



11 September 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
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
GNC	Geographic Names Committee

Term	Explanation
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
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

Term	Explanation
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

NOTICE OF COUNCIL (STANDING) COMMITTEE MEETING

Minutes of an Ordinary Meeting of the Council (Standing) Committee held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury, on Tuesday, 11 September 2007.

MINUTES

NOTE: The recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the subsequent Council Meeting on 18 September 2007.

1. DECLARATION OF OPENING BY THE PRESIDING MEMBER

The Presiding Member (His Worship the Mayor, Mr D 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
Members:	Deputy Mayor, Councillor J Jones
	Councillor W Lambert
	Councillor A Leigh
	Councillor D Wenn
	Councillor R Frisina
	Councillor N McCleary
	Councillor L Rose
	Councillor W Major
	Councillor T Smith
Councillor S Rooney (<i>arrived 6.30pm – Item 11.3</i>)	
Executive Management Team (Non-Voting)	
Chief Executive Officer:	Mr G Trevaskis
Executive Manager Corporate Services:	Mr K Weary
Executive Manager City Development	Mr G Klem
Executive Manager City Services:	Mr M Scott
Executive Manager City Life:	Mr D Marzano
Council Officers (Non-Voting):	
Manager Development Services:	Mr G Fitzgerald

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Others (Non-Voting):	
Members of the Public:	18 (approx.)
Members of the Press:	2

APOLOGIES:

Cr Craddock – Apology
Cr Dillon – Apology

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 Major, seconded Cr Leigh, and adopted to become the Committee's decision.

COMMITTEE DECISION

The minutes of the Council (Standing) Committee Meeting held 21 August 2007 be confirmed as a true and accurate record.

CARRIED

10 Votes "For"/Nil Votes "Against"

7. DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995

Cr Frisina disclosed a financial and proximity interest in the item titled "*Proposed Mixed Use Commercial and Residential Development Lot 20 (No. 22) Stephen Street, Bunbury*" as he owns a property in Stephen Street in close proximity to the proposed development.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Mayor announced that Perkins Builders had recently won the Master Builders Association "Excellence in Construction" 2007 award for their refurbishment/renovation of the City's main administration building. He extended his congratulations to Perkins Builders and those members of staff who were involved with the project.

9. CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS

Nil.

10. RECEPTION OF FORMAL PETITIONS AND MEMORIALS

Nil.

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

11.1 RETROSPECTIVE PLANNING APPROVAL, PROPOSED LANDFILL – LOTS 218 AND 219 ELIZABETH CRESCENT, SOUTH BUNBURY *(WAS LISTED AS ITEM 11.5 ON THE MEETING AGENDA)*

File Ref:	P02803
Applicant/Proponent:	Peter Neville Farnell
Author:	Paul Davies, Planning Consultant
Executive:	Geoff Klem, Executive Manager City Development

Summary

This item was referred back from the Council meeting held on 3 July 2007 (Council Item 118/07) to the current Committee meeting.

An application has been received from Mr P N Farnell for retrospective Planning Approval for landfill on Lots 218 and 219 Elizabeth Crescent. The subject land has been significantly filled over a number of years by up to approximately 7 to 8 metres over the lowest part of the site.

The proposal was advertised for public comment and adjoining neighbour comment and four (4) submissions were received. The submissions generally objected to the level of fill on the site and or outlined concerns with the fill level and detrimental impacts on adjoining properties.

The current level of fill is not considered appropriate for the site. It is recommended that Council approve the application, subject to appropriate conditions to reduce the maximum fill level to a level consistent with the existing kerb level for Elizabeth Crescent adjacent to the site.

Conditions are required to advise lot owners that future development on the site will be limited to 9 metres from the original ground level. Also, the proponent is required to provide a geotech report and compaction certificate for the level of fill with appropriate stabilisation of the site to avoid sand drift.

Reducing the site level to be consistent with the existing kerb level for Elizabeth Crescent will require the proponent to remove approximately 2 metres of fill from the highest fill part of the site.

Future applications for development of the site will need to be assessed on their merits in accordance with the Residential Design Codes and maximum 9 metre height limit.

Background

The subject site originally rose very steeply from the lowest corner (approximately 5 metres) rising to approximately 21 metres at the highest point. Attached at Appendix 3 is a plan that indicates the original ground levels over the subject site.

The subject land has been significantly filled (without approval) over a number of years so that the current fill level is up to approximately 7 to 8 metres above the original ground level over the lowest part of the site. Appendix 7 includes the current levels of the site including the unauthorised fill. Appendix 8 includes photographs of the current levels of the site.

Also, some large concrete blocks and other scattered building material have also been left on the site generally at the base of the fill embankment.

Proposal

An application has been received from Mr P N Farnell for retrospective Planning Approval for landfill on Lots 218 and 219 Elizabeth Crescent. The applicant requests that Council approve the fill level as currently complete with any modifications to levels to be addressed at the development or subdivision approval stage.

The proponent advises that all filling works ceased long ago and they have been diligent to ensure no further fill is placed. Further they advise that future development of the lots is being reconsidered and prior to any further works on site a Development Application or Subdivisional Application will be made.

The existing fill level generally reaches a height of approximately 14 metres AHD with some mounds of earth up to approximately 15 metres AHD over the lowest part of the site.

The proposal was advertised for public comment and adjoining owners were requested to provide comment with the submission period closing on 1 June 2007 and four (4) submissions were received. The submissions are attached at Appendix 9. The principal issues raised in the submissions include:

Neighbours adjoining to the rear of the property are concerned with the height of the fill and impacts of overlooking and privacy from future development of the site. Concerns are raised in regard to mess on the site with building materials being thrown onto properties, and dust and dirt being blown onto adjoining properties.

Further issues raised include fill material used on the site including vegetation material covered by sand, soil encroaching onto adjoining properties and the adjacent public open space, and complaints with unauthorised fill being undertaken on the site. Other comments suggest that the land should be returned to the original levels.

As outlined previously the original site was very steeply sloping. The current earthworks which have been undertaken provide one option for development of the land. It is anticipated that any development proposal for the lots would require significant earthworks to achieve suitable building levels and driveway access.

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The issue of retaining and fill levels would generally be assessed as part of an overall development application for the site. In general building setbacks are determined through the Residential Design Codes (R Codes). Under the Residential R15 code a minimum rear setback of 6 metres is required for single residential dwellings.

Also, it is noted that there is an existing sewer line located along the rear boundary of the lot which would require a 3 metre easement. No fill or retaining walls would be permitted on the sewer easement; hence, any retaining wall or fill would need to be a minimum of 3 metres from the rear boundary.

Further minimum setbacks for balconies are 7.5 metres with windows to habitable rooms 6 metres and windows 4.5 metres. Where fill levels exceeds 0.5 metres, retaining walls are required to be setback from boundaries in accordance with the R Codes. The setback to the boundaries for retaining walls increases with the height of the retaining wall.

In this case the top of the fill level is between 12 and 22 metres from the rear boundary of the site. The current fill level does not, however, provide adequate area for building on the site. Hence, additional earthworks and retaining walls will be required to facilitate future development of the site.

For the purpose of the current application it is considered that the fill level should be reduced to be no higher than the existing kerb level of Elizabeth Crescent. This would require the existing fill level to be reduced by approximately 2 metres on the northern side of the property and approximately 1 metre on the southern side.

The current embankment will need to be stabilised to the satisfaction of the City Engineer and building material and rubble removed. Also, a geotechnical report and compaction certificate is required to ensure that the compaction of the existing fill and fill materials are appropriate.

Currently Clause 5.9.1.2 of Town Planning Scheme No. 7 generally requires a maximum building height of 9 metres for residential dwellings from existing ground level. Development proposals in excess of 9 metres are generally required to be advertised for neighbour and community comment.

It is proposed that a Section 70A notice be included on the title of the lots advising that the maximum height for residential dwellings of 9 metres from the original ground level of the site. Future applications for development of the lots would then need to be considered on their merits in accordance with R Codes requirements and height limit as outlined above.

It is anticipated that proposals for development on some parts of the subject land will require further reduction of the fill level to achieve development within the overall 9 metre height limit from the original ground level.

Strategic and/or Regional Outcomes

Council's 2002 – 2007 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.

Community Consultation

The proposal was advertised for public comment and adjoining owners were requested to provide comment with the submission period closing on 1 June 2007 and four (4) submissions were received. Details of the submissions are outlined in the attached Schedule of submissions. The principle issues raised in the submissions include:

1. Neighbours adjoining to the rear of the property are concerned with the height of the fill and impacts of overlooking, and privacy from future development of the site.
2. Concerns are raised in regard to mess on the site with building materials being thrown onto the properties and dust and dirt being blown onto adjoining properties.
3. Further issues raised include fill material used on the site including vegetation material covered by sand, soil encroaching onto adjoining properties and the adjacent public open space, and complaints with unauthorised fill being undertaken on the site.
4. Other comments suggest that the land should be returned to the original levels.

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 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

There are no significant economic, social, environmental or heritage impacts of the development.

Council Policy Compliance

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

Legislative Compliance

Previously under the Town Planning and Development Act 1928 retrospective applications could not be approved. However, the planning application can be considered in accordance with the provisions of the Planning and Development Act 2005.

Delegation of Authority

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

Relevant Precedents

There are no known absolutely relevant precedents in respect of the specific matter being considered by Council.

Options

Option 1: Per the Recommendation.

Option 2: Council, under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby resolves not to grant retrospective approval to Mr P N Farnell for landfill on Lots 218 and 219 Elizabeth Crescent and requires the proponent to remove all unauthorised fill material and building rubble from the site and to reinstate the site to its original ground level.

Conclusion

The current level of fill is not considered appropriate for the site. It is recommended that Council approve the application subject to appropriate conditions to reduce the maximum fill level to a level consistent with the existing kerb for Elizabeth Crescent.

Reducing the site level to be consistent with the existing kerb level for Elizabeth Crescent will require the proponent to remove approximately 2 metres of fill from the highest fill part of the site.

Further conditions are required to advise current and future lot owners that future development on the site will be limited to 9 metres from the original ground level. Also, the proponent will need to provide a geotechnical report and compaction certificate for the level of fill with appropriate stabilisation of the site to avoid sand drift.

Future applications for development of the site will need to be assessed on their merits in accordance with the Residential Design Codes and the maximum 9 metre height limit.

Recommendation

Council, under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby resolves to grant retrospective planning approval to Mr P N Farnell for landfill on Lots 218 and 219 Elizabeth Crescent subject to the following conditions:

1. All development shall be in accordance with the approved development plans, which form part of this Planning Approval.
2. This approval shall expire unless the works authorised have been commenced within three months and completed within six months of the date of issue, or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.
3. The proponent to remove fill material to achieve a maximum fill level on the site to a level the same as the existing kerb level for Elizabeth Crescent adjacent to the site to the satisfaction of the City Engineer.
4. The proponent removes all rubbish and building material from the site to the satisfaction of the City Engineer.
5. The proponent to undertake stabilisation works on the batter slopes and finished site level of the site to avoid sand drift and any potential dust nuisance to the satisfaction of the City Engineer.
6. The proponent to provide a geotechnical report and compaction certificate for the finished fill level of the site to the satisfaction of the City Engineer.
7. The proponent to include a section 70A notification to the satisfaction of the Manager Development Services on the title of the property to advise potential purchasers of the property that the maximum height for building development is limited to 9 metres from the original ground level of the site as defined on the original ground level plan attached to the notification.
8. The Water Corporation requires a minimum 750mm cover to be maintained over the existing sewer. (Note: If future plans are proposed for retaining walls special foundations may be required dependent on the height of the wall and distance to the centre of the sewer. The proponent is advised to liaise with the Water Corporation in regard to future development proposals for the subject land).

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Outcome of the Council Committee Meeting – 11 September 2007

The Mayor referred to a memorandum issued by the Consultant Planning Officer advising that the item needs to be withdrawn as stakeholder groups and local residents did not receive notification that the matter is to be discussed by Council.

The Mayor advised that this matter is now withdrawn and will be resubmitted to the Council Committee meeting to be held on 16 October 2007.

11.2 PROPOSED OFFICE – LOT 32 (NO. 31) VICTORIA STREET, BUNBURY (WAS LISTED AS ITEM 11.6 ON THE MEETING AGENDA)

File Ref:	P10181
Applicant/Proponent:	Veens Design Drafting Service
Author:	Lindsay Bergsma, Planning Officer
Executive:	Geoff Klem, Executive Manager City Development

Summary

The City has recently received a planning application for an Office at Lot 32 (No. 31) Victoria Street in the “City Centre” zone. In accordance with Table No. 2 of the City’s Town Planning Scheme No. 7 (TPS No. 7), the subject site attracts additional car parking spaces (3) as a result of the proposed development. On the other hand, the Scheme provides that development up to 2000m² gross floor area in the “City Centre” zone may be exempted from the provision of parking spaces.

This provision of the Scheme, however, is under review along with car parking requirements in the Central Business District (CBD) generally. The City of Bunbury Local Planning Policy titled “Parking Strategy” is also currently under review. It is envisaged that new car parking provisions for the CBD within the Scheme, as well as a draft revised Local Planning Policy (Parking Strategy), will be presented for Council consideration in the near future.

Overall, it is considered that the proposed office development is not of such significance in terms of impact as to warrant rigorous application of car parking standards, particularly in light of the fact that Council has the power to grant approval in this instance.

Background

Council will recall its Decision 134/07 at the meeting of 3 July 2007 regarding car parking requirements in the CBD which states that:

“Prior to the final adoption of a new Local Planning Policy for the CBD, the Council shall exercise full discretion for approval on all Development Applications requiring parking provision on a case-by-case basis.”

In line with this Council decision, the current planning application for an office has been prepared for Council determination, as it requires Council discretionary approval in respect of car parking in the CBD.

Attached at Appendix 4 is the location plan.

The subject site formally contained the “Fast Eddy’s” restaurant. After the restaurant closed, a planning approval was granted on 20 April 2007 to convert the existing building into offices. When the planning application was initially assessed, it was noted that there was a parking shortfall. The decision was made at that time to divide the conversion of the building to offices into two stages. The planning approval granted on 20 April 2007 was for Stage 1 (which was approved with a sufficient number of parking spaces). This planning application is for Stage 2.

Proposal

The proposal is for an Office at Lot 32 (No. 31) Victoria Street in the “City Centre” zone. Part of the existing building (the covered area formally used as a driveway and parking by the “Fast Eddy’s” restaurant) is proposed to be converted to an office.

Attached at Appendix 5 is a site plan.

Table No. 1 of the City’s TPS No. 7 designates Office as a “P” use (i.e. a use that is permitted) in the "City Centre" zone.

Parking Requirements

Table No. 2 of the City’s TPS No. 7 provides parking standards for various land uses as identified in the Scheme. For the use-class ‘Office’, the car parking standard is 1 space for every 50m² gross floor area. The proposal is for an office with a floor space of just over 170m² and therefore, an additional 3 parking spaces are required. There are ten (10) parking spaces proposed on the site but these spaces were already approved for Stage 1 of the office development. A total of thirteen (13) parking spaces are required for the site.

In terms of parking requirements, the office proposal is considered to be significantly less intensive relative to the previous restaurant use. While the TPS No. 7 requires one space for every 50m² gross floor area for offices, it requires one space for every 4m² of eating area for restaurants. Therefore the parking requirement for an office use compared to a restaurant is approximately twelve times less.

