



31 July 2007

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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

Term	Explanation
ECT	Enforcement Computer Technology
EDAC	Economic Development Advisory Committee
EDWA	Education Department of Western Australia
EIA	Environmental Impact Assessment
EPA	Environmental Protection Authority
ERMP	Environmental Review and Management Program
ESL	Emergency Services Levy
FESA	Fire and Emergency Services Authority
FFL	Finished Floor Level
GBPG	Greater Bunbury Progress Group
GBRP	Greater Bunbury Resource Plan report
GBRS	Greater Bunbury Region Scheme
GL	Gigalitres
GRV	Gross Rental Value
GST	Goods and Services Tax
HCWA	Heritage Council of Western Australia
ICLEI	International Council for Local Environmental Initiatives
ICT	Information and Communications Technology
IP	Internet Protocol
IT	Information Technology
ITC	In Town Centre
ITLC	Former In-Town Lunch Centre (now the "In Town Centre")
LAP	Local Action Plan
LCC	Leschenault Catchment Council
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

Term	Explanation
SBCC	South Bunbury Cricket Club Inc.
SCADA	Supervisory Control and Data Acquisition
SGDC	Sportsgrounds Development Committee
SW	South West
SWACC	South Western Area Consultative Committee
SWAMS	South West Aboriginal Medical Service
SWBP	South West Biodiversity Project
SWCC	South West Catchments Council
SWDC	South West Development Commission
SWDRP	South West Dolphin Research Program
SWEL	South West Electronic Library
SWSC	South West Sports Centre
TME	Thompson McRobert Edgeloe
TPS	Town Planning Scheme
USBA	Union Bank of Switzerland Australia
VGO	Valuer General's Office
VOIP	Voice-Over Internet Protocol
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission
WAPRES	Western Australian Plantation Resources
WAWA	Water Authority of Western Australia
WC	Water Corporation
WML	WML Consultants
WRC	Waters and Rivers Commission

COUNCIL (STANDING) COMMITTEE MINUTES

Minutes of an Ordinary Meeting of the Council (Standing) Committee held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 31 July 2007.

MINUTES

31 July 2007

NOTE: The recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the Council Meeting on 7 August 2007.

1. DECLARATION OF OPENING BY THE PRESIDING MEMBER

The Presiding Member, His Worship the Mayor Mr David Smith, declared the meeting open at 6.02pm.

2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

PRESENT

Council Committee Members	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member:	Deputy Mayor, Councillor J Jones
Members:	Councillor W Lambert
	Councillor A Leigh
	Councillor D Wenn
	Councillor R Frisina
	Councillor L Rose
	Councillor S Craddock
Councillor S Rooney	
Executive Management Team (Non-Voting)	
Chief Executive Officer:	Mr G Trevaskis
Executive Manager Corporate Services:	Mr K Weary
Executive Manager City Services:	Mr M Scott
Executive Manager City Life:	Mr D Marzano
Council Officers (Non-Voting):	
Manager Development Services:	Mr G Fitzgerald
Administration Officer Corporate Services:	Ms D Ryan
Others (Non-Voting):	
Members of the Public:	9 (approx.)
Members of the Press:	3

APOLOGIES:

Cr Major - Apology

Cr McCleary - Leave of Absence from 31 July to 7 August 2007 (inclusive)

Cr T Smith - Leave of Absence from 24 July to 10 August 2007 (inclusive)

Cr Dillon - Leave of Absence from 18 July to 31 August 2007 (inclusive)

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

Not applicable.

4. PUBLIC QUESTION TIME

Nil.

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

Nil.

6. CONFIRMATION OF PREVIOUS MINUTES

The recommendation to confirm the minutes of the previous meeting was moved Cr Leigh, seconded Cr Wenn and adopted to become the Committee's decision.

COMMITTEE DECISION

The minutes of the Council (Standing) Committee Meeting held 26 June 2007, be confirmed as a true and accurate record.

CARRIED

9 Votes "For" / Nil Votes "Against"

7. DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995

Cr Craddock disclosed an interest-in-common in the item titled *"Seven-Day Retail Trading Hours Implementation Committee"* as he is a Bunbury retailer.

Cr Leigh disclosed an interest-in-common in the item titled *"Town Planning Scheme No. 7 - Proposal to Rezone Lots 5 & 6 Money Street, Lots 1 to 4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a Private Right-of-Way from Residential / Place of Public Assembly / Access Road to Special-Use"* as he is a member of the Catholic Church.

Cr Craddock disclosed a financial interest in the item titled *"Town Planning Scheme No. 7 - Proposal to Rezone Lots 5 & 6 Money Street, Lots 1 to 4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a Private Right-of-Way from Residential / Place of Public Assembly / Access Road to Special-Use"* as he owns property in Money Street.

Cr Lambert disclosed a financial and impartiality interest in the item titled *"Town Planning Scheme No. 7 - Proposal to Rezone Lots 5 & 6 Money Street, Lots 1 to 4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a Private Right-of-Way from Residential / Place of Public Assembly / Access Road to Special-Use"* as the proponent is a regular customer of his business and Cr Lambert knows him personally.

Mayor D Smith disclosed an interest-in-common in the item titled *"Town Planning Scheme No. 7 - Proposal to Rezone Lots 5 & 6 Money Street, Lots 1 to 4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a Private Right-of-Way from Residential / Place of Public Assembly / Access Road to Special-Use"* as he is a member of the Catholic Church.

Cr Frisina disclosed an interest-in-common in the item titled *"Town Planning Scheme No. 7 - Proposal to Rezone Lots 5 & 6 Money Street, Lots 1 to 4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a Private Right-of-Way from Residential / Place of Public Assembly / Access Road to Special-Use"* as he is a member of the Catholic Church.

Cr Craddock disclosed an impartiality interest in the item titled *"Proposed Residential Dwelling (Issue of Plot Ratio) - A & H Payne, Lot 420 (No. 105) Tuart Street, Bunbury"* as the applicant is a relative.

Later during the meeting, the following further disclosure was made:

Mayor David Smith disclosed a financial/impartiality interest in the item titled *"National Sea Change Conference - Marcoola Beach, Queensland (20-22 August 2007)"* as he is the nominated attendee.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

9. CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS

9.1 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR NORM McCLEARY

File Ref:	A00215
Applicant/Proponent:	Councillor Norm McCleary
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary/Background

Councillor McCleary has requested leave of absence from all Council-related business from 31 July to 7 August 2007 (inclusive).

Section 2.25 of the Local Government Act 1995, allows a council to grant leave of absence to one of its members provided that the period of leave does not exceed six consecutive ordinary meetings of the Council.

Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor McCleary is granted leave of absence from all Council-related business from 31 July to 7 August 2007 (inclusive).

Outcome of the Council Committee Meeting - 31 July 2007

The recommendation was moved Cr Leigh, seconded Cr Wenn and adopted to become the Committee's recommendation on this issue.

Committee Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor McCleary is granted leave of absence from all Council-related business from 31 July to 7 August 2007 (inclusive).

CARRIED

9 Votes "For" / Nil Votes "Against"

10. RECEPTION OF FORMAL PETITIONS AND MEMORIALS

Nil.

11. RECEPTION OF REPORTS AND RECOMMENDATIONS FROM OFFICERS & ADVISORY COMMITTEES

11.1 PETITION - PROPOSED TRAFFIC CALMING - INCE ROAD, BUNBURY

File Ref:	R00227
Applicant/Proponent:	E V Wright
Author:	Beatrice Plant, Senior Engineer - Program & Asset Management
Executive:	Michael Scott, Executive Manager City Services

Background

A petition containing 34 signatures has been received, requesting Council consider the installation of traffic calming in Ince Road. A copy of the petition is **attached** at Appendix 1.

In support of the petition, the petitioners make the following statement:

"...we would like to draw attention to the hoon activity and speeding cars in Ince Road, Vittoria Heights. The main problem being cars speeding around a sweeping bend located at approximately 50a Ince Road. Several speeding cars have left the road and gone onto the council verges at high speed and residents fear a serious accident. There is also a potential for cars to end up in private houses and injury to residents.

With the amount of spin outs and the speed at which they travel around this bend it is only a matter of time before someone is seriously hurt or killed. There are several roundabouts in the street and speed bumps or an island device would alleviate this problem."

Executive Comments

Engineering staff have assessed the need for traffic calming in Ince Road and concur with the petitioners that there is a need for the installation of some form of traffic calming device. Accordingly, Ince Road, outside 50A, has been placed on the Traffic Management Register and has been allocated a high priority.

Options

When in receipt of a petition, the Council has a number of options to consider under Section 9.4 of the City's Standing Orders. These options are:

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

Recommendation

PART A

The petition requesting installation of traffic calming in Ince Road, Bunbury, be accepted.

If Part A above is adopted by the committee, then the Executive Manager City Services puts forward the following further recommendation for committee consideration:

PART B

1. The City's engineering officers (in consultation with residents in the immediate vicinity of Ince Road) assess the best type of traffic calming device to install.
2. The project to be undertaken within the next four (4) months.

Outcome of the Council Committee Meeting - 31 July 2007

Parts A and B of the recommendation were moved Cr Wenn, seconded Cr Leigh to become the motion under discussion.

The Presiding Member put Part A of the motion to the vote and it was adopted to become the Committee's recommendation on this issue.

Committee Recommendation No. 1

The petition requesting installation of traffic calming in Ince Road, Bunbury, be accepted.

CARRIED

9 Votes "For" / Nil Votes "Against"

The Presiding Member put Part B of the motion to the vote and it was adopted to become the Committee's recommendation on this issue.

Committee Recommendation No. 2

1. **The City's engineering officers (in consultation with residents in the immediate vicinity of Ince Road) assess the best type of traffic calming device to install.**
2. **The project to be undertaken within the next four (4) months.**

CARRIED

8 Votes "For" / 1 Vote "Against"

Cr Jones requested that her vote "against" Committee Recommendation No. 2, be recorded.

11.2 SEVEN-DAY RETAIL TRADING HOURS IMPLEMENTATION COMMITTEE

File Ref:	A00357
Applicant/Proponent:	Internal Report
Author:	Trevor Ayers, Business Development Officer
Executive:	Domenic Marzano, Executive Manager City Life

Summary

Further to Council's decisions from 1 May 2007 (reproduced in full below) the Seven-Day Retail Trading Hours Implementation Committee has called for committee representatives from within the community.

Nominations were received from:

Ian Cross
Sean O'Connor
Sunny Sardana
Fred Lemmone
Vern Merchant
John Ventris
Mark Adams
Pina Versace
Andrew Cooke
Mike Smith

The following are supported as additional members on the committee with a view to giving it a well-rounded membership base:

Mark Adams
Andrew Cooke
Ian Cross
Vern Merchant
Mike Smith
Sean O'Connor
John Ventris

In addition, Allan Birrell had previously been approached and has been sitting on the committee on an ex-officio basis and it is proposed that he also be accepted as a full member of the committee.

This item is seeking ratification of these community members to allow them to participate as full members of the committee.

Background

The following decisions were made at the Council meeting of 1 May 2007:

Council Decision 78/07

Council supports deregulation of retail trading hours within the City of Bunbury to allow additional 7-day trading.

Council Decision 79/07

A 7-day Retail Trading Implementation Committee be formed to oversee implementation of amendments to trading regulations within the City of Bunbury.

1. *Terms of reference for the committee are:*
 - 1.1 *Review options available;*
 - 1.2 *Develop an implementation and marketing framework;*
 - 1.3 *Consult with the Bunbury community and with all business groups and all retailers within Bunbury to determine the most appropriate regulatory framework for 7-day retail trading, by way of conducting:*
 - (a) *a statistically robust survey of targeted populations; and*
 - (b) *community engagement through randomly selected focus groups.*
 - 1.4 *Present options and outcomes to Council within 6 months.*
 - 1.5 *Ensure the requirements of the Act and DOCEP are met.*
2. *Membership of the Committee to include but not be restricted to:*
 - 2.1 *Chairman - Cr _____*
 - 2.2 *Cr _____ and Cr _____*
 - 2.3 *Executive Manager City Life*

Council Decision 80/07

The following be appointed to the Retail Trading Implementation Committee:

- 1. His Worship the Mayor, Mr David Smith, to be appointed as Chairman - this appointment to be verified at the first meeting of the committee in accordance with S.5.12(1) of the Local Government Act 1995 and the City's Standing Order 20.6.*
- 2. Crs Dillon, Craddock and Rooney to be appointed as members.*

Strategic and/or Regional Outcomes

This item assists to meet Strategy 6.2 in the City of Bunbury Strategic Plan 2007-2012 "Everyone in the community has the opportunity to actively participate in the public affairs and planning for the city".

Community Consultation

This item assists in providing community consultation on this issue.

In order to give opportunity for participation in this committee by the general community nominations were called for in both the South Western Times and via My South West.

