



27 November 2007

## CONTENTS

### **Council Meeting Minutes**

<b><u>Item No</u></b>	<b><u>Subject</u></b>	<b><u>Page</u></b>
1.	DECLARATION OF OPENING BY THE MAYOR.....	1
2.	RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE .....	1
3.	RESPONSES TO 'PUBLIC QUESTIONS' FROM THE PREVIOUS COUNCIL MEETING (WHERE THEY COULD NOT BE ANSWERED AT THAT MEETING) .....	2
4.	PUBLIC QUESTION TIME - AS SPECIFIED UNDER SECTION 5.24 OF THE LOCAL GOVERNMENT ACT 1995.....	2
5.	QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL (WITHOUT DISCUSSION).....	2
6.	CONFIRMATION OF PREVIOUS MINUTES .....	3
7.	DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995.....	3
8.	ANNOUNCEMENTS BY THE MAYOR (WITHOUT DISCUSSION).....	3
9.	CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS.....	4
9.1	COUNCIL REPRESENTATION ON BUNBURY REGIONAL ARTS MANAGEMENT BOARD INC.....	4
10.	RECEPTION OF FORMAL PETITIONS AND MEMORIALS .....	4

11.	RECEPTION OF REPORTS AND RECOMMENDATIONS FROM THE COUNCIL (STANDING) COMMITTEE MEETING HELD 20 NOVEMBER 2006 .....	5
11.1	PROPOSED VARIATION OF RESTRICTIVE COVENANT AND SUBDIVISION TO CREATE TWO LOTS – LOT 106 (NO. 5) YABINI COURT, MINDALONG HEIGHTS.....	6
11.2	PROPOSED NEW REEF HOTEL, CAR PARKING REQUIREMENTS LOT 123 (NO.21) VICTORIA STREET, BUNBURY ( <i>WAS LISTED AS ITEM 11.3 IN THE MEETING AGENDA</i> ).....	13
11.3	BUSINESS PLAN & MEMORANDUM OF UNDERSTANDING - INTENTION TO LEASE PORTION OF NEW CITY LIBRARY, LOT 512 PARKFIELD STREET, BUNBURY, FOR DIGITAL INNOVATION CENTRE ( <i>WAS LISTED AS ITEM 11.4 IN THE MEETING AGENDA</i> ) .....	21
11.4	PROPOSED MEDICAL CENTRE (DAY SURGERY) – LOT 174 (NO. 140) SPENCER STREET, BUNBURY ( <i>WAS LISTED AS ITEM 11.2 IN THE MEETING AGENDA</i> ) .....	33
11.5	PROPOSAL TO ALLOW FREE CHRISTMAS PARKING – CBD COUNCIL CAR PARKS.....	48
11.6	PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 17.....	53
11.7	PROPOSED AMENDMENT TO CLAUSE 4.1.3 PLOT RATIO OF LOCAL PLANNING POLICY “TUART STREET PRECINCT DEVELOPMENT DESIGN GUIDELINES” .....	70
11.8	COMBINED WORKS DEPOT SITE LOCATION .....	75
11.9	REPORT ON STRATEGIC ACTIVITIES FOR PERIOD 1 JULY 2006 TO 30 JUNE 2007 .....	84
11.10	ASSIGNMENT OF LEASE - BUNBURY CITY TRANSIT/SOUTH WEST COACH LINES, PORTION LOT 5 CARMODY PLACE, BUNBURY .....	86
11.11	YEAR 2008 COUNCIL MEETING SCHEDULE .....	92
11.12	BUNBURY-HARVEY REGIONAL COUNCIL - RENEWAL OF LEASE OVER LANDFILL SITE LOT 45 STANLEY ROAD, LESCHENAULT AND PROPOSAL TO INTRODUCE REBATE SYSTEM.....	97
11.13	APPOINTMENT OF COUNCIL COMMITTEES.....	105
11.14	FINANCIAL STATEMENTS – 31 OCTOBER 2007.....	119

12.	MOTIONS (OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN) TO BE DISCUSSED & RECOMMENDATIONS TO BE REFERRED TO THE NEXT COUNCIL MEETING.....	121
12.1	MOTION ON NOTICE – ROCKY POINT PLAYGROUND EQUIPMENT.....	121
13.	"URGENT" BUSINESS WITH THE APPROVAL OF THE MAJORITY OF MEMBERS PRESENT .....	123
14.	ITEMS TO BE NOTED.....	123
14.1	ITEMS TO BE NOTED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING .....	123
14.2	ITEMS TO BE NOTED AND ENDORSED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING.....	124
	REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR ALFRED LEIGH .....	124
15.	CONFIDENTIAL BUSINESS AS STIPULATED UNDER SECTION 5.23(2) OF THE LOCAL GOVERNMENT ACT 1995 .....	125
16.	CLOSE OF MEETING.....	125

### **GLOSSARY OF ABBREVIATED TERMS**

<b>Term</b>	<b>Explanation</b>
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

<b>Term</b>	<b>Explanation</b>
DADAAWA	Disability in the Arts Disadvantage in the Arts Australia, Western Australia
DAP	Detailed Area Plan (required by WA Planning Commission)
DCU	Development Coordinating Unit
DEC	Department of Environment and Conservation (formerly CALM)
DEWCP	Department for Environment, Water and Catchment Protection
DLI	Department of Land Information
DoE	Department of Environment
DOLA	Department of Land Administration
DoPI	Department of Primary Industry
DoW	Department of Water
DPI	Department for Planning and Infrastructure
DSR	Department of Sport and Recreation
DUP	Dual-use Path
ECT	Enforcement Computer Technology
EDAC	Economic Development Advisory Committee
EDWA	Education Department of Western Australia
EIA	Environmental Impact Assessment
EPA	Environmental Protection Authority
ERMP	Environmental Review and Management Program
ESL	Emergency Services Levy
FESA	Fire and Emergency Services Authority
FFL	Finished Floor Level
GBPG	Greater Bunbury Progress Group
GBRP	Greater Bunbury Resource Plan report
GBRS	Greater Bunbury Region Scheme
GL	Gigalitres
GRV	Gross Rental Value
GST	Goods and Services Tax
HCWA	Heritage Council of Western Australia
ICLEI	International Council for Local Environmental Initiatives
ICT	Information and Communications Technology
IP	Internet Protocol
IT	Information Technology
ITC	In Town Centre
ITLC	Former In-Town Lunch Centre (now the "In Town Centre")
LAP	Local Action Plan
LCC	Leschenault Catchment Council
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

<b>Term</b>	<b>Explanation</b>
PR	Plot Ratio
R-IC	Residential Inner City (Housing) - special density provisions
RDC	Residential Design Codes
RDG	Residential Design Guidelines
Residential R15	Town Planning Zone – up to 15 residential dwellings per hectare
Residential R20	Town Planning Zone – up to 20 residential dwellings per hectare
Residential R40	Town Planning Zone – up to 40 residential dwellings per hectare
Residential R60	Town Planning Zone – up to 60 residential dwellings per hectare
RFDS	Royal Flying Doctor Service
RMFFL	Recommended Minimum Finished Floor Levels
ROS	Regional Open Space
ROW	Right-of-Way
RSL	Returned Services League
SBCC	South Bunbury Cricket Club Inc.
SCADA	Supervisory Control and Data Acquisition
SGDC	Sportsgrounds Development Committee
SW	South West
SWACC	South Western Area Consultative Committee
SWAMS	South West Aboriginal Medical Service
SWBP	South West Biodiversity Project
SWCC	South West Catchments Council
SWDC	South West Development Commission
SWDRP	South West Dolphin Research Program
SWEL	South West Electronic Library
SWSC	South West Sports Centre
TME	Thompson McRobert Edgeloe
TPS	Town Planning Scheme
USBA	Union Bank of Switzerland Australia
VGO	Valuer General's Office
VOIP	Voice-Over Internet Protocol
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission
WAPRES	Western Australian Plantation Resources
WAWA	Water Authority of Western Australia
WC	Water Corporation
WML	WML Consultants
WRC	Waters and Rivers Commission

## NOTICE OF AN ORDINARY MEETING OF COUNCIL

Minutes of an Ordinary Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury, on **Tuesday, 27 November 2007** at 6.00pm.

### MINUTES

27 November 2007

**NOTE: The recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the meeting.**

Prior to the start of the meeting, the Presiding Member (Deputy Mayor S Craddock) introduced Mr Maurice Foster, Executive Manager of the Commonwealth Bank, to members to present a \$2,000 cheque to the 2007/08 early payment of Rates Incentive Prize winners. Council congratulates the winners - Jeffrey and Carol Peirce.

#### 1. **DECLARATION OF OPENING BY THE MAYOR**

The Presiding Member, Deputy Mayor S Craddock, declared the meeting open at 6.02pm.

#### 2. **RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

*PRESENT*

<b>Council Members</b>	
Presiding Member:	His Worship the Mayor, Mr D Smith ( <i>arrived 7.12pm</i> )
Deputy Presiding Member:	Deputy Mayor, Councillor S Craddock
Members:	Councillor J Jones
	Councillor T Dillon
	Councillor L Worthington
	Councillor B Kelly
	Councillor W Major
	Councillor N Whittle
	Councillor R Slater
	Councillor S Rooney
	Councillor M Steck
Councillor A Leigh	
<b>Executive Management Team (Non-Voting)</b>	
Chief Executive Officer:	Mr G Trevaskis
Executive Manager Corporate Services:	Mr K Weary
Executive Manager City Services:	Mr M Scott
Executive Manager City Development:	Mr G Klem
Executive Manager City Life:	Mr D Marzano

<b>Council Officers (Non-Voting):</b>	
City Accountant	Mr D Ransom
Manager Development Services	Mr G Fitzgerald
Administration Officer Corporate Services:	Ms S Crowd
<b>Others (Non-Voting):</b>	
Members of the Public:	31 (approx)
Members of the Press:	2

*APOLOGIES:*

Cr Punch – Apology

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

Nil.

**4. PUBLIC QUESTION TIME - AS SPECIFIED UNDER SECTION 5.24 OF THE LOCAL GOVERNMENT ACT 1995**

Mr Gabi Ghasseb spoke to members and advised that he had not yet received a response to his written questions presented at Committee meeting held 20 November 2007 in relation to Item 11.2 titled “*Proposed Medical Centre (Day Surgery) – Lot 174 (No 140) Spencer Street, Bunbury*”. Several other members of the public gallery also wished to ask questions in relation to the above item.

The CEO advised Mr Ghasseb that it was the intention of the Mayor to personally respond to his questions in writing. However, in the absence of the Mayor, it was agreed to wait until his arrival and discuss Item 11.2 at that time.

**5. QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL (WITHOUT DISCUSSION)**

Nil.

**6. CONFIRMATION OF PREVIOUS MINUTES**

The recommendation was moved Cr Dillon, seconded Cr Major.

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

**COUNCIL DECISION 232/07**

*The minutes of the Council Meeting held 6 November 2007 are confirmed as a true and accurate record, subject to the following correction:*

*Amend Mr J Kowal's title to "Manager Community Law and Safety" in the Attendance list on Page 1.*

**CARRIED**

**11 Votes "For"/Nil Votes "Against"**

**7. DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995**

Cr Craddock disclosed an interest-in-common in the item titled "*Proposal to Allow Free Christmas Parking – CBD Council Car Parks*" as he owns a business in the CBD.