The restaurant previously on the site would have been approved without the application of the relevant parking standards on the basis of clause 5.7.1.9 of the TPS No. 7. This clause of the Scheme specifies that within the "City Centre" zone, car parking spaces associated with developments of up to 2000m² gross floor area may not be required. This Scheme provision is currently being further explored through the mechanism of Local Planning Policy. This process has not been finalised yet. It is envisaged that new car parking provisions for the CBD within the Scheme, as well as a draft revised Local Planning Policy (Parking Strategy), will be presented for Council consideration in the near future. However, Council has the power to grant approval in this instance without enforcing parking requirements on the basis of clause 5.7.1.9 of TPS No. 7.

Overall therefore, the proposal for an office requires 3 additional car parking spaces for the subject site in accordance with strict interpretation of the Scheme. However, Development Services is of the view that, given the scale and nature of the development/ land use and the

fact that it is in the "City Centre", the proposal does not, arguably, warrant further car parking spaces. Under the Scheme, the previously approved restaurant use on the site required a much higher parking amount than the proposed office use (twelve times the amount). The proposed office is therefore not considered detrimental to the immediate locality. It is considered that parking within the "City Centre" would not be overstretched as the result of the current proposal.

Strategic and/or Regional Outcomes

The proposal is considered to be in the general direction of Strategy 5.3 – which advocates for a cohesive system of integrated land use planning (City of Bunbury Strategic Plan – Key Strategies 2007–2012).

The Recommendation has had regard to Council's 2007-2012 Strategic Plan.

Community Consultation

The proposal has been presented to Council as a result of Council's recent decision to issue approval to all developments in the "City Centre" which require parking provision. No public consultation is necessary in this instance.

Councillor/Officer Consultation

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

Analysis of Financial and Budget Implications

The Recommendation of this report 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

There are no known environmental implications regarding the proposal. The economic implication is that the proposal will create employment opportunity. The premises are not listed under the City's Municipal Inventory. With regard to social implications, there are no foreseeable concerns as a result of this proposal.

Council Policy Compliance

The proposed development does not breach any current Policy of Council. Currently, the City of Bunbury Local Planning Policy titled "Parking Strategy" is under review. It is envisaged that new car parking provisions for the CBD within the Scheme, as well as a draft revised Local Planning Policy (Parking Strategy), will be presented for Council consideration in the near future.

Legislative Compliance

The proposal is in line with the operative TPS No. 7 in terms of land use, and clause 5.7.1.9 of the Scheme in relation to parking provision in the "City Centre". However, the proposal is not in accordance with the strict interpretation of the Scheme in relation to car parking requirements for the nominated land use. Council though, has the power to grant approval in accordance with clause 5.5.1 of the Scheme.

Delegation of Authority

Council has recently resolved to determine all development applications in relation to parking provision in the CBD. Therefore, Council is to determine this proposal.

Relevant Precedents

Council at its ordinary meeting of 28 August 2007 considered a proposed change of use from 'Office' to 'Consulting Rooms' at Lot 191 (No. 83A) Victoria Street (a lot in the "City Centre" zone). In accordance with the parking requirements of TPS No. 7, the proposed use required an additional three car parking spaces. However, whilst the proposed development was marginally short of the technical requirement in regards to the number of parking spaces, Council decided to approve the proposal.

Options

Option 1: Per Recommendation.

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 to grant Planning Approval to the proposed Office at Lot 32 (No. 31) Victoria Street for the reason of inconsistency with the parking provision of the Scheme applicable to Office."

Conclusion

Development Services is of the view that a grant of planning approval would be in order in this instance based on the following. Principally, Council has the power to issue a grant of planning approval. This power is derived from the fact that the use-class ("Office") proposed is a permitted use in the respective zone ("City Centre"). In terms of the matter of the number of car parking spaces required, whilst the proposed development may be marginally short of the technical requirement in this instance, Council has the power to grant approval in this instance due to the fact that clause 5.7.1.9 of TPS No. 7 permits Council to grant approval for commercial developments up to 2000m² in area in the "City Centre" zone without a parking requirement. It is also noted that the previously approved restaurant use on the site required a

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much higher parking amount by the Scheme than the proposed office use (twelve times the amount) and this restaurant use was approved with a lot less parking than strictly required by the Scheme on the basis of clause 5.7.1.9 of the Scheme.

It is considered that this specific clause has been formulated in the current Scheme for this particular purpose. That is, in cases where any development is of such a nature in terms of size and impact etc it warrants approval for broader benefits such as commercial synergies and benefits the "City Centre" zone in terms of contributing to its commercial and social vitality, then, Council would have the power to exercise its judgement.

Recommendation

Council, under and by virtue of the powers conferred upon it in that behalf of Planning and Development Act 2005, hereby resolves to approve the proposed Office at Lot 32 (No. 31) Victoria Street subject to standard conditions and to the satisfaction of Manager Development Services.

Outcome of the Council Committee Meeting – 11 September 2007

The applicant, Mr Roger Veen of Veens Design Drafting Service, responded to queries from Committee Members.

The recommendation was moved Cr Major, 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 of Planning and Development Act 2005, hereby resolves to approve the proposed Office at Lot 32 (No. 31) Victoria Street subject to standard conditions and to the satisfaction of Manager Development Services.

CARRIED

10 Votes "For"/Nil Votes "Against"

11.3 SOUTH WEST YOUTH DRIVER DEVELOPMENT PROGRAMME AND SOUTH WEST TOURING CAR CLUB INC. - APPLICATION TO LEASE/SUB-LEASE PORTION MOTORSPORTS PRECINCT - RESERVE 670 SOUTH WESTERN HIGHWAY, BUNBURY *(WAS LISTED AS ITEM 11.11 ON THE MEETING AGENDA)*

File Ref:	F00014
Applicant/Proponent:	South West Youth Driver Development Programme and South West Touring Car Club Inc.
Author:	Jack Dyson, Senior Administration Officer
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

A joint application has been received from the South West Youth Driver Development Programme ("SWYDDP") and South West Touring Car Club Inc. ("SWTCC"), seeking Council's consideration of the following proposals:

1. South West Youth Driver Development Programme to sub-lease portion of Reserve 670 (Lot 1018) South Western Highway, Bunbury from the Head Lessee, Bunbury Motorcycle Club Inc., for a six (6) year term to coincide with the term of the Head Lease with a further option of tenure (either through lease or sub-lease) of ten (10) years. The purpose of the lease is to establish a Young Driver Training Centre comprising bitumen and gravel roads, an open bitumen pad for braking and skid control training, a training facility, vehicle washdown bay and storage sheds - at no cost to the City.
2. South West Touring Car Club Inc. to lease portion of Reserve 670 (Lot 1018) South Western Highway, Bunbury, for a five (5) year term. The purpose of the lease is to establish a dirt autocross circuit - at no cost to the City.

A concept plan (depicting the interests of each party in the different land parcels involved) is **attached** at Appendix 6. Please note that the parcel of land marked "MotoX" is the land currently leased by the Bunbury Motorcycle Club Inc.

Background

Other users of the Motorsports Precinct being the Bunbury Car Club Inc., Bunbury Motor Cycle Club Inc. and Bunbury Kart Club Inc. support the applications made by the South West Youth Driver Development Programme and South West Touring Car Club Inc. Land title details are as follows:

Reserve 670 (Lot 1018) South Western Highway

This land is held by the City of Bunbury as Endowment Land under Crown Land Record 3113/541 and made available for the purpose of "Recreation" with the power to lease for a period of up to twenty-one (21) years.

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The Bunbury Motor Cycle Club Inc. currently holds the lease over the common gravel area between the Bunbury Car Club Inc. lease area (on Reserve 31466) and the Bunbury Kart Club Inc. on part Reserve 670. Each Club has reciprocal rights over the use of this area.

The area to the south, commonly referred to as the "landfill site" is unencumbered land which is used for overflow car parking when large events are staged at the Bunbury Speedway.

Overview - South West Youth Driver Development Programme

The South West Youth Driver Development Programme ("SWYDDP") is a community-based initiative in the South West that aims to provide high school students with training to reduce motor vehicle accidents through attitude modification, driver education and basic driving skills. It is delivered immediately prior to the participants entering the graduated driver licensing system.

The regularity of incidents of road trauma involving youths aged between 17-24 years is widely attributed to driver inexperience and/or driver irresponsibility.

The SWYDDP has been operating successfully in the South West since 1998. Since it commenced operation, it is estimated that 2,000 Year 10 and 11 students have passed through its current site at the Collie Motorplex. The Programme has enjoyed the support and sponsorship of the State Government, company sponsors, high schools, WA Police and community organisations.

The Collie venue provides excellent facilities but is not ideal for all South West students (including Bunbury students) due to the time and cost taken in travelling to Collie. Accordingly, the SWYDDP now requests use of a location closer to Bunbury.

The Programme comprises a combination of theoretical and practical exercises comprised within the following learning modules:

- Module 1: Vehicle maintenance and safety inspection - involves a workshop visit and vehicle check
- Module 2: Vehicle inspection and controls, manoeuvring and steering techniques.
- Module 3: Brakes, tyres, tyre pressure and braking techniques
- Module 4: Dangers of speed, alcohol, drugs, fatigue, stress and peer pressure
- Module 5: Defensive driving, hazard perception and basic driving skills

The primary objective of the Programme is to reduce crash involvement. Other objectives are:

- Focus on the State's young drivers and reduce their disproportionate representation in incidents of road trauma

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- Prepare students for learning to drive on the road with other road users and importance of adhering to the Traffic Code.
- Assist young drivers to develop the 'right attitude' toward driving

A Steering Committee representing various community interests administers the Programme and provides overall guidance and direction with training sessions performed and coordinated by Roadskills Australia. All instructors are trained to a nationally accredited standard.

The cost of developing the requested lease land into a driver training facility is expected to cost in the region of \$700,000.

In light of the Capital Works to be undertaken by the SWYDDP, it is proposed that the City waive sub-lease rental for the six (6) years of the lease term with all lease rental thereafter to be charged at a rate assessed by the Valuer General and approved by the City.

Overview - South West Touring Car Club Inc.

The South West Touring Car Club Inc. ("SWTCC") is a family-based club formed more than thirty (30) years ago. The Club's activities include autocross, rally racing, bitumen circuit racing and Targa rallies.

It is proposed, subject to Council approval, to run autocross events from the landfill site on Reserve 670.

The SWTCC has run autocross events from its current location in the Shire of Harvey since 1988. The venue is located on private land which has recently been sold. The lease for this site is due to expire in late 2007.

Autocross is an entry level motor sport approved by the Confederation of Australian Motorsports. It is designed to be low cost, low speed and teaches drivers the type of skills they will need to compete in higher grade, competitive events.

Generally, participants in Autocross drive small 4-cylinder cars at an average speed of less than 60 km per hour - smaller cars are better suited to negotiating the many twists and turns of the circuit. The competitions are essentially time trials with no more than two (2) cars on the circuit (half a lap apart) at any one time.

Younger members aged 14 years plus are encouraged to participate in the competitions to learn the skills that will make them competent drivers on public roads.

Council officers have held discussions with the applicants and mutually agreed on the terms and conditions of the relevant leases as follows:

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Proposed Sub-Lease - South West Youth Driver Development Programme, Portion of Reserve 670 (Lot 1018) South Western Highway

Head Lessee:	Bunbury Motorcycle Club Inc.
Proposed Sub-lessee:	South West Youth Driver Development Programme
Term of Sub-Lease:	Six (6) years
Option for Extended Term:	Ten (10) years
Sub-lease Rental:	Peppercorn only subject to capital improvements to the sub-lease area being undertaken by the sub-lessee. Lease rental for any extended term to be as determined by the Valuer General.
Permitted Use:	Youth Driver Training Centre
Statutory Obligations:	Sub-lessee to comply with all Acts, Statutes, Ordinances, Orders, Local Law and regulations with respect to operating the site as a Youth Driver Training Centre.
Insurance:	The sub-lessee to maintain a Public Risk and General Insurance Policy over the sub-lease area. Public liability cover to be set at \$10(M).
Outgoings:	Responsibility of the sub-lessee
Special Conditions:	The sub-lessee is required to obtain a Development Approval (and any necessary Building Licences) for the Youth Driver Training Centre prior to commencing building and/or operations on the site.
Document Costs:	The sub-lessee to be responsible for full cost of document preparation, registration, property valuation assessments and advertising associated with the application for the sub-lease.

Proposed Lease - South West Touring Car Club Inc., Portion Reserve 670 (Lot 1018) South Western Highway, Bunbury

Proposed Lessee:	South West Touring Car Club Inc.
Term:	Five (5) years
Option for Extended Term:	Not applicable.
Lease Rental:	\$4,160 per annum (plus GST)
Permitted Use:	Motor vehicle rally circuit
Statutory Obligations:	Lessee to comply with all Acts, Statutes, Ordinances, Orders, Local Law and regulations with respect to operating the site as a motor vehicle rally circuit.
Insurance:	The lessee to maintain a Public Risk and General Insurance Policy over the sub-lease area. Public liability cover to be set at \$10(M).
Outgoings:	Responsibility of the lessee
Special Conditions:	The lessee is required to obtain a Development Approval (and any necessary Building Licences) for the motor

	vehicle rally circuit prior to commencing building and/or operations on the site.
Document Costs:	The lessee to be responsible for full cost of document preparation, registration, property valuation assessments and advertising associated with the application for the lease.

Strategic and/or Regional Outcomes

Leasing proposals are considered with reference to the Council's 2007-2012 Strategic Plan through Strategic Direction 2.4 which states that the City will "*develop a property strategy that benefits the City's residents, businesses, community and sporting organisations*".

Both applications provide opportunity for interested members of the public in the Greater Bunbury Region to participate in recreational activities.

Community Consultation

Proposals to grant leases (or sub-leases) must be advertised pursuant to Section 3.58 of the Local Government Act 1995 and require a public submission period of fourteen (14) days.

Councillor/Officer Consultation

Council Officers have held discussions with the applicants and have mutually agreed on the terms and conditions of the relevant leases.

Analysis of Financial and Budget Implications

The Office of the Valuer General has assessed market lease rental based on the Management Order and permitted use.

The applicants are to meet the full cost of document preparation, registration fees, valuation assessments and advertising. Furthermore, the applicants will meet all development costs associated with their proposals.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The proposed leases provide an economic benefit to the City through youth development and ancillary business and employment opportunities.

Social Issues

The SWYDDP underpins the school curriculum for local high schools. The proposed venue will also provide a social outlet for local residents and visitors of the Greater Bunbury Region.

Environmental Issues

Each applicant is required to comply with all Acts, Statutes, Ordinances, Orders, Local Laws and regulations associated with their activities. The SWTCC will be required to cordon off the landfill site from Manea Park.

Heritage Issues

The area is designated as a motorsports precinct and there are no known heritage issues to consider.

Council Policy Compliance

There is no Council Policy over use of the proposed lease (sub-lease) area.

Legislative Compliance

The intention to enter into separate leases will be advertised for public information pursuant to Sections 3.58(3) and (4) of the Local Government Act 1995.

Delegation of Authority

The Chief Executive Officer has the delegated authority to negotiate the terms and conditions of property leases provided the settled terms/conditions are presented to Council for endorsement before documentation is finalised.

It is proposed that subject to no objecting submissions being received as a result of public advertising, the Chief Executive Officer will proceed with preparation of the necessary documentation.

Relevant Precedents

The City of Bunbury has longstanding lease agreements over the motorsports precinct with the Bunbury Car Club Inc., the Bunbury Kart Club Inc. and the Bunbury Motorcycle Club Inc.

Options

- Option 1: Per the recommendation listed in this report.
- Option 2: Per the recommendation listed in this report (with amendments as suggested by Council members)
- Option 3: Council may opt not to consent to the new lease (and sub-lease) proposal.

Conclusion

The SWYDDP has been operating successfully since 1998 and over 2,000 students have taken advantage of the benefits offered by the programme. The programme's primary objective is to reduce the number of young drivers involved in incidents of road trauma. Due to its success, the Programme's Executive is now ready to establish a purpose-built facility in Bunbury.