Councillor/Officer Consultation

Selection of the recommended community members was undertaken by the Retail Trading Hours Implementation Committee - His Worship the Mayor, Cr Craddock, Cr Rooney, Cr Dillon and Council's Economic Development Officer (as proxy for the Executive Manager City Life).

Analysis of Financial and Budget Implications

The addition of these community members to the Retail Trading Hours Implementation Committee has no implications to Council's budgetary process.

Economic, Social, Environmental and Heritage Issues

The addition of these members to the Retail Trading Hours Implementation Committee will not impact on any of these areas.

Council Policy Compliance

The addition of members to a Council Committee does not contravene any Council Policies.

Legislative Compliance

The addition of members to a Council Committee does not contravene any legislation.

Delegation of Authority

The Chief Executive Officer does is not delegated to authorise the addition of members to Council Committee's

Relevant Precedents

Council regularly considers changes to Council Committee membership.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Change the make-up of the community members to be added to the committee from within the nominated individuals.

Conclusion

The committee has carefully considered the applications received for inclusion in the Retail Trading Hours Implementation Committee.

The proposed additions to the committee are:

- Allan Birrell – representing the Bunbury Chamber of Commerce and Industries
- Vern Merchant – Bunbury Forum Shopping Centre – representing shopping centres and major retailers.
- John Ventris – Café Bean – representing small cafes and restaurants and CBD businesses.
- Mark Adams – Sanctuary Golf Resort – representing larger accommodation houses and the tourism industry.
- Andrew Cooke – AMD Accountants – representing unaffected service industries and general community members.
- Sean O'Connor – Harvey Norman Computer Super Store – representing general retailers.
- Mike Smith – Surf Lifesaving representing sporting clubs
- Ian Cross – Central News – representing general retailers

Recommendation

Membership of Council's *Seven-Day Retail Trading Hours Implementation Committee* be expanded to include the following community members:

Allan Birrell
Vern Merchant
John Ventris
Mark Adams
Andrew Cooke
Mike Smith
Ian Cross
Sean O'Connor

Outcome of the Council Committee Meeting - 31 July 2007

Cr Craddock disclosed an interest-in-common as he is a Bunbury retailer. He elected to remain at the meeting to take part in the discussion and the vote on this matter.

The recommendation was moved Cr Wenn, seconded Cr Rooney to become the motion under discussion.

During discussion, the committee was notified that Mr Ian Cross has withdrawn his nomination. The Presiding Member indicated that a further nomination to fill this vacancy can be put forward direct to the Council Meeting on 7 August 2007.

The Presiding Member put the motion (with an amendment to delete the name "Ian Cross") to the vote and it was adopted to become the Committee's recommendation on this issue.

Committee Recommendation

Membership of Council's *Seven-Day Retail Trading Hours Implementation Committee* be expanded to include the following community members:

Allan Birrell
Vern Merchant
John Ventris
Mark Adams
Andrew Cooke
Mike Smith
Sean O'Connor.

CARRIED

9 Votes "For" / Nil Votes "Against"

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

11.3 TOWN PLANNING SCHEME NO. 7 - PROPOSAL TO REZONE LOTS 5 & 6 MONEY STREET, LOTS 1 TO 4 & 27 PARKFIELD STREET & LOTS 2, 15 & 16 BREND TOR STREET AND A PRIVATE RIGHT-OF-WAY FROM "RESIDENTIAL"/"PLACE OF PUBLIC ASSEMBLY"/"ACCESS ROAD" TO "SPECIAL-USE"

File Ref:	A00398
Applicant/Proponent:	Thompson McRobert Edgeloe
Author:	Paul Davies, Planning Consultant
Executive:	Geoff Klem, Executive Manager City Development

Summary

An application has been received from Thompson McRobert Edgeloe Consultants on behalf of the Roman Catholic Bishop of Bunbury for rezoning Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a Private Right of Way from "Residential", "Place of Public Assembly" and "Access Road" to "Special Use" zone.

The proposed amendment subject to modifications includes a list of proposed uses to be permitted in the Special Use zone with appropriate development requirements including preparation of a Master plan to guide future development of the site. A proposed Master plan has also been submitted with the rezoning document to indicate how the site will be developed.

The proponents advise that the Master plan has been produced with the objective of providing a balance between existing constraints, recognition of the historical values of the site and the need to provide an iconic building which will serve the purposes of the church and community in the foreseeable future.

The proposed rezoning document and the Master plan are generally considered acceptable in principle subject to some modifications and requirements as outlined in the Executive recommendation. It is proposed that the Master plan be advertised for public comment as part of the rezoning amendment subject to modifications as outlined above.

It is recommended that Council resolve to initiate an amendment to rezone the subject site to Special Use zone subject to modifications to the proposed amendment document plans and text as outlined in the Executive recommendation.

Also, it is recommended that the proponent be required to prepare a suitable agreement for reciprocal rights of access to the existing and proposed Council public car park adjacent to the proposed Library building in Parkfield Street to accommodate excess/ overflow car parking requirements.

Background

The subject site is currently developed with a number of buildings associated with the Church including the Bishops House and Offices and Priest accommodation. The original Catholic Cathedral was demolished following significant storm damage.

The proposed rezoning is predominantly to facilitate development of a new Catholic Cathedral on the site with a number of ancillary church related uses. The proposed Master plan outlines how the site is generally proposed to be developed.

Proposal

An application has been received from Thompson McRobert Edgeloe Consultants on behalf of the Roman Catholic Bishop of Bunbury for rezoning Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a Private Right of Way from "Residential", "Place of Public Assembly" and "Access Road" to "Special Use" zone.

A proposed Master Plan (as **attached** at Appendix 2) has been submitted with the rezoning documents to indicate how the site will be developed. Access to the site has been retained from Parkfield Street, Brend Tor Street and the access to Money Street is relocated.

The Master plan outlines proposals for future development of a new Cathedral and Parish Hall with new car parking layout and landscaping. The existing heritage building on the site is retained for Diocesan offices and existing Bishops House and Priests accommodation is retained.

The proponents advise that the Master plan has been produced with the objective of providing a balance between existing constraints, recognition of the historical values of the site and the need to provide an iconic building which will serve the purposes of the church and community in the foreseeable future

The proponents advise that the Cathedral is proposed to be located in the North East Corner of the site, on the alignment of Victoria Street, to achieve the visual focus sought by the local community. Further, detailed plans and elevations of the Cathedral are currently in the process of being prepared but are not sufficiently advanced to be included with the amendment

A number of issues with the proposed scheme amendment documents and proposed Master plan need to be addressed to clarify requirements or design changes as outlined below. It is recommended that these issues be addressed to the satisfaction of the Manager Development Services.

Car Parking Requirements

The Master plan makes provision for 130 car parking bays. The proponents advise that this is more than adequate for most daily operational requirements, however major services may generate a demand for additional bays.

The proponents suggest that the potential shortfall could be overcome with a suitable agreement with the Council for reciprocal rights of access to the existing and proposed car parking adjacent to the new Library building.

In principle there is no objection to reciprocal rights of access to the public car parking area. It is anticipated that peak times for the Church will generally be outside business hours. The Proponents have been requested to provide further details of overall car parking requirements for consideration of an appropriate agreement.

It is recommended that the proponent be required to prepare a suitable agreement for reciprocal rights of access to the existing and proposed Council public car park adjacent to the proposed library building in Parkfield Street to accommodate excess car parking requirements.

Scheme Amendment Requirements

The proposed scheme amendment maps are required to be modified as follows:

1. To include the correct Residential R15 zoning on the land to the east of Parkfield Street on the existing zoning map.
2. Address the boundary of the Special Use site adjacent to lots 3 and 4 Parkfield Street. The Master plan should identify the proposed density of residential development of the lots or alternatively the boundary of the Special Use zone could be modified to exclude the lots.

The amendment text needs to be modified to include the following land uses consistent with the uses identified on the proposed Master plan.

- Community purposes
- Educational Establishment
- Place of Worship
- Public Assembly
- Residential
- Residential Building and
- Car Park

It is recommended that the proposed Conditions for the Special Use Zone 51 be modified to read as follows:

1. All subdivision and development is to be generally in accordance with the precinct Master plan endorsed by Council.
2. Except as provided in Condition 3, Council will not approve subdivision within the zone until such time as a Master plan has been prepared and adopted by Council. Except where it is clear, in the opinion of Council, that the proposed activities will not prejudice the objectives of the zone or the preparation of the required Master plan.

3. The objective of the Master plan is to provide a framework for development of a campus which integrates the various activities of the Catholic Church with the surrounding community and recognises the landscape qualities of the site and the opportunity to develop a land mark building or structure visible from a large part of the City and a focus for the vista looking southward along Victoria Street.
4. The following matters will be addressed in the preparation of the Master plan.
 - Permitted land uses
 - Car parking and access
 - Transitional uses to adjoining residential precincts
 - Servicing
 - Earthworks
 - Landscaping
 - Visual amenity and creation of a landmark building
 - Landscape treatments of Parkfield Street and Money street
 - Heritage value of existing buildings
 - Rationalisation of the existing lot layout.
 - Building height and setbacks

Master plan Requirements

The proposed Master plan requires some modifications primarily to remove proposed driveways/ access ways and retaining walls from road reserve areas.

1. The proposed upgrading of the existing driveway/access within the Parkfield Street road reserve is not supported. It is considered that any widening of the driveway/access to Parkfield Street should be located on the property rather than within the road reserve. This will ensure that Parkfield Street can be widened in the future if required.
2. The proposed footpath along Money Street in the road reserve from the driveway/access through to Parkfield street is not supported. The footpath could be deleted or relocated with the Church property. It is considered that the full width of the road reserve will be required in this area to accommodate traffic for the proposed development.
3. The Master plan appears to indicate a retaining wall within the Parkfield road reserve up to the Money Street intersection. Existing retaining walls are located adjacent to the Money Street road reserve. It is considered that any proposed new retaining walls should be located to the satisfaction of the City Engineer.
4. The proposed scheme amendment report needs to be modified to include discussion of each of the matters outlined in condition 4 of the Special Use Zone which are required to be addressed in the Master plan prior to advertising and final consideration by Council.

Strategic and/or Regional Outcomes

Council's Strategic Plan states that Bunbury City Council has a goal to *"Have a built environment which is safe, accessible, functional, attractive and sympathetic with the natural environment"*. To achieve this goal, the Strategic Plan specifies assessment and approvals of all development proposals within the context of the Town Planning Scheme. The proposed policy is consistent with this goal.

Community Consultation

The proposed scheme amendment will be required to be advertised for public comment and referred to Government agencies for comment during the formal advertising period in accordance with the Western Australian Planning Commission requirements.

Councillor/Officer Consultation

This matter has been reviewed by Council staff within the Development Coordination Unit meetings consisting of officers from Engineering, Planning, Building and Health. Further discussions have taken place with Manager Development Services, Senior Planner (Statutory) and Executive Manager City Development.

Analysis of Financial and Budget Implications

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

The issue of car parking provision has potential to require provision of additional public car parking if adequate onsite parking is not provided.

Economic, Social, Environmental and Heritage Issues

In economic terms, the proposal will provide economic benefit during the construction phase of the development. The proposal will provide for social opportunities for residents and the general public. There are no significant adverse environmental impacts of the development.

Council Policy Compliance

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

Legislative Compliance

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

Delegation of Authority

Delegation of decision-making is not an option in this instance.

Relevant Precedents

Council has rezoned a number of sites throughout the City to a Special Use zone to accommodate specific development proposals. There are no known relevant precedents in respect of the specific matter being considered by Council.

Options

Option 1

Per the recommendation listed in this report.

Option 2

In view of concerns with potential traffic conflicts and car parking requirements the Council resolves to advise Thompson McRobert Edgeloe (on behalf of the Roman Catholic Bishop of Bunbury) that it does not support the proposed rezoning or proposed Master Plan for Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a Private right-of-way from "Residential"/"Place of Public Assembly"/"Access Road" to "Special Use" zone.

Conclusion

The proposed rezoning document and the Master plan are generally considered acceptable subject to some modifications as outlined in the report. It is recommended that the Master plan be advertised for public comment as part of the rezoning amendment.

It is recommended that Council resolve to initiate an amendment to rezone the subject site to Special Use zone subject to modifications to the proposed amendment document plans and text as outlined in the Executive recommendation.

Also, it is recommended that the proponent prepare a suitable agreement for rights of access to the existing and proposed Council public car park adjacent to the proposed Library building in Parkfield Street to accommodate excess/ overflow car parking requirements.

Recommendation

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

1. Initiate an amendment to City of Bunbury Town Planning Scheme No. 7 to rezone Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a private right-of-way from "Residential", "Place of Public Assembly" and

"Access Road" to "Special Use" zone, subject to the proposed scheme amendment report, text and maps being modified to include the following modifications to the satisfaction of the Manager Development Services.