**8. ANNOUNCEMENTS BY THE MAYOR (WITHOUT DISCUSSION)**

The CEO advised members that the announcement regarding the donation of Henry William St Pierre Bunbury's journal and letters to the City's Library collection had already been read out at Committee Meeting held 20 November 2007.



**9. CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS**

**9.1 COUNCIL REPRESENTATION ON BUNBURY REGIONAL ARTS MANAGEMENT BOARD INC**

<b>File Ref:</b>	A003065
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Deputy Mayor S Craddock
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

**Summary**

Deputy Mayor Craddock was re-appointed as Council representative on the Bunbury Regional Arts Management Board Inc at Council meeting held 6 November 2007.

Since that time, however, Deputy Mayor Craddock has advised that he is no longer able to fulfil the requirements of Council representative on the Bunbury Regional Arts Management Board Inc and has recommended that Cr Helen Punch be appointed in his place.

**Recommendation**

Council appoint Cr Helen Punch as the Council representative on the Bunbury Regional Arts Management Board Inc.

**AT THE COUNCIL MEETING**

The Committee's recommendation was moved Cr Jones, seconded Cr Major.

The Deputy Mayor put the motion to the vote and it was adopted to become a Council Decision.

**COUNCIL DECISION 233/07**

*Council appoint Cr Helen Punch as the Council representative on the Bunbury Regional Arts Management Board Inc.*

**CARRIED**

**11 Votes "For"/Nil Votes "Against"**

**10. RECEPTION OF FORMAL PETITIONS AND MEMORIALS**

Nil.

**11. RECEPTION OF REPORTS AND RECOMMENDATIONS FROM THE COUNCIL  
(STANDING) COMMITTEE MEETING HELD 20 NOVEMBER 2006**

At this point in proceedings, the Council adopted *en bloc* committee recommendations listed under items 11.9, 11.13 and 11.14 of the meeting agenda (as permitted under the City's Standing Orders).

Items 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 11.8, 11.10, 11.11 and 11.12 of the meeting agenda were then dealt with (and voted on) individually.

To reflect the order of votes for the items above, please note that the items listed in this section of the minutes appear in a different order (and are numbered differently) to the way in which they appeared in the meeting agenda.

**11.1 PROPOSED VARIATION OF RESTRICTIVE COVENANT AND SUBDIVISION TO CREATE TWO LOTS – LOT 106 (NO. 5) YABINI COURT, MINDALONG HEIGHTS**

<b>File Ref:</b>	P13128
<b>Applicant/Proponent:</b>	Mr J R Harvey and Ms A G Polmero
<b>Author:</b>	Paul Davies, Planning Consultant
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

Council has received a request from Crossland Settlements on behalf of Mr J R Harvey and Ms A G Polmero for lifting of the Restrictive Covenant on the above mentioned property to allow issue of titles for two proposed residential lots.

Clause 2 of the Restrictive Covenant applied to the Mindalong subdivision limits development on the property to a single dwelling. The subject land is zoned Residential R15 under the City of Bunbury Town Planning Scheme No. 7 (TPS 7) which would allow development of two dwellings on the lot.

In accordance with Clause 5.4 of TPS 7 a Restrictive Covenant regarding the number of residential dwellings is extinguished or varied to the extent that it is inconsistent with the provisions of the scheme.

On this basis, the Restrictive Covenant in regard to the number of residential dwellings on the subject property is considered to be extinguished and the number of dwellings should be assessed in terms of the Residential Design Codes.

The subject land is currently zoned Residential R15 under the City of Bunbury TPS 7 and was previously zoned Residential R15 under TPS 6. In accordance with the Residential Design Codes a minimum lot size of 580m<sup>2</sup> with an average lot size of 666m<sup>2</sup> is generally required for lots under the R15 Code.

The proposed subdivision is consistent with the minimum lot size requirement under the current R15 zoning. Also, it is generally considered that the subdivision can be supported in view of current planning strategies and the City Vision which support increased residential density and infill urban development.

It is recommended that Council approves lifting of the Restrictive Covenant to enable titles to be issued for the new proposed two lots with the Restrictive Covenant to be placed on the title of the new lots.

**Background**

The subject property currently has a Restrictive Covenant on the title in favour of the City in regard to various site requirements and development standards. Clause 2 of the Restrictive

Covenant states that “*the transferee shall not construct upon this lot other than a single dwelling with a floor area of not less than 150 metres square*”.

On 2 February the WAPC endorsed the final Diagram of Survey for the subject property. A copy of the approved Diagram of Survey is **attached** at Appendix 4. It is noted that the WAPC is not fettered by the Restrictive Covenant in terms of its determination of the subdivision application.

In accordance with Clause 5.4 of TPS 7 a Restrictive Covenant regarding the number of residential dwellings is extinguished or varied to the extent that it is inconsistent with the provisions of the scheme.

Clause 5.4.1 Restrictive Covenants under TPS 7 states as follows:

*“5.4.1 Subject to clause 5.4.2, restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions which apply under the scheme.”*

Clause 5.4.2 requires applications for planning approval to be advertised in accordance with Clause 9.4 of TPS 7 as outlined below:

*“5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land, which would but for the operation of clause 5.4.1, have prohibited unless the application has been dealt with as an “A” and has complied with all of the advertising requirements of clause 9.4.”*

On this basis, the Restrictive Covenant (Clause 2) in regard to the number of residential dwellings on the subject property is considered to be extinguished and the number of dwellings should be assessed in terms of the Residential Design Codes.

### **Proposal**

It is proposed to lift the Restrictive Covenant from the title of the current property to enable issue of titles for two proposed lots with the Restrictive Covenant to be placed on the title of the new lots.

In view of Clause 5.4 of TPS 7 as outlined above the restrictive covenant (Clause 2) in regard to the number of residential dwellings on the subject property is considered to be extinguished and the number of dwellings should be assessed in terms of the Residential Design Codes.

In accordance with Clause 9.4 of TPS 7 the proposed variation of the Restrictive Covenant for subdivision of the property into two lots was advertised for public comment and letters were sent to property owners in Yabini Court with the submission period closing on 31 October 2007 and 5 submissions were received.

Details of the submissions are included in **attached** Schedule of Submissions (Appendix 5). The submissions all object to the proposed variation of the Restrictive Covenant and potential subdivision of the property to create two lots.

The submissions principally outline that the lots were sold by the City with the Restrictive Covenant and therefore the Restrictive Covenant should be enforced. Some submissions suggest that approval of two dwellings will reduce land values in the area.

The subject land is currently zoned Residential R15 under the City of Bunbury, TPS 7 and was previously zoned Residential R15 under TPS 6. In accordance with the Residential Design Codes a minimum lot size of 580m<sup>2</sup> with an average lot size of 666m<sup>2</sup> is generally required for lots under the R15 Code.

The subject land is also covered by the TPS 7, Local Planning Policy Mindalong Heights Design Guidelines which outlines various design requirements for the locality. The Design Guidelines also specify particular lots for development of two grouped dwellings which does not include the subject land.

The proposed subdivision is consistent with the minimum lot size requirement under the current R15 zoning. Also, it is generally considered that the subdivision can be supported in view of current planning strategies and the City Vision which support increased residential density and infill urban development.

It is recommended that Council approves lifting of the Restrictive Covenant to enable titles to be issued for the new proposed two lots with the Restrictive Covenant to be placed on the title of the new lots.

It is considered appropriate to include the Restrictive Covenant on the title of the new lots because it deals with a number of other development requirements which are still relevant including, building materials, fencing, outbuildings, retaining walls and earthworks. Also, the Restrictive Covenant will ensure that any future dwellings achieve a significant size (i.e. a minimum area of 150m<sup>2</sup> in accordance with Clause 2).

A copy of the Restrictive Covenant is **attached** as Appendix 6.

### **Strategic Outcomes**

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

### **Community Consultation**

In accordance with Clause 9.4 letters were sent to property owners in Yabini Crescent and the proposal was advertised in the local newspaper with the submission period closing of 31 October 2007 and 5 submissions were received. The **attached** Schedule of Submissions outlines comments received. Submissions and comments are discussed in the Schedule and in this report.

**Applicant Consultation**

Not applicable.

**Councillor/Officer Consultation**

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

**Analysis of Financial and Budget Implications**

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

**Economic, Social, Environmental and Heritage Issues**

Economic

Economic impact, however marginal, would be positive.

Social

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

Environmental

Not relevant.

Heritage

There are no heritage issues relative to the proposed development.

**Council Policy Compliance**

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

**Legislative Compliance**

The recommendation is in accordance with the provisions of the City of Bunbury, TPS 7 under the Planning and Development Act 2005.

**Delegation of Authority**

Delegation of authority is not applicable in this case.

### **Relevant Precedents**

There is no precedent relevant to the current proposal.

### **Options**

- Option 1: Per the recommendation listed in this report.
- Option 2: Council could resolve not to lift the Restrictive Covenant on the property and to initiate an amendment to City of Bunbury, TPS 7 to rezone the Mindalong Heights subdivision area to a lower Residential Density Coding which would not allow further subdivision of lots in the locality.

### **Conclusion**

It is recommended that Council lift the Restrictive Covenant from the title of the current property to enable issue of titles for two proposed lots with the Restrictive Covenant to be placed on the title of the new lots to ensure that building requirements are consistent with other lots in the Mindalong Heights estate.

The subject land is currently zoned Residential R15 under the City of Bunbury TPS 7. In accordance with the Residential Design Codes a minimum lot size of 580m<sup>2</sup> with an average lot size of 666m<sup>2</sup> is generally required for lots under the R15 Code.

The proposed subdivision is consistent with the minimum lot size requirement under the current Residential R15 zoning. Also, it is generally considered that the subdivision can be supported in view of current planning strategies and the City Vision which support increased residential density and infill urban development.

### **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 lift the Restrictive Covenant from the title of Lot 106 (No 5) Yabini Court to enable issue of titles for two proposed lots and further resolved to advise Landgate that the Restrictive Covenant needs to be registered on the new titles to ensure that building requirements are consistent with other lots in the Mindalong Heights estate.

### **Outcome of the Committee Meeting – 20 November 2007**

Mr John Taylor of Thompsons Consulting Surveyors spoke to members in support of this recommendation and advised that:

- the WAPC had already given their approval for the development; and
- the owners had been paying two lots of fees and charges since July 2007.

Mr Ian Harvey and Ms Andriana Palermo, the proponents, reiterated Mr Thompson's comments and spoke to members in support of this recommendation.

Mr Martin Mach, on behalf of the residents of Yabini Court, spoke to members against the recommendation based on the following:

- The covenants that exist have been adhered to by all residents in Mindalong Heights and, in particular, Yabini Court – to make an exception for this proposal would be unfair to other residents.
- Density is an issue – the attraction to purchase land in Mindalong Heights was because of the single property development restrictions

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

### **Committee Recommendation**

Council, under and by virtue of the powers conferred upon it in that behalf pursuant to the *Planning and Development Act 2005*, hereby resolves to lift the Restrictive Covenant from the title of Lot 106 (No 5) Yabini Court to enable issue of titles for two proposed lots and further resolved to advise Landgate that the Restrictive Covenant needs to be registered on the new titles to ensure that building requirements are consistent with other lots in the Mindalong Heights estate.