The SWTCC has run autocross events from its current location in the Shire of Harvey since 1988. However, the venue is located on private land that has recently been sold and it is unlikely the lease (due to expire in late 2007) will be renewed. The Autocross facility proposed to be established by the Club in Bunbury will provide an entry level into motor sports for young drivers. The sport is designed to be low cost, low speed and teaches drivers the type of skills they will need to compete in higher grade, competitive events later on as well as teaching them the skills they will need to be competent when driving on-road.

Recommendation

PART A - South West Youth Driver Development Programme to Sub-lease Portion of Reserve 670 (Lot 1018) South Western Highway

Council agrees to grant the South West Youth Development Driving Programme a sub-lease over portion of Reserve 670 (Lot 1018) South Western Highway, Bunbury, for a six (6) year term with a further option of tenure (either by lease or sub-lease) of ten (10) years, for use as a Young Driver Training Centre subject to the terms and conditions as stated in this report to Council and the following:

1. The intention to sub-lease the land to be advertised locally pursuant to Section 3.58(3) and (4) of the Local Government Act 1995 via a notice in the City Update column of the Bunbury Mail Newspaper and notices on Public Notice Boards at the City's Administration Centre, both libraries and the City's website.
2. The Minister for Land to grant approval for the sub-lease.
3. Subject to no objecting submissions being received (and receipt of Ministerial approval) the Chief Executive Officer is authorised to proceed with preparation and signing of the sub-lease agreement.
4. The sub-lessee to pay the full cost of document preparation, registration fees, valuation assessments and advertising.

PART B - South West Touring Car Club Inc. to lease portion of Reserve 670 (Lot 1018) South Western Highway, Bunbury

Council agrees to grant the South West Touring Car Club Inc. a lease over portion of Reserve 670 (Lot 1018) South Western Highway, Bunbury, for a five (5) year term for use as a dirt autocross racing circuit, subject to the terms and conditions as stated in this report to Council and the following:

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1. The intention to lease the land to be advertised locally pursuant to Section 3.58(3) and (4) of the Local Government Act 1995 via a notice in the City Update column of the Bunbury Mail Newspaper and notices on Public Notice Boards at the City's Administration Centre, both libraries and the City's website.
2. The Minister for Land to grant approval for the lease.
3. Subject to no objecting submissions being received (and receipt of Ministerial approval) the Chief Executive Officer is authorised to proceed with preparation and signing of the lease agreement.
4. The lessee to pay the full cost of document preparation, registration fees, valuation assessments and advertising.

Outcome of the Council Committee Meeting – 11 September 2007

Mr John Saunders, SAS Realty, responded to queries from Committee Members on behalf of the applicants and confirmed that an Events Calendar will be established at the Motorsports Complex to ensure that there will be no conflicts of use and ensure ease of access to the various training areas.

The recommendation was moved Cr Lambert, seconded Cr Major.

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

Committee Recommendation

PART A - South West Youth Driver Development Programme to Sub-lease Portion of Reserve 670 (Lot 1018) South Western Highway

Council agrees to grant the South West Youth Development Driving Programme a sub-lease over portion of Reserve 670 (Lot 1018) South Western Highway, Bunbury, for a six (6) year term with a further option of tenure (either by lease or sub-lease) of ten (10) years, for use as a Young Driver Training Centre subject to the terms and conditions as stated in this report to Council and the following:

1. **The intention to sub-lease the land to be advertised locally pursuant to Section 3.58(3) and (4) of the Local Government Act 1995 via a notice in the City Update column of the Bunbury Mail Newspaper and notices on Public Notice Boards at the City's Administration Centre, both libraries and the City's website.**
2. **The Minister for Land to grant approval for the sub-lease.**
3. **Subject to no objecting submissions being received (and receipt of Ministerial approval) the Chief Executive Officer is authorised to proceed with preparation and signing of the sub-lease agreement.**

4. The sub-lessee to pay the full cost of document preparation, registration fees, valuation assessments and advertising.

PART B - South West Touring Car Club Inc. to lease portion of Reserve 670 (Lot 1018) South Western Highway, Bunbury

Council agrees to grant the South West Touring Car Club Inc. a lease over portion of Reserve 670 (Lot 1018) South Western Highway, Bunbury, for a five (5) year term for use as a dirt autocross racing circuit, subject to the terms and conditions as stated in this report to Council and the following:

1. The intention to lease the land to be advertised locally pursuant to Section 3.58(3) and (4) of the Local Government Act 1995 via a notice in the City Update column of the Bunbury Mail Newspaper and notices on Public Notice Boards at the City's Administration Centre, both libraries and the City's website.
2. The Minister for Land to grant approval for the lease.
3. Subject to no objecting submissions being received (and receipt of Ministerial approval) the Chief Executive Officer is authorised to proceed with preparation and signing of the lease agreement.
4. The lessee to pay the full cost of document preparation, registration fees, valuation assessments and advertising.

CARRIED

10 Votes "For"/Nil Votes "Against"

11.4 CITY VISION STRATEGY AND ACTION PLAN (WAS LISTED AS ITEM 11.1 ON THE MEETING AGENDA)

File Ref:	A02175
Applicant/Proponent:	Internal Report
Author:	Angela Satre, Consulting Strategic Planner and Thor Farnworth, Senior Strategic Planner
Executive:	Geoff Klem, Executive Manager City Development

Summary

The final draft City Vision Strategy (“Strategy”) was adopted in principle by Council on December 2006, subject to amendments and completion of an implementation plan that included financial and budget implications. The draft Strategy has been subsequently amended in accordance with Council’s decision, and a draft City Vision Action Plan (“Action Plan”) that sets out the mechanisms for implementation of the ‘vision’ has been prepared for Council’s consideration and adoption.

The draft City Vision Action Plan and City Vision Strategy (both dated July 2007) have previously been circulated to meeting members under separate cover.

Background

At its ordinary meeting of 12 December 2006, Council resolved to adopt the Strategy (Council Decision No. 241/06), subject to amendments, as follows:

"Adopt[s] the City Vision strategy (as amended) in principle and agrees to the preparation of a further report that provides details of an Action Plan that incorporates information on financial and budget implications as well as a Communication Strategy preferably by 31 March 2007."

Council Decision 178/07 - 28 August 2007 Meeting

"The City Vision Strategy and Action Plan be referred back to the next Briefing Session of Council on 4 September 2007 for further consideration."

Proposal

Since the time of Council’s decision the draft Strategy has been modified as required and is now ready for release to the community as a complete guide to the future planning and more sustainable development of the City in relationship to the Greater Bunbury Region. The amendments required to the draft Strategy, as it was presented to Council at its Briefing session on 24 July 2007, relate to a small number of minor changes to text and maps relating to ‘Priority Issues / Proposals’ (PIPs).

As well, a draft Action Plan has been prepared that details those activities (i.e. projects, programs and services) that will be undertaken by all departments within the City. The draft Action Plan details the timeframes within which the various activities are to be achieved and identifies those resources that have been allocated to the relevant activities within the Five Year Financial Plan and Budget. The draft Action Plan also details those new and/or enhanced activities that need to be fulfilled in order to realise the desired City Vision Strategy outcomes. These activities are further explored in the Gap Analysis section at the end of the draft Action Plan.

Due to the complex nature of planning and administering a regional centre like Bunbury within the context of contemporary legislation and practices, the draft Action Plan has been set out according to:

- The 'triple bottom line' sustainability framework with regard to environmental, social and economic factors; and
- a geographical framework that reflects the draft Strategy, where the City is divided into 'Vision Focus Areas', 'Investigation Areas' and 'Priority Issues / Proposals'.

The various activities that align with or are initiatives of City Vision are then presented by:

- Site Analysis Maps that graphically present the Strategy recommendations and the Action Plan activities for each Vision Focus Areas, Investigation Areas and Priority Issue / Proposal; and
- Activity Tables that outline the individual activities to be completed, the available resources, lead agency responsibility, partnerships and timeline.

In adopting the Strategy in December 2006, Council was advised and accepted that the City Vision Strategy is a new policy framework that has no formal statutory or adopted policy status under the District Zoning Scheme.

Council was however aware of the development pressures confronting particularly the Strategic Regional Centre and conveyed the need for urgent resolution of a number of outstanding planning issues (e.g. Building Height) and a basis upon which to review major developments (e.g. the Bunbury Waterfront Project).

It has been both necessary and appropriate for Council to apply the directional strategies contained in City Vision while Town Planning Scheme changes are researched and prepared for Council consideration.

Strategic and/or Regional Outcomes

It is recommended that the Strategy's recommendations be implemented through both a reconstituted local City Vision Committee (subject to outcomes of the review of committees post September), and a regional City Vision Taskforce subject to the support of the State government. As the City has a key role in progressing City Vision, it is recommended that the staff provide ongoing support to both the Committee and the Taskforce amongst other

roles and responsibilities. The benefits of staff supporting the Committee and the Taskforce are that it remains an internal resource that builds the City's own professional capacity to undertake strategic planning work on behalf of its community. This will overcome a dependency upon the private consulting sector and ensure greater quality and value for money, efficiency, project management control, and the avoidance of potential conflicts of interest.

Community Consultation

The City Vision Strategy has been founded upon extensive community engagement and participation throughout the life of the project.

Given that all issues and major structural elements have been comprehensively canvassed over a four year period, the Taskforce and subsequently Council concluded that it was appropriate to finalise the document and release it for public distribution. The decision was made in the knowledge that more detailed planning would follow which would include public comment periods.

With the release of the Strategy and Action Plan, it is intended to ensure wide community and stakeholder awareness and access to the documents, which will be available from the City's web site, in compact disc (CD) and in hard copy formats. As the City's corporate Communication Strategy is currently in preparation, those aspects that relate to City Vision over the longer term are in development.

Community engagement on City Vision must ensure that avenues for participation by the community and stakeholders are sustained in order to ensure the Strategy remains relevant and responsive in guiding the sustainable development of the City over a 25 year time horizon. A communication strategy for ongoing community engagement will ensure that appropriate feedback is achieved annually to inform the Action Plan and every 5 years for the Strategy's review (i.e. 'testing our vision'), which will ultimately be in accordance with the City's Communication Strategy.

Councillor/Officer Consultation

Development of the draft Action Plan involved an extensive internal workshop process, in which the City's existing activities were aligned with the City Vision Strategy. As well, this workshop process enabled staff to identify those new and/or enhanced activities that are needed to realise the City Vision outcomes. It is intended that the tools and techniques developed in preparing the Action Plan will be sustained and continually improved through an annual review cycle with all departments.

Advice has also been sought from the City's Communications Officer on the appropriate methods for communicating (i.e. promotion, distribution and feedback) the Strategy and Action Plan launch.

Analysis of Financial and Budget Implications

Realising the City Vision recommendations will require a modest commitment of resources in the annual Budget, as provided for under the City's Strategic Plan 2006-2011. It should be noted that many of the Vision outcomes have already been independently identified in planned capital works. These works are required notwithstanding the City Vision recommendations. City Vision will however, provide a coordinated and integrated approach for the City's planned and future capital works. With this single strategic approach it can be expected that improved efficiency and less overlap or repetition can be achieved. In relation to those activities that are new and/or enhanced, the draft Action Plan also provides an analysis of the budget implications involved.

Economic, Social, Environmental and Heritage Issues

The draft Strategy has a 25 year time horizon and is expected to have substantial long-term positive effects for the local economy, environment and community of the City and the Greater Bunbury Region. The draft Action Plan is a five year planning instrument that drives the Five Year Financial Plan and Budget, and should be expected to have significant medium term positive effects for the City.

Legislative and Council Policy Compliance

Both the State Planning Strategy and State Sustainability Strategy guide land use and infrastructure planning at the highest level in Western Australia, and emphasise the need to protect the environment in accordance with sustainable development principles. In achieving sustainable development, environmental protection must be integral to the development process. In this respect the draft Strategy is presented in accordance with the 'triple bottom line' sustainability approach that has equal regard to the environment, social and economic themes, which is consistent with the purpose of the Planning and Development Act 2005 and the methodology of the State Planning Strategy. As such, the final draft Strategy will be the principle tool for a sustainable City.

The draft City Vision Strategy is a key output "Strategic Objective 4: Implement City Vision" of the City of Bunbury Strategic Plan 2007-2012. The draft Action Plan will inform the City's Capital Works Program, the Local Planning Policy Framework and operational strategies. As well, the City Vision and Action Plan outcomes will be further progressed by the City as part of the business planning process.

Delegation of Authority

Acceptance of the draft Strategy's specific strategies, recommendations, direction and principles is a higher order task for Council.

Relevant Precedents

Precedent is not relevant to the matter of City Vision.

Options

Option 1: Per the Recommendation.

Option 2: The Draft City Vision Action Plan may be adopted with or without modifications.

Conclusion

This report is presented seeking confirmation of Council's acceptance of the final draft City Vision Strategy and adoption of the draft City Vision Action Plan. Subject to this acceptance and adoption, the Strategy and Action Plan will then be promoted and distributed to ensure broad community and stakeholder awareness and access to copies of the documents in a variety of formats.

Recommendation

1. Council adopts the final draft of the City Vision Strategy.
2. Council adopts the draft City Vision Action Plan.
3. The draft Action Plan shall be implemented and updated through Council on an annual basis as an operational working document as part of the business planning cycle.
4. Council establishes a City Vision Committee to assist in the implementation of the Action Plan and review of the Strategy. The Committee's Terms of Reference (and nominations for appointment to it) will be submitted to the first Committee and Council meeting in November 2007.
5. The above decisions supersede any previous decisions of Council in relation to the City Vision Strategy and associated planning process.

Outcome of the Council Committee Meeting – 11 September 2007

The Executive Manager City Development responded to questions from Committee Members, with emphasis on the following:

- City Vision Clause ICLW4 re formation of a Committee in relation to the Tree Street area – the Manager Development Services advised that this Committee is on hold until the Heritage Strategy is finalised.
- Difference in building heights between the designated central core and the extremities of the Bunbury CBD.

Cr Rooney arrived at the meeting at 6.30pm.

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- The City Vision Strategy and associated Action Plan are not statutory documents. However, various components of the Strategy will be referred to Council for inclusion in Town Planning Scheme No. 8 – this will be undertaken using the Scheme Amendment process and extensive public consultation and advertising will apply.
- The CEO advised members that the formation of a City Vision Committee will be the subject of a special briefing session proposed to be held in the week commencing 17 September 2007.
- The CEO confirmed that Council members will be provided with legal advice obtained in relation to the City Vision Strategy prior to the Council Meeting on 18 September 2007.

The recommendation was moved Cr McCleary, seconded Cr Wenn.

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 adopts the final draft of the City Vision Strategy.**
- 2. Council adopts the draft City Vision Action Plan.**
- 3. The draft Action Plan shall be implemented and updated through Council on an annual basis as an operational working document as part of the business planning cycle.**
- 4. Council establishes a City Vision Committee to assist in the implementation of the Action Plan and review of the Strategy. The Committee's Terms of Reference (and nominations for appointment to it) will be submitted to the first Committee and Council meeting in November 2007.**
- 5. The above decisions supersede any previous decisions of Council in relation to the City Vision Strategy and associated planning process.**

CARRIED

9 Votes "For"/2 Votes "Against"

A request was made for the vote to be recorded:

For: Mayor D Smith, Cr Lambert, Cr Frisina, Cr Rose, Cr McCleary, Cr Leigh,
Cr T Smith, Cr Major, Cr Wenn

Against: Cr Rooney, Cr Jones

**11.5 PROPOSED MIXED USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT
LOT 20 (NO.22) STEPHEN STREET, BUNBURY** *(WAS LISTED AS ITEM 11.2 ON THE
MEETING AGENDA)*

File Ref:	P08976
Applicant/Proponent:	Mr Tony Brun, Brenta Property Group Pty Ltd
Author:	Ann Jank, Planning Officer
Executive:	Geoff Klem, Executive Manager City Development

Summary

The City is in receipt of a Development Application from the Brenta Property Group Pty Ltd for development of a multi storey, Mixed Use Commercial and Residential development (\$55M approximately) at Lot 20 (No. 22) Stephen Street, Bunbury, including ground level commercial areas - 2 levels of car parking, a 9-storey office tower and a 14-storey residential tower with 51 multiple dwellings.