1.1 The proposed scheme amendment maps are required to be modified as follows:

1.1.1 To include the correct Residential R15 zoning on the land to the east of Parkfield Street on the existing zoning map.

1.1.2 Address the boundary of the Special Use site adjacent to lots 3 and 4 Parkfield Street. The Master Plan should identify the proposed density of residential development of the lots or alternatively the boundary of the Special Use zone could be modified to exclude the lots.

1.2 The amendment text to be modified to include the following land uses:

Community Purposes
Educational Establishment
Place of Worship
Public Assembly
Residential
Residential Building
Car Park

1.3 The proposed conditions for the Special Use Zone 51 to be modified to read as follows:

1.3.1 All subdivision and development is to be generally in accordance with the precinct Master Plan endorsed by Council.

1.3.2 Except as provided in Condition 3, Council will not approve subdivision within the zone until such time as a Master Plan has been prepared and adopted by Council (except where it is clear, in the opinion of Council, that the proposed activities will not prejudice the objectives of the zone or the preparation of the required Master Plan).

1.3.3 The objective of the Master Plan is to provide a framework for development of a campus which integrates the various activities of the Catholic Church with the surrounding community and recognises the landscape qualities of the site and the opportunity to develop a land mark building or structure visible from a large part of the City and a focus for the vista looking southward along Victoria Street.

- 1.3.4 The following matters will be addressed in the preparation of the Master Plan.

Permitted land uses
Car parking and access
Transitional uses to adjoining residential precincts
Servicing
Earthworks
Landscaping
Visual amenity and creation of a landmark building
Landscape treatments of Parkfield Street and Money Street
Heritage value of existing buildings
Rationalisation of the existing lot layout
Building height and setbacks

2. Advertise the proposed Master Plan for the Special Use Zone 51 , Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a private right-of-way with the scheme amendment for public comment subject to the following modifications and requirements to the satisfaction of the Manager Development Services:

- 2.1 The proposed Master Plan to be modified as follows:

2.1.1 Any widening of the driveway/access to Parkfield Street to be located on the property rather than within the road reserve.

2.1.2 The proposed footpath along Money Street in the road reserve from the driveway/access through to Parkfield Street to be deleted or relocated within the Church property.

2.1.3 Proposed retaining walls adjacent to road reserves to be located to the satisfaction of the City Engineer.

- 2.2 The proposed scheme amendment report to be modified to include discussion of each of the matters required to be addressed in the Master Plan.

- 2.3 The proponent to prepare a suitable agreement for rights of access to the existing and proposed Council public car park adjacent to the proposed library building in Parkfield Street.

Outcome of the Council Committee Meeting - 31 July 2007

Cr Craddock disclosed a financial interest as he owns property in Money Street. He left the meeting at 6.17pm for the duration of discussion and the vote on this item.

Cr Lambert disclosed a financial and impartiality interest as the proponent is a regular customer of his business and Cr Lambert knows him personally. He left the meeting at 6.17pm for the duration of discussion and the vote on this item.

Cr Leigh disclosed an interest-in-common as he is a member of the Catholic Church. He elected to remain at the meeting to take part in the discussion and the vote on this item.

Mayor D Smith disclosed an interest-in-common as he is a member of the Catholic Church. He elected to remain at the meeting to take part in the discussion and the vote on this item.

Cr Frisina disclosed an interest-in-common as he is a member of the Catholic Church. He elected to remain at the meeting to take part in the discussion and the vote on this item.

The Presiding Member called for public speakers:

1. Mr John Ogilvie, Financial Administrator for the Catholic Diocese, advised committee members that he was speaking on behalf of Bishop Gerard Holohan. He tabled a new Master Plan (dated 18 July 2007) and a list containing proposed modifications to the recommendation listed in the agenda and modifications to the Master Plan - a copy is **attached** at Appendix 19. He responded to questions from committee members concerning the new Master Plan such as points of entry, the need for accommodation to house retired Priests and the request for additional uses to occur on-site such as "cafe".
2. Mr Bob Wallan (TME) the project consultant, read through the list of proposed modifications to the recommendation listed in the agenda. It was pointed out to Mr Wallan that the recommendation numbers (and some of the references) in his list do not match the recommendation listed in the meeting agenda - Mr Wallan stated that he had referred to an agenda item for a previous meeting while compiling the list.

The City's Manager Development Services advised members that Council Officers have not had an opportunity to review the new Master Plan and list of proposed modifications tabled by Mr Ogilvie.

The recommendation was moved Cr Frisina, seconded Cr Rooney.

During discussion, some members indicated frustration at being presented with a new proposal (and list of modifications) for a major project without prior notice. The Presiding Member suggested that the applicants meet with Council Officers to discuss their proposals and correct the list of modifications so that it properly refers to the recommendation listed in the meeting agenda for 31 July 2007 - a report to be submitted to the Council Meeting on 7 August 2007.

The Presiding Member advised members that if (at the Council Meeting) they are still not satisfied with the explanations provided for the modifications proposed by the applicant, they can resolve at that time to send the matter "back to committee" for further consideration. The mover and seconder of the recommendation agreed with this suggestion and amended their motion to include a preamble that reads: *"Subject to Council Officers meeting with the applicant (before the Council Meeting on 7 August 2007) to discuss modifications to the Master Plan and any consequent amendments to the recommendation - Council, under and by virtue etc. "*

The Presiding Member put the amended motion (moved Cr Frisina, seconded Cr Rooney) to the vote and it was defeated 3 votes "for" to 4 votes "against".

During discussion of the motion, Cr Jones had indicated to members that (if the motion was defeated) she intended to move that the matter be referred back to committee so that the members of the committee can be properly informed concerning proposed modifications to the recommendation and review the new Master Plan.

Cr Jones moved, Cr Leigh seconded the following procedural motion which was adopted to become the Committee's recommendation on this issue:

Committee Recommendation

The proposal to amend Town Planning Scheme No. 7 by rezoning Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a private right-of-way subject to an amended Master Plan submitted for the Catholic Cathedral Precinct dated 18 July 2007; be referred back to committee for further consideration.

CARRIED

6 Votes "For" / 1 Vote "Against"

Crs Craddock and Lambert returned to the meeting at 7.16pm.

Note: The Presiding Member clarified that the meeting between the applicant and Council Officers would still take place (as suggested) but the matter will now not be re-submitted to members for a decision until the next round of meetings in 3-week's time.

11.4 PROPOSED NEW LOCAL PLANNING POLICY - ELECTRIC FENCES (WAS LISTED AS ITEM 11.8 IN THE MEETING AGENDA)

File Ref:	A00999
Applicant/Proponent:	Internal Report
Author:	Sam McNeilly, Senior Planner (Statutory)
Executive:	Geoff Klem, Executive Manager City Development

Summary

Council recently determined (meeting held on 27 March 2007 – Decision No. 53/07) to amend its current Private Property Local Law in order to allow the installation of electric fences on private property. The matter was advertised for public comment and reconsidered by Council at its meeting held on 12 June 2007, when Council determined in fact to proceed to “*make the Private Property Amendment Local Law 2007*” subject to normal operational conditions. Importantly also, as part of this determination, Council resolved to require Council officers to prepare a Local Planning Policy (LPP) to support the processing of electric fencing. Essentially this underlines the requirement for this report.

Background

Council made the following decision at its meeting held on 12 June 2007:

Council Decision 109/07

Council resolves to make the Private Property Amendment Local Law 2007.

- 1. The new Local Law is to be published in the Government Gazette and a copy provided to the relevant Minister.*
- 2. Local public notice is to be given stating the title of the new Local Law, a summary of its “Purpose and Effect” and the date on which it comes into operation. The public must be advised that copies are available for information.*
- 3. Explanatory material and copies of the new Local Law are to be provided to the Parliament at the direction of the Minister.*
- 4. Council officers to present to Council a local planning policy to support the processing of applications for electric fencing on or before 31 July 2007.*

Essentially, therefore, per point 4 above, Council required staff to prepare an LPP to support the processing of applications for electric fencing by its meeting scheduled for 31 July 2007.

Proposal

The proposal is to prepare a planning policy in accordance with Council's most recent resolution on the matter which reads as follows:

“Council officers to present to Council a local planning policy to support the processing of applications for electric fencing on or before 31 July 2007.”

The LPP is attached at Appendix 16 for Council's consideration.

Strategic Outcomes

It is considered that the broad direction of the City's Strategic Plan would not be compromised by supporting the proposed development.

Community Consultation

The proposed LPP will be advertised for public comment pursuant to the Scheme requirements and returned to Council for its final determination after the close of advertising.

Applicant Consultation

Not applicable.

Councillor/Officer Consultation

The various issues relating to this matter have been broadly canvassed at staff level with a view to achieving a corporate approach to the decision making process.

Analysis of Financial and Budget Implications

It is considered that there would be no adverse impact on the Municipal Budget. There would in fact be a positive contribution to the Budget in that the City will collect fees to cover additional administrative costs.

Economic, Social, Environmental and Heritage Issues

Economic

It is considered that arguably there would be economic benefits to the City in that companies operating businesses within the Municipality would be able to protect their business premises, and operating equipment.

Social

It is considered that there would be no adverse social consequences should the proposed Scheme Amendment proceed.

Environmental

There are no known heritage issues relative to the proposed development.

Heritage

There are no known heritage issues relative to the proposed development.

Council Policy Compliance

The proposal to date complies with the requirements of Local Planning Policies under TPS No 7.

Legislative Compliance

Legislative requirements relating to the Local Government Act 1995 or any other Act, Local Law or Regulations have been complied with in the processes leading up to the finalisation of this item.

Delegation of Authority

Delegation of authority is not applicable in this case.

Relevant Precedents

There are no known absolutely relevant precedents.

Options

Option 1

Per the recommendation listed in this report.

Option 2

It is considered that there is no alternative option in this instance in that Development Services is acting under a direction from Council in terms of its most recent resolution the matter.

Conclusion

On broad balance it is considered that the proposed LPP is in order and that it suitably addresses all relevant matters relative to satisfying Council's direction and in terms of properly protecting Council's interests. Should Council determine that the Policy document is broadly in order, with a view to allowing advertising to proceed, it is noted that it is still possible to make minor changes to the documentation after advertising should this be required in line with public submissions, or in terms of re-considering some relatively important point of detail.

Recommendation

Council under and by virtue of the powers conferred upon it in that behalf pursuant to the Town Planning and Development Act 1928 (as amended) hereby resolves that in respect of its determination (Council decision 109/07) to require that "*the City prepare a local planning policy (LPP) to support the processing of applications for electric fences*", adopt the proposed LPP titled "Electric Fences – Supporting Policy" pursuant to Clause 2.3.3 of the current Town Planning Scheme (TPS 7) subject to:

1. The matter being advertised pursuant to the requirements of TPS 7.
2. Following public advertising, the matter, along with any submissions, is returned to Council for its final determination.

Outcome of the Council Committee Meeting - 31 July 2007

The Presiding Member called for public speakers.

Mr Jeff Rodwell (an electric fencing contractor) addressed the committee. Mr Rodwell is generally in favour of the City permitting electric fencing for commercial properties in Bunbury but raised concerns about the following sections of the "General Guidelines" listed in the draft policy. He believes these sections need review before the draft is released for public information:

- 1.1 Mr Rodwell interprets this clause as suggesting that where there is a fence between two neighbours, the electric fence cannot be taller than the dividing fence - this will be an issue as electric fencing is designed to go "above" the height of a normal fence. This stops people from trying to scale the fence and prevents damage to the fence.
- 1.2 Mr Rodwell stated that some of the businesses that have shown interest are water treatment plants or commercial operations located within residential areas.
- 1.4 Mr Rodwell is concerned that a business proprietor that is constantly being broken into will not be able to secure his/her property because a neighbour objects. The permission of a neighbour should not be an issue as electric fences are designed to run around a property "inside" the boundary fencing i.e., the fencing is actually on the property not on the boundary-line.

- 1.7 Mr Rodwell claims that most other municipalities do not require the owner of an electric fence to re-apply for approval every year. He suggests that as these businesses will be spending thousands of dollars on the fencing they will not want to be in a situation where their approval can be revoked the next year.
- 1.8 Mr Rodwell believes there should be an application fee but considers ongoing renewal fees to be surplus to requirements as (once the fencing is installed) the City's involvement is no longer required. Electric fencing can only be installed by a licensed contractor and upon installation, the client enters into a contract with the installer under which the installer undertakes ongoing maintenance or repair, to ensure the fence continues to comply with Australian Standards.
- 3.1 The voltage running through an electric fence is only 12 volts so a "registered electrician" is not required in maintaining or servicing electric fences. The person need only hold a licence to install electric fencing.