### **AT THE COUNCIL MEETING**

Following lengthy discussion concerning restrictive covenants, code density and feasibility studies, the Committee's recommendation was moved Cr Dillon, seconded Cr Major.

The Presiding Member put the motion to the vote and it was adopted to become a Council Decision.

### **COUNCIL DECISION 234/07**

*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 lift the Restrictive Covenant from the title of Lot 106 (No 5) Yabini Court to enable issue of titles for two proposed lots and further resolved to advise Landgate that the Restrictive Covenant needs to be registered on the new titles to ensure that building requirements are consistent with other lots in the Mindalong Heights estate.*

### **CARRIED**

**8 Votes "For"/3 Votes "Against"**



**27 November 2007**  
**Minutes - Council Meeting**

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A request was made for the vote to be recorded:

For:	Cr Craddock	Against:	Cr Kelly
	Cr Dillon		Cr Steck
	Cr Rooney		Cr Slater
	Cr Whittle		
	Cr Leigh		
	Cr Worthington		
	Cr Jones		
	Cr Major		

**11.2 PROPOSED NEW REEF HOTEL, CAR PARKING REQUIREMENTS LOT 123  
(NO. 21) VICTORIA STREET, BUNBURY (WAS LISTED AS ITEM 11.3 IN THE MEETING  
AGENDA)**

<b>File Ref:</b>	P10178
<b>Applicant/Proponent:</b>	Development Services
<b>Author:</b>	Paul Davies, Planning Consultant
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

Council at its meeting on 3 July 2007 resolved that it supports in principle the proposed new hotel development on Lot 123 Victoria Street, Bunbury subject to a number of requirements including provision of adequate on site car parking.

The total car parking required on the site comprised of *“121 car parking bays of which cash in lieu could be provided for up to 80% of the parking bay requirement with the balance 24 bays being provided on site”*.

In view of Council’s previous discussions regarding the proposed development and the significant car parking requirement Council officers have undertaken a review of the car parking requirements under Town Planning Scheme No. 7 (TPS 7) for the proposed development.

Options have been investigated for Council’s consideration which resulted in potential reduced car parking requirements. Options include variation of the general parking requirements in accordance with TPS 7 and reduced building floor area which reduces the overall car parking requirement for the development.

One option retains the current floor area including proposed first and second floor areas and requires a total of 87 car parking bays. A further option includes deleting the proposed second floor of the development which will then significantly reduces the floor area of the building and requires provision of 47 car parking bays.

The provision of the required car parking and or cash in lieu will require significant redesign of the proposed development, hence, it is considered appropriate for Council to consider the issue of car parking prior to preparation of revised development plans.

**Background**

The City has received a Planning Application from Prodale Pty Ltd for development of a new hotel. The proposed development comprises two stories with ground public drinking areas, beer garden, bottle shop and upstairs restaurant, dining area, function rooms, three accommodation rooms and a director’s suite.

The site is currently developed with a red brick warehouse/ showroom style building which was previously occupied by Vibrations Music Store. The proponents advise that they have

acquired the hotel licence from the existing Reef Hotel (former Captain Bunbury Hotel) and intend to transfer the licence to the new premises.

Design plans submitted with the application were not comprehensive. In view, however, of potential on site car parking requirements which would necessitate a significant modification to the proposed design the proponent requested a determination by Council in regard to car parking requirements prior to preparing revised plans.

Council at its meeting 3 July 2007 resolved as follows in regard to the Planning Application from Prodale Pty Ltd for development of a new hotel on Lot 123 Victoria Street.

1. *Advise Prodale Pty Ltd that it supports in principle the proposed new hotel development on Lot 123 Victoria Street, Bunbury subject to;*
  - (a) *provision of adequate on site car parking, comprising 121 car parking bays of which cash in lieu may be provided for up to 80% of the parking bay requirement with the balance 24 bays being provided on site.*
  - (b) *submission of appropriate design drawings for the proposed building, and,*
  - (c) *submission of a noise assessment report for the development to the satisfaction of the Manger Development Services.*
2. *Through Development Services, address the issue of car parking requirements in the CBD through the review of current provisions/requirements of the City of Bunbury, TPS 7 and the City of Bunbury Local Planning Policy titled "Parking Strategy".*
3. *Prior to the final adoption of a new Local Planning Policy for the CBD, the Council shall exercise discretion for approval on all Development Applications requiring parking provision on a case by case basis.*

The location plan is **attached** at Appendix 7.

The current review of the overall TPS 7 car parking requirements and the City of Bunbury, Local Planning Policy titled "Parking Strategy" has not been completed at this time. It is anticipated, however, that these issues will be presented to Council early in the new year.

### **Proposal**

In view of Council's previous discussions regarding the significant car parking requirement for the proposed development, Council officers have undertaken a review of the car parking requirements under TPS 7 for the proposed development. The following options have been identified for Council's consideration.

- Option 1: In accordance with Clause 5.7.1.9 of TPS 7 developments within the City Centre less than 2000m<sup>2</sup> gross floor area may not be required to provide onsite car parking. Any development in excess of 2000m<sup>2</sup> is required to provide adequate onsite car parking as determined by Council.

The proposed development has a total gross floor area of approximately 1890m<sup>2</sup> which is less than the requirements under Clause 5.7.1.9; hence on site car parking may not be required for the proposed development. On this basis, Council could approve the proposed development with no onsite car parking or provision of cash in lieu.

This option is not recommended by Development Services in view of Council's recent concerns with the availability of car parking in the CBD. Recent decisions on major multi storey developments in the CBD have required provision of total car parking requirements within the development sites.

Development Services consider that the City has evolved to a point where parking is no longer an activity of Council that is insignificant and low profile. It is considered that new development will generate significant traffic demands for the CBD and need to be appropriately provided.

Option 2: In accordance with Clause 5.7.1.9 of TPS 7 it is considered that Council could consider varying the car parking provision to allow for the requirement of car parking based on 1 bay per 4m<sup>2</sup> for public drinking areas.

In accordance with TPS 7, general car parking requirement, Table 2, for "Hotel" development, one space is required for every 2m<sup>2</sup> of public drinking area, plus one space for every 4m<sup>2</sup> of eating area and one space per bedroom.

Based on a review of the general car parking requirements the current requirement of one space per 2m<sup>2</sup> is considered excessive. Investigation of similar local authorities in the state suggests that a requirement of 1 bay per 4m<sup>2</sup> of public drinking area is more appropriate.

To change the car parking requirement for public drinking area from the current 1 bay per 2m<sup>2</sup> to one bay per 4m<sup>2</sup> would require an amendment to the Town Planning Scheme provisions. An amendment to the town planning scheme provisions would take significant time to complete.

It is anticipated that the scheme provisions will be reviewed as part of the overall review of TPS 7 and the Local Planning Policy, "Parking Strategy". In the mean time, Council could consider a reduction in the car parking provisions on the basis of the revised requirement through Clause 5.7.1.9 .

Councils current Local Planning Policy, "Parking Strategy" outlines potential for a 60% reduction in car parking based on reciprocal rights of access to other available parking within a 200 metre distance of the development site. The provision for reciprocal rights is based on uses which operate after 6.00pm.

Based on a requirement of 1 bay per 4m<sup>2</sup> for public drinking areas (including a 60% reduction, 131 bays in car parking based on reciprocal rights) the car

parking requirement for the overall development would be reduced from 121 to 87 bays.

The current Local Planning Policy, "Parking Strategy" also includes provision for the proponent to provide cash in lieu for up to 80% of the car parking requirement. Current valuation for car parking bays is based on \$25,000 per parking bay.

With a total requirement of 87 car parking bays, cash in lieu could be provided (to a maximum of 80%) 70 bays with the balance 17 bays to be provided on site.

Option 3: The proponent could reduce the overall floor area of the building which would further reduce the car parking requirement.

Based on a reduced car parking requirement of 1 bay per 4m<sup>2</sup> for public drinking area and possibly deleting the proposed second floor of the development would significantly reduce the floor area of the building and require provision of 47 car parking bays.

With a total requirement of 47 bays (including a 60% reduction for reciprocal rights), cash in lieu could be provided for (to a maximum of 80%) 37 bays with the balance 10 bays to be provided on site.

Depending on the detailed design for the development the proponent could provide more car parking bays on site with cash-in-lieu for any shortfall from the total requirements. The proponent could also consider further reducing the overall floor area of the building which may reduce the car parking requirement.

### **Conclusion**

It is recommended that Council resolve to advise the proponents that the car parking requirements for the development will be assessed based on the requirements TPS 7 and provision of 1 bay per 4m<sup>2</sup> of public floor area subject to submission of appropriate design drawings and a noise assessment report for the development.

The provision of the required car parking and cash in lieu as outlined above would require significant redesign of the proposed development, hence, it is considered appropriate for Council to consider the issue of car parking prior to preparation of revised plans.

### **Applicants Comments**

Discussions with the applicants indicate that they are currently considering alternative designs for the site incorporating a semi-basement car parking area which could accommodate approximately 40-45 car parking bays.

The applicants also suggest that Council should exercise discretion in accordance with Clause 5.7.1.9 of Town Planning Scheme No7 and exempt the development from requiring the provision cash in lieu for any shortfall in the on site car parking provision.

It is recommended the applicants be required to provide full car parking requirements for the proposed development with either onsite car parking bays or provision of cash in lieu for any shortfall in the car parking requirement

Further it is recommended that Council resolve to advise the proponents that the car parking requirements for the development will be assessed in terms TPS 7 car parking provisions and on the basis of one bay per 4m<sup>2</sup> for public drinking area subject to submission of appropriate design drawings and a noise assessment report for the development.

### **Strategic 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. The proposed policy is consistent with this goal.

The recommendation has had regard to Council's 2002-2007 Strategic Plan.

### **Community Consultation**

No community consultation has been undertaken in that it is not relevant in this instance.

### **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.

The issue of car parking provision in the long term has potential to require provision of additional public car parking if adequate onsite parking or contributions are provided by developers.

### **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 hotel. The proposal will provide for social opportunities for residents and the general public. There are

no significant and environmental impacts of the development. There are no known Heritage issues.

### **Council Policy Compliance**

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

### **Legislative Compliance**

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

### **Delegation of Authority**

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

### **Relevant Precedents**

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

### **Possible Options**

Option 1: Per the recommendation.

Option 2: Council resolve to advise Prodale Pty Ltd that it supports in principle the proposed hotel development at Lot 123 Victoria Street, Bunbury, with nil on-site car parking provision in accordance with Clause 5.7.1.9 of TPS 7 subject to submission of appropriate design drawing for the proposed building and a noise assessment report for the development to the satisfaction of the Manger Development Services.

### **Conclusion**

The proposed development has a total floor area of approximately 1890m<sup>2</sup>. Council has previously supported reduced car parking requirements for commercial floor space less than 2000m<sup>2</sup> in the CBD in accordance with the provisions of Clause 5.7.1.9 of TPS 7.

With recent concerns with availability of car parking in the CBD the parking provisions under the Town Planning Scheme are currently under review and may be modified in the future.

In view of Councils previous discussions regarding the proposed development and the significant car parking requirement Council officers have undertaken a review of the car parking requirements under TPS 7 for the proposed development.

It is recommended the applicants be advised that the development will need to provide full car parking requirements with either onsite car parking bays or provision of cash in lieu for any shortfall in the car parking requirement

Further it is recommended that Council resolve to advise the proponents that the car parking requirements for the development will be assessed in terms TPS 7 car parking requirements and on the basis of one bay per 4m<sup>2</sup> for public drinking area subject to submission of appropriate design drawings and a noise assessment report for the development.