The applicant seeks variations to a number of requirements of the Town Planning Scheme No. 7 (TPS 7) and the Residential Design Codes 2002 in regard to car parking requirements and building setbacks. The issue of building height considerations as per the recommendations of the City Vision Strategy must also be considered.

The proposed development was advertised for public comment for a 28-day period including advertising notices on site, letters to adjoining owners and in the local newspaper. Eight (8) submissions have been received.

The principle planning issues resulting from a study of the proposed development and the public submissions have been considered and, on balance, Development Services has formed the view that the proposed development can be supported; subject, in particular, to an 8-storey height limit and to modifications as determined in the report recommendation.

Background

The site is currently occupied by the Stirling Centre (Shopping Centre) which is a 1-storey development, including parking bays at street level.

In accordance with TPS 7 the site is zoned "City Centre" and the proposed Mixed Use Commercial and Residential development (as well as land usage such as Office, Shop, Restaurant, Lunch Bar and Multiple Dwelling) are permitted uses.

City Vision Strategy

Council adopted the Bunbury City Vision Framework Strategy on 13 December 2005 (Resolution 289/05). This Framework considered height limits for the Greater Central Business District Precinct. A 5-storey limit for buildings is generally planned to be established in the Greater CBD, which includes the subject lot.

The City Vision Strategy document was adopted by the City of Bunbury, subject to amendments, at the Council meeting of 12 December 2006 (Resolution 241/06). The City Vision Strategy (Draft) recommends a maximum building height of 5 storeys (or 21 metres) for coastal areas (including the inlet). Under certain conditions and subject to criteria, including broad community support, consideration may be given to developments up to 8 storeys (or 32 metres).

Proposal

The proposed development is comprised of three distinct elements – a commercial tower, a residential tower, and the existing retail area including the provision of 2 car parking decks and new retail space fronting Prinsep Street. On top of this 3-storey basement the developer proposes a 6-level office tower (plus a 1-level plant and equipment, lift over-run and services for the office tower) and a 12-level residential tower. The residential tower contains 51 apartments, including 19 one-bedroom, 29 two-bedroom and 3 three-bedroom units. The complex also contains leisure facilities including a swimming pool on the third level and a barbecue area on top of the residential tower for the exclusive use of the occupants.

The proposal includes part demolition of the existing building and internal refurbishment to the existing retail area to the south of the lot. Pedestrian access to the new retail area is off Prinsep Street with the existing access off Stephen Street being maintained. The developers have proposed enhanced open space between the existing Stirling Centre and Centrepoint by linking the two developments with alfresco development.

The location plan, floor plans, elevations, sections and a front perspective form Attachment 1 in the report that has been circulated under separate cover.

The following criteria are considered relevant in terms of properly considering the matter, and as to whether Council should grant planning approval to the applicant:

Car Parking and Access

The development proposes all vehicle access from Prinsep Street with the majority of parking on two parking decks.

In accordance with TPS 7, and the Residential Design Codes 2002, a total of 269 car parking spaces are required containing 55 spaces for retail (ground floor), 131 spaces for offices and 83 spaces for the residential component. The existing retail area on the ground floor will be effectively reduced. Therefore the existing 55 car parking bays are required to be relocated and include a concession for existing floor space as part of the redevelopment consistent with recent determinations by Council.

Whereas the developer has on plan provided (in terms of actual numbers) 272 car parking spaces, in fact, Development Services has determined that 13 spaces are unworkable, in effect, in that they do not meet Australian Standards requirements such as manoeuvring depth. Development Services has also determined that on that basis the applicant is, in reality, able to supply only 259 car parking spaces. This leaves a deficit of 10 spaces to the required 269 car parking spaces. Development Services acknowledges that although there is

a shortfall in car parking numbers it is anticipated that, as the proponent progresses to working drawings, it is likely that amended plans will be provided addressing the minor shortfall in car parking numbers. However to ensure compliance with TPS 7 requirements it is recommended that any grant of approval by the City is subject to the developer contributing \$250,000 (\$25,000 per car parking space in deficit).

It is also noted that the developer has proposed that 22 car parking spaces (Car Park Deck Level 1) are set aside as 'tandem' car parking spaces for commercial tenancies within the complex. Whilst it is not ideal to allow tandem car parking spaces for commercial development (tandem spaces work for residential development in that 2 spaces can be made to relate to specific residential units) in that such spaces should be capable of being used at all times. In this case, nonetheless, it is considered that the parking format is broadly acceptable, in that such spaces can be allocated to specific tenancies. It is important therefore, at a practical level, to condition any grant of planning approval such that Council's support would be subject to the submission of a management plan to address this issue. This is reflected in the report recommendation.

It is noted that the applicant has proposed a reformulation of the established public car parking layout in the area between the subject lot and Centrepont. Notwithstanding, there is no net loss of car parking in this area as a result of the proposed development.

Development Services has determined that it is appropriate that car parking numbers should be calculated on the basis of the principle of actual "demand" for car parking. In terms of clarification, it is noted that Table No. 2 – Car Parking Guidelines states that "*...the local government may (emphasis by writer) impose conditions regarding the required number and/or method of provision of car parking spaces...*". The key use-class under consideration in respect of car parking is that of "office". Table 2 states that Council may require (for offices) one space for every 50 square metres (sqm) gross floor area. In respect of the fact that TPS 7 does not define the term "gross floor area", and in that it references and defines "net lettable area", it is considered that car parking should be calculated on the basis of net lettable area. Development Services also notes that in fact car parking "demand" is determined by the actual floor area used for offices [per se] and not on the amount, say, of core area – for uses such as toilets and lifts, etc. In summary, therefore, demand for car parking is calculated on net lettable area.

It is noted that in light of the fact that the Clause 5.7.1.6 uses the word "may", that this would in fact allow Council to require a lesser amount of car parking than that stated in Table 2 (Car Parking Guidelines). Table 2 forms Attachment 2 in the report that has been circulated under separate cover.

This ability for Council to allow the development to proceed with a lesser level of car parking is also represented in Clause 5.7.1.9 which reads as follows: "*Within the City Centre zone, car parking spaces associated with developments of up to 2000sqm gross floor area may not be required, however, any development in excess of 2000sqm gross floor area is to provide for adequate on-site car parking as determined by the local government.*" This clause allowed the existing site to get a discount in parking. Therefore, this discount is already included in the concession in car parking for the ground floor of the redevelopment.

One particular submitter (Centrepoint) has taken a contra position in respect of the proposed development. Centrepoint's submissions, including the submission by their planning consultancy (Allerding & Associates), form Attachment 3 in the report that has been circulated under separate cover. One key point raised by Centrepoint is that the applicant for the Stirlings Redevelopment has not provided sufficient car parking to cater for the existing retail floor space. It is noted that in fact Development Services has specifically addressed this point by allowing the applicant a credit on the existing floor space. This is similar to the method of analysing the Arrio Building development application which was considered by Council recently (Item No. 11.14 was listed as Item 11.6 in the meeting agenda of Council meeting Agenda held on 3 July 2007 refers). It is considered that this position is realistic and practical in a redevelopment situation such as the one currently being considered, in that if a developer is at one point in time operating with an established level of car parking, then it would arguably be penalistic to remove what is essentially a development right. In the case at hand, therefore, the applicant has 5813sqm of existing floor space; this level of floor space is therefore excluded from the calculations for car parking. However, it is noted that the existing 55 car parking spaces are required to be provided as part of the development proposal.

In terms of completeness of information, however, it is noted that Council has the power to actually require the applicant to provide additional car parking spaces to serve this "existing" retail floor space, but this is not the position taken by Development Services in the formulation of its recommendation to Council.

Traffic Study

The applicant has submitted, as part of his development application, a Traffic Management Study. The most recent submission in this regard (submitted on 27/08/07) is marked Version 4 and forms Attachment 4 in the report that has been circulated under separate cover. The City's Engineering Section has analysed Version 2 (Version 4 was not submitted in time to allow detailed analysis prior to the finalisation of this report) and has found that there are some unresolved issues that could have a significant impact on the road upgrade requirements. In addition to this, the current traffic management study does not address the requirement to complete a traffic safety audit.

Council's Engineering Section has outlined the extent of amendments required to allow the Traffic Study to be used in a meaningful way in terms of determining the possible impact of the proposed development on the current traffic arrangements in the CBD.

It is noted that the proposed development is likely to have a very significant impact on the established traffic arrangements and street infrastructure within the central area of the City. Upgrading of the existing street infrastructure may be required to cope with the additional daily vehicular movements and to measure this impact, and to pass on any upgrading costs to the applicant, requires an adequate traffic management study.

It is understood that the developer is endeavouring to meet a tender process deadline and an early decision is therefore required on the status of the development proposal to allow the developer to meet the specific requirements of their client body. It is proposed, therefore, that the matter of the development application be determined, but subject to the applicant being

aware that, prior to the issue of a building license, a traffic management study and safety audit to the satisfaction of the City Engineer will be required, and that all costs associated with the required upgrades will be passed on to the applicant. This issue is reflected in the Report Recommendation.

Building Height

Plot Ratio

The development meets plot ratio requirements as per TPS 7 and the Residential Design Codes 2002 as part of the site remains undeveloped and the new tower development occupies a limited footprint.

The principle controlling mechanism for height within the City Centre Zone is plot ratio. TPS 7 requires a maximum plot ratio of 3.5. However, with the adoption of the City Vision Strategy on 13 December 2006, Development Services is of the opinion that the relevant recommendations related to height controls are required to be considered.

City Vision Strategy

The City Vision Strategy recommends (clause CBD28) a maximum building height of 5 storeys (or 21 metres) for coastal areas (including the inlet) and under certain conditions and subject to criteria including broad community support, consideration may be given to developments up to 8 storeys (or 32 metres).

The proposed office tower is approximately 37 metres high. The proposed residential tower is approximately 48.5 metres high. Therefore, the development exceeds the strategy recommendation for this area by 5 metres (office tower) and 16.5 metres (residential tower) respectively.

A key consideration in the development of the recommendations in respect of height is set out as follows: *“The community values its open space and water views, its access to foreshore areas and recreation options. It is unlikely that development around the coast, inlet and bays that was higher than low rise could achieve this objective/strategy.”*

Attachment 5 in the report that has been circulated under separate cover indicates the perspective of the proposed development viewed from the Leschenault Inlet and from Boulters Heights Lookout.

Applicant’s Justification relative to the City Vision Strategy

In summary the applicant has presented the following data in terms of justifying his design relative to height.

The heights of the proposed buildings are considered in regard to three future Focal Points with high rise buildings. *“The Northern Focal Point has already commenced being formed by the Silos Project with its various stages.”* The Central Focal Point is set out as the area around the Bunbury Tower with Lord Forrest Hotel and Bunbury Entertainment Centre next

to it. The proposed mixed use development is considered to assist creating the Southern Focal Point as main retail centre of the CBD.

The City Vision document states in clause CBD29: *“That height in the commercial core of the CBD defined as both sides of Wittenoom, Stephen, Victoria and Carey Streets is determined on the basis of complementary development with the Bunbury Tower and the Old Silos hotel development.”*

The developer further states that: *“The subject site is located on Stephen Street is considered to therefore be within the commercial core of the CBD. This is further reinforced given the adjacent Centrepoint Shopping Centre.”*

The applicant’s submission in respect of height is quoted verbatim (refer Attachment 5 in the report that has been circulated under separate cover).

WAPC Statement of Planning Policy No. 2.6 – The State Coastal Planning Policy

Importantly Clause 5.3 of the Amendment to State Planning Policy 2.6 states:

“The height of buildings should be limited to a maximum of 5 storeys (and not exceeding 21 metres) in height. Higher structures up to a maximum of 8 storeys (and not exceeding 32 metres) in height may be permitted where:

- (a) There is broad community support for the higher buildings following a process of full consultation;*
- (b) The proposed development(s) is suitable for the location taking into account the built form, topography and landscape character of the surrounding area;*
- (c) The location is part of a major tourist or activity node;*
- (d) The amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore; and*
- (e) There is visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.”*

Applicant’s Justification relative to SPP 2.6

The applicant has presented the following data in terms of justifying his design relative to Clause 5.3 of Amendment to State Planning Policy 2.6.

- “(a) The proposal has been advertised for a period of 28 days and the proponents are not aware of any significant objections relating to the proposed height and bulk of the development. It is also noted that the proposal received extensive coverage in the local media with prominent pictures and “vox pop” public input. It is the proponent’s belief that given the extensive exposure of this proposal that it can be assumed that*

the proposal has received sufficient support from the community as required in condition a) above.

Additionally during the City Vision process there were a number of public workshops and the issue of height of the further development of the CBD and the Outer Harbour were discussed and a number of sketches were displayed including those prepared by Cox. These sketches included numerous multi-storey buildings as high as 20 plus floors. At the time there was overwhelming support for the inclusion of tall structures in the CBD.”

“(b) The built form of the proposal has been designed to enhance the visual impact of the CBD by assisting in the creation of the Southern Focal Point which is located with Boulters heights in the background. There are several sites in the area each of which is capable of substantial Mixed Use/Commercial developments which will add to the visual impact to the cityscape of the CBD and also reinforce the importance of the main retail centre of the CBD. This is shown in the North-South section of the CBD that has been provided.”

“(c) The location is at the southern entry point to the CBD and is the retail focus of the city and therefore the Greater Bunbury and the South West Region. It is of the utmost importance to the maintenance and enhancement of the vibrancy of the CBD that substantial Mixed Use/Residential projects are encouraged to be developed. These projects will reinforce the importance of the Bunbury CBD for the entire region.

The placement of additional office space and residential immediately adjacent and above the core CBD retail precinct will add a great deal of vibrancy and economic stimulus to existing outlets (shops and food outlets).”

“(d) Shadow drawings have been provided (within the planning report) and these confirm there is no overshadowing of the foreshore.”

“(e) The visual permeability of the foreshore and coast from nearby residential areas, roads and public spaces are retained. Refer to the 3D drawings that have been provided.”

Development Services has analysed the matter of height in terms of reaching a position whereby it can make a meaningful recommendation to Council.

The core principles on which a determination can be made on the matter of the height of the proposed building complex are as follows.

Firstly, in terms of the basic provisions of the current TPS 7, the fact is that there is no specific height limit listed in this part of the City. In the past, the City has qualified the provisions of the current Scheme by enacting a policy which quantified the matter of, for example, height relative to certain parts of the City.