Following lengthy discussion on this subject, it was suggested that the committee proceed with the recommendation (as printed in the agenda) and upon receiving comments from all members of the public; make any necessary changes to the policy before returning it for Council approval. On this basis, Cr Lambert was prepared to move the recommendation as a motion. Cr Craddock seconded the motion. The motion was put to the vote and adopted to become the Committee's recommendation on this issue.

Committee Recommendation

Council under and by virtue of the powers conferred upon it in that behalf pursuant to the Town Planning and Development Act 1928 (as amended) hereby resolves that in respect of its determination (Council decision 109/07) to require that *“the City prepare a local planning policy (LPP) to support the processing of applications for electric fences”*, adopt the proposed LPP titled *“Electric Fences – Supporting Policy”* pursuant to Clause 2.3.3 of the current Town Planning Scheme (TPS 7) subject to:

- 1. The matter being advertised pursuant to the requirements of TPS 7.**
- 2. Following public advertising, the matter, along with any submissions, is returned to Council for its final determination.**

CARRIED

9 Votes "For" / Nil Votes "Against"

11.5 PROPOSAL - REZONE VARIOUS PORTIONS OF LAND FROM "PARKS AND RECREATION" OR "PUBLIC PURPOSE RESERVE" TO "RESIDENTIAL" OR "INDUSTRY ZONE" (WAS LISTED AS ITEM 11.7 IN THE MEETING AGENDA)

File Ref:	P05893
Applicant/Proponent:	Internal Report
Author:	Paul Davies, Planning Consultant
Executive:	Geoff Klem, Executive Manager City Development

Summary

The proposal is to rezone the following lots or portions of reserved land for a variety of purposes including;

- 1) Two portions of Reserve 37730 Irwin Street, from Reserve for "Parks and Recreation" to "Residential R40" and "R25" respectively.
- 2) Lot 33 Strickland Street, Lot 33 Denning Road and Reserve R41676 from Reserve for "Public Purpose- Drainage" to "Mixed Business".
- 3) Portions of Lot 454 Richter Road, Davenport from "Industry" and Reserve for "Parks and Recreation" to "Industry" , "Local Distributor Road" and Reserve for "Parks and Recreation".
- 4) Lot 28 Mangles Street from Reserve for "Public Purpose - Water Supply" to "Residential R 15".
- 5) Reserve 31945 Harrison Place from Reserve for "Parks and Recreation" to "Residential R40"
- 6) Portion of Part lot 200 Charterhouse Close from Reserve for "Parks and Recreation" to "Residential R30" and portion "Residential R15".
- 7) Lot 8 Tuart Street from Reserve for "Parks and Recreation" to "Residential R40".

The subject portions of land have been identified as generally surplus to requirements for the current reserve purposes and it is proposed to rezone the respective sites so that the land can be disposed of as necessary.

It is proposed to deal with these matters in block for Council's consideration. It is recommended that Council resolve to rezone the respective portions of land through appropriate amendment/s to Town Planning Scheme No 7.

Background

The subject land has been identified as generally surplus to requirements for the current reserve purposes and it is proposed to rezone the respective sites so that the land can be disposed of as necessary.

Proceeds from the disposal of Crown land vested for Parks and Recreation are to be utilised for capital works on public open space in close proximity to the subject area which are yet to be determined.

The proceeds from disposal of Council owned freehold land will assist funding projects of regional significance as identified in Council's Corporate Plan including the new City library.

The proposed rezoning - scheme amendment/s will be required to be advertised for public comment and referred to Government agencies for comment during the formal advertising period in accordance with the Western Australian Planning Commission requirements.

Approval for divesting of Crown reserved land will also be required from the Minister for Lands prior to the land being able to be disposed of. It is considered that following Council initiating rezoning proposals that preliminary consent be sought from the Minister for advertising and disposal of the relevant portions of reserved land.

Proposal

The proposal is to rezone all or portions of the following properties as discussed below.

In light of the complexity and issues to be addressed on individual sites it is anticipated that two scheme amendments may be required to include the rezoning of the respective portions of land. All scheme amendments are required to be referred to the Department of Environment and Conservation for endorsement prior to advertising for public comment

Two of the subject sites being Part lot 200 Charterhouse Close and Lot 8 Tuart Street are identified as containing a Resource Enhancement category EPP wetland and potential Acid Sulphate soils risk.

It is anticipated that Acid Sulphate soils risk will need to be addressed prior to the Department of Environment and Conservation supporting the rezoning proposals. On this basis it is considered that the rezoning proposals for these two sites should be included in one scheme amendment.

The other five areas which include;

- 1) Two portions of Reserve 37730 Irwin Street, from Reserve for "Parks and Recreation" to "Residential R40" and "R25" respectively.
- 2) Lot 33 Strickland Street, Lot 33 Denning Road and Reserve R41676 from Reserve for "Public Purpose- Drainage" to "Mixed Business".

- 3) Portions of Lot 454 Richter Road, Davenport from “Industry” and Reserve for “Parks and Recreation” to “Industry”, “Local Distributor Road” and Reserve for “Parks and Recreation”.
- 4) Lot 28 Mangles Street from Reserve for “Public Purpose - Water Supply” to “Residential R 15”.
- 5) Reserve 31945 Harrison Place from Reserve for “Parks and Recreation” to “Residential R40”

as discussed below, will then be included in a separate scheme amendment.

Reserve 37730 Irwin Street

The Reserve currently has a total area of 3.2188 hectares. The subject land is Crown land vested in the City for public recreation purposes. The subject land is also reserved for Parks and Recreation under TPS No 7.

Attached at Appendix 8 is a plan that indicates the subject land and existing zoning

The proposal is to rezone two small portions of the reserve (Lot A) 1000m² and (Lot B) 780m² to Residential R40 and R25 respectively. Also, it is proposed to rezone portions of the reserve currently zoned Residential and portions of unused road reserve adjacent to the existing Reserve to Parks and Recreation Reserve.

Proposed lot A comprises generally well drained sandy soil with remnant coastal heath vegetation. Proposed Lot B includes some previous land fill areas some remnant peppermint vegetation.

It is considered that the excision of the two small portions of the reserve as outlined above does not compromise the overall intent and purpose of the reserve. The addition of the increased land areas in the Parks and Recreation Reserve results in a net increase in the reserved area of 2650m².

Proceeds from the disposal of the subject portions can be utilised to upgrade facilities and improve amenity of the balance of the reserve.

Lot 33 Strickland Street, Lot 33 Denning Road and Reserve R41676

The subject land has a total area of 9740m². Lot 33 Strickland Street and Lot 33 Denning Road are owned freehold by the City and Reserve 41676 is Crown land vested with the City for Drainage purposes. The subject land is also reserved for public purpose Drainage under TPS No 7.

Attached at Appendix 9 is a plan indicating the subject land and existing zoning

The area of is currently utilised for drainage purposes. It is considered that the existing open drain could be piped and filled at an estimated cost of approximately \$400,000. A land owner in the locality has expressed an interest in acquiring the overall reserve area for future development in association with development of adjoining properties.

An easement would be required to be retained over the piped drain in favour of the City to enable access for maintenance or any required works. No buildings would be able to be built over the easement area, however it could be utilised for car parking, access or landscaping requirements for future development of adjoining properties.

It is generally considered that piping and filling of the drain will maintain the current drainage function of the land, improve the amenity of the locality and facilitate new development in accordance with the Mixed Business Zoning of the land.

The subject land could be developed independently or amalgamated with an adjoining property.

Lot 454 Richter Road

The subject land has an area of 2.7086 hectares. The land is owned freehold by the City of Bunbury and part zoned Industry and part reserved for Parks and Recreation under TPS No 7.

Attached at Appendix 10 is a plan indicating the subject land and existing zoning

It is currently proposed to extend Brittain Road through the subject lot to create a four way intersection at Robertson Drive and South Western Highway. The road connection is proposed to facilitate improved access to the existing Industrial area.

It is proposed to reserve the proposed road alignment as Local Distributor Road. Land to the south of the road alignment is to be reserved for parks and Recreation purposes and land to the north is proposed to be rezoned to Industry. **Attached** at Appendix 11 is a plan indicating the proposed road alignment

The proposed Parks and Recreation reserve area is currently proposed to be revegetated with native vegetation as part of an application to the Federal Department of Environment for clearing of vegetation required for the proposed road connection.

Land to the north of the road alignment can be rezoned to Industry and potentially amalgamated with existing adjoining industrial lots.

Lot 28 Mangles Street

The subject land has an area of 1054m². The land is owned in freehold by the City of Bunbury and is currently reserved for Public Purpose - Water Supply under TPS No 7.

Attached at Appendix 12 is a plan indicating the subject land and existing zoning

Land adjacent and opposite the subject land is generally zoned Residential R15. It is proposed to rezone the subject site to Residential R 15. This would accommodate development of one dwelling on the site.

Reserve 31945 Harrison Place

The subject land has an area of 859m². The land is Crown Land vested with the City for the purpose of public recreation. The site is also reserved for Parks and Recreation under TPS No 7.

Attached at Appendix 13 is a plan indicating the subject land and existing zoning

The site is located adjacent to Wattle Hill lodge and adjoining residential land is zoned Residential R40. It is proposed to rezone the site to Residential R40 which would accommodate 3 dwellings based on the average lots size requirement of 220m² under the Residential Design Codes.

The subject land could be developed independently or amalgamated with an adjoining property.

Part Lot 200 Charterhouse Close

The subject land has a total area of 3.76 hectares. The land is owned freehold by the City of Bunbury and is reserved for Parks and Recreation under TPS No 7.

Attached at Appendix 14 is a plan indicating the subject land and existing zoning

It is proposed to excise a lot of approximately 3000m² to be rezoned to Residential R30. This would accommodate development of 10 grouped dwellings based on an average lot size of 300m² in accordance with the Residential Design Codes.

Also, an adjoining property owner has approached the City in regard to obtaining access to the rear of their property from Charterhouse Close. The subject lot is located on the corner of Picton Road and Robertson Drive. The property owner seeks to the alternative access in view of concerns with traffic conflict at the intersection.

It is proposed that a 3 metre wide access leg be created for access to the rear of an adjoining residential property. The adjoining landowner will need to acquire the land at current market rate.

The subject land is located within an area of a registered aboriginal site which is protected under the WA Aboriginal Heritage Act 1972. On this basis, approval will be required from the Department of Indigenous Affairs prior to any works being undertaken.

The subject land is also identified as containing a Resource Enhancement category wetland and identified EPP wetland hence approval is required from the Department of Environment and Conservation for any clearing or development.

The portion of the site proposed to be excised is located well away from the identified EPP wetland. It is anticipated that a management plan will need to be prepared to address any possible impacts on the EPP wetland prior to any works being undertaken on the site.

The site is also designated as High risk for Acid Sulphate soils hence preliminary assessment of Acid Sulphate soil report is required to be submitted with rezoning proposals to the Department of Environment and Conservation.

Lot 8 Tuart Street

The subject land has an area of 4486m². The land is owned in freehold by the City of Bunbury and is reserved for Parks and Recreation under TPS No 7.

The land is also shown as reserve for Regional Open Space under the proposed Greater Bunbury Region Scheme. On this basis an amendment will also be required to the proposed Greater Bunbury Region Scheme

Attached at Appendix 15 is a plan indicating the subject land and existing zoning

The subject land is located opposite the Big Swamp Reserve. The subject land has been extensively filled in the past and is essentially flat with a small portion of remnant wetland at the southern end of the site.

Land adjoining to the rear of the property is currently zoned Special Use zone 15 under TPS No 7 which can accommodate a variety of commercial and civic uses including consulting rooms, motel, offices, restaurant, showrooms, recreation and other uses as well as Residential R40.

It is proposed that the subject land be rezoned to Residential R40. This would accommodate a grouped dwelling development of 20 dwellings based on an average area of 220m² per dwelling required under the Residential Design Codes.

The subject land is also identified as containing a Resource Enhancement category wetland and identified EPP wetland hence approval is required from the Department of Environment and Conservation for any development of the area.

The site contains a small portion of wetland as part of the remnant big swamp. It is anticipated that a management plan will need to be prepared to address any possible impacts on the EPP wetland prior to any works being undertaken on the site.

The site is designated as High risk for Acid Sulphate soils hence preliminary assessment of Acid Sulphate soil report is required to be submitted with rezoning proposals to the Department of Environment and Conservation.

Strategic Outcomes

The recommended rationalisation programme complies with Council's Strategic Plan 2(a) i.e., it provides support to the City's economy by developing the City's residential, tourism and commercial landholdings.

Community Consultation

The proposed scheme amendment/s will be required to be advertised for public comment and referred to Government agencies for comment during the formal advertising period in accordance with the Western Australian Planning Commission requirements.

Councillor/Officer Consultation

An outline of the proposed rationalisation programme was presented at a briefing session held with Councillors on 15 May 2007. Discussions have been undertaken by officers within Development Services and the other City officers in regard to the proposed development requirements.