### **Recommendation**

Council resolve, in accordance with the *Planning and Development Act 2005*, to advise Prodale Pty Ltd that:

1. It supports, in principle, the proposed new hotel development at Lot 123 Victoria Street, Bunbury subject to:
  - (a) provision of adequate on-site car parking or cash-in-lieu in accordance with TPS 7 car parking provisions and on the basis of one bay per 4m<sup>2</sup> for public drinking areas. Based on the current proposed overall building floor space a total requirement of 87 bays is required (including a 60% reduction in parking bays for reciprocal rights), cash in lieu may be provided for (to a maximum of 80%) 70 bays with the balance 17 bays to be provided on site.
  - (b) submission of appropriate design drawings for the proposed building; and
  - (c) submission of a noise assessment report for the development to the satisfaction of the Manager Development Services.
2. The proponents could consider a reduction in the overall floor area of the building which would potentially reduce the car parking requirement subject to submission of appropriate design drawing for the proposed building and a noise assessment report for the development.

### **Outcome of the Committee Meeting – 20 November 2007**

Mr Kevin Mann of Prodale Pty Ltd spoke to members in relation to Recommendation 1(a) – due to the fact that the development is a night-time venue/development, the impact on parking in the CBD would be minimal. Mr Mann would like Council to reconsider the amount of car parking bays required as there have been some changes to the development since the planning application was submitted.

After lengthy discussion, Cr Craddock moved a motion for this item to be returned to Committee for further investigation. Cr Slater seconded the motion and 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**

This application to be referred to the next Committee Meeting scheduled for 11 December 2007.

**AT THE COUNCIL MEETING**

Following lengthy discussion, the Committee's recommendation was moved Cr Dillon, seconded Cr Jones.

The Presiding Member put the motion to the vote and it was adopted to become a Council Decision.

**COUNCIL DECISION 235/07**

*This application to be referred to the next Committee Meeting scheduled for 11 December 2007.*

**CARRIED**

**11 Votes "For"/Nil Votes "Against"**

**11.3 BUSINESS PLAN & MEMORANDUM OF UNDERSTANDING - INTENTION TO LEASE PORTION OF NEW CITY LIBRARY, LOT 512 PARKFIELD STREET, BUNBURY, FOR DIGITAL INNOVATION CENTRE** *(WAS LISTED AS ITEM 11.4 IN THE MEETING AGENDA)*

<b>File Ref:</b>	A02351
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Business Development Officer, Trevor Ayers & Senior Administration Officer, Jack Dyson
<b>Executive:</b>	Executive Manager Corporate Services, Ken Weary

**Summary**

1. Commercial Lease

It is proposed to affirm the Council's intention to lease approximately 500 square metres of ground floor office space at the new Smart Library Building to a joint venture telecommunications group (the "*proposed lessee*") for provision of an Australian Centre for Digital Innovation ("ACDI") - this centre will support digital technology development and broadband adoption in Bunbury.

Council is able to lease this floor space as the new building is being built to a scale that is larger than current requirements based on the anticipation that the library will grow into this additional floor space in the future.

2. Memorandum of Understanding

It is also proposed that Council enter into a Memorandum of Understanding ("MOU") with the joint venture partners collaborating in development and provision of the ACDI - copy **attached** at Appendix 18. The objectives of the MOU are:

- Work together to support and progress the establishment of the ACDI in Bunbury supporting digital technology investment.
- Cooperate in digital content development in Bunbury in areas of mutual interest, especially those relevant to developing new technologies for demonstrating and commercialising digital content applications and the adoption of digital technologies by the community of Bunbury.
- Collaborate in seeking funding from third parties to develop digital content infrastructure and projects in Bunbury.
- Support world-class research and development (and services development) in digital content and broadband delivery in Bunbury.

The MOU will come into effect on the date of signing and will be operational for 24 months or until terminated by either party.

### **Background**

At its meeting on 17 August 2004, the Council decided to construct a new library on the site of the existing library at Lot 512 Parkfield Street, Bunbury.

On 21 December 2004, the Council decided to endorse a proposal to investigate co-location of the proposed Library with a "Smart Building". Subsequently, on 20 September 2005, the Council made a further decision to endorse the construction of a library, business incubator, ICT training facility and data centre on the old library site together with provision of associated car-parking bays.

The land on which the new library is to be constructed is currently vested in the City for use as "Municipal Buildings and Car Park". It is anticipated that in the short to mid term, the amount of space available for library services in the new building will actually exceed the City's requirements and in order to better manage the space available, it is proposed to seek Ministerial approval to lease a portion of the premises (approximately 500 square metres of the ground floor) to a commercial activity as identified under the heading "Summary" above.

Initial indications are that the proposed lessee will seek a lease for a 10-year term with a 5 plus 5-year option.

Should Council agree to the proposal the proponents have requested that all advertising be completed by the end of February 2008.

### *Joint Venture Group - Background Information*

Initial discussions with the proposed lessee have taken place and background information is provided as follows:

- ISA Technologies is a dynamic Western Australian organisation with 20 years' experience delivering value services to commercial, government and research organisations across a range of technology areas including:
  - On-demand high performance super computing ("HPC") and application services;
  - 2D and 3D Visualisation;
  - Large scale, complex networks including LAN, WAN, wireless and IP telephony solutions;
  - Software engineering for enterprise applications;
  - Information security;

- Electronic business systems, particularly enterprise messaging systems, network operating systems and systems management infrastructure;
- Network and systems management;
- Innovation and Research.

Based in Perth's high-profile Technology Park in Bentley, ISA delivers services and solutions to local, national and international clients. ISA has targeted the development of strategic alliances with a variety of industries for use of HPC and advanced visualisation solutions including the oil and gas sector, biotechnology, marine and defence industries and digital content including animation, effects and virtual engineering. ISA is also working in the Asia Pacific region to support technology development through its Malaysian office in Kuala Lumpur. ISA has 85 staff in Australia and Malaysia and has invested over \$AUD5 million in HPC and visualisation facilities.

Although ISA is an independent company, it maintains business partner associations with leading vendors including IBM, Microsoft, Cisco and ESRI. Through these relationships, ISA has access to the latest hardware, software and communications technologies. These, combined with the company's skills base, enable ISA to deliver unrivalled value to its customers, ensuring that client needs are met and project objectives are realised.

For all projects undertaken, ISA utilises a proven Quality Management System ("QMS") that has been audited by NCS (NATA Certification Services) and granted accreditation under ISO 9001 standards.

- The VUE Group of companies, VUE Pty Ltd Melbourne and VUE DC Pty Ltd Perth, are among the strongest blue-chip film production companies in Australia. VUE has a unique depth of experience to draw upon. Producing for the national and international market, VUE Group is an experienced co-producer. VUE Melbourne was established in 1989, VUE DC was established in Perth in 2005 to lead projects based in Perth.

The group has postproduction facilities, offline and online to HD standard and innovative 'matte' painting for adding digital textures in film animations and sophisticated computer graphics suites.

Recent productions include:

- Air Australia (VUE DC) a 3 part history mini series including dramatisation, 140 CGI scenes and archive in an ambitious production employing over 210 Western Australians;
- Wild Valley (VUE) a 3 part series - the emotional story of a young couple who survive a huge bushfire and their relationship with the wild Brumbies they seek to preserve in the Victorian high country;

- Hell On Ice, a 3 part series that tells of the extraordinary survival of Antarctic adventurers Pete Bland and Jay Watson after Pete is swept away by a massive avalanche;
- A Compassionate Rage, a story of compassion and conflict that raises questions of ethics and morality as it follows aid worker Moira Kelly through 18 months as she gets kids needing surgery, out of the 'bandit' north of Albania into hospitals around the world.

Joint Venture Group - Major Components Currently in Development

Some of the major components being developed by the proposed lessee are:

- Development of a Special Effects Laboratory ("SFX Lab") by VUE for film animation and support services to support national and international projects;
- Development of a High Performance Computing ("HPC") and Visualisation Laboratory by ISA for industry users with large data requirements including oil and gas, mining, engineering, film, health, biotechnology, emergency services, environment and government;
- Development of a Virtual Super Studio ("VSS") software by VUE and ISA for applications in digitising production requirements in the film industry and for developing imaging, visualisation, simulation and animation tools and data bases for other industries;

Perceived Benefits and Outcomes for Bunbury

- *Local Economic Development* - The establishment of ISA Technologies and the VUE Group will provide employment in information technology and film making for eight full time staff in the start up phase and up to two hundred part time employees for film production work that will be unique in Bunbury. Further employment with the subsequent development and expansion of existing and new supporting businesses is also anticipated. The economic importance of the digital content industry to other economic sectors is reflected in the industry multiplier of 1.58, measuring how digital content industry activity impacts on the economy as a whole (source: Commonwealth Government Digital Content Action Agenda 2005).
- *Improved Access to Services* - The clustering of capability will provide access to state of the art technologies including super computing or HPC currently not available for simulation and modelling in areas including emergency services and community use of internet video over broadband communications and virtual environments that will support Bunbury to be recognised as a leading 'Digital City', a term used internationally for cities that are embracing the new digital technologies.
- *Improved Regional Cooperation* - Regional cooperation through delivery of digital technologies will improve emergency service planning and management; and support

improved communication between community groups, the City of Bunbury and business.

- *The Establishment of New Innovative Digital Industries* - The centre will support the development of new industries through digital content training and employment of new staff in digital projects. ISA and VUE will also seek partnerships with companies and industries to support the adoption and development of HPC and digital content technology.
- *Sustainable Business Model* - It has been estimated that ISA Technologies and VUE Group will deliver profitable revenues of \$1.27 million per annum by year five of operations which is equivalent to \$2 million per annum in economic value for the South West based on economic multipliers measuring digital content industry activity impacts.

### **Strategic and/or Regional Outcomes**

This proposal can be directly linked to Council's Strategic Plan 2007-2012, Strategic Objective 3.2, "*Have well planned, developed and maintained City Infrastructure to identify and prioritise infrastructure needs*" and 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*".

### **Community Consultation**

Following signing of the Memorandum of Understanding, the City will advertise its intention to lease the site and enter into a Business Plan for public information.

### **Councillor/Officer Consultation**

The Mayor, Chief Executive Officer and officers have been liaising with the proponents.

Councillors were briefed on this matter at the Briefing Session on 13 November 2007.

### **Proposed Lease Arrangement and Implementation**

Council's Solicitors have provided the following process by which the leasing of part of the ground floor of the new Regional Library to the proposed lessee (i.e., the Joint Venture Group being VUE DC Pty Ltd and ISA Pty Ltd) might proceed.

- a) *A Scope of Variations* to accommodate the proposed lessee needs to be obtained so that any changes can be included in the Library Contract. An indicative figure to date is \$1.26 million.
- b) The Library is currently in the process of being built to approved specifications. Council will know the degree of completeness of the Library area to be leased at the conclusion of construction and consequently will know what has to be built beyond what is already approved to accommodate the requirements of the proposed lessee.