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Council has, however, taken the relatively pivotal step of progressing the City Vision study with a view to establishing new development parameters for the entire City. The key milestones in this regard are as follows:

Adoption of the Bunbury City Vision Framework Strategy on 13 December 2005, whereby it was determined to adopt the relevant documentation in the following terms:

Council Decision 289/05 – 13 December 2005 Meeting

That Council:

1. *Notes the extensive consultation undertaken to date;*
2. *Receives the report from the Bunbury City Vision Dialogue held on the 30th July 2005;*
3. *Resolves to adopt the Bunbury City Vision Framework Strategy (as attached); and*
4. *That the Bunbury City Vision Framework Strategy be formally referred to the Western Australia Planning Commission.*

The City Vision Strategy document was adopted by the City of Bunbury, subject to amendments, at the Council meeting of 12 December 2006 (resolution 241). The key provisions of this document, in respect of height, are listed as follows:

- *“Clarity around height limits is essential to attracting investment in commercial development. Outside of the ‘core commercial area’ where buildings higher than eight storeys could be considered, other areas should be planned and designed in the two to five storey range and depending on topography, accessibility and community acceptance up to eight storeys.”*
- *“The community values its open space and water views, its access to foreshore areas and recreation options. It is unlikely that development around the coast, inlet and bays that was higher than low rise could achieve this objective/strategy.”*
- *“The State Coastal Planning Policy (SPP 2.6) amendment relating to height is supported where the maximum height for coastal areas (including the bay and inlet) should five storeys (or 21 metres) and under certain conditions and subject to criteria including broad community support, consideration may be given to developments up to eight storeys (or 32 metres).”*

Council Decision 241/06

That Council:

1. *Agrees to the amendments to the City Vision Strategy as discussed at Council Briefing on 13 November 2006 as follows:*

1.1 *Blair Street Modifications*

CBD 19 That Symmons Street be developed as a key pedestrian and visual connection between the “cappuccino strip” north to Clifton Street and the Inlet.

Note: Council also agreed that the Clifton/Blair Street roundabout needs to be redesigned to take account of the downgrading of Blair Street. The downgrading of Casuarina Drive to a two-lane boulevard was also supported to facilitate better connectivity between the CBD and Marlston Hill waterfront.

1.2 *Bus and rail Terminals*

CBD22 Retain the option of an intermodal transport facility at the Eelup Roundabout and undertake a detailed cost/benefit analysis to establish that there will be an improvement in economic, social and environmental outcomes.

Note: Council also agreed that the current terminus would be ideal to accommodate light rail/cat bus options.

1.3 *Decked Parking Sites*

CBD24 That the existing stations at the Entertainment Centre, Souths/Arts Complex and Blair Street No. 1 be programmed for development consistent with a demand and financial analysis.

Note: Council also agreed that mixed uses for the parking sites is better than just a Parking Station.

1.4 *Building Height*

CBD26 Last sentence deleted and replaced with the following:

“The Ocean Drive coastal strip between Fawltly Towers and The Lighthouse Beach Resort and inland to approximately 300 metres is defined as a coastal tourism and recreation precinct containing key sites that have the potential to accommodate major tourism development that optimises views for all developments and includes up to a 25% component for residential development.”

Note: Council also agreed that reference to height in metres must be linked to natural ground level as a datum.

In relation to higher rise buildings, Council agreed that at street level buildings must be at a human scale and the higher components set back.

1.5 *Leschenault Inlet and Koombana Bay Foreshore Reserves*

CBD29 Subject to detailed site analysis, endorse the location of a museum, Noongar Cultural Centre and new visitor centre between the mangrove colony and

Koombana Drive as part of a tourism node that includes the Dolphin Discovery Centre. Subject to further investigation, consideration be given to locating the Art Gallery at this location.

1.6 *Pennant Road and Sandridge Park*

OBD8 Council agreed to add the following:

“That Pennant Road between Sandridge Road and Strickland Street be investigated as to whether the alignment can be straightened without adversely affecting the amenity of the adjoining residential area.”

1.7 *Strickland Street West to Spencer Street and the Plaza Commercial area*

OBD9 Progress planning for the connection of Strickland Street west to Beach Road and Plaza Street as part of an approved comprehensive redevelopment plan for the Plaza commercial area.

1.8 *Punchbowl Caravan Park and Proposed Big Swamp Short Stay Accommodation*

ICLW10 That alternative tourist/commercial uses be investigated for the Punchbowl Caravan Park site.

1.9 *College Grove Residential Expansion and Tuart Brook, and TAFE/ECU/Health Campus Structure Planning for Adjoining Areas*

SS15 Add an additional point:

“That proposals for development on the Health and Education campuses not compromise the expansion of ECU, TAFE or the Health campus.”

1.10 *Airport*

IND9 The existing airport being planned for improvements to support recreational flying, light commercial flights and emergency services;

1.11 *CBD*

That a staged CBD Streetscape Strategy be programmed by Council.

2. *Adopts the City Vision strategy (as amended) in principle and agrees to the preparation of a further report that provides details of an Action Plan that incorporates information on financial and budget implications as well as a Communication Strategy preferably by 31 March 2007.*

3. a) *That the Mayor be requested to write, on behalf of Council, to all members of the City Vision Taskforce thanking them for their contribution to the preparation of the strategy.*

- b) *That Council gratefully acknowledge the efforts of all staff in the preparation of the City Vision Strategy for their fine contribution in writing the draft policy document.*

Whilst City Vision Strategy is not a statutory document, it is the culmination of work on “City Vision” over the past four years.

The issue of height in the CBD has been extensively canvassed with the community and the current Vision statements have been developed from that input, as well as the analysis undertaken by consultants (e.g. Cox and TME) and the work associated with the State Coastal Planning Policy.

In the absence of appropriate town planning scheme provisions to deal with height, bulk, scale and appearance of the new generation of major CBD developments, the most recent research (which includes public input) should be applied consistent with Part 10 of TPS 7 - Procedure for Dealing with Applications.

Setbacks

Clause 4.2.1 of the Residential Design Codes 2002 allows a nil street setback for mixed use developments and other boundary setbacks as set out in Table 1. Therefore a 26 metre side setback is required for the residential tower. The proposal only provides 13 metres to the western boundary adjacent to Lot 10; a building which is included on the 2001 Municipal Heritage Inventory List of the City of Bunbury.

Applicants Justification Relative to Setbacks

The proponent is seeking a variation of the Residential Design Codes 2002 under Performance Criteria of Clause 3.3.1 for the proposed setback to the western boundary. Clause 3.3.1 ‘Building Set Back from the Boundary’ requires adequate sunlight to be provided to adjacent properties and the amelioration of building bulk.

The proponents stated furthermore that, as demonstrated in the overshadowing diagrams, the proposed residential tower does not provide any significant overshadowing to adjacent properties and the building bulk is adequately addressed through the modulation of the building planes and provision of windows and balconies to create depth to the façade.

Development Services is of the opinion that the setbacks proposed by the applicant, in terms of consideration as variations under the Residential Design Codes 2002, are in order.

Strategic Outcomes

It is considered that the broad direction of the City’s 2007-2012 Strategic Plan would not be compromised to any significant extent by supporting the proposed development.

Community Consultation

The proposed development was advertised for public comment for a 28-day period including advertising notices on site, letters to adjoining owners and advertising in the local newspaper; and eight (8) submissions have been received.

Submitters Data

Eight (8) submissions have been received. Submissions are detailed on the Schedule of Submissions (refer Attachment 6 in the report that has been circulated under separate cover).

The key issues arising from a study of the submissions are as follows:

- Building height
- Car Parking
- Access to the site
- Damage to the wall adjacent to the R.O.W. due to truck and vehicle traffic
- Façade of the existing retail to Stephen Street
- Damage of the fabric of the Women's Club building during the demolition works
- Access to Women's Club during the construction works
- Noise and dust impact during the construction

Applicant Consultation

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

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.

Council was provided with a preliminary briefing on 3 July 2007.

Analysis of Financial and Budget Implications

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

Economic, Social, Environmental and Heritage Issues

In economic terms, the proposal will provide economic benefit during the construction phase of the development and also future employment opportunities in the proposed commercial tenancies.

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There are no known environmental impacts that would result from the construction of the development.

The proposed development is adjacent to the former Anglican Deanery, now the Bunbury Women's Club, which is noted as having local significance and is included on the 2001 Municipal Inventory List.

Legislative Compliance

Legislative requirements relating to the Local Government Act 1995 or any other Act, Local Law or Regulations have been complied with. The proposal 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

It is considered that delegation of authority would not apply in this case.

Relevant Precedents

There are no known precisely relevant precedents in this case.

Possible Options

Option 1: Per the Recommendation.

Option 2: Refusal

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 that it refuses to grant planning approval to Brenta Property Group Pty Ltd on behalf of Notebook Investments Pty Ltd for the proposed Mixed Use Commercial and Residential Development at Lot 20 (No 22) Stephen Street Bunbury, for the following reasons:

(Reasons to be determined by Council per deliberations on the matter.)"

Option 3: Approval as submitted.

Should Council determine to resolve to issue a grant of planning approval for the proposed development as submitted, 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 grant planning approval to Brenta Property Group Pty Ltd on behalf of Notebook

Investments Pty Ltd for the proposed Mixed Use Commercial and Residential Development at Lot 20 (No 22) Stephen Street Bunbury, subject to standard conditions and to the satisfaction of Manager Development Services.”

Conclusion

Development Services has reached a conclusion on the matter on the following basis.

The City Vision Strategy (Draft July 2007) states “*that the State Coastal Planning Policy amendment relating to height is supported where the maximum height for coastal areas (including the bay and inlet) should be five storeys or 21 metres and under certain conditions and subject to criteria including broad community support, consideration may be given to developments up to eight storeys or 32 metres.*”

Essentially Council has reached a position in that it adopted the City Vision Strategy in principle to the effect that there would be a “core commercial area” in the CBD that would host buildings being complementary with the Bunbury Tower and the Silos.

The applicant has argued, in submissions so far, that the “core commercial area” of the City should be considered as extending to the subject land (the Stirling Shopping Centre site); thereby opening up the possibility of Council considering a 14-storey building.

The applicant’s argument is based on the fact that City Vision Strategy documentation is generalist in description – for example it states that Carey Street, Wittenoom Street, Victoria Street and Stephen Street form the bound of the “core commercial area”. The applicant therefore contends that both sides of all of Stephen Street should be included in the “core commercial area” irrespective of the fact that it was the intention of the drafter of the provisions that the “core commercial area” would be precisely rectangular in shape.

The applicant also contends that the subject land should be included in the “core commercial area” in that the Stephen Street site in fact forms an integral part, in reality, of the commercial part of the City.

Development Services has endeavoured to take a balanced position on the matter bearing in mind the provisions of the current TPS 7 and the current position of Council in terms of resolutions on the matter of City Vision.

The development proposal is in compliance with a key provision of the Scheme – plot ratio; other key matters are subject of detailed considerations as outlined above.

Whilst the Scheme [per se] does not specify a maximum height that should be permitted in the City Centre zone, in fact Council has the power to make a determination on height on the basis of the provisions of Clause 10.2.1 of TPS 7.

This Clause states that in making a planning determination on any matter Council “is to have due regard” to matters such as, “the compatibility of a use or development and its setting” (logically, this may include height), “the likely effect of height, bulk, scale, orientation and

appearance of the proposal”, and “any other planning consideration the local government considers relevant”.

It is important to note that this provision of the Scheme actually requires Council to have regard to the matters listed as part of the making of a planning determination – in that this particular Scheme provision uses the phrase “is to have due regard...”(emphasis by writer). In that Council is required to “have due regard” to the relevant matters listed in Clause 10.2.1, it is logical it is considered for Council to take into consideration its work over the last four years on the matter of City Vision, in light of two key milestones. Namely, when it resolved (13 December 2005 – Resolution 289/05) to adopt the Bunbury Framework Strategy whereby it opted for a five (5) storey height limit in the Greater CBD (i.e. the Stirling Centre), and for a “downtown” sub-precinct (bounded essentially by Victoria St., Carey Street, Wittenoom St., and Stephen Street), and the later (12 December 2006 – Resolution 241/06) City Vision Strategy whereby Council developed its position further, and defined in more precise terms the “core commercial area” of the City whereby relatively tall buildings (8 to 14 storeys) may be permitted and the non-core area where 5 to 8 storey buildings may be permitted.

Very clearly, Council has over the past few years developed a position on the matter of height in the CBD and this essentially points to an ideal height limit of 8 storeys for the proposed development. It is on that basis that Development Services has formulated its recommendation to Council.

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 to grant planning approval to Brenta Property Group Pty Ltd on behalf of Notebook Investments Pty Ltd for the propose Mixed Use Commercial and Residential Development at Lot 20 (No 22) Stephen Street Bunbury, with the following conditions:

1. Use and Development
 - 1.1 The premises being used only in accordance with the definition of Office, Shop, Restaurant, Lunch Bar and Multiple Dwelling contained in Schedule 1 of TPS 7, unless otherwise approved by Council.
 - 1.2 All development shall be in accordance with the approved development plans which form part of this Planning Approval.
 - 1.3 This approval shall expire unless the works hereby authorised have been commenced within twelve months and completed within two years of the date of issue, or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.
 - 1.4 The height of the proposed development being limited to 8 storeys (or 32 metres).

- 1.5 The developer is required to pay to the City the monetary sum of \$250,000 in respect of the considered shortfall in car parking spaces. Such monetary sum is to be paid to the City prior to the issuance of a building licence.
 - 1.6 The applicant to submit a management plan (to be to the satisfaction of the Manager Development Services) to clarify the operation and the management of all car parking within the facility.
 - 1.7 A schedule of exterior colours and finishes for the proposed development is to be submitted to, and approved by, Council's Manager Development Services prior to the issuance of a building licence.
 - 1.8 The applicant is to submit a proposal for all operational and security lighting which is to be to the satisfaction of the Manager Development Services. The purpose of this proposal (to be approved prior the issuance of a building licence) is to ensure as far as possible that there is minimum adverse impact on adjoining properties in terms of lighting for the proposed facility.
 - 1.9 The applicant ensuring full compliance with current legislation/regulations in respect of acid sulphate soils and to the satisfaction of the Manager Development Services.
 - 1.10 The developer is required to comply with all relevant legislation in respect of ensuring minimum impact on adjoining/nearby businesses, residences and club premises due to vibration during the construction process.
 - 1.11 Relative to a public submission, the applicant is required to address the matter of protection of adjoining properties by way of a permanent barrier along all adjoining walls and any such proposal is to be submitted prior to the approval of the relevant building licence and the proposals are to be to the satisfaction of the Manager Development Services.
2. Drainage and Road Requirements
- 2.1 Arrangements shall be made to the satisfaction of the City Engineer for the submission of an approved independent traffic planning study for the development of the subject land together with the necessary traffic management measures being installed at the cost of the applicant prior to the building licence being issued.

An independent qualified Professional Engineer shall prepare the traffic study. The City Engineer shall approve the consultants brief. The brief shall include:

- Traffic volumes including pre development and post development traffic volumes to and from accesses to the development and on surrounding streets.

- Level of service of accesses

- Impact of the development on the surrounding streets and intersections, including level of service pre and post development.

- Recommendations for measures to address impacts and maintain satisfactory levels of service

- Safety Audit and recommendations to address any safety issues

- Assessment of pedestrian access to and from the site including proposed pedestrian routes, road crossings and an access audit

- Assessment of public transport access to and from the site including pedestrian access to the nearest bus stop.

2.2 Payment of the Path Network contribution of \$17,424 prior to the issue of a building licence. The contribution will be used to fund Council's path replacement and expansion programme. The contribution may, at the City Engineers discretion, be used to upgrade/construct paths on the property frontage.

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

2.4 A Traffic Management Plan, prepared in accordance with MRWA's Code of Practice, shall be submitted and approved by the City Engineer prior to works on roads commencing.

(Note: Any activity within a road reserve associated with building or construction works (e.g. loading, off-loading, movement of construction vehicles, etc.) which may impact on pedestrian or vehicular traffic, is deemed to require traffic management.)

2.5 Road assets Damage bond of \$5,000 shall be paid by the applicant prior to the issue of the building licence as per Council's Local Planning Policy "Bonds".