Analysis of Financial and Budget Implications

The subject land is proposed for disposal. Proceeds received from disposal of Crown land vested for public open space will be utilised for upgrading public open space areas generally in the locality. Proceeds from disposal of freehold land owned by the City will be available for allocation to City development projects.

Economic, Social, Environmental and Heritage Issues

The availability of quality residential and industrial land promotes employment opportunities through development of the land and increased economic infrastructure. There are no known social reasons in respect of the proposal.

There are no heritage issues that have come to light as a result of this proposal. Environmental issues with individual sites can be appropriately addressed through the rezoning process or at time of any required works or development being undertaken.

Council Policy Compliance

There are no relative Council policies to consider.

Legislative Compliance

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

Delegation of Authority

The Chief Executive Officer does not have delegated authority of Council to enact rezoning of land.

Relevant Precedents

Council has previously granted consent for rezoning surplus Council owned land prior to disposal including Lot 66 Ocean Drive (13 February 2007), Lot 610 Maiden Park Road (7 December 2004) and Lot 779 Lockwood Crescent (8 February 2005).

It should be noted that final approval rests with the Minister for Planning and Infrastructure.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Per the recommendation listed in this report together with any amendments identified by meeting members.

Option 3

Council may elect not to proceed with the rezoning of the land and or proposed subdivision, as recommended.

Conclusion

The proposal is to rezone various portions of reserved land for various purposes. The subject land has been identified as generally surplus to requirements for the current reserve purposes and it is proposed to rezone the respective sites so that the land can be disposed of as necessary.

It is anticipated that two scheme amendments will be required to include the rezoning of the respective portions of land. All scheme amendments are required to be referred to the Department of Environment and Conservation for endorsement prior to advertising for public comment

Two of the subject sites being Part lot 200 Charterhouse Close and Lot 8 Tuart Street are identified as containing a Resource Enhancement category EPP wetland and potential Acid Sulphate soils risk.

It is anticipated that Acid Sulphate Soils risk will need to be addressed prior to the Department of Environment and Conservation supporting the rezoning proposals. On this basis it is considered that the rezoning proposals for these two sites should be included in one scheme amendment.

The other five areas will then be included in a separate scheme amendment.

Recommendation

1. Council, under and by virtue of the powers conferred upon it in that behalf of the Planning and Development Act 2005 (as amended), hereby resolves to initiate appropriate amendment/s to the City of Bunbury Town Planning Scheme No 7 to rezone :
 - 1.1 Two portions of Reserve 37730 Irwin Street, from Reserve for “Parks and Recreation” to “Residential R40” and “R25” respectively.
 - 1.2 Lot 33 Strickland Street, Lot 33 Denning Road and Reserve R41676 from Reserve for “Public Purpose- Drainage” to “Mixed Business”.
 - 1.3 Portions of Lot 454 Richter Road, Davenport from “Industry” and Reserve for “Parks and Recreation” to “Industry”, “Local Distributor Road” and Reserve for “Parks and Recreation”.
 - 1.4 Lot 28 Mangles Street from Reserve for “Public Purpose - Water Supply” to “Residential R 15”.
 - 1.5 Reserve 31945 Harrison Place from Reserve for “Parks and Recreation” to “Residential R40”
 - 1.6 Portion of Part Lot 200 Charterhouse Close from Reserve for “Parks and Recreation” to “Residential R30” and portion “Residential R15”.
 - 1.7 Lot 8 Tuart Street from Reserve for “Parks and Recreation” to “Residential R40”.
2. Subject to endorsement by the Department of Environment and Conservation: the proposed Scheme Amendment/s to be advertised for public comment with a submission period of no less than forty-two days.
3. Preliminary consent be sought from the Minister for Lands for advertising and disposal of the relevant portions of Crown Reserve land in accordance with the relevant Land Administration Guidelines.

4. Following public advertising the Scheme Amendment/s application to be returned to Council for further consideration.
5. Subject to finalisation of the proposed scheme amendment/s for the subject portions of land, a Business Plan outlining the proposed sale of land is to be prepared and advertised pursuant to Section 3.59 of the Local Government Act 1995.

Outcome of the Council Committee Meeting - 31 July 2007

The Presiding Member called for public speakers.

The following three speakers spoke against the proposal to rezone two portions of Reserve 37730 Irwin Street from Reserve for "Parks and Recreation" to "Residential R40" and "R25" respectively - these two areas are identified as Lots A and B on Appendix 8:

1. Mr Tom Engelke (local resident)

Mr Engelke is concerned that if Lot A is built on connectivity of the footpath that runs through the entire reserve, will be lost - the walkway currently runs through the middle of Lot A so that walkers enter into MacNish Close. The land contains reticulation put in by the *Friends of Irwin Street Reserve*.

2. Ms Marilyn Walker (local resident and member of the *Friends of Irwin Street Reserve* action group)

Ms Walker advised members that the *Friends of Irwin Street Reserve* is an action group that formed in 2001 and works in association with a committee of the Council to weed, reticulate and plant portions of the reserve. The group has planted and installed reticulation on Lot A and is due to plant an additional 1,000 plants in the near future - the proposal to rezone Lot A will lead to it being cleared and (supposedly) built on which will destroy the group's past work. In relation to Lot B, Ms Walker pointed out that it backs onto an Aqwest site and there may be some major engineering issues connected with providing sufficient retaining wall strength if the lot is to be developed. (Later during the meeting it was revealed that the *Friends of Irwin Street Reserve* work in association with the City's BESAC committee).

3. Mr Owen Fenton (speaking on behalf of his parents, local residents and Bunbury Senior High School students)

Mr Fenton advised that part of Lot A is currently post-and-railed off for use by walkers and local residents for parking. He is concerned that if the lot is cleared and built on it will affect the balance of biodiversity over the entire reserve. He suggested that the walk-trails through this reserve are popular with casual walkers, students walking to and from school and are used for some sports events.

The recommendation was moved Cr Jones, seconded Cr Rose to become the motion under discussion.

During discussion:

- The Manager Development Services advised that endorsement from the Department of Environment and Conservation (formerly CALM) is a mandatory requirement for all Scheme Amendments.
- A committee member suggested that all rezoning or land-use proposals involving public open space or reserves; should be referred to the City's Bunbury Environment and Sustainability Advisory Committee ("BESAC") for comment before being referred to the Council for consideration.

In light of concerns from community members, the Presiding Member elected to put each part of the motion to the vote separately. Results of the vote are as follows:

Part 1.	Carried 8 votes "for" to 1 vote "against"
Part 1.1	Defeated 3 votes "for" to 6 votes "against"
Part 1.2	Carried 7 votes "for" to 2 votes "against"
Part 1.3	Carried 8 votes "for" to 1 vote "against"
Part 1.4	Carried 9 votes "for" to nil votes "against"
Part 1.5	Carried 8 votes "for" to 1 vote "against"
Part 1.6	Carried 5 votes "for" to 4 votes "against"
Part 1.7	Carried 6 votes "for" to 3 votes "against"
Part 2	Carried 9 votes "for" to nil votes "against"
Part 3	Carried 9 votes "for" to nil votes "against"
Part 4	Carried 9 votes "for" to nil votes "against"
Part 5	Carried 9 votes "for" to nil votes "against"

The Committee's recommendation on this issue, reads as follows:

Committee Recommendation

- 1. Council, under and by virtue of the powers conferred upon it in that behalf of the Planning and Development Act 2005 (as amended), hereby resolves to initiate appropriate amendment/s to the City of Bunbury Town Planning Scheme No 7 to rezone :**
 - 1.1 Lot 33 Strickland Street, Lot 33 Denning Road and Reserve R41676 from Reserve for "Public Purpose- Drainage" to "Mixed Business".**
 - 1.2 Portions of Lot 454 Richter Road, Davenport from "Industry" and Reserve for "Parks and Recreation" to "Industry", "Local Distributor Road" and Reserve for "Parks and Recreation".**

- 1.3 Lot 28 Mangles Street from Reserve for “Public Purpose - Water Supply” to “Residential R 15”.
 - 1.4 Reserve 31945 Harrison Place from Reserve for “Parks and Recreation” to “Residential R40”
 - 1.5 Portion of Part Lot 200 Charterhouse Close from Reserve for “Parks and Recreation” to “Residential R30” and portion “Residential R15”.
 - 1.6 Lot 8 Tuart Street from Reserve for “Parks and Recreation” to “Residential R40”.
2. Subject to endorsement by the Department of Environment and Conservation: the proposed Scheme Amendment/s to be advertised for public comment with a submission period of no less than forty-two days.
 3. Preliminary consent be sought from the Minister for Lands for advertising and disposal of the relevant portions of Crown Reserve land in accordance with the relevant Land Administration Guidelines.
 4. Following public advertising the Scheme Amendment/s application to be returned to Council for further consideration.
 5. Subject to finalisation of the proposed scheme amendment/s for the subject portions of land, a Business Plan outlining the proposed sale of land is to be prepared and advertised pursuant to Section 3.59 of the Local Government Act 1995.

CARRIED

11.6 SOUTH WEST & PEEL COASTAL MANAGEMENT GROUP INC. - REQUEST FOR COUNCILLOR REPRESENTATION ON COASTSWAP COMMITTEE *(WAS LISTED AS ITEM 11.4 ON THE MEETING AGENDA)*

File Ref:	A00380
Applicant/Proponent:	South West & Peel Coastal Management Group Inc.
Author:	Ben Deeley, Environmental Officer
Executive:	Geoff Klem, Executive Manager City Development

Summary

Correspondence was received on 20 June 2007 from the South West and Peel Coastal Management Group Inc. inviting Council to appoint a councillor to the Group's Coastswap Committee. It is proposed that Council consider the request and nominate a representative to the committee if deemed appropriate.

Background

Correspondence was received on 20 June 2007 from South West and Peel Coastal Management Group Inc. regarding the appointment of a City of Bunbury councillor to the group's Coastswap Committee.

Coastswap is a coastal management committee that provides for the exchange of information, collaboration and the facilitation of regional initiatives between coastal stakeholders in the Peel and South West regions.

The main objectives of Coastswap include:

- Raising awareness of coastal and marine environments
- Fostering a sense of ownership of coastal and marine environments
- Influencing coastal policy development within the State and local governments
- Streamlining decision making relating to coastal zone management
- Fostering cooperation between groups and agencies involved in coastal zone management; and
- Lobbying for appropriate resources for coastal zone planning in the South West and Peel region.

At the present time, Coastswap's membership includes:

- Coastal Local Governments including the Shires of Capel, Harvey, Busselton, Manjimup, Waroona, Augusta-Margaret River, Nannup and the Cities of Mandurah and Bunbury
- State Government agencies including the South West Development Commission and Department for Planning and Infrastructure
- Commonwealth Government agencies including the Department of Agriculture, Fisheries and Forestry and the Department of the Environment and Heritage; and

- Community groups including the Preston Beach Progress Association, Leschenault Community Nursery, Myalup Community Association, Busselton Dunsborough Environment Centre, Cape to Cape Catchment Group, GeoCatch Catchment Council, Prevally Wilderness Progress Association, Tangaroa Blue, Recfishwest and Capel LCDC.

Coastswap is represented on the South West Catchments Council (“SWCC”), which coordinates Natural Resource Management activities throughout the South West. SWCC is responsible for disseminating funding from the State and Australian Government’s joint National Action Plan for Salinity and Water Quality and the Australian Government’s National Heritage Trust.

Coastswap is currently chaired by Cr Margaret M.J. Smith OAM.JP from the Shire of Capel. The committee meets quarterly and the hosting of meetings is typically rotated between the Local Governments represented on the committee.

The City of Bunbury’s Environmental Officer currently represents the City upon Coastswap. The committee, however, believes that additional representation by a City of Bunbury Councillor would be of considerable benefit because it would provide a direct link between Council and the committee thus promoting more informed decision-making by both parties.

It is proposed that Council consider this request and appoint a councillor to the Coastswap Committee if deemed appropriate.

Strategic and/or Regional Outcomes

The appointment of a councillor to Coastswap would provide a direct link between Council and the committee thus promoting more informed decision-making by both parties.

Community Consultation

No community consultation has been undertaken in relation to this proposal.

Councillor/Officer Consultation

The City of Bunbury’s Chief Executive Officer, Executive Manager City Development and Environmental Officer have been kept abreast of this proposal.

Analysis of Financial and Budget Implications

The proposal does not have any financial or budget implications for the City of Bunbury.

Economic, Social, Environmental and Heritage Issues

There are no adverse economic, social, environmental or heritage issues in relation to this proposal.

Council Policy Compliance

The proposal does not contravene Council Policy.

Legislative Compliance

The proposal does not have any statutory implications for the City of Bunbury.

Delegation of Authority

No Delegation of Authority is required or requested.

