Department of Planning and Infrastructure.*
3. *Recommend that Landcorp review the proposed Bunbury Waterfront Eastside Precinct Structure Plan taking account of the public submissions, the policy statement contained in City Vision Strategy relating to the subject land, the outcomes from the study tour of Queensland and the briefing on passenger rail terminus options. Specific matters for detailed consideration include, but are not limited to, the following matters:*
 - 3.1 *As part of a comprehensive plan for the Lower Leschenault Estuary and adjoining lands, make provision for activity nodes which may include restaurants/kiosks, playgrounds, toilets, shelters, barbecues and entertainment areas.*
 - 3.2 *Increase the provision of public open space and in particular increase the*

foreshore area or the setback to the estuary for the Eastside Precinct area.

- 3.3 Plan for wide foreshore paths with grade separation, integrated landscaping (particularly shade trees), public art and lighting for the entire Lower Leschenault Estuary, the "Plug" and Marlston Waterfront area, including how they connect the activity nodes referred to in 3.1.*
- 3.4 Through the comprehensive planning of the Lower Leschenault Estuary area, and Koombana Bay area, establish those areas that would be suitable for built form other than public amenities. In this regard the building height should be considered in the context of the public submissions and Council's proposed building heights policy.*
- 3.5 Ensure that there is adequate public parking and access to all foreshore areas.*
- 3.6 Plan for no encroachment into the estuary and provide for the management of any development to include measures to protect the water quality of the estuary and all environmentally sensitive areas, especially the mangroves and Anglesea Island.*
- 3.7 Establish, through liaison with the Public Transport Authority, the status of a preferred option for a passenger rail terminus in the Central Business District. In the event of no firm commitment to the planning and development of the facility and associated commuter "fast train" service, appropriate provision be made for a rail platform on reserved land north of Koombana Drive immediately abutting the road reserve.*
- 4. Council further resolves to advise Landcorp that it is committed to re-engaging in a process of planning review and to the implementation of the total Waterfront Project. In this regard, Council refers the responsibility for advancing discussions around a revised plan to the City Vision Implementation Committee which has as one of its Terms of Reference to implement the Bunbury Waterfront Project. Any revised plans are to be supplied to Council for its consideration.*
- 5. Council understands that the outcomes of a review may require a revision of the State's financial plan for the project and instructs the CEO and the Mayor to seek discussions with the relevant State Ministers and the Premier to canvass different development scenarios that meet both State and Local Government objectives, in the context of the 'Royalties for the Regions' program and any Federal financial support which may be available.*
- 6a) Any new Structure Plan for the Eastside Precinct (Prepared in the course of proposed amendments to TPS 7 and the GBRs) should form part of a new broader plan that encompasses the Lower Leschenault Inlet, Koombana Bay, Jetty Groyne, Jetty, Breakwater and Outer Harbour.*
- 6b) That once costings for a pre-feasibility study of the additional areas outside the current project boundaries are known, that an approach be made to the State Government for funds to undertake the study.*

7. *Release the Study Tour Report document for public viewing via Council's public libraries, the Council reception area and on Council's website.*
8. *That Landcorp be requested to consider preparing a physical model that adequately illustrates different development scenarios once these have been developed in consultation with Council.*

CARRIED