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

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

2.7 Street lighting shall be provided for the access way(s), parking areas(s) and turning area(s) by the developer.

(Advice Note: Design and construction standards shall be in accordance with the relevant Australian Standards).

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

(Advice Note: Crossovers shall be in accordance with Council's Standard Drawings MISC-01-03; MISC-01-04, MISC-01-05 or approved alternative design. Crossovers shall not vary from the standard designs without written approval from the City Engineer. Pedestrian access across the crossover shall be free of tripping hazards (e.g. no raised kerbing). Paths shall take priority over crossovers. In accordance with Local Planning Policy – "Vehicle Crossovers", Councils Crossover rebate will only be issued where construction has been completed in accordance with the standard drawings.

- 2.9 Satisfactory arrangements shall be made with the City of Bunbury for the upgrading/construction of Prinsep Street, Stephen Street and Blair Street (extent to be determined) including grading, kerbing, draining, sealing, bus stops, pedestrian crossing and lighting to the satisfaction of the City Engineer.
- 2.10 Site stormwater overflow shall be connected to the City's stormwater drainage system to the satisfaction of the City Engineer. Plans and specifications are to be submitted and approved by the City Engineer prior to the issue of a building licence.
- 2.11 This property is situated in the Five Mile Brook Flood Study Area and may be susceptible to flooding. Habitable rooms in any building construction shall have a minimum finished floor level of 2.3 metres AHD.

3. Health Requirements

- 3.1 Property shall be connected to Water Corporation sewer.
- 3.2 All existing and proposed food tenancies must comply with the provisions of the Health (Food Hygiene) Regulations 1993 and in particular the proponent must comply with the following:

16. Provision of grease traps

A grease trap used in connection with food premises must, where practicable, be located outside the food premises and maintained in a clean and sanitary condition.

20. Provision of sanitary conveniences for public

- (1) Sanitary conveniences must be provided in food premises for persons using the food premises in accordance with the Building Code of Australia as at 14 June 1993.

- (2) Access to sanitary conveniences must not be through areas where food is prepared, packed, stored or handled.

21. Sanitary conveniences – Staff

- (1) Sanitary conveniences for staff must be provided in all food premises in accordance with the building code of Australia as at 14 June 1993.
- (2) Staff and public sanitary conveniences may be combined except that staff facilities must be segregated and locked, and at no time be available to the public.

22. Change room facilities must be provided

- (1) Separate male and female change room facilities for the use of persons engaged in food handling must be provided in Class 1 and Class 2 food premises.
- (2) The change rooms must be –
- (a) at least 3 square metres, with an additional 0.75 square metres for each person in excess of 4, and separated from the food handling area; and
 - (b) provided with locker storage facilities for the storage of clothing, footwear and other personal effects.

3.3 The applicant to develop and provide a noise management plan and a demolition and construction dust management plan to the satisfaction of the Manager Health.

3.4 Prior to the issue of a building licence, the proponent is to supply a plan that indicates where and how the waste, recycling and garbage from the existing and proposed residential, retail, food and commercial office tenancies including the access to the site for and operation of collection vehicles to the satisfaction of the Manager Health and the Manger Waste Services.

4. Any other operational conditional to the satisfaction of the Manager Development Services.

Notes:

- This is not a Building Licence. This development is subject to a building licence approval – an application shall be made with Council’s Building Services prior to commencement of works on-site.
- Until a Certificate of Classification has been issued by the Department of Development Services under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the land for the purposes in accordance with this approval.
- The Plans and Specifications must be submitted to the Water Corporation for approval.

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- Prior to the removal of any structure, a Demolition Licence shall be obtained from the Council pursuant to the Building Regulations 1989.
- The applicant is reminded of their obligations to ensure that all sand drift, waste, building materials and equipment is contained within the boundaries of the site during the construction period.
- All documentation submitted with the application shall be in accordance with the Building Regulations 1989 and the Building Code of Australia – Volume 1, including in particular, detailed plans and specifications for the site works (including finished ground and floor levels), storm water and roof run-off disposal, existing easements, parking areas (including pavement type), to the satisfaction of Council.
- The Plans and Specifications must be submitted to the Fire Emergency and Safety Authority.
- The Plans and Specifications must indicate the positions of any Exit Doors and Exit Signs and they are to be in accordance with the BCA – Parts D1 and E4 (Volume 1).
- The Plans and Specifications must indicate all provisions of Access for People With Disabilities, into and within the building, in accordance with the BCA – Part D3 (Volume 1) and AS 1428.1.
- The Plans and Specifications for the Building Application must provide Sanitary Facilities for people with disabilities in accordance with the BCA – F2 (Volume 1) and AS 1428.1.
- Any demolition work involving asbestos shall be in accordance with the Health (Asbestos) Regulations 1992.
- Owners, Builders and Developers undertaking development and/or construction of any kind are hereby advised of their responsibility to comply with the requirements of the Disability Discrimination Act 1992.
- The buildings in this mixed use development are classified as being Class 2, 5, 6 and 7a in accordance with BCA Part A3.
- The building shall comply with BCA Part C1.1 for Type A construction.
- Fire resistance and stability to be in accordance with BCA Part C1.
- Compartmentation and separation to be in accordance with BCA Part C2.
- Protection of openings (including shafts and services) to be in accordance with BCA Part C3.
- Provision for escape to be in accordance with BCA Part D1.
- Construction of exits to be in accordance with BCA Part D2.
- Access for persons with disabilities to be in accordance with BCA Part D3.
- Fire fighting equipment (including fire hydrants, boosters, tanks and pumps, hose reels, sprinklers and portable fire extinguishers) to be in accordance with BCA Part E1.
- Smoke hazard management (including smoke detection and occupant warning system and stair pressurisation) to be in accordance with BCA Part E2.2.
- Lift installations to be in accordance with BCA Part E3.
- Emergency lighting and exit signs to be in accordance with BCA Part E4.
- Sanitary facilities (including sanitary facilities for persons with disabilities) to be in accordance with BCA Part F2.

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- Light and ventilation (including car park ventilation) to be in accordance with BCA Part F4.
- Sound transmission and insulation for Class 2 part of building to be in accordance with BCA Part F5.
- Buildings to comply with energy efficiency requirements of BCA Part J.
- Pool Barrier to comply with AS 1926.1.
- Compliance with the Health (Swimming Pools) Regulations 1964 will be required. Construction shall not commence until the written approval of the Executive Director, Public Health has been obtained.
- Compliance with the Health Act 1911 is required.
- Compliance with the City of Bunbury Health Local Laws 2001 is required.
- The City of Bunbury contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning.
- This Planning Consent issued by the City of Bunbury does not remove any responsibility the applicant may have in obtaining a Vegetation Clearing Permit from the Department of Environment in accordance with the Environment Protection Act 1986.
- This Planning Consent issued by the City of Bunbury does not remove any responsibility the applicant may have in notifying Department of Environment and Heritage of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999.

Outcome of the Council Committee Meeting – 11 September 2007

Cr Frisina disclosed a financial and proximity interest as he owns a property in Stephen Street in close proximity to the proposed development. Cr Frisina left the room at 7.00pm for the duration of the discussion and vote on this item.

Mr Tony Brun (the applicant) and Mr Brian Delf (Project Architect) provided a powerpoint presentation on the proposed development – a copy of which is **attached** at Appendix 11.

Public speakers against the proposed development on behalf of the owners of Centrepoint Shopping Centre were:

- Mr Steve Allerdig, Allerdig & Associates
- Mr Benham Bordbar, Managing Director of Transcorp
- Mr Mark Werrett, Managing Director of Werrett Property Group

Some of the major points raised during discussion were:

- No car parking bays can be provided under the proposed development as the water table is too high.
- If the height of the proposed development is restricted to 8 storeys, then the project is not financially viable and cannot proceed.

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- There is concern that the proposed development is being promoted as a “redevelopment”. There was a call for parking for the retail component of the proposed development (i.e. the existing Stirling Centre) to be assessed in accordance with current TPS No. 7 requirements and the CBD Parking Strategy.
- Centrepoint Shopping Centre management is concerned that the lack of car parking bay availability will encourage residents/customers/patrons of the new development to utilise parking facilities at Centrepoint to the detriment of its retailers, staff and customers.
- There were concerns that the Traffic Management Report prepared by Cardno BSD is not comprehensive and has underestimated traffic generation that may be caused as a result of the new development during peak hours.

Option 2 (to refuse planning approval) was moved Cr McCleary, seconded Cr Jones (pro forma).

Owing to concerns regarding parking availability and traffic management a procedural motion to refer the matter back to Committee was moved by Cr Wenn and adopted to become the Committee’s recommendation on this issue.

Committee Recommendation

The application for planning approval for development of Lot 20 (No. 22) Stephen Street, Bunbury, be referred back to Committee for further consideration.

CARRIED

6 Votes “For”/4 Votes “Against”

Cr Frisina returned to the meeting at 8.21pm.

11.6 NAMING OF THE NEW BUNBURY PORT ACCESS ROAD – ENDORSEMENT BY COUNCIL *(WAS LISTED AS ITEM 11.3 ON THE MEETING AGENDA)*

File Ref:	R00561
Applicant/Proponent:	Main Roads Western Australia
Author:	Beatrice Plant, Acting City Engineer
Executive:	Michael Scott, Executive Manager City Services

Summary

Main Roads Western Australia (MRWA) has recently completed a consultative process with the public and key stakeholders seeking a name for the new Bunbury Port Access Road. MRWA are now requesting that Council endorse one of the four (4) short-listed names for the new Bunbury Port Access Road.

Background

MRWA is currently finalising the planning of Stage 1 of the Port Access Road Project. This stage will link the port to the South Western Highway near Picton and will serve as an alternative route for heavy vehicle movements to the port.

During construction of Stage 1, MRWA carried out a consultation process to seek an official name for the Port Access Road so that the name could be adopted into common use.

This consultation process followed MRWA's own internal processes to ensure that all requirements were met in proposing a suitable name for the Bunbury Port Access Road. These requirements included engaging the community, short-listing the nominated names, ensuring all short-listed names met the Geographical Naming Committee (GNC) guidelines, and seeking endorsement by the Local Government Authority being City of Bunbury.

A total of thirteen (13) submissions were received which were then checked for conformity with the criteria as detailed in the GNC guidelines by a panel of MRWA staff. On completion of this process four (4) names were short-listed for consideration.

The short-listed nominated names for the Port Access Road follow (in no particular order). The road "type" will either be a "Road" or a "Drive".

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Name: Willinge

Origin: Local Resident

Backing Information: Mr John Willinge (1924 – 2006), OAM, has had a long time involvement with the shipping industry in the Bunbury area. Mr Willinge was the local Norwegian Vice Consul while managing the George Wills Shipping Agency. He was also a long time servant of the Port of Bunbury holding a position on the board as a director for 37 years with the last 19 years as the Chairman. Mr Willinge has also written a book on the history of the Bunbury Port titled “Full Steam Ahead”.

Nominated By: Bunbury Port Authority and Mr Neville Eastman

Supported By: The name “Willinge” has received the support of the Bunbury Port Authority and a member of the public.

Name: Webber

Origin: Local Resident

Backing Information: Mr Charles F Webber was a long standing waterside worker and Union Secretary in the 1960’s and 1970’s with the Port of Bunbury. Mr Webber was also a member of the Board of Directors from 1958 to 1975.

Nominated By: Mr Ross Ranson

Supported By: The name “Webber” has received the support of the Bunbury Port Authority and a member of the public.

Name: Kurliny

Origin: Aboriginal

Backing Information: “Kurliny” is a Noongar word which means coming or going. “Kurliny” is a word (and spelling) that is accepted by local Noongar people and is used by the Noongar people of this region. Mr Harley Coyne of the Department of Indigenous Affairs has confirmed the meaning and relevance of the word “Kurliny” but noted that the Noongar Dictionary (1992) pages 32 and 37, has the word spelt as “Koorliny”. Department of Indigenous Affairs have no objection to the word being used and the spelling forwarded falls within the acceptable perimeters of cultural dialect.

Nominated By: Mr Joe Northover

Supported By: The name “Kurliny” has been supported by the Department of Indigenous Affairs and Mr Joe Northover.

Name: Port Access Road

Origin: Name currently in use for Planning Activities

Backing Information: The name “Port Access Road” is currently being used as a reference for the new road during the planning and development stages of the project. This name is simple and descriptive and would provide a common sense approach to name the road which is essentially well known.

Supported By: Bunbury Port Authority

Once Council has endorsed a name for the new Bunbury Port Access Road, MRWA will make the necessary arrangements to seek the GNC’s approval and will then advise stakeholders of the result.

Strategic and/or Regional Outcomes

Nil

Community Consultation

MRWA identified and contacted key stakeholders informing them of the project and inviting them to propose a name. These groups were:

- Bunbury Historical Society
- Gnarla Karla Boodja Aboriginal Reference Group
- Ngalung Moort Aboriginal Reference Group
- South West Development Commission
- Department of Indigenous Affairs
- Heritage Council of WA – South West Representative
- City of Bunbury
- Bunbury Port Authority

MRWA also extended the invitation to propose a name to the Bunbury community in general. Community involvement was engaged through an advertisement run in the South Western Times, an information display at the Bunbury Chamber of Commerce premises, and a media release to the local ABC radio station.

Councillor/Officer Consultation

Councillors have been informed of the four (4) short-listed nominated names along with the background information by Memorandum on 20 August 2007.

Three (3) votes were received as a result of this consultation and they are as follows:

- Willinge Drive
- Port Access Road
- Willinge

Analysis of Financial and Budget Implications

This proposal will not impact on Council's financial and budgetary implications.

Economic, Social, Environmental and Heritage Issues

This proposal does not have any Economic, Social, Environmental or Heritage Issues.

Council Policy Compliance

There is no existing Council policy relevant to this issue.

Legislative Compliance

The responsibility for naming of roads, features, town sites and places in Western Australia resides with the Minister for Land Information. The Minister is represented on the GNC. The Committee is made up of individuals from:

- Department of Indigenous Affairs
- State Records Office
- Main Roads Western Australia
- Western Australian Local Government Association (2 representatives)
- Australia Post
- Urban Development Institute of Australia (WA Division) Inc
- Department of Industry and Resources
- Fire and Emergency Services Authority
- Department of Land Information - Chairman

In order for the GNC to endorse the official name for this project, MRWA's proposal is required to demonstrate that:

- The name meets GNC guidelines;
- Community and specific groups of interest have been consulted; and
- Local Government has provided endorsement for the proposed name.

Delegation of Authority

No delegated authority applies.

Options

Option 1: Recommendation listed in this report.

Option 2: Vote(s) to be made by Councillors at Council Committee Meeting, Tuesday, 11 September 2007.

Conclusion

A Council decision is required on a nominated name for the Bunbury Port Access Road and a written endorsement forwarded to the Regional Manager of MRWA.

Recommendation

Due to two (2) of the three (3) votes received being for "Willinge", it is recommended that Council endorse this name for the new Bunbury Port Access Road.

Written advice will then be sent to MRWA regarding this endorsement.

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Outcome of the Council Committee Meeting – 11 September 2007

The Presiding Member referred to a memorandum issued by Senior Engineer (Program & Asset Management) advising that MRWA requires the name of “Webber” to be withdrawn from the shortlist.

Cr Rose left the meeting at 8.22pm and was absent for the vote on this issue.

The recommendation was moved Cr Wenn, seconded Cr Major; subject to the word “Drive” being added to “Willinge”. Therefore, the Port Access Road shall be known as “Willinge Drive”.

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 advises MRWA that it endorses the name “Willinge Drive” for the new Bunbury Port Access Road.