Relevant Precedents

Councillors are permitted to represent the City of Bunbury upon committees that operate externally to Council. Examples of this presently include the Bunbury Meals-on-Wheels and Senior Citizens Management Committee, the Bunbury Timber Jetty Environment and Conservation Society Inc. and the Carols by Candlelight Committee.

Recommendation

Cr _____ to be appointed as Council's representative on the South West & Peel Coastal Management Group Inc. "Coastswap Committee".

Outcome of the Council Committee Meeting - 31 July 2007

The recommendation was moved Cr Craddock, seconded Cr Frisina to become the motion under discussion.

As no members of the committee volunteered for nomination, the Presiding Member suggested that the recommendation be adopted (as written) with an appointment considered at the Council Meeting on 7 August 2007.

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

Committee Recommendation

A councillor be appointed as Council's representative on the South West & Peel Coastal Management Group Inc. "Coastswap Committee".

CARRIED

9 Votes "For" / Nil Votes "Against"

11.7 NATIONAL SEA CHANGE CONFERENCE - MARCOOLA BEACH, QUEENSLAND
20-22 AUGUST 2007 (WAS LISTED AS ITEM 11.5 ON THE MEETING AGENDA)

File Ref:	A00963
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary

The Annual Sea Change Conference will be held in Marcoola Beach, Queensland from 20 to 22 August 2007. It is proposed that His Worship the Mayor and the Chief Executive Officer will represent Council at the conference. In accordance with the Council Policy the Mayor requires the permission of Council to travel interstate to attend the conference..

A copy of the Sea Change Conference Program is **attached** at Appendix 3.

Background

At its Ordinary Meeting of 26 October 2004, Council resolved as follows:

- "1. The City of Bunbury support the National Sea Change Taskforce by becoming a member of the formally constituted organisation.*
- 2. Council authorise the payment of up to \$3,000.00 to the National Sea Change Taskforce for the initial membership fees for the period November 2004 to December 2005.*
- 3. Council endorses the Mayor (or nominee) and the Chief Executive Officer as its representatives at State and National meetings of the National Sea Change Taskforce."*

This conference will provide delegates with information and ideas on issues of relevance including:

- Coastal Policies of both Federal Liberal and Labour
- Preparing Coastlines for Climate Change
- Planning for Population Growth
- Economic Drivers for Sea Change Communities
- Building a Sea Change knowledge Community
- Community Infrastructure
- Others

Study Field tours will include visits to Sites promoting affordable housing and a sense of place, as well as strategies to retain productive rural land and ageing, in coastal communities.

The Conference is being hosted at the Surfair Conference Centre, Marcoola Beach, Queensland.

In early February 2004, the Chief Executive Officer attended a Sea Change Summit in Maroochydore, Queensland, together with twenty six Chief Executive Officers from high growth coastal councils around Australia, to discuss the issue of sea change growth and the impact it is having on communities.

Sea Change councils are experiencing the highest growth rates in Australia. Whilst the trend towards coastal development is strongest in Queensland it is growing rapidly in Western Australia in places such as Wanneroo, Rockingham, Mandurah, Busselton, Bunbury and Augusta-Margaret River.

Strategic and/or Regional Outcomes

Around Australia there are a significant number of councils experiencing a variety of challenges due to population growth. It is believed that individually, such change would be difficult to manage. However, by working together, sharing information and combining resources much can be achieved to address long term issues in local communities.

The role of the Taskforce is to explore issues, foster research and work with State and Federal Governments as well as other interested bodies. It is considered that membership of the National Sea Change Taskforce could be well regarded by council's stakeholders not only due to the organisations role but also the no-partisan coordinated approach of the Taskforce.

Community Consultation

Nil

Councillor/Officer Consultation

Nil

Analysis of Financial and Budget Implications

Conference registrations, accommodation and attendance costs can be met from within the existing Councillor Conference Expenses Budget.

Economic, Social, Environmental and Heritage Issues

Keeping abreast of the National Sea Change Taskforce initiatives will assist in identifying economic, social, and environmental issues faced by local authorities subjected to the ramifications of growth and development that continue to be experienced around the country.

Council Policy Compliance

The proposal listed in this report complies with Council's existing policy "Conferences, Seminars, Training and Induction Courses – Attendance by Elected Members".

Legislative Compliance

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

Delegation of Authority

The Chief Executive Officer does not have delegated authority to authorise a proposal of this nature.

Relevant Precedents

The City's Chief Executive Officer attended the 2004 Sea Change Summit in Maroochydore, Queensland. In May 2004, a workshop was held in Melbourne and was also attended by the Chief Executive Officer.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council may elect not to send His Worship the Mayor to the Annual Sea Change Conference in Queensland in August 2007.

Conclusion

The attendance of His Worship the Mayor and the Chief Executive Officer at the 2007 Sea Change Conference will assist Council's understanding of current effects and future plans of the National Sea Change Taskforce. A report will be provided to Council on the conference, and an assessment of whether the City should continue with its membership on the Sea Change Taskforce.

Recommendation

Council endorses the attendance of His Worship the Mayor, Mr David Smith, at the annual Sea Change Conference in Maroochydore, Queensland from 20 to 22 August 2007.

Outcome of the Council Committee Meeting - 31 July 2007

At this point in proceedings the Presiding Member (Mayor David Smith) disclosed a financial/impartiality interest as he is the nominated attendee. He left the meeting at 8.43pm for the duration of discussion and the vote on this item.

The Deputy Mayor, Cr Judy Jones, presided at the meeting in the absence of the Mayor.

The recommendation was moved Cr Wenn, seconded Cr Leigh. The motion was put to the vote and adopted to become the Committee's recommendation on this issue.

Committee Recommendation

Council endorses the attendance of His Worship the Mayor, Mr David Smith, at the annual Sea Change Conference in Marcoola Beach, Queensland from 20 to 22 August 2007.

CARRIED

8 Votes "For" / Nil Votes "Against"

Mayor D Smith returned to the meeting at 8.44pm.

11.8 PROPOSED CHANGE OF USE TO "BED & BREAKFAST" - LOT 659 (NO. 24)
PAYTON WAY, USHER *(WAS LISTED AS ITEM 11.6 IN THE MEETING AGENDA)*

File Ref:	P07515
Applicant/Proponent:	Ms Lorrie Carlson
Author:	Teshome Tadesse, Planning Officer
Executive:	Geoff Klem, Executive Manager City Development

Summary

A proposal has been received for a Change of Use to Bed and Breakfast Accommodation at Lot 659 (No. 24) Payton Way, Usher. The proposal has been considered in light of Council's Local Planning Policy titled "Breakfast Accommodation". It is considered that the proposal satisfies the criteria as outlined under the Policy.

It is recommended that Council support the proposal.

Background

Lot 659 (No. 24) Payton Way is zoned Residential R15 under TPS 7. The Use-Class "Bed and Breakfast" is an "A" use in a Residential Zone. The proposal was advertised for 21 days in accordance with Clause 9.4 of TPS 7. At the completion of the advertising period only one objection was received. The content of the objection deals with amenity related matters and safety issues.

In accordance with the City's Local Planning Policy – "Development Application Assessment Process: Rights of the Applicant and the Community" upon the closure of the public submission period, if any submissions are received, the proposal is required to be presented to Council for determination. One submission has been received from a resident in the immediate locality - a copy of the Schedule of Public Submissions is **attached** at Appendix 7.

Attached at Appendix 4 is the location plan.

Proposal

The proposed Bed and Breakfast Accommodation will provide the use of one bedroom at the front and the associated facilities of the existing house at Lot 659 (No. 24) Payton Way. **Attached** at Appendix 5 is a floor plan.

The applicant has submitted justifications in respect of car parking and explains that the applicant is the only resident in the house and argues that the existing double garage should be sufficient for the operation of the proposed Bed and Breakfast Accommodation (**attached** at Appendix 6 is the applicant's justification).

The City's Local Planning Policy for Bed and Breakfast Accommodation specifies that the following matters are required to be taken into account by Council when determining the suitability of a Bed and Breakfast proposal:

- Location of adequate public transport facilities;
- Location of shopping facilities in the vicinity;
- Location of recreation and tourist facilities or other similar type of activity;
- Potential impact on the adjoining properties and surrounding residential area;
- Car parking to be provided on-site is to be one car bay for every two guest rooms and two spaces for the dwelling itself;
- Bed and Breakfast Accommodation shall not consist of self-contained rooms but ensuite and bathroom facilities may be provided within each room. Access to communal laundry, bathrooms and breakfast eating areas should also be catered for within the building.

The subject land is located at the southern portion of the City approximately 6km from the City Centre. In consideration of the above-mentioned criteria relative to the proposal, it has been found that the subject land is within reach of public transport (approximately 200m to the nearest bus stop), it is located within 250m from a Shopping Centre zone under TPS 7 (shopping Centre zoned land is currently vacant). Also, the subject site is located within 250m of a Special Use zoned lot (SP No.38) which is designated as a Medical Clinic and Pharmacy site under TPS7. In addition , the subject land is located within close proximity to the vast Parks and Recreation sites to the southern half of the City.

One of the criteria for considering a Bed and Breakfast application refers to car parking provision which requires one car bay for every two guest rooms. The proposal indicates only one guest room (Bedroom 2 on the floor plan). The applicant argues that the existing car parking spaces (double garage), the driveway and the verge can be used as car parking sites. From a practical point of view, however, it is considered more appropriate to require one additional car parking space for the proposed development.

To sum up, the proposed Change of Use to Bed and Breakfast Accommodation on Lot 659 (No. 24) Payton Way it is considered that the proposal would not significantly compromise the amenity of the area and the proposal adequately satisfies the selection criteria as specified under the Policy. Approval is therefore recommended.

Strategic Outcomes

It is considered that the proposal satisfies Strategy 6.3: Community planning and infrastructure of the City of Bunbury Strategic Plan – Key Strategies 2007 – 2012), which advocates community planning and infrastructure in order to achieve a City that is inclusive and accessible.

Community Consultation

The proposal was advertised for 21 days in accordance with Clause 9.4 of TPS 7. One objection was received from the adjoining landowner in the areas of amenity matters.

Councillor/Officer Consultation

Discussions have been undertaken with Technical Officers within Development Services in the preparation of this report.

Analysis of Financial and Budget Implications

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

Economic, Social, Environmental and Heritage Issues

It is considered that the proposed Bed and Breakfast Accommodation will generate additional income to the household.

There are neither known environmental nor heritage issues relating to this proposal.

Council Policy Compliance

The proposal complies with the criteria specified under the Local Planning Policy – Bed and Breakfast Accommodation.

Legislative Compliance

The proposal is an “A” use under the current Scheme in which Council can consider the proposed development following advertisement to the public. The proposal was advertised for 21 days as required by the Scheme.

Delegation of Authority

Consistent with Council's policy “Development Application Assessment Process: Rights of the Applicant and the Community” the matter is required to be determined by Council

Relevant Precedents

In November 2005, Council approved a proposed Bed and Breakfast Accommodation on Lot 399 (No. 31) Alyxia Drive with the only exception the current proposal is only for one guest room while the previous approval on Lot 399 Alyxia Drive was for two guest rooms.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Refuse the proposal. Should Council resolve to proceed with this option, the suggested format is as follows:

Council, under by virtue of the powers conferred upon it in that behalf of the Planning and Development Act 2005, hereby resolves to refuse the proposed change of use to "Bed and Breakfast" at Lot 659 (No. 24) Payton Way, Usher, for the reason that the proposed activity would be detrimental to the amenity of residents in the locality.

Conclusion

The proposed Bed and Breakfast Accommodation is one of the uses that can be considered for approval in a residential zone. The scheme allows it with the designation of an "A" use in that zone. The proposed Bed and Breakfast activity can be undertaken on the subject land without significant impact to the surrounding residents.

Recommendation

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

1. Note the submission received.
2. Grant Planning Approval to the proposed change of use to Bed and Breakfast at Lot 659 (No. 24) Payton Way, Usher, subject to the following conditions:
 - 2.1 The premises being used for "Bed and Breakfast Accommodation" as defined as a dwelling used by a resident of the dwelling to provide accommodation for persons away from their normal place of residence on short-term commercial basis and includes the provision of breakfast.
 - 2.2 The approval shall not be transferred or assigned to any other property.
 - 2.3 Bed and Breakfast Accommodation cannot be used as a lodging house or for permanent accommodation.
 - 2.4 A sign with a measurement of no greater than 0.2 square metres may be erected on-site subject to approval being granted by the Manager Development Services.
 - 2.5 Smoke alarms to be installed in accordance with Part 3.7.2 of Volume 2 of the Building Code of Australia.
 - 2.6 One additional car parking space is to be provided on-site.