- c) The proposed lessee will need to put forward plans and specifications that it will be undertaking within the building so that the proposed lease area meets its operational needs.
- d) The City will then enter into an *Agreement for Lease* where the City agrees to complete construction to a specific standard by a certain date in accordance with the known plans and specifications.
- e) The proposed lessee's plans and specifications need to be approved in a timely manner to enable its fit-out to be complete prior to the proposed commencement of the occupation date.
- f) The proposed lessee will then execute a *Lease* with a commencement date of the anticipated completion of its fit-out work. The form of the lease will be appended to the agreement of the lease so that it is fully negotiated and comprises a complete agreement at the same time as the Agreement for Lease is signed. As the lease will be appended to the Agreement for Lease, it will be necessary to agree now with the proposed lessee on the normal terms and conditions of a commercial lease which include
  - 1. Term
  - 2. Rent
  - 3. Frequency for rent review
  - 4. Method of rent review
  - 5. Repairs and maintenance obligations
  - 6. Insurance and indemnity obligations
  - 7. Restrictions on use

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

An indicative valuation of the area to be leased is \$200 per sqm - this equates to a \$100,000 per annum lease fee for the 500 sqm unimproved lease area proposed. In addition, there may be further lease costs associated with the leasing of the building due to the additional works (estimated at \$1.26 million) needed in the building to accommodate the proposed lessee. For example, if these additional works were funded by loan borrowings, the additional annual repayment to amortize this expenditure over 10 years would be \$184,000 - resulting in the total lease fee being \$284,000 per annum.

It is not proposed that loan funds will be used as a funding source - State and Federal government grant funds will be sourced to fund the project.

The additional works anticipated by the proposed lessee (to date) include:

• Special Effects Lab (half-share)	\$200,000
• 3D Visualisation Lab (half-share)	\$200,000
• Upgrade to Site Transformer	\$ 15,000
• Upgrade to Generator	\$ 25,000

**27 November 2007**  
**Minutes - Council Meeting**

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• Upgrade to Power Supply Cable	\$ 10,000
• Upgrade in A/C package units	\$190,000
• Upgrade in UPS	\$215,000
• Upgrade in Fire Suppression System	\$ 80,000
• Emergency Stop Buttons	\$ 2,000
• Increase in security controls	\$ 6,000
• Lighting protection	\$ 15,000
• Extra Building Works	\$ 50,000
• Consultant Fees	\$ 60,000
• Toilets and Air conditioning (ground flr)	<u>\$200,000</u>
	\$1,260,000

A copy of the budget for the overall library development (excluding the above additional works) is **attached** at Appendix 19.

The preferred option is to have the Data Centre costs fully funded by State or Federal government grant funds.

### **Economic, Social, Environmental and Heritage Issues**

Leasing out excess floor space at the new Library makes economic sense as it will ensure the floor space is not wasted and will be making a return to Council (and the community) until it is needed for future library expansion.

Establishment of a Digital Innovation Centre will provide employment for local residents in information technology and film making. Up to two hundred part time employees may also be required for film production work as a flow-on effect of the Centre's operations.

The Digital Innovation Centre will provide local groups and businesses with access to state of the art technologies (includes super computing or HPC) for simulation and modelling in areas including emergency services and community use of internet video-over-broadband communications and virtual environments.

A condition of the proposed lease would be that the Centre Operator is to ensure that the working environment at the Centre complies with legislative requirements in relation to environmental health and the safety of its employees and customers.

There are no "heritage" related matters to consider.

### **Council Policy Compliance**

There is no Council policy in relation to this proposal.



### **Legislative Compliance**

The proposed lease is subject to Ministerial approval.

The lease to the proposed lessee will be by private treaty and advertised in accordance with Section 3.58(3) of the Local Government Act 1995. The notice will detail the lease proposal and invite submissions from members of the public. The Council will consider any submissions received prior to a final decision being made on the lease.

The lease will fall under the category of "Major Land Transaction" under Section 3.59 of the Local Government Act 1995. Accordingly, a business plan (including an overall assessment of the land transaction) will be prepared. The business plan will be advertised for public information with a public submission period of six (6) weeks and Council's decision to proceed with the transaction at the end of this period, would need to be by an absolute majority vote.

### **Delegation of Authority**

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

### **Relevant Precedents**

The City regularly leases Council-owned or managed buildings.

### **Options**

- Option 1: Per the recommendation listed in this report.
- Option 2: The Council may elect not to provide its "in principle" support for leasing of a portion of the new City Library to a private joint venture for the purpose of a Digital Innovation Centre.

### **Conclusion**

The lease is subject to the approval of the Minister for Lands and further Council consideration following advertising of the proposed lease and business plan.

Principally, the aim of the proposal is to ensure that any unused floor space is utilised and makes a financial return to Council (and the community) until such time as it is needed by Library Services for future expansion but other benefits of the proposal include:

- Improvement of access to services for residents in the region due to the clustering of state of the art technologies in Bunbury - these technologies include super computing or HPC (currently not available for simulation and modelling in areas including emergency services) and community use of internet-video-over-broadband communications and virtual environments.

- Bunbury will become known by the business world as a leading 'Digital City' - a term used internationally for cities that are actively embracing new digital technology and associated support services.
- An improvement locally in the scope and delivery of digital technologies will improve emergency service planning and management in the region.
- The centre will support the development of new industries through digital content training and employment of new staff in digital projects.
- The proposed lessee is expected to deliver profitable revenues of \$1.27 million per annum by year five of operations equivalent to \$2 million per annum in economic value for the South West (based on economic multipliers measuring digital content industry activity impacts).

### **Recommendation**

#### *PART A - Memorandum of Understanding*

Council authorises the Chief Executive Officer to sign the Memorandum of Understanding with the Joint Venture Group for establishment of a Digital Innovation Centre in Bunbury - the Joint Venture Group is: VUE DC Group t/as VUE Pty Ltd; ISA Pty Ltd t/as ISA Technologies, and; the Australian Centre for Digital Innovation - an incorporated proprietary limited company jointly owned by ISA and VUE.

#### *PART B - Commercial Lease (and public advertising)*

1. Subject to satisfactory lease terms being agreed and receipt of endorsement from the Minister for Lands, the Bunbury City Council gives its "in principle" support to a proposal to lease portion of the New Library Building (approximately 500 square metres) to a commercial telecommunications group for the purpose of a Digital Innovation Centre.
2. The intention to lease portion of the new City Library building and the Business Plan is to be advertised for public information pursuant to the requirements of the Local Government Act 1995 - this is to be done by way of notice in the City Update column of the Bunbury Mail Newspaper and notices displayed on public notice boards at the City Administration Centre and public libraries.
3. Following the advertising period the proposal to lease the site will be returned to Council for further consideration together with any submissions received. (Note: The advertising period for the business plan will be 6 weeks).
4. The Joint Venture Group is to pay the full cost for documentation, registration, valuation assessment and advertising of the proposed lease.

**Outcome of the Committee Meeting – 20 November 2007**

His Worship the Mayor and CEO answered queries from members in relation to the Memorandum of Understanding and the Commercial Lease component.

After lengthy discussion, Cr Jones moved, Cr Craddock seconded the recommendation. 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 - Memorandum of Understanding*

Council authorises the Chief Executive Officer to sign the Memorandum of Understanding with the Joint Venture Group for establishment of a Digital Innovation Centre in Bunbury - the Joint Venture Group is: VUE DC Group t/as VUE Pty Ltd; ISA Pty Ltd t/as ISA Technologies, and; the Australian Centre for Digital Innovation - an incorporated proprietary limited company jointly owned by ISA and VUE.

*PART B - Commercial Lease (and public advertising)*

1. Subject to satisfactory lease terms being agreed and receipt of endorsement from the Minister for Lands, the Bunbury City Council gives its "in principle" support to a proposal to lease portion of the New Library Building (approximately 500 square metres) to a commercial telecommunications group for the purpose of a Digital Innovation Centre.
2. The intention to lease portion of the new City Library building and the Business Plan is to be advertised for public information pursuant to the requirements of the Local Government Act 1995 - this is to be done by way of notice in the City Update column of the Bunbury Mail Newspaper and notices displayed on public notice boards at the City Administration Centre and public libraries.
3. Following the advertising period the proposal to lease the site will be returned to Council for further consideration together with any submissions received. (Note: The advertising period for the business plan will be 6 weeks).
4. The Joint Venture Group is to pay the full cost for documentation, registration, valuation assessment and advertising of the proposed lease.

**AT THE COUNCIL MEETING**

The Committee recommendation was moved Cr Steck, seconded Cr Jones.

At this point in proceedings, His Worship the Mayor arrived at 7.12pm and presided for the duration of the meeting.

Cr Worthington left the room at 7.36pm and did not take part in the vote on this issue.

Cr Steck raised concerns regarding:

- using \$1.26M of ratepayers money to assist private enterprise;
- the fact that other private businesses had not been given an opportunity to compete for the lease; and
- what are the realistic benefits to ratepayers who may or may not utilise this technology (i.e. fees and charges to library users).

Following lengthy discussion, the Mayor elected to put Parts A and B of the motion separately. A request for the votes to be recorded was made.

For ease of reference, the votes were as follows:

<i>PART A:</i>	For:	Mayor D Smith Cr Craddock Cr Whittle Cr Dillon Cr Jones Cr Slater Cr Kelly Cr Major	Against:	Cr Steck Cr Rooney Cr Leigh
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<i>PART B:</i>	For:	Mayor D Smith Cr Craddock Cr Whittle Cr Dillon Cr Jones Cr Slater Cr Kelly Cr Major Cr Rooney Cr Leigh	Against:	Cr Steck
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**COUNCIL DECISION 236/07**

*PART A - Memorandum of Understanding*

*Council authorises the Chief Executive Officer to sign the Memorandum of Understanding with the Joint Venture Group for establishment of a Digital Innovation Centre in Bunbury - the Joint Venture Group is: VUE DC Group t/as VUE Pty Ltd; ISA Pty Ltd t/as ISA Technologies, and; the Australian Centre for Digital Innovation - an incorporated proprietary limited company jointly owned by ISA and VUE.*

*PART B - Commercial Lease (and public advertising)*

1. *Subject to satisfactory lease terms being agreed and receipt of endorsement from the Minister for Lands, the Bunbury City Council gives its "in principle" support to a proposal to lease portion of the New Library Building (approximately 500 square metres) to a commercial telecommunications group for the purpose of a Digital Innovation Centre.*
2. *The intention to lease portion of the new City Library building and the Business Plan is to be advertised for public information pursuant to the requirements of the Local Government Act 1995 - this is to be done by way of notice in the City Update column of the Bunbury Mail Newspaper and notices displayed on public notice boards at the City Administration Centre and public libraries.*
3. *Following the advertising period the proposal to lease the site will be returned to Council for further consideration together with any submissions received. (Note: The advertising period for the business plan will be 6 weeks).*
4. *The Joint Venture Group is to pay the full cost for documentation, registration, valuation assessment and advertising of the proposed lease.*

**CARRIED**

**11.4 PROPOSED MEDICAL CENTRE (DAY SURGERY) – LOT 174 (NO. 140) SPENCER STREET, BUNBURY** *(WAS LISTED AS ITEM 11.2 IN THE MEETING AGENDA)*

<b>File Ref:</b>	P08725
<b>Applicant/Proponent:</b>	Steve Dubczuk Architect Pty Ltd
<b>Author:</b>	Ann Jank, Planning Officer
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

The City has received an application from Steve Dubczuk Architect Pty Ltd on behalf of Bedazzle Investments Pty Ltd (the Executor being Brodie Maclean) for the development of a Medical Centre (Day Surgery) at Lot 174 (No. 140) Spencer Street which is zoned “Residential R30” under Town Planning Scheme No.7 (TPS 7).