CARRIED

10 Votes “For”/Nil Votes “Against”

11.7 BUNBURY AIRPORT SITE NO. 12 - NEW LEASE PROPOSAL, ST JOHN AMBULANCE ASSOCIATION OF WA INC. (ROYAL FLYING DOCTOR SERVICE) *(WAS LISTED AS ITEM 11.4 ON THE MEETING AGENDA)*

File Ref:	F00146 (L137)
Applicant/Proponent:	St John Ambulance Association (Royal Flying Doctor Service)
Author:	Liz Allan, Administration Officer Corporate Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

There have been long-term plans for the Royal Flying Doctor Transfer Lounge (RFDTL) at the Bunbury Airport to be replaced. The existing structure is small and no longer adequate for the purpose for which it was built.

At its meeting held 28 August 2007, Council decided (176/07) to accept a tender for the replacement of the structure. This proposed building is 220m² as opposed to the previous structure which was 40m².

The new RFDTL will be moved to the east. This will allow the larger structure to be built whilst also allowing parking which has been diminished between the RFDTL and the Bunbury Aero Club due to recent extensions.

A copy of the site plan and plans of the building are **attached** at Appendices 1 and 2.

A new Deed of Lease will need to be prepared for the new Site 12 and a Deed of Surrender prepared for the current Site 12. The lease will be identical to the current lease with the same terms and conditions and expiry date.

Background

The Bunbury Airport is located on reserve 27383 (Lot 455 South Western Highway). The land is held by the City of Bunbury under Management Order Crown Land Record 3040/63 (Crown Land Title Vol. 3007 Fol. 583) for the purpose of an "Aerodrome" with the power to lease for a term of up to twenty-one (21) years.

The term of the lease has been determined pursuant to the *Bunbury Airport Strategic Plan Directions 2000–2010* which requires all leases at the airport to have corresponding expiry dates, terms and conditions.

At its meeting held 24 July 2001 Council Decided (33/01) to adopt the lease fees for each airport site as appeared in the report to Council. It was determined that St John Ambulance (Royal Flying Doctor Association) should pay an Annual Lease Rental of \$52.00 per annum (to be increased annually in line with the City's Commercial and Industrial Municipal Rate) and the standard Administration Fee of \$25.00 per annum (to be increased annually by CPI).

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This is a lesser charge than other Lessees at the airport, as the site is used to benefit the community.

Proposed Lease Details

Lease to Commence:	15 October 2007
Term:	Three (3) years and eight (8) months - in order that the expiry date will coincide with the expiry date of all other leases at the Bunbury Airport.
Expiry Date:	30 June 2011
Rental Calculation:	As the site is used to benefit the community it is proposed to keep in place arrangements. The 2007 Annual Lease Rental payment would remain at \$70.52 + GST (Invoices issued in August) and would be subject to any increases to the City's <i>Commercial and Industrial Municipal Rate</i> .
Lease Area:	20m ² x 11m ² (220m ²)
Annual Rental:	\$70.52 per annum + GST
Administration Fee:	\$32.53 + GST
Rent Review:	Lease fees were adopted at the Council Meeting held 24 July 2001 and are increased annually in line with Council's <i>Commercial and Industrial Rate</i> increases throughout the lease term.
Permitted Use:	Royal Flying Doctor Transfer Lounge
Outgoings:	Responsibility of the Lessee to pay
Municipal Rates/Charges:	St John Ambulance Association (Royal Flying Doctor Service) are a non-rateable entity
Insurance:	Lessee to maintain Public Risk Insurance and General Insurance on the building. Public Liability to be set at \$10(M).
Document Preparation:	St John Ambulance Association Inc. (Royal Flying Doctor Service) to be responsible for all costs connected with the preparation and execution of the lease document.

Strategic and/or Regional Outcomes

Strategic Outcomes

Leasing proposals are considered with reference to the Council's 2007-2012 Strategic Plan through Strategic Direction 2.4 which states that the City will "*develop a property strategy that benefits the City's residents, businesses, community and sporting organisations*".

The provision of the RFDPTS by the City of Bunbury is consistent with Council's strategic objective 6 "Develop Social Capital" which states "for the community, social capital means community and social development, community wellbeing, culture, community health and safety, leisure, volunteerism and lifelong learning".

This proposal also complies with the *Bunbury Airport Strategic Directions Plan 2000–2010*.

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Regional Outcomes

The proposal provides a new RFDTL to benefit the community in providing a safe structure to which transfer from an ambulance and then to a plane can take place.

Community Consultation

The proposal to grant the new Lease must be advertised pursuant to Section 3.58 of the Local Government Act 1995 and requires a public submission period of fourteen (14) days.

Councillor/Officer Consultation

Council officers have held discussions with St John Ambulance (Royal Flying Doctor Services) and have mutually agreed on the location, terms and conditions of the lease.

Analysis of Financial and Budget Implications

Lease and Administration fees in each instance, were adopted at the Council Meeting held 24 July 2001. The Annual Lease Rental is to be increased annually in line with Council's *Commercial and Industrial Rate* increases throughout the lease term. The Administration Fee is to be increased annually in line with the Consumer Price Index. The Lessee is a non-rateable entity.

At its meeting held 28 August 2007 Council Decided (176/07) to construct a semi-transportable RFDTL for a total tendered price of \$243,403 (inc. GST).

Economic, Social, Environmental and Heritage Issues

Economic Issues

There are no economic issues associated with the proposal.

Social Issues

The additional land on which the RFDTS is to be located will provide a facility which will once again be able to be used by pilots and ambulance drivers whilst providing a transfer station which is perceived as safe and inviting for patients.

Environmental Issues

The building which is being constructed is purpose-built, aesthetically pleasing and of a transportable design which is considered the most appropriate as the airport structure plan is still under consideration.

Heritage Issues

There are no known heritage issues relative to the proposal.

Council Policy Compliance

There is no Council policy concerning leases.

Legislative Compliance

The intention to lease will be advertised for public information with a submission period of fourteen (14) days in accordance with Section 3.58(3) and (4) of the Local Government Act 1995.

Delegation of Authority

The Chief Executive Officer has the delegated authority to negotiate the terms and conditions of property leases provided the settled terms/conditions are presented to Council for endorsement before documentation is finalised.

It is proposed that subject to no objecting submissions being received as a result of public advertising, the Chief Executive Officer will proceed with preparation of the necessary documentation.

Relevant Precedents

Council currently leases thirty-five (35) hangar sites at the Bunbury Airport and regularly considers requests for new and assigned leases due to the growing demand for hangar space at the facility.

Options

Option 1: Per the Recommendation.

Option 2: Council may elect not to support the relocation of the RFDTS.

Conclusion

The Recommendation was drafted in line with the following objectives.

1. The City will meet its responsibilities for the management, care and control of Reserve 27686, Lot 455 South Western Highway, Bunbury, for the benefit of an "Airport".
2. The relocation of the RFDTS will provide a safe environment for the transfer of patients.

Recommendation

Council agrees to grant St John Ambulance Association Inc. (Royal Flying Doctor Service) a lease over the amended (relocated) Bunbury Airport Site No. 12 being portion of Reserve 27686, Lot 455 South Western Highway, Bunbury, subject to the following:

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1. The term of the lease to commence on 15 October 2007 and expire on 30 June 2011.
2. Other terms and conditions of the lease to be in accordance with the report to Council on this issue.
3. The City's intention to lease this land to be advertised for public information pursuant to Section 3.58(3) and (4) of the Local Government Act 1995. This is to be done through notices on Public Notice Boards at the City's Administration Centre and Libraries; and a notice published in the "City Update" column of the Bunbury Mail.
4. Subject to no objecting submissions being received during the public advertising period, the Chief Executive Officer is authorised to finalise the Deed of Lease ready for signature by all parties.
5. The lease to contain an endorsement from the Minister for Lands.
6. St John Ambulance Association Inc. (Royal Flying Doctor Service) to be responsible for all costs connected with the preparation and execution of the lease document.

Outcome of the Council Committee Meeting – 11 September 2007

Cr Rose had left the meeting at 8.22pm during discussion of a previous item and returned to the meeting at this point in time (8.25pm).

The recommendation was moved Cr Jones, seconded Cr Wenn.

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 agrees to grant St John Ambulance Association Inc. (Royal Flying Doctor Service) a lease over the amended (relocated) Bunbury Airport Site No. 12 being portion of Reserve 27686, Lot 455 South Western Highway, Bunbury, subject to the following:

- 1. The term of the lease to commence on 15 October 2007 and expire on 30 June 2011.**
- 2. Other terms and conditions of the lease to be in accordance with the report to Council on this issue.**
- 3. The City's intention to lease this land to be advertised for public information pursuant to Section 3.58(3) and (4) of the Local Government Act 1995. This is to be done through notices on Public Notice Boards at the City's Administration Centre and Libraries; and a notice published in the "City Update" column of the Bunbury Mail.**

4. Subject to no objecting submissions being received during the public advertising period, the Chief Executive Officer is authorised to finalise the Deed of Lease ready for signature by all parties.
5. The lease to contain an endorsement from the Minister for Lands.
6. St John Ambulance Association Inc. (Royal Flying Doctor Service) to be responsible for all costs connected with the preparation and execution of the lease document.

CARRIED

11 Votes "For"/Nil Votes "Against"

11.8 ART GALLERY CAR PARK *(WAS LISTED AS ITEM 11.7 ON THE MEETING AGENDA)*

File Ref:	A02998
Applicant/Proponent:	City of Bunbury
Author:	Nigel Archibald, Engineering Technical Officer and Michael Scott, Executive Manager City Services
Executive:	Geoff Klem, Executive Manager City Development

Summary

Council approval is sought to construct an additional 43 car bays at the Art Gallery car park. A plan of the proposed works will be displayed in the Council Chambers. The new car park will be made available for Council fleet vehicles and the public.

Background

Construction has commenced on the City Library which has necessitated the closure of the adjoining Library car park. This has resulted in an increased demand for car parking in the other car parks including the Art Gallery car park. On a daily basis parking occupancy rates in the Arts Gallery car park exceed 100% and motorists are seeking other car parking alternatives such as parking on the steep grass area at the rear of BRAG. The grassed area is steep and becomes slippery when wet.

The closure of the Library car park has significantly impacted on the availability of car parking for Council's fleet vehicles, staff vehicles and Council visitor car parking. Council previously determined that the Council fleet should not park at the Council No. 2 Shoppers car park as this location should be used for short term shopper parking. Council fleet vehicles are required for site inspections and work around the city and, therefore, convenient access is required to Council fleet vehicles for the efficient delivery of Council's many services.

Together with the increase in the abovementioned occupancy rate, it is considered that the grassed area will deteriorate with increased vehicle movements and a constructed car park will provide increased user safety, amenity, visual appeal and necessary car parking for Council's fleet vehicles, staff vehicles (including BRAG staff and volunteers) and Council visitors.

Currently there are eight (8) on-street car parking bays permanently set aside on the east side of Wittenoom Street for Council fleet vehicles. It is intended that these particular bays will be returned to public car parking bays after the completion of the new car park.

A cash-in-lieu payment of \$265,000 was made by Council during the construction of the new Council Administration Building which requires the City to build additional parking spaces in the vicinity of the civic building. It is intended to use these funds to construct the new car parking area

Strategic and/or Regional Outcomes

Construction of additional car bays is consistent with Council's Strategic Plan and its desire to "provide efficient and effective design, and construction of roads, drainage, path, lighting, car parking, public open space, coastal foreshore infrastructure & environmental programs." It is also consistent with the Bunbury CBD Parking Strategy adopted by Council at its meeting 28 August 2007.

Community Consultation

Information regarding the proposed additional car bays was sent to Sister Mary Cabrini to determine whether there were any religious or historical considerations. Sister Cabrini has had a long association with the site and has advised she is unaware of any reason why the development should not proceed.

Consultation with BRAG and the Call Centre has been undertaken and both organisations have indicated that they are in favour of the car park development – refer to Appendix 10. There will be ongoing engagement BRAG during the project to ensure that BRAG requirements are met. Suitable arrangements will also be put in place to minimise disruption during the construction phase.

Councillor/Officer Consultation

The proposal to construct additional car bays has been discussed at the Executive Management Team meetings and has the support of the Chief Executive Officer and the Executive Managers.

Analysis of Financial and Budget Implications

It is proposed to finance the additional car bays using funding from the Parking Reserve Fund. It is anticipated that construction of the additional car bays will cost approximately \$270,000.

As stated previously in this report, a cash-in-lieu payment of \$265,000 for car parking shortfall was made by Council during the construction of the new Council Administration Building.

The anticipated cost estimate of \$270,000 comprises:

- \$105,000 to construct retaining walls
- \$145,000 to construct pavement & drainage
- \$20,000 to landscape the site

Economic, Social, Environmental and Heritage Issues

Creation of a car park on a sloping site necessitates construction of retaining walls. The retaining walls will be constructed by experienced Bunbury-based contractors with the pavement works being undertaken by Council staff.

Council has plans dating from 1949 which show buildings on the main area to be developed and sections of the brickwork from these buildings are still visible. The seven (7) car bays closest to the Call Centre did not cause any concerns with Sister Cabrini. However, due to the sensitivity of the site, it is proposed to employ an independent ground monitor to be on site during all excavation works.

Council Policy Compliance

At its meeting of 28 August 2007, Council resolved as follows (Council Decision 181/07) in relation to the Parking Strategy for the Bunbury CBD:

“...3. Council resolves to adopt the set of Actions associated with the eight physical planning units described and reported on in the Schedule of Submissions...”

Action 1 in relation to Planning Unit #4 “Civic Precinct” states that: *“The cash-in-lieu funds currently held by Council be used to extend the middle level Art Gallery Car Park south to Prinsep Street. This additional capacity will accommodate the Council fleet and alleviate parking issues at the Library”.*

Legislative Compliance

As above

Delegation of Authority

The CEO does not have delegated authority regarding this decision.

Relevant Precedents

Council has previously constructed car parks within the CBD.

Options

Option 1: Council approves the expenditure of funds from the Parking Reserve Fund to construct an additional 43 car bays at the rear of the Art Gallery and adjacent to the Call Centre.

Option 2: Council does not approve the expenditure of funds from the Parking Reserve Fund to construct an additional 43 car bays at the rear of the Art Gallery and adjacent to the Call Centre.

Recommendation

That Council approve the transfer and expenditure of funds from the CBD Contribution Parking Reserve to construct an additional 43 car bays at the rear of the Art Gallery and adjacent to the Call Centre at a cost of \$270,000.

Outcome of the Council Committee Meeting – 11 September 2007

The Executive Manager City Development responded to queries regarding parking requirements, access/egress and drainage for the proposed Art Gallery Car Park.

The recommendation was moved Cr T Smith, seconded Cr Major.

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

Committee Recommendation

That Council approve the transfer and expenditure of funds from the CBD Contribution Parking Reserve to construct an additional 43 car bays at the rear of the Art Gallery and adjacent to the Call Centre at a cost of \$270,000.

CARRIED

11 Votes "For"/Nil Votes "Against"

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

11.9 REPORT ON STRATEGIC ACTIVITIES FOR PERIOD 1 MARCH 2007 TO 30 JUNE 2007 (WAS LISTED AS AGENDA ITEM 11.8 ON THE MEETING AGENDA)

File Ref:	A00836
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

Council adopted the Corporate Strategic Plan 2007 -2012 on the 6 March 2007.

A report on strategic activities identified in the Strategic Plan for the period March 2007 to June 2007 is circulated under separate cover.

The report lists progress on individual goals and strategies linked to the City's Strategic Plan 2007-2012, the Principal Plan of Activities and the Annual Budget.