- 2.7 Cooking and/or laundry facilities are not permitted within the guest rooms.
- 2.8 Property shall be connected to Water Corporation sewer.
- 2.9 Compliance with the Health Act 1911 is required.
- 2.10 Compliance with the City of Bunbury Health Local Laws 2001 is required.

Outcome of the Council Committee Meeting - 31 July 2007

The recommendation was moved Cr Jones, seconded Cr Craddock. The Presiding Member put the motion to the vote and it was adopted to become the Committee's recommendation on this issue.

Committee Recommendation

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

- 1. Note the submission received.**
- 2. Grant Planning Approval to the proposed change of use to Bed and Breakfast at Lot 659 (No. 24) Payton Way, Usher, subject to the following conditions:**
 - 2.1 The premises being used for “Bed and Breakfast Accommodation” as defined as a dwelling used by a resident of the dwelling to provide accommodation for persons away from their normal place of residence on short-term commercial basis and includes the provision of breakfast.**
 - 2.2 The approval shall not be transferred or assigned to any other property.**
 - 2.3 Bed and Breakfast Accommodation cannot be used as a lodging house or for permanent accommodation.**
 - 2.4 A sign with a measurement of no greater than 0.2 square metres may be erected on-site subject to approval being granted by the Manager Development Services.**
 - 2.5 Smoke alarms to be installed in accordance with Part 3.7.2 of Volume 2 of the Building Code of Australia.**
 - 2.6 One additional car parking space is to be provided on-site.**
 - 2.7 Cooking and/or laundry facilities are not permitted within the guest rooms.**

2.8 Property shall be connected to Water Corporation sewer.

2.9 Compliance with the Health Act 1911 is required.

2.10 Compliance with the City of Bunbury Health Local Laws 2001 is required.

CARRIED

8 Votes "For" / 1 Vote "Against"

11.9 PROPOSED RESIDENTIAL DWELLING (ISSUE OF PLOT RATIO) - A & H PAYNE, LOT 420 (NO. 105) TUART STREET, BUNBURY

File Ref:	P13254
Applicant/Proponent:	A & H Payne
Author:	Sam McNeilly, Senior Planner (Statutory)
Executive:	Geoff Klem, Executive Manager City Development

Summary

Council is in receipt of a development application from Mr and Mrs A and H Payne, requesting approval of a development application for a residence at Lot 420 (No. 105) Tuart Street, Bunbury. The land is currently zoned Special-use 15 (Big Swamp Development) and the zoning density allowable is R40.

Development Services has processed the application in large part, and is in a position to issue a grant of planning approval except that on one main point - plot ratio; the development is not fully in compliance with the relevant Local Planning Policy (LPP) titled "Tuart Street Precinct Development Design Guidelines" in this respect. The LPP (Tuart Street Precinct Development Design Guidelines) requires that the maximum plot ratio allowable is 65% whereas the applicant essentially proposes 80% (the actual plot ratio on the submitted plans measures 82%) plot ratio in accordance with his most recent submission.

The principal planning issue is as whether Council should grant approval for the proposed development with an 82% plot ratio rather than with a plot ratio of 65% pursuant to the relevant LPP.

Background

The land is currently zoned "Special Use 15 – Big Swamp Development", and the proposed development is a "permitted use" in the respective zone, but subject to all relevant Local Planning Policies and the provisions of the Residential Planning Codes 2002 (RDC) and the current Town Planning Scheme (TPS 7). Currently the land is vacant; it is part of a recently approved subdivision and is subject to the provisions of a Local Planning Policy (LPP) titled "Tuart Street Precinct Development Design Guidelines".

To date Council officers have had a series of discussions with the owner and his building design consultant with a view to reaching a position whereby a grant of planning approval could be issued. The most recent proposal by the applicant is for 82% plot ratio, whereas the current Policy document which applies allows an upper limit of 65%. In the most recent discussions with the applicant, Development Services staff advised the applicant that it would be prepared to consider the proposed increase in plot ratio subject to the applicant submitting new updated drawings and subject to having the matter determined by Council in terms of making a formal decision the matter (in that the plot ratio proposed is in excess of that specified in the LPP as previously approved by Council).

Proposal

The proposal is best described by reference to the submitted plans and elevations (marked 14/6/07) **attached** at Appendix 17.

The following criteria are considered relevant in terms of properly considering the matter.

Land-use

The land is currently zoned Special Use 15 (Big Swamp Development). Residential development (up to R40 density) is permissible subject to compliance with the approved LPP. In principle, therefore, the land-use criterion is satisfied.

Bulk and Location Requirements

It is considered that the matter of bulk and location requirements is in order except in respect of plot ratio. Whereas the applicable LPP specifies a maximum upper limit of 65% for plot ratio, the applicant proposes 82%. In the earlier versions of the development proposal the applicant had proposed in the region of 90% plot ratio. He has now reduced this figure to 82% essentially in the most recent version of the development proposal.

It is noted that the LPP states that: “the guidelines will be given full regard by the Council in any development application. To depart from these guidelines will require comprehensive justification.” In light of this requirement the applicant has submitted a justification which is outlined in brief as follows (refer to Appendix 18):

Whereas the principal planning issue relates to that of plot ratio, it is noted that there are a number of smaller planning issues which will be handled in the normal fashion under delegated authority.

It is also noted that the affected adjoining owners (on the adjoining properties) have signed to the effect that they have no objection to the increase in plot ratio to 80%.

Conflict Between the LPP and the Scheme

It has been noted that there is level of conflict between the provisions of the LPP and the Scheme in terms of the matter of Plot Ratio. The relevant LPP (titled “Tuart Street Precinct Development Design Guidelines”) specifies a maximum plot ratio of 65%. This specific requirement in fact, on analysis, is in conflict with the Residential Design Codes 2002 (RDC) in that the RDC states (Table 1) – that the matter of “plot ratio” per se is “not applicable” where the density coding is R40. Essentially the author of the RDC is saying that the matter of plot ratio is not relevant (i.e. there is no preferred upper limit that should be specified in the context of the RDC – unless any local authority would wish to formulate a policy to specifically control Plot Ratio) in a situation where one has a higher density such as in the case at hand

By dint of the fact that the LPP is in conflict with the RDC, the LPP is, ipso facto, in conflict with the current Town Planning Scheme (TPS 7). TPS 7 states (Clause 2.2.1) “if a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails”. It is considered that, in that the RDC is a higher order Policy than the adopted LPP, the RDC should prevail, and particularly in that it is an integral part of the Scheme.

In terms of properly considering the matter it is also noted that Council is not specifically bound by the precise provisions of the LPP. In this regard the Scheme states: “a Local Planning Policy is not part of the Scheme and does not bind the local government in respect to any application for planning approval but the local government is to have due regard to the provision of the Policy and the objectives which the Policy is designed to achieve before making its determination.”

Comparative Analysis With Other Parts of the City

In terms of analysing the matter to date staff have considered the Marlston Hill precinct as a comparable residential estate. This area of the City is similarly bound by the provisions of an LPP which allows a maximum plot ratio of 80%. It is considered that the Tuart Street area is similar to the Marlston Hill residential precinct in terms of townscape considerations and geographical linkages to the CBD. It would not be inappropriate therefore to allow a higher plot ratio to match that of, say, the Marlston Hill precinct.

In summary therefore it is considered that the proposal to allow plot ratio to a maximum of 80% in the Tuart Street Precinct, and in particular in respect of the proposed development, would be in order.

Strategic Outcomes

It is considered that the broad direction of the City’s Strategic Plan would not be compromised to any significant extent by supporting the proposed development.

Community Consultation

Community consultation is not relevant in this case.

Applicant Consultation

In order to progress the matter, discussions have been undertaken with the applicant on a number of occasions.

Councillor/Officer Consultation

The various issues relating to this matter have been broadly canvassed at staff level with a view to achieving a corporate approach to the decision making process.

Analysis of Financial and Budget Implications

It is considered that there would be no adverse impact on the Municipal Budget.

Economic, Social, Environmental and Heritage Issues

Economic

Economic impact, however marginal, would be positive.

Social

It is considered that there would not be any adverse social impact(s) should the development proceed.

Environmental

Not relevant.

Heritage

There are no heritage issues relative to the proposed development.

Council Policy Compliance

As outlined above the proposed development does not comply with the specific requirements of the relevant LPP. Whereas the applicant has proposed a plot ratio limit of 82% the LPP allows only up to 65% plot ratio. This is core issue of the report.

Legislative Compliance

Legislative requirements relating to the Local Government Act 1995 or any other Act, Local Law or Regulations have been complied with in the processes leading up to the finalisation of this item. It should be noted additionally that the proposed activity will be required to comply with the requirements of the Health Act 1911 and the City of Bunbury Health Local Laws 2001.

Delegation of Authority

Delegation of authority is not applicable in this case in that the development proposal conflicts with a provision of an LPP.

Relevant Precedents

There are no known absolutely relevant precedents in this case.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Should Council determine not to resolve to issue a grant of planning approval for the proposed development, a suggested format for such action is as follows:

"Council under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005, hereby resolves to refuse to grant planning approval to A & H Payne for a new residence as outlined on Drawings marked 14/6/07 as the Council does not wish to depart from the provisions of the current Local Planning Policy titled Local Planning Policy – Tuart Street Precinct Development Design Guidelines."

Conclusion

The development application to Council is, after study, considered to be in order, and merits a grant of planning approval. As outlined the key issue relates to plot ratio. Whilst staff have in the past applied the provisions of the Town Planning Scheme and the Residential Planning Codes (RDC), a further detailed study of the subject application reveals that in fact the relevant LPP is in fact arguably in conflict to some extent with the provisions of the RDC (and by dint of this, in conflict with the Scheme). As indicated, in the case of any conflict between the Scheme and any Policy document, the Scheme prevails. In this case then, the preferable course of action is to determine that a conflict exists and to allow a higher plot ratio as permitted pursuant to the provisions of the Residential Planning Codes, and ideally as reflected by what Council has determined to be acceptable in a comparable residential precinct such as Marlston Hill.

Recommendation

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

1. To grant planning approval to A and H Payne for a new residence at Lot 420 Tuart Street, Bunbury, as outlined on drawings marked 14/6/07 subject to the following conditions:
 - 1.1 The plot ratio being 80% to the satisfaction of the Manager Development Services.
 - 1.2 The imposition of all relevant development conditions and requirements on a grant of planning approval to the satisfaction of the Manager Development Services.

2. To authorise Development Services to proceed to amend the current Local Planning Policy titled "Tuart Street Precinct Development Design Guidelines" such that the upper limit of Plot Ratio in is 80%.
3. To determine that in the interim (i.e., up until the final approval of the amended Local Planning Policy) that staff are authorised to allow an upper limit of 80% plot ratio in the Tuart Street residential precinct which is subject to the LPP titled "Tuart Street Precinct Development Design Guidelines".

Outcome of the Council Committee Meeting - 31 July 2007

Cr Craddock disclosed an impartiality interest as one of the applicants is a relative. He elected to leave the meeting at 8.45pm for the duration of discussion and the vote on this item.

The recommendation was moved Cr Jones, seconded Cr Lambert. The Presiding Member put the motion to the vote and it was adopted to become the Committee's recommendation on this issue.

Committee Recommendation

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

1. **To grant planning approval to A and H Payne for a new residence at Lot 420 Tuart Street, Bunbury, as outlined on drawings marked 14/6/07 subject to the following conditions:**
 - 1.1 **The plot ratio being 80% to the satisfaction of the Manager Development Services.**
 - 1.2 **The imposition of all relevant development conditions and requirements on a grant of planning approval to the satisfaction of the Manager Development Services.**
2. **To authorise Development Services to proceed to amend the current Local Planning Policy titled "Tuart Street Precinct Development Design Guidelines" such that the upper limit of Plot Ratio in is 80%.**
3. **To determine that in the interim (i.e., up until the final approval of the amended Local Planning Policy) that staff are authorised to allow an upper limit of 80% plot ratio in the Tuart Street residential precinct which is subject to the LPP titled "Tuart Street Precinct Development Design Guidelines".**

CARRIED

7 Votes "For" / 2 Votes "Against"

11.10 PRELIMINARY FINANCIAL STATEMENTS FOR PERIOD ENDING 30 JUNE 2007

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

Summary/Background

Preliminary Financial Statements for the period ending 30 June 2007, have been circulated to members under separate cover. The statements included the following details:

- Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Statement of Financial Activity
- Statement of General Purpose Income
- Statement of Rating Information
- Note 1 Significant Accounting Policies
- Note 2 Description of Programmes
- Note 3 Net Current Assets
- Note 4 Receivables
- Note 5 Other Financial Assets
- Note 6 Payables
- Note 7 Provisions
- Note 8 Trust Funds
- Note 9 Explanation of Significant Variations to Income Statement
- Note 10 Capital Expenditure
- Note 11 Key Operating Expenditure and Income (budget exceeding \$20,000)
- Note 12 Loan Funds
- Note 13 Reserve Funds
- Note 14 Bunbury Timber Jetty
- Note 15 Investment Funds (rate of return benchmarked against International Index)

Recommendation

Preliminary Financial Statements for the period ending 30 June 2007, be received.