A location plan is **attached** at Appendix 8.

There is currently a non-residential land use already established on the subject lot which consists of consulting rooms with 3 general surgeons operating from the establishment on the front of the lot.

Although the principal land use in the Residential Zone is for residential purpose, with certain location criteria, some non-residential land uses can be considered for approval. Certain areas have already been identified under the City’s Local Planning Policy “Non-Residential Development in or adjacent to Residential Areas (Frame Areas)”. This policy embodies a core principle of locating a “Frame Area” around commercial cores.

A copy of the Local Planning Policy “Non-Residential Development in or adjacent to Residential Areas (Frame Areas)” is **attached** at Appendix 9.

The subject land is outside of a ”Frame Area” as defined in this Local Planning Policy, where non-residential developments in residential zones would ideally be supported to locate, but consideration of non-residential uses on the subject lot would not be uncharacteristic. The existing consulting rooms on the front of the lot have been operating for 8 years and the lot adjacent to the north also accommodates a non-residential use and is situated outside of a “Frame Area”. It is considered that the proposed development would fit, so to speak, within the land use mix existing in the general vicinity of the site.

It is recommended that Council support the proposed additional Medical Centre (Day Surgery) subject to applicable development conditions.

**Background**

There are several existing consulting rooms along Spencer Street and medical centres have been established in the general vicinity of the proposed development.

Lot 174 (No. 140) Spencer Street is zoned “Residential R30” under TPS 7. The Use-Class “Medical Centre” is an “A” use in a Residential Zone.

The proposal was advertised for 21 days in accordance with Clause 9.4 of TPS 7. Advertising included advertising notices on site, letters to adjoining owners and notices in the local newspaper. At the completion of the advertising period 10 submissions have been received. After closing of the advertisement period one late submission has been received. The content of the objections primarily deals with amenity related matters (overshadowing, waste) and parking & traffic issues.

The late submission specifically asked whether any pregnancy termination procedures (abortions) would be carried out in the proposed facility. The developer’s response reads as follows:

*“The proposed day surgery is a purpose built facility for the general surgeons currently consulting at 140 Spencer Street. The general surgeons do not perform abortions; they intend to use the facility for endoscopy and other minor surgical procedures in accordance with licence conditions from the Department of Health.”*

In accordance with the City’s Local Planning Policy “Development Application Assessment Process: Rights of the Applicant and the Community” upon the closure of the public submission period, if any submissions are received, the proposal is required to be presented to Council for determination.

A copy of the Schedule of Public Submissions is **attached** at Appendix 10.

### **Proposal**

Consulting rooms with 3 general surgeons currently exist on the subject lot, which have been operating at this site for 8 years.

The proposed additional Medical Centre (Day Surgery) at the rear of the lot is depicted as a 2 storey building which contains one operating theatre, two recovery rooms, one holding room and ancillary rooms such as waiting, office, staff and plant rooms.

The site plan, floor plans and elevations are **attached** at Appendix 11.

It is envisaged that the 3 general surgeons currently consulting at lot 174 (No. 140) Spencer Street will be the primary users of the proposed additional Medical Centre (Day Surgery). The proposed development will be staffed by 1 proceduralist, 1 anaesthetist, 1 receptionist and 4 nursing staff with endoscopy and minor surgery undertaken in the facility.

The operating hours are proposed to be 7am to 7pm Monday to Friday and 7am to 1pm Saturday. This is based on sessions (up to 4 hours) with up to 2 sessions a day Monday to Friday and one session on Saturday with 12 patients maximum per session. The applicant has stated that no patient will stay over night.

Development Services has assessed the proposal in regard to setbacks, height and overshadowing based on the requirements of the Residential Design Codes (RDC) 2002 to minimise the impact on adjoining residential properties. Parking requirements have been assessed as per TPS 7 and Local Planning Policy “Medical Centres – Car Parking Analysis”.

*Setbacks, height and overshadowing*

The proposed Medical Centre (Day Surgery) complies with setback requirements as per RDC 2002. There are two proposed boundary walls whereby the northern wall is a screen to the delivery/ambulance area adjacent to another non-residential property. The southern boundary wall adjacent to residential properties complies with the RDC 2002.

The proposed 2nd storey forms only a part of the building and is also set back further. The proposal is mostly 5m high with a maximum of 8m (for the 2nd storey). The RDC 2002 allow a maximum height of 9m. Given the architectural form of the proposed building and the allowed parameters as per RDC 2002 a residential building would probably have greater impact (in regard to visual bulk) on the adjoining residential properties than the proposed Medical Centre (Day Surgery).

The applicant provided an overshadowing diagram. As per RDC 2002 development shall be so designed that its shadow cast at midday, 21 June, onto any other adjoining property does not exceed 35% of the site area for properties coded R30. The proposal complies in this regard. (See **attached** at Appendix 12 overshadowing diagram.)

*Waste*

The concerns regarding waste issues can be addressed through proposed condition (2.15) of the report recommendation requesting a Waste Management Plan, detailing how and where waste produced during the proposed operation of the premises will be stored, handled and removed.

*Car parking and traffic*

In accordance with TPS 7 and the City’s Local Planning Policy “Medical Centres – Car Parking Analysis” a total of 25 car parking spaces are required for the property, including 12 bays for the existing consulting rooms (3 consulting rooms) and 13 bays for the proposed additional Medical Centre (Day Surgery).

Whereas the applicant has, on plan, provided 26 car parking spaces, only 25 have been deemed to comply with Australian Standards.

Generally “medical centre” car parking requirements are assessed on the same basis as “consulting rooms”. Although the Local Planning Policy bases car parking calculation on the number of practitioners (1 proceduralist and 1 anaesthetist), Development Services has assessed the car parking requirements on the grounds of rooms with patient bays for holding and recovery. 1 holding room and 2 recovery rooms therefore can be assessed as consulting rooms and require 4 car parking spaces each.



As per the Local Planning Policy “Medical Centres – Carparking Analysis” rooms which house relatively large pieces of equipment such as an operating theatre shall be deemed as “office” for the purpose of calculating the car parking requirements. Therefore 1 car parking space is required as per TPS 7.

Such car-parking provision shall be deemed to satisfy the car-parking requirements for such facilities unless the Council in any particular case determines that the individual circumstances of the case would require other standards to be applied.

A copy of the Local Planning Policy “Medical Centres – Carparking Analysis” and Table 2 of TPS 7 is **attached** at Appendix 13.

The concerns of the submitters in relation to traffic matters can be addressed through proposed condition (2.9) of the report recommendation requesting an approved independent traffic planning study for the proposed development prior to the issue of a building licence.

### **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 was advertised for 21 days in accordance with Clause 9.4 of TPS 7 including advertising notices on site, letters to adjoining owners and notices in the local newspaper. At the completion of the advertising period 10 submissions have been received. After closing of the advertisement period one late submission has been received. The content of the objections deals with amenity related matters (overshadowing, waste) and parking & traffic issues.

### **Councillor/Officer Consultation**

Discussions have been undertaken with Technical Officers within Development Services and the Manager Development Services prior to the finalisation of the report.

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

The Executive Recommendation will not impact on the existing Annual Budget nor are there any expenses associated with the proposal 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 property is not

listed under the City's Municipal Inventory. With regard to social implications, there are no foreseeable concerns as a result of this proposal in this regard.

### **Council Policy Compliance**

It is considered that the Executive Recommendation does not contravene any known operable Council policy. The relevant Council policies have been discussed above in the 'Proposal' section of this report.

### **Legislative Compliance**

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

### **Delegation of Authority**

The proposal is not in strict accordance with Council's Policy and, after advertising, 10 submissions and 1 late submission have been received and therefore formal consideration by Council is necessary.

### **Relevant Precedents**

There are no known similar proposals.

### **Options**

Option 1: Per the recommendation.

Option 2: Council may elect to refuse the proposed additional Medical Centre (Day Surgery). Should Council resolve to proceed with this option, a suggested format is as follows:

*"Council, under by virtue of the powers conferred upon it under the Planning and Development Act 2005, in respect of an application by Steve Dubczuk Architect Pty Ltd on behalf of Bedazzle Investments Pty Ltd for a Medical Centre (Day Surgery) at Lot 174 (No. 140) Spencer Street, hereby resolves to refuse to grant planning approval for the following reasons:*

- 1. The proposed medical centre is inconsistent with the City's Local Planning Policy 'Non-Residential Development in or adjacent to Residential areas' which identifies residential sites designated for non-residential development (the subject land is outside the relevant 'frame area').*
- 2. The proposed medical centre compromises the amenity of the immediate residential neighbourhood."*

## **Conclusion**

The City's Local Planning Policy "Non-Residential Development in or adjacent to Residential Areas" shows the subject lot to be outside of the 'frame areas'. The Policy states that non-residential uses external to a 'frame area' will generally not be supported unless there is strong justification for the proposal to be considered. The issues raised in the Policy (of the nature of the proposal, the location, surrounding land uses, traffic impacts, road function) have been considered and the proposal has been shown to be compatible with the area in which it is to be located. On balance, it is considered that the proposed development would fit within the land use mix existing in the general vicinity of the site.

## **Recommendation**

Council, under and by virtue of the powers conferred upon it in that behalf of the Planning and Development Act 2005, in respect of an application by Steve Dubczuk Architect Pty Ltd on behalf of Bedazzle Investments Pty Ltd for an additional Medical Centre (Day Surgery) at Lot 174 (No. 140) Spencer Street, hereby resolves to:

1. Determine the public submissions in accordance with the Schedule of Public Submissions.
2. Grant planning approval for the proposed "Medical Centre" subject to the following conditions:
  - 2.1 The premises being used only in accordance with the definition of "Medical Centre" contained in Schedule 1 of Town Planning Scheme No. 7 unless otherwise approved by Council.
  - 2.2 All development shall generally be in accordance with the approved development plans, which form part of this Planning Approval.
  - 2.3 This approval shall expire unless the works hereby authorised have been substantially commenced within 2 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.
  - 2.4 Plans submitted with the building licence to show the following modification generally as indicated in red on the approved plans to the satisfaction of the Manager Development Services. Car parking to be modified. Bays bounded by a fence or wall to be widened by 300mm.
  - 2.5 The landscaped area(s) as shown in green on the approved development plan and including all areas not used for buildings, parking and access being planted, established and reticulated at the time of occupancy, and to be maintained as landscaped area at all times.