The report reflects the six heading in the Strategic Plan, as follows:

1. *Improve relationship with state, federal and other local government*
2. *Strengthen the City of Bunbury's governance and leadership*
3. *Deliver major capital projects on time and on budget*
4. *Implement City Vision*
5. *Promote ecological sustainable development of the City's built and natural environment*
6. *Develop social capital*

Recommendation

The Report on Strategic Activities for the period 1 March 2007 to 30 June 2007 be received.

Outcome of the Council Committee Meeting – 11 September 2007

The recommendation was moved Cr T Smith, 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 Report on Strategic Activities for the period 1 March 2007 to 30 June 2007 be received.

CARRIED

11 Votes "For"/Nil Votes "Against"

11.10 REGIONAL CENTRE POLICY FORUM – REPRESENTATION *(WAS LISTED AS ITEM 11.9 ON THE MEETING AGENDA)*

File Ref:	A00224
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary

The Western Australian Local Government Association (WALGA) has advised of the establishment of a Regional Centre Policy Forum which will bring together like-councils to discuss issues and topics of regional significance and develop relevant policies.

Member Local Governments are to be represented by two elected members who will have voting entitlements. Meetings of the Forum will be formally twice per year and occasionally as required if/when determined by members. It is proposed to nominate His Worship the Mayor and the Deputy Mayor as Council's representatives.

Background

After undertaking a review into the "Representational and Structural Effectiveness" of its respective zones during 2006, WALGA resolved at State Council in June 2007 to proceed with the establishment of a "Regional Centres Policy Forum".

The purpose of this Forum is to bring together like-councils in order to facilitate discussion and develop policy on issues of regional significance. It is considered that this Forum will prove more beneficial if policy and direction on regional issues are developed by those that are directly affected.

Membership, in the context of the Forum is described to include a Local Government which:

- Has a significant population (greater than 7500)
- Is located outside the Perth Metropolitan Area
- Has a mix of commercial, industrial and residential property concentrated in an urban setting
- Provides substantial services, facilities and employment opportunities to a regional population (beyond that of the town's immediate local government boundary).

Topics that may be discussed at the next Forum (due 17 September 2007) includes:

- Regional Airports
- Housing
- Hospitals and Health Services
- Regional delivery of Government services
- Policing cuts

- Community impact (Social, environmental and economical) of major private sector infrastructure developments.

Strategic and/or Regional Outcomes

This proposal can be directly linked to Council Strategic Plan 2007 – 2012, Objective 1 “Improve relationships with State, Federal and other Local Governments”.

Community Consultation

There is no need for community consultation in regard to this matter.

Councillor/Officer Consultation

Councillors that attended the Local Government Week Conference this year may be aware of the proposed establishment of the Forum, as the matter was endorsed.

The Chief Executive Officer is aware of the Forum and has indicated he will attend meetings in an advisory capacity.

Analysis of Financial and Budget Implications

It is not anticipated that attendance at this Forum will impact on Council’s budget.

Economic, Social, Environmental and Heritage Issues

All of these matters may potentially be discussed and policy developed from a regional perspective at any given time. Whatever is topical at the time may likewise have economic, social, environmental or heritage ramifications.

Council Policy Compliance

There is not current Council policy relating to this matter.

Legislative Compliance

Nominating representatives does not contravene any legislative procedure relating to this item.

Delegation of Authority

The Chief Executive Officer does not have delegated authority to nominate Council representatives.

Relevant Precedents

Council from time to time goes through the process of nominating delegates to have voting rights on certain committees or at conventions. The most recent was the appointment of His

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Worship the Mayor and the Deputy Mayor as voting delegates at the 2007 Local Government Week convention.

Options

Option 1: As per the Recommendation.

Option 2: Council nominate _____ and _____ as its voting delegates to the Regional Centre Policy Forum.

Option 3: Council not nominate any voting delegates to the Regional Centres Policy Forum.

Conclusion

Council, as the major Regional Centre in the South West, should be represented in order to develop relationships and foster policy on regional matters that directly affect it and its regional neighbours.

Recommendation

Council endorse the nomination of His Worship the Mayor and Deputy Mayor to be delegates with voting rights to the Regional Centre Policy Forum.

Outcome of the Council Committee Meeting – 11 September 2007

The recommendation was moved Cr Major, 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

Council endorse the nomination of His Worship the Mayor and Deputy Mayor to be delegates with voting rights to the Regional Centre Policy Forum.

CARRIED

11 Votes "For"/Nil Votes "Against"

11.11 CHRISTMAS AND NEW YEAR TRADING HOURS 2007/2008 *(WAS LISTED AS ITEM 11.10 ON THE MEETING AGENDA)*

File Ref:	A00357
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Senior Administration Officer
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

To provide general retail traders within the City some extended trading hours over the Christmas and New Year period of 2007/2008.

Background

The Department of Consumer and Employment Protection has invited non-metropolitan Local Government Authorities to consider retail trading arrangements in their municipalities to accommodate the 2007/2008 Christmas and New Year shopping period. The following hours have been approved for retailers in the Perth Metropolitan Area:

Proposed hours are as follows:

Sunday 9 December 2007	<u>10.00am to 5.00pm</u>
Monday 10 December 2007	Normal Trade
Tuesday 11 December 2007	Normal Trade
Wednesday 12 December 2007	Normal Trade
Thursday 13 December 2007	Normal Trade
Friday 14 December 2007	Normal Trade
Saturday 15 December 2007	Normal Trade
Sunday 16 December 2007	<u>10.00am to 5.00pm</u>
Monday 17 December 2007	Normal Trade
Tuesday 18 December 2007	Normal Trade
Wednesday 19 December 2007	<u>8.00am to 9.00pm</u>
Thursday 20 December 2007	<u>8.00am to 9.00pm</u>
Friday 21 December 2007	<u>8.00am to 9.00pm</u>
Saturday 22 December 2007	Normal Trade
Sunday 23 December 2007	<u>10.00am to 5.00pm</u>
Monday 24 December 2007	Normal Trade
Tuesday 25 December 2007	CLOSED
Wednesday 26 December 2007	CLOSED
Thursday 27 December 2007	<u>8.00am to 9.00pm</u>
Friday 28 December 2007	Normal Trade
Saturday 29 December 2007	Normal Trade
Sunday 30 December 2007	CLOSED
Monday 31 December 2007	Normal Trade
Tuesday 1 January 2008	CLOSED

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The above hours are similar to those granted for the City of Bunbury general retailers in the 2006/2007 year. The actual extended hours granted for Bunbury in the 2006/2007 Christmas trading period was in accordance with hours granted for the Perth Metropolitan Area.

The State Government is committed to empowering non-metropolitan Local Government Authorities (subject to Ministerial endorsement) to extend general retail trading hours beyond those stipulated in the Fair Trading Act. Ministerial approval will be subject to a clear indication that appropriate consultation has taken place and the majority of general retailers support the proposal.

Facsimiles seeking comment on the proposed metropolitan hours were sent to the following on 30 July 2007:

- Bunbury Chamber of Commerce and Industries
- Local Members of Parliament
- Centre Managers of the Minninup Forum, Bunbury Forum, Centrepoint Shopping Centre, Stirling Centre, Bunbury Plaza and the Parks Shopping Centre as well as the Managers of Harvey Norman, Coles, Woolworths, The Good Guys, Rick Hart and Kmart.

Comments were requested by 15 August 2007 with the following results:

- The Chamber of Commerce and Industries, which represents the majority of general retailers, has responded that it supports the proposed hours.
- The Member for Leschenault, Mr Dan Sullivan (MLA), and the Member for Bunbury, Mr John Castrilli (MLA), have no objections to the proposed trading hours.
- Harvey Norman supports the proposed metropolitan hours and have indicated they will trade within the hours indicated.
- Management of Bunbury Centrepoint Shopping Centre support the proposed hours.
- The Hon. Barry House (MLC) has no objection to the proposed trading hours.
- Management of the Bunbury Forum Shopping Centre support the proposed metropolitan hours and seeks Council consideration of additional Sunday trading throughout January 2008, claiming that this would '*attract consumers during the extended school holiday period*'.

Strategic and/or Regional Outcomes

This matter can be directly linked to Council's Strategic Plan 2007 – 2012 Objective 6, Strategy 6.1 "Initiate Cultural and Community events in Partnership".

Community Consultation

Consultation has been undertaken with the Chamber of Commerce and Industries and local Shopping Centre Managers in accordance with the Department of Consumer and Employment Protection and Council Extended Trading Policy guidelines.

Councillor/Officer Consultation

Relevant Council officers have been consulted.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications arising from this proposal.

Economic, Social, Environmental and Heritage Issues

Other than the possibility of some extra employment opportunities becoming available during this period, there are no social, environmental or heritage issues associated with the proposed extended trading hours.

Council Policy Compliance

This internal report has been assessed and prepared in accordance with Council's existing policy CPS16.

Legislative Compliance

This application complies with the current Fair Trading Act requirements and the Minister's request that appropriate community consultation be undertaken.

Delegation of Authority

Council Policy CPS16 delegates authority to the CEO to approve individual applications for extended trading once certain criteria have been addressed. It is not applicable in this instance.

Relevant Precedents

Council considers this matter on an annual basis.

Options

Option 1: Council make no changes to current trading hours.

Option 2: Council approve the Perth Metropolitan extended hours and seek extra trading days on Sundays throughout January 2008, between the hours of 10.00am and 5.00pm, per the request from the Bunbury Forum Shopping Centre.

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Option 3: Council approve the Extended Trading Hours granted for the Perth Metropolitan Area as the hours applicable for the City of Bunbury general retail trading hours for the Christmas/New Year period 2007/2008, as supported by the Local Chamber of Commerce and Industry and other major retail outlets.

Conclusion

A decision on trading hours is required as a matter of urgency to allow general retailers within the City time to adequately prepare and advertise trading hours for the Christmas period.

Recommendation

Council approve the Extended Trading Hours granted for the Perth Metropolitan Area as the hours applicable for the City of Bunbury general retail trading over the Christmas/New Year period 2007/2008, as follows:

Sunday 9 December 2007	<u>10.00am to 5.00pm</u>
Monday 10 December 2007	Normal Trade
Tuesday 11 December 2007	Normal Trade
Wednesday 12 December 2007	Normal Trade
Thursday 13 December 2007	Normal Trade
Friday 14 December 2007	Normal Trade
Saturday 15 December 2007	Normal Trade
Sunday 16 December 2007	<u>10.00am to 5.00pm</u>
Monday 17 December 2007	Normal Trade
Tuesday 18 December 2007	Normal Trade
Wednesday 19 December 2007	<u>8.00am to 9.00pm</u>
Thursday 20 December 2007	<u>8.00am to 9.00pm</u>
Friday 21 December 2007	<u>8.00am to 9.00pm</u>
Saturday 22 December 2007	Normal Trade
Sunday 23 December 2007	<u>10.00am to 5.00pm</u>
Monday 24 December 2007	Normal Trade
Tuesday 25 December 2007	CLOSED
Wednesday 26 December 2007	CLOSED
Thursday 27 December 2007	<u>8.00am to 9.00pm</u>
Friday 28 December 2007	Normal Trade
Saturday 29 December 2007	Normal Trade
Sunday 30 December 2007	CLOSED
Monday 31 December 2007	Normal Trade
Tuesday 1 January 2008	CLOSED

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The recommendation was moved Cr Major, seconded Cr Leigh with an amendment to change the trading hours for Sunday, 30 December 2007 from “CLOSED” to be open for trading “10.00am to 5.00pm”.

Mr Allan Birrell, Chief Executive Officer of the Bunbury Chamber of Commerce and Industries, responded to questions from Committee Members.

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

Committee Recommendation

Council approve the Extended Trading Hours granted for the Perth Metropolitan Area as the hours applicable for the City of Bunbury general retail trading over the Christmas/New Year period 2007/2008, as follows:

Sunday 9 December 2007	<u>10.00am to 5.00pm</u>
Monday 10 December 2007	Normal Trade
Tuesday 11 December 2007	Normal Trade
Wednesday 12 December 2007	Normal Trade
Thursday 13 December 2007	Normal Trade
Friday 14 December 2007	Normal Trade
Saturday 15 December 2007	Normal Trade
Sunday 16 December 2007	<u>10.00am to 5.00pm</u>
Monday 17 December 2007	Normal Trade
Tuesday 18 December 2007	Normal Trade
Wednesday 19 December 2007	<u>8.00am to 9.00pm</u>
Thursday 20 December 2007	<u>8.00am to 9.00pm</u>
Friday 21 December 2007	<u>8.00am to 9.00pm</u>
Saturday 22 December 2007	Normal Trade
Sunday 23 December 2007	<u>10.00am to 5.00pm</u>
Monday 24 December 2007	Normal Trade
Tuesday 25 December 2007	CLOSED
Wednesday 26 December 2007	CLOSED
Thursday 27 December 2007	<u>8.00am to 9.00pm</u>
Friday 28 December 2007	Normal Trade
Saturday 29 December 2007	Normal Trade
Sunday 30 December 2007	<u>10.00am to 5.00pm</u>
Monday 31 December 2007	Normal Trade
Tuesday 1 January 2008	CLOSED

CARRIED

11 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

NOTE: In accordance with Standing Order 5.1.13, the parameter to be used for determining whether an item can be considered as 'Urgent Business' is: "*Can it wait until the next meeting?*".

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 has been circulated to meeting members **under separate cover**.

Recommendation

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

1. Title: Bunbury Airport Advisory Committee Minutes - 16 August 2007
Author: Michael Scott, Executive Manager City Services
File: F00080
2. Title: Accounts for Payment Month Ending 31 August 2007
Author: David Ransom, City Accountant
File: A00083

Outcome of the Council Committee Meeting – 11 September 2007

The recommendation was moved Cr Leigh, seconded Cr Rose.

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 Airport Advisory Committee Minutes - 16 August 2007**
 Author: Michael Scott, Executive Manager City Services
 File: F00080

2. **Title: Accounts for Payment Month Ending 31 August 2007**
 Author: David Ransom, City Accountant
 File: A00083

CARRIED

11 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

Cr Jones moved a procedural motion that this item be considered as a Confidential item as it affects an employee of Council under Section 5.23(2)(a) of the Local Government Act 1995.

The Presiding Member put the motion to the vote and it was adopted to become a Committee Decision - 11 Votes "For"/Nil Votes "Against".

The Presiding Member requested members of the public present to vacate the meeting room.

15.1 APPOINTMENT OF CEO PERFORMANCE REVIEW PANEL

File Ref:	A01984
Applicant/Proponent:	Internal Report
Author:	His Worship the Mayor, Mr David Smith
Executive:	<i>If adopted by Council, refer to: Greg Trevaskis, Chief Executive Officer</i>

Members referred to the Confidential Report and Recommendation that had been circulated under separate cover.

Outcome of Council Committee Meeting – 11 September 2007

The recommendation stated in the Confidential Report was moved Cr Wenn, seconded Cr Major.

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 appoints His Worship the Mayor - Mr D Smith, Cr Dillon, Cr Craddock and a fourth councillor (to be nominated by the Chief Executive Officer) to the Chief Executive Officer Performance Review Committee to undertake the annual performance review of the Chief Executive Officer for 2006/07 and report back to Council.

CARRIED

11 Votes "For"/Nil Votes "Against"

Cr Major moved, Cr Jones seconded that the Council Committee meeting resume.

The Presiding Member put the motion to the vote and it was adopted to become a Committee Decision - 11 Votes "For"/Nil Votes "Against"

16. CLOSE OF MEETING

The Presiding Member declared the meeting closed at 8.46pm.

CONFIRMED this day 16 October 2007, to be a true and correct record of proceedings of the Council (Standing) Committee Meeting held on 11 September 2007.

MAYOR D SMITH
PRESIDING MEMBER