Outcome of the Council Committee Meeting - 31 July 2007

The recommendation was moved Cr Frisina, seconded Cr Leigh to become the motion under discussion. The Presiding Member put the motion to the vote and it was adopted to become the Committee's recommendation on this issue.

Committee Recommendation

Preliminary Financial Statements for the period ending 30 June 2007, be received.

CARRIED

9 Votes "For" / Nil Votes "Against"

11.11 REVIEW OF COUNCIL ADMINISTRATIVE POLICIES

File Ref:	A00410-08
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

This report is submitted to Council following the Council Meeting of 3 July 2007, at which Council Decision 142/07 was carried requesting Council's Administrative Policy Manual be referred back to Council Committee for further consideration.

For the benefit of Councillors, deletions are struck out and new inclusions are highlighted/shaded in the revised copy of the Administrative Policy Manual issued under separate cover.

Background

A review of Council's existing Administrative Policies was last undertaken on 22 February 2005. These policies are referred to as the Council Administrative Policies i.e., where Council determines the objectives and guidelines to put the policy into effect.

A copy of the existing Council Administrative Policies together with a summary of proposed amendments, was issued to members under separate memorandum dated 17 May 2007 and again to the Council Briefing held Tuesday 19 June 2007.

Strategic and/or Regional Outcomes

This proposal can be aligned to Strategic Objective 2, Strategic 2.1 of the City's Strategic Plan 2007/2012 which reads: "*Develop policies to achieve the overall objectives of the City*".

Community Consultation

During the initial development stages of all policies, community consultation is undertaken where considered appropriate and necessary.

Councillor/Officer Consultation

The Administrative Policies as issued under separate cover are now referred to Council for consideration.

Analysis of Financial and Budget Implications

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

Economic, Social, Environmental and Heritage Issues

There are no economic, social, environmental or heritage issues associated with the policy review.

Council Policy Compliance

There is no Council policy regarding review of Council Administrative Policies.

Legislative Compliance

There is no legislative requirement or timeframe for the review of Council policies.

Delegation of Authority

The Chief Executive Officer does not have delegated authority to adopt policies.

Relevant Precedents

Council has previously adopted all policies after review.

Options

Option 1

Council adopt the Administrative Policies as submitted

Option 2

Council not adopt the Administrative Policies as submitted.

Option 3

Council adopt the Administrative Policies with amendments (to be specified).

Conclusion

An internal review of Council's Administrative Policies was undertaken by the Executive Management Team prior to preparation of this report.

Should Council (or the Executive) identify a requirement for the development of any new administrative policy, a report will be prepared for the consideration of Council.

Recommendation

Council adopt the following Administrative Policies with amendments as specified in the Policy Manual as at July 2007, issued under separate cover:

<u>Policy No.</u>	<u>Policy Name</u>
CEO 1	Conference, Seminars, Training and Induction Courses – Attendance by Elected Members
CEO 2	Use of Banner Mats Located in the Victoria Street Cappuccino Strip
CEO 3	Councillor Access to Information
CEO 4	Economic Development
CPS 1	Councillor Help Desk
CPS 2	Municipal Chambers
CPS 3	Civic Commendations
CPS 4	Honorary Freeman of the City
CPS 5	Media Statement
CPS 6	Employee Superannuation
CPS 7	Recognition of Long Serving Employees – 20 years service and over
CPS 8	Recognition of Service Provided by Staff – Retirement or Resignation
CPS 9	Annual Performance Appraisal – Chief Executive Officer
CPS 10	Equal Employment
CPS 13	Reimbursement of Accommodation and Associated Expenses
CPS 16	Application for Extended Trading Hours – General Retailers
CD 1	Purchasing – Other than Tenders
CD 2	Purchasing – Local Preference
CD 5	Close Circuit Television System
CD 6	Townscape Improvement Projects Funding Arrangements
CD 10	Reserve Areas set Aside for the Riding/Driving or Horses
CS 1	Reserves and Wetland Management
CS 2	Recreation Facilities
CS 3	Recreational Policy – Provide Diverse Range of Activities and Facilities for Residents and Visitors
CS 4	Tree Removal

Outcome of the Council Committee Meeting - 31 July 2007

Discussion took place on the following policies:

Policy CPS2 "*Municipal Chambers*" - the Presiding Member requested that the wording of this policy be amended as he believes use of the Chambers is the province of the Mayor and Councillors only.

Policy CD10 "*Reserve Areas Set Aside for the Riding/Driving of Horses*" - members requested further information in relation to use of Point Hamilla for horse training.

Policy CD2 "*Purchasing - Local Preference*" - Explanation was given on the reason for the maximum discount of \$50,000.

Policy CD5 "*Closed Circuit Television System*" - The changes to this policy mainly relate to the change in position title of the Manager Ranger Services who is now referred to as the Manager Community Law and Safety. The CCTV system is still wired to the Police Department and they have discretion to use images collected.

Policy CD4 "*Outdoor Eating Areas*" - The Presiding Member requested an explanation as to why this policy has been removed from the Policy Manual entirely. It was noted that the policy has been replaced by a Work Procedure adopted by the Executive Management Team in November 2006.

The recommendation was moved Cr Jones, seconded Cr Wenn.

During discussion, Cr Lambert moved the following amendment, seconded Cr Leigh:

The draft Policy CPS2 (Municipal Chambers) be amended as follows:

Policy Wording - delete the words "*at the Mayor and/or Chief Executive Officer's discretion*" and replace with "*at the Mayor's discretion*".

Guideline 2 - the words "*meetings as determined by the Mayor and/or Chief Executive Officer*" to be replaced with the words "*meetings as determined by the Mayor and Chief Executive Officer in joint consultation*".

Guideline 3 - delete the words "*and/or Chief Executive Officer*" and change the word "*will*" on the fifth line to "*may*". The word "*CEO*" in the second line of the second paragraph to be changed to "*Mayor*".

The Presiding Member put the amendment to the vote and it was adopted 9 votes "for" to nil votes "against".

Following some further discussion, the motion (now amended) moved Cr Jones, seconded Cr Wenn was put to the vote and adopted to become the Committee's recommendation on this issue.

Committee Recommendation

Council adopt the following Administrative Policies with amendments as specified in the Policy Manual as at July 2007, issued under separate cover:

<u>Policy No.</u>	<u>Policy Name</u>
CEO 1	Conference, Seminars, Training and Induction Courses – Attendance by Elected Members
CEO 2	Use of Banner Mats Located in the Victoria Street Cappuccino Strip
CEO 3	Councillor Access to Information
CEO 4	Economic Development
CPS 1	Councillor Help Desk
CPS 2	Municipal Chambers - this policy to be amended as follows: <i>Policy Wording - delete the words "at the Mayor and/or Chief Executive Officer's discretion" and replace with "at the Mayor's discretion".</i> <i>Guideline 2 - the words "meetings as determined by the Mayor and/or Chief Executive Officer" to be replaced with the words "meetings as determined by the Mayor and Chief Executive Officer in joint consultation".</i> <i>Guideline 3 - delete the words "and/or Chief Executive Officer" and change the word "will" on the fifth line to "may". The word "CEO" in the second line of the second paragraph to be changed to "Mayor".</i>
CPS 3	Civic Commendations
CPS 4	Honorary Freeman of the City
CPS 5	Media Statement
CPS 6	Employee Superannuation
CPS 7	Recognition of Long Serving Employees – 20 years service and over
CPS 8	Recognition of Service Provided by Staff – Retirement or Resignation
CPS 9	Annual Performance Appraisal – Chief Executive Officer
CPS 10	Equal Employment
CPS 13	Reimbursement of Accommodation and Associated Expenses
CPS 16	Application for Extended Trading Hours – General Retailers
CD 1	Purchasing – Other than Tenders
CD 2	Purchasing – Local Preference
CD 5	Close Circuit Television System

- | | |
|--------------|--|
| CD 6 | Townscape Improvement Projects Funding Arrangements |
| CD 10 | Reserve Areas set Aside for the Riding/Driving or Horses |
| CS 1 | Reserves and Wetland Management |
| CS 2 | Recreation Facilities |
| CS 3 | Recreational Policy – Provide Diverse Range of Activities and Facilities for Residents and Visitors |
| CS 4 | Tree Removal |

CARRIED

9 Votes "For" / Nil Votes "Against"

12. **MOTIONS (OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN) TO BE DISCUSSED & RECOMMENDATIONS TO BE REFERRED TO THE NEXT COUNCIL MEETING**

Nil.

13. **"URGENT" BUSINESS WITH THE APPROVAL OF THE MAJORITY OF MEMBERS PRESENT**

Nil.

14. **ITEMS TO BE NOTED**

14.1 **ITEMS TO BE NOTED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING**

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

A report had been circulated under separate cover.

Outcome of the Council Committee Meeting - 31 July 2007

The recommendation was moved Cr Rooney, seconded Cr Leigh. The Presiding Member put the motion to the vote and it was adopted to become the Committee's recommendation on this issue.

Committee Recommendation

The following items subject of a report circulated to Council Members under separate cover, are noted **for information only**:

1. **Title:** Bunbury-Setagaya Sister Cities - 15th Anniversary Delegation to Setagaya, Japan
Author: Rachel Griffiths, Executive Assistant to the Mayor
File: A00443

2. **Title: Minutes - Pioneer Park Project Control Group - 10/07/2007**
 Author: Greg Trevaskis, Chief Executive Officer
 File: F00117

3. **Title: Minutes - Economic Development Advisory Committee - 7/11/2006 &**
 23/05/2007
 Author: Trevor Ayers, Business Development Officer
 File: A00865

4. **Title: Minutes - Bunbury Environment & Sustainability Advisory Committee**
 - 7/06/2007
 Author: Ben Deeley, Environmental Officer
 File: A01981

5. **Title: Accounts for Payment - 1 to 30 June 2007**
 Author: David Ransom, City Accountant
 File: A00083

6. **Title: Bunbury-Harvey Regional Council - Review of Appropriateness and**
 Effectiveness of Financial Management Systems
 Author: David Ransom, City Accountant
 File: A00255

7. **Title: Review of Appropriateness and Effectiveness of the City's Financial**
 Management Systems
 Author: David Ransom, City Accountant
 File: A0084

CARRIED

9 Votes "For" / Nil Votes "Against"

14.2 ITEMS TO BE NOTED AND ENDORSED (NO DISCUSSION) AT THE COUNCIL
COMMITTEE MEETING

There were no items recommended for endorsement.

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

The following procedural motion was moved Cr Jones, seconded Cr Leigh and adopted to become the Committee's decision:

Committee Decision

Pursuant to Standing Order 15.10, the meeting exclude members of the public to permit Confidential Business (as defined by the Local Government Act 1995) to be discussed.

CARRIED

9 Votes "For" / Nil Votes "Against"

At this point in proceedings (9.10pm) the Presiding Member requested all members of the public and members of the staff except the Executive Manager of Corporate Services, to leave the meeting.

15.1 CHIEF EXECUTIVE OFFICER - CONTRACT OF EMPLOYMENT

File Ref:	A01984
Applicant/Proponent:	Internal Report
Author:	Mr David Smith, Mayor
Executive:	Greg Trevaskis, Chief Executive Officer

Committee members referred to the Confidential Report (and recommendation) that had been circulated under separate cover.

The recommendation was moved Cr Craddock, seconded Cr Leigh to become the motion under discussion.

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

Committee Recommendation

- 1. Council approves the Contract of Employment for the Chief Executive Officer, Mr Greg Trevaskis, for a further five (5) year period expiring on 11 February 2012.**
- 2. Council approves the Chief Executive Officer Position Description, Schedule 1 – Duties of the Chief Executive Officer and Schedule 2 – Indicators for Performance Assessment, as amended.**
- 3. Council appoints members to the Chief Executive Officer Performance Review Panel to undertake the annual review of the Chief Executive Officer's performance for the year 2006/07, and, negotiate performance targets for the 2007/08 financial year in accordance with the Chief Executive Officer's Contract of Employment.**

CARRIED

9 Votes "For" / Nil Votes "Against"

The following procedural motion was moved Cr Wenn, seconded Cr Leigh and adopted to become the Committee's decision:

Committee Decision

Members of the public and staff be re-admitted to the meeting.

CARRIED

9 Votes "For" / Nil Votes "Against"

16. CLOSE OF MEETING

The Presiding Member declared the meeting closed at 9.26pm.

CONFIRMED this day 21 August 2007, to be a true and correct record of proceedings of the Council (Standing) Committee Meeting held on 31 July 2007.

MAYOR D SMITH
PRESIDING MEMBER