- 2.6 All verge areas abutting the property to be suitably grassed or planted and maintained at all times. The verge areas shall not be used for the purpose of parking or be gravel sealed.
- 2.7 A landscaping plan is to be prepared to address the area(s) as shown in green on the approved development plan. The landscaping plan is to be submitted to and approved by Council, prior to the issuance of a building licence. The landscaping plan is to include the following:
- Building layout (external walls, windows and roof) and property boundary
  - The location, species and size of existing vegetation
  - Details of any significant vegetation to be removed.
  - Exact location and number of species proposed
  - Mature height of any proposed trees
  - Treatment of paved areas (parking and pedestrian areas)
  - Fence material, height and treatment
  - A key or legend detailing species type grouped under the subheadings of tree, shrub and ground cover.
  - Mulching or similar treatments of garden beds including edges
  - Contours including any alternation to natural ground levels
  - Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility of maintenance.
- 2.8 Existing trees located in verge areas to be retained except where otherwise approved for removal by Manager Parks and Recreation. Should removal be approved, costs associated with the removal to be the responsibility of the developer.
- 2.9 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.*

- 2.10 Road assets Damage bond of \$500.00 shall be paid by the applicant prior to the issue of the building licence as per Council's Local Planning Policy "Bonds". Attached
- 2.11 The access way(s), parking areas(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, linemarked 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.*

- 2.12 The applicant shall dispose of stormwater onsite. Plans and specifications relating to the disposal of stormwater and groundwater for the development shall be submitted and approved by the City Engineer prior to the issue of a building licence. (Refer Local Planning Policy – Stormwater Disposal From Private Property).

*(Advice Note: The applicant to provide for 2m<sup>3</sup> of stormwater storage for each 65m<sup>2</sup> of impervious area, including parking, driveways, other paved and sealed areas and roof area. Minimum of 50% of storage shall be underground and above the annual average maximum groundwater level, with the balance of the storage on the surface.)*

- 2.13 This property is situated on the Preston River Flood Plain and is located within 100m of the toe of the Preston River Flood Protection Levees. Habitable rooms in any building construction shall have a minimum finished floor level of 1.9 metres AHD and scouring protection is required in accordance with Council's Local Planning Policy "Development Within 100m from the Toe of the Preston River Levee".
- 2.14 Property shall be connected to Water Corporation sewer.
- 2.15 The applicant shall submit a Waste Management Plan, detailing how and where waste produced during the proposed operation of the premises will be stored, handled and removed, to the satisfaction of the Manager Health and Manager Waste Services. This plan must be submitted and approved prior to the issue of a building licence.

- 2.16 Any other minor operational conditions to the satisfaction of the Manager Development Services.

**Outcome of the Committee Meeting – 20 November 2007**

Ms Brody McLean, representative of Bedazzle Investments, spoke to members in support of this recommendation and answered queries in relation to:

- parking requirements
- hours of operation
- height and shadow concerns

Mr Gabi Ghasseb spoke to members against the recommendation. He tabled a list of items he wanted to raise and the Mayor advised that he would ensure each member of the Committee received a copy.

Following further discussion, Cr Craddock moved, Cr Slater seconded, the recommendation. 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 the Planning and Development Act 2005, in respect of an application by Steve Dubczuk Architect Pty Ltd on behalf of Bedazzle Investments Pty Ltd for an additional Medical Centre (Day Surgery) at Lot 174 (No. 140) Spencer Street, hereby resolves to:

1. Determine the public submissions in accordance with the Schedule of Public Submissions.
2. Grant planning approval for the proposed "Medical Centre" subject to the following conditions:
  - 2.1 The premises being used only in accordance with the definition of "Medical Centre" contained in Schedule 1 of Town Planning Scheme No. 7 unless otherwise approved by Council.
  - 2.2 All development shall generally be in accordance with the approved development plans, which form part of this Planning Approval.
  - 2.3 This approval shall expire unless the works hereby authorised have been substantially commenced within 2 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.

- 2.4 Plans submitted with the building licence to show the following modification generally as indicated in red on the approved plans to the satisfaction of the Manager Development Services. Car parking to be modified. Bays bounded by a fence or wall to be widened by 300mm.
- 2.5 The landscaped area(s) as shown in green on the approved development plan and including all areas not used for buildings, parking and access being planted, established and reticulated at the time of occupancy, and to be maintained as landscaped area at all times.
- 2.6 All verge areas abutting the property to be suitably grassed or planted and maintained at all times. The verge areas shall not be used for the purpose of parking or be gravel sealed.
- 2.7 A landscaping plan is to be prepared to address the area(s) as shown in green on the approved development plan. The landscaping plan is to be submitted to and approved by Council, prior to the issuance of a building licence. The landscaping plan is to include the following:
- Building layout (external walls, windows and roof) and property boundary
  - The location, species and size of existing vegetation
  - Details of any significant vegetation to be removed.
  - Exact location and number of species proposed
  - Mature height of any proposed trees
  - Treatment of paved areas (parking and pedestrian areas)
  - Fence material, height and treatment
  - A key or legend detailing species type grouped under the subheadings of tree, shrub and ground cover.
  - Mulching or similar treatments of garden beds including edges
  - Contours including any alternation to natural ground levels
  - Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility of maintenance.
- 2.8 Existing trees located in verge areas to be retained except where otherwise approved for removal by Manager Parks and Recreation. Should removal be approved, costs associated with the removal to be the responsibility of the developer.
- 2.9 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.*

- 2.10 Road assets Damage bond of \$500.00 shall be paid by the applicant prior to the issue of the building licence as per Council's Local Planning Policy "Bonds". Attached
- 2.11 The access way(s), parking areas(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, linemarked 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.*

- 2.12 The applicant shall dispose of stormwater onsite. Plans and specifications relating to the disposal of stormwater and groundwater for the development shall be submitted and approved by the City Engineer prior to the issue of a building licence. (Refer Local Planning Policy – Stormwater Disposal From Private Property).

*(Advice Note: The applicant to provide for 2m<sup>3</sup> of stormwater storage for each 65m<sup>2</sup> of impervious area, including parking, driveways, other paved and sealed areas and roof area. Minimum of 50% of storage shall be underground and above the annual average maximum groundwater level, with the balance of the storage on the surface.)*



- 2.13 This property is situated on the Preston River Flood Plain and is located within 100m of the toe of the Preston River Flood Protection Levees. Habitable rooms in any building construction shall have a minimum finished floor level of 1.9 metres AHD and scouring protection is required in accordance with Council's Local Planning Policy "*Development Within 100m from the Toe of the Preston River Levee*".
- 2.14 Property shall be connected to Water Corporation sewer.
- 2.15 The applicant shall submit a Waste Management Plan, detailing how and where waste produced during the proposed operation of the premises will be stored, handled and removed, to the satisfaction of the Manager Health and Manager Waste Services. This plan must be submitted and approved prior to the issue of a building licence.
- 2.16 Any other minor operational conditions to the satisfaction of the Manager Development Services.

#### **AT THE COUNCIL MEETING**

Cr Worthington had left the meeting during discussion of a previous item and was not present for the vote on this item.

The Committee recommendation was moved Cr Dillon, seconded Cr Major.

Following on from discussions held during Public Question Time, the Presiding Member put the motion to the vote and it was adopted to become a Council Decision.

#### **COUNCIL DECISION 237/07**

*Council, under and by virtue of the powers conferred upon it in that behalf of the Planning and Development Act 2005, in respect of an application by Steve Dubczuk Architect Pty Ltd on behalf of Bedazzle Investments Pty Ltd for an additional Medical Centre (Day Surgery) at Lot 174 (No. 140) Spencer Street, hereby resolves to:*

1. *Determine the public submissions in accordance with the Schedule of Public Submissions.*
2. *Grant planning approval for the proposed "Medical Centre" subject to the following conditions:*
  - 2.1 *The premises being used only in accordance with the definition of "Medical Centre" contained in Schedule 1 of Town Planning Scheme No. 7 unless otherwise approved by Council.*
  - 2.2 *All development shall generally be in accordance with the approved development plans, which form part of this Planning Approval.*

- 2.3 *This approval shall expire unless the works hereby authorised have been substantially commenced within 2 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.*
- 2.4 *Plans submitted with the building licence to show the following modification generally as indicated in red on the approved plans to the satisfaction of the Manager Development Services. Car parking to be modified. Bays bounded by a fence or wall to be widened by 300mm.*
- 2.5 *The landscaped area(s) as shown in green on the approved development plan and including all areas not used for buildings, parking and access being planted, established and reticulated at the time of occupancy, and to be maintained as landscaped area at all times.*
- 2.6 *All verge areas abutting the property to be suitably grassed or planted and maintained at all times. The verge areas shall not be used for the purpose of parking or be gravel sealed.*
- 2.7 *A landscaping plan is to be prepared to address the area(s) as shown in green on the approved development plan. The landscaping plan is to be submitted to and approved by Council, prior to the issuance of a building licence. The landscaping plan is to include the following:*
- *Building layout (external walls, windows and roof) and property boundary*
  - *The location, species and size of existing vegetation*
  - *Details of any significant vegetation to be removed.*
  - *Exact location and number of species proposed*
  - *Mature height of any proposed trees*
  - *Treatment of paved areas (parking and pedestrian areas)*
  - *Fence material, height and treatment*
  - *A key or legend detailing species type grouped under the subheadings of tree, shrub and ground cover.*
  - *Mulching or similar treatments of garden beds including edges*
  - *Contours including any alternation to natural ground levels*
  - *Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility of maintenance.*
- 2.8 *Existing trees located in verge areas to be retained except where otherwise approved for removal by Manager Parks and Recreation. Should removal be approved, costs associated with the removal to be the responsibility of the developer.*
- 2.9 *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.*

*2.10 Road assets Damage bond of \$500.00 shall be paid by the applicant prior to the issue of the building licence as per Council's Local Planning Policy "Bonds". Attached*

*2.11 The access way(s), parking areas(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, linemarked 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.*

*2.12 The applicant shall dispose of stormwater onsite. Plans and specifications relating to the disposal of stormwater and groundwater for the development shall be submitted and approved by the City Engineer prior to the issue of a building licence. (Refer Local Planning Policy – Stormwater Disposal From Private Property).*

*(Advice Note: The applicant to provide for 2m<sup>3</sup> of stormwater storage for each 65m<sup>2</sup> of impervious area, including parking, driveways, other paved and sealed areas and roof area. Minimum of 50% of storage shall be underground*

*and above the annual average maximum groundwater level, with the balance of the storage on the surface.)*

- 2.13 *This property is situated on the Preston River Flood Plain and is located within 100m of the toe of the Preston River Flood Protection Levees. Habitable rooms in any building construction shall have a minimum finished floor level of 1.9 metres AHD and scouring protection is required in accordance with Council's Local Planning Policy "Development Within 100m from the Toe of the Preston River Levee".*
- 2.14 *Property shall be connected to Water Corporation sewer.*
- 2.15 *The applicant shall submit a Waste Management Plan, detailing how and where waste produced during the proposed operation of the premises will be stored, handled and removed, to the satisfaction of the Manager Health and Manager Waste Services. This plan must be submitted and approved prior to the issue of a building licence.*
- 2.16 *Any other minor operational conditions to the satisfaction of the Manager Development Services.*

**CARRIED**

**8 Votes "For"/3 Votes "Against"**

A request was made for the vote to be recorded.

For:	Mayor D Smith	Against:	Cr Steck
	Cr Craddock		Cr Rooney
	Cr Dillon		Cr Leigh
	Cr Major		
	Cr Whittle		
	Cr Slater		
	Cr Jones		
	Cr Kelly		

**11.5 PROPOSAL TO ALLOW FREE CHRISTMAS PARKING – CBD COUNCIL CAR PARKS**

<b>File Ref:</b>	A00471
<b>Applicant/Proponent:</b>	Bunbury Chamber of Commerce and Industries
<b>Author:</b>	John Kowal, Manager Community Law and Safety
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

Correspondence has been received from the Bunbury Chamber of Commerce and Industries (BCCI) requesting Council approval to allow free shopper parking for a two week period prior to Christmas.

Council already allows free 2-hour parking in the No. 1 Blair Street lower car park, free parking on Sundays and free on-street, time restricted parking.

**Background**

Since 2001 Council has allowed free shopper parking within the CBD to attract trade on the days leading up to Christmas in the following areas –

- Shoppers Car Park No. 2 – corner Prinsep, Wittenoom, Wellington Streets;
- No. 1 Car Park lower/upper levels – corner Blair, Cornwall, Stirling Streets;
- Entertainment Centre Car Park – Blair Street;

Free car parking is also normally provided on the Foreshore area opposite Bicentennial Square.

In the past the City has provided this free car parking only during the one week leading up to Christmas. However, the request from BCCI this year is for the City to supply free car parking for the two weeks prior to Christmas. This being from Saturday, 8 December, until Monday, 24 December 2007 - this equates to 14 trading days prior to Christmas. The request from the BCCI for the two week period is because the BCCI will be doing a major promotion of the CBD in order to attract the shopping public into the CBD.

It is envisaged that free parking will encourage shoppers to conduct their Christmas shopping within the CBD, thus boosting Christmas business activity for CBD retailers.

**Strategic and/or Regional Outcomes**

There are no strategic and/or regional outcomes directly linked to this matter.

### **Community Consultation**

There has been no direct Council consultation with the community. There has simply been a request from BCCI who have previously surveyed their retail members.

### **Councillor/Officer Consultation**

Consultation has taken place with Executive Manager City Development, BCCI and the management of Centrepont Shopping Centre regarding the proposal.

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

It has been calculated previously that the City will lose approximately \$540.00/day/car park. Calculated over the 14 day trading period there is a potential loss to the City in the No. 2 Shoppers Car Park alone of approximately \$7,560.00. This loss, however, has to be considered and balanced with the benefits to the CBD traders of attracting the shopping public into the CBD during the busy Christmas period.

Although there may be a loss of car parking income to the City (potentially \$22K), there are considerable economic benefits to the City overall and this, coupled with the BCCI's advertising campaign promoting the City as a shopping/social destination, will amount to considerable returns for the economic viability of the CBD.

### **Economic, Social, Environmental and Heritage Issues**

There are no economic, social, environmental or heritage issues regarding this matter.

### **Employment Outcome**

There are no employment outcomes regarding this matter.

### **Council Policy Compliance**

There is no Council policy that relates to this matter.

### **Legislative Compliance**

Due to parking fees being set by Council and because Rangers, in accordance with the Parking Local Law monitor Council car parks, a Council resolution is required to amend or vary parking fees.

### **Delegation of Authority**

An inspection of the register of delegated authority indicated that there is no delegated authority to amend or vary parking fees.

### **Relevant Precedents**

Council has previously resolved to allow free parking to facilitate other events within the CBD area. Since 2001 requests from BCCI have resulted in Council allowing free parking prior to Christmas.

### **Options**

Option 1: Council not allow free parking within the CBD Council car parks prior to Christmas.

Option 2: Council adopts to allow free Christmas parking with a maximum time limit of 4 hours from Saturday 8th December until Monday 24th December 2007 within the following car parks;

- Council Shoppers Car Park No. 2 – corner Prinsep, Wittenoom, Wellington Streets;
- No. 1 Car Park – both lower/upper levels – corner Blair, Cornwall, Stirling Streets;
- Entertainment Centre Car Park – Blair Street;
- Leschenault foreshore area opposite Bunbury Regional Entertainment Centre - provision of overflow car parking.

### **Conclusion**

Option 1 is not recommended as it may be seen that Council is not encouraging business activity within the Bunbury CBD prior to Christmas.

Option 2 is recommended as it limits the potential for CBD workers to take advantage of the free parking whilst at the same time allowing for Christmas shoppers to take advantage of the 4-hour free car parking.

### **Recommendation**

1. Council adopts to allow free Christmas parking with a maximum time limit of 4 hours from Saturday, 8 December, until Monday, 24 December 2007, within the following areas:
  - (a) Council Shoppers Car Park No. 2 – corner Prinsep, Wittenoom, Wellington Streets;
  - (b) No. 1 Car Park – both lower/upper levels – corner Blair, Cornwall, Stirling Streets;
  - (c) Entertainment Centre Car Park – Blair Street; and
  - (d) Leschenault foreshore area opposite Bunbury Regional Entertainment Centre - Provision of overflow car parking.

2. Council advertise the locations and conditions of the free Christmas parking at the above-mentioned locations and in its City Update column.
3. The Council correspond with the BCCI informing of the Council's positive ongoing support for the free Christmas car parking and request the BCCI advertise the City of Bunbury as a major sponsor/supporter, and also for the BCCI to advertise the locations and conditions for the free Council Christmas car parking within their advertising campaign.

**Outcome of the Committee Meeting – 20 November 2007**

Cr Craddock disclosed an interest-in-common in the item titled "*Proposal to allow Free Christmas Parking – CBD Council Car Parks*" as he owns a business in the CBD. He elected to remain at the meeting and take part in the discussion and vote on this item.

His Worship Mayor D Smith advised members that the request had originated from the Bunbury Chamber of Commerce and Industries (BCCI) and Manager Community Law and Safety responded to queries from members in relation to how the extra week would impact Ranger Services.

Cr Craddock moved, Cr Leigh seconded the recommendation.

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 to allow free Christmas parking with a maximum time limit of 4 hours from Saturday, 8 December, until Monday, 24 December 2007, within the following areas:
  - (a) Council Shoppers Car Park No. 2 – corner Prinsep, Wittenoom, Wellington Streets;
  - (b) No. 1 Car Park – both lower/upper levels – corner Blair, Cornwall, Stirling Streets;
  - (c) Entertainment Centre Car Park – Blair Street; and
  - (d) Leschenault foreshore area opposite Bunbury Regional Entertainment Centre - Provision of overflow car parking.
2. Council advertise the locations and conditions of the free Christmas parking at the above-mentioned locations and in its City Update column.
3. The Council correspond with the BCCI informing of the Council's positive ongoing support for the free Christmas car parking and request the BCCI advertise the City of Bunbury as a major sponsor/supporter, and also for the BCCI to advertise the locations and conditions for the free Council Christmas car parking within their advertising campaign.



## **AT THE COUNCIL MEETING**

Cr Worthington returned to the meeting at 8.27pm.

Cr Craddock disclosed an interest-in-common in the item titled “*Proposal to allow Free Christmas Parking – CBD Council Car Parks*” as he owns a business in the CBD. He elected to remain at the meeting and take part in the discussion and vote on this item.

The Committee recommendation was moved Cr Jones, seconded Cr Leigh.

The Presiding Member put the motion to the vote and it was adopted to become a Council Decision.

### **COUNCIL DECISION 238/07**

1. *Council adopts to allow free Christmas parking with a maximum time limit of 4 hours from Saturday, 8 December, until Monday, 24 December 2007, within the following areas:*
  - (a) *Council Shoppers Car Park No. 2 – corner Prinsep, Wittenoom, Wellington Streets;*
  - (b) *No. 1 Car Park – both lower/upper levels – corner Blair, Cornwall, Stirling Streets;*
  - (c) *Entertainment Centre Car Park – Blair Street; and*
  - (d) *Leschenault foreshore area opposite Bunbury Regional Entertainment Centre - Provision of overflow car parking.*
2. *Council advertise the locations and conditions of the free Christmas parking at the above-mentioned locations and in its City Update column.*
3. *The Council correspond with the BCCI informing of the Council’s positive ongoing support for the free Christmas car parking and request the BCCI advertise the City of Bunbury as a major sponsor/supporter, and also for the BCCI to advertise the locations and conditions for the free Council Christmas car parking within their advertising campaign.*

**CARRIED**

**9 Votes “For”/3 Votes “Against”**

## 11.6 PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 17

<b>File Ref:</b>	P05893 & A00411
<b>Applicant/Proponent:</b>	City of Bunbury
<b>Author:</b>	Thor Farnworth, Senior Town Planner (Strategic & Environment) & Angela Satre, Consulting Strategic Planner
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

### Summary

In February and May 2007 Council resolved the following:

1. To initiate amendments to the City of Bunbury's Town Planning Scheme No. 7 (the Scheme) to allow for the rezoning of Lot 210 Holywell Street and 211 Pental Street, and Lot 66 Ocean Drive, respectively. Council resolved to initiate the amendments for the purposes of residential, short-stay accommodation, mixed use and tourism oriented non-residential uses.
2. That subject to the Environmental Protection Authority's (EPA's) endorsement, the proposed amendments were to be advertised for public comment.
3. Following the outcome of the advertising periods the proposals were to be returned to Council.
4. Subject to their finalisation a business plan outlining the proposed land sales for the amendment sites is to be prepared and advertised.

The amendments were dealt with together in accordance with "*Local Planning Scheme Amendment Report - Scheme Amendment No. 17 to TPS 7*" (the Scheme Amendment Report).

Confirmation of the EPA's assessment of the proposed amendments was received and the Scheme Amendment Report was publicly advertised. Following the outcome of the advertising period, the submissions received were assessed. A summary of the submissions is presented along with comments in response to the concerns and issues raised. Subject to Council's decision, the Scheme Amendment is considered to be both technically feasible and acceptable, and it is therefore ready for final adoption.

### Background

This report addresses both Lots 210 and 211 (Site 1, formerly the Punchbowl Caravan Park site) and Lot 66 (Site 2). Scheme amendment proposals were initiated for the two respective sites separately. Attachments referred to throughout this report are in the **Report Under Separate Cover**.

Lot 66 was adopted for advertising at the ordinary meeting of Council held on the 13 day of February, 2007 (Resolution Number: 23/07). Lots 210 and 211 were adopted for advertising at the ordinary meeting of Council held on the 1 day of May 2007 (Resolution Number: 71/07).

Due to the fact that both Sites 1 and 2 are located on Ocean Drive, are proposed for tourism oriented developments and require the adoption of common use class definitions, it was considered prudent to consolidate the proposals into a single Local Planning Scheme Amendment Report, Attachment 1, **Report Under Separate Cover**.

***Description of Site 1: Lots 210 and 211***

Site 1 has a total area of 20,739 m<sup>2</sup>, and encompasses Lot 210 with an area of 7,705sqm and Lot 211 with an area of 13,034.86sqm. Both lots are presently owned by the City of Bunbury.

Abutting Site 1 is Five Mile Brook to the north and northeast. To the west of Site 1 exists Ocean Drive and the Indian Ocean foreshore. Immediately surrounding the remainder of Site 1 are Holywell, Hayward and Pental Streets followed by residential land developed at a density of R15 and R40 (refer to the Location Plan, Attachment 2, **Report Under Separate Cover**).

Site 1 has historically been used as a caravan and camping ground, however, it has not been utilised since 1998. The site is developed with a partially constructed amenities building and underground services including sewer and water, reticulation and electrical conduits.

***Description of Site 2: Lot 66***

Site 2 exists on the corner of Scott Street and Ocean Drive. Site 2 is approximately 2,855sqm in size, is located on part of the primary coastal dune system and has a regular slope of approximately 1:20 gradient rising eastwards from Ocean Drive. The majority of Site 2 supports sparse scrub while somewhat denser scrub exists along its eastern boundary (refer to the Location Plan, Attachment 3, **Report Under Separate Cover**).

To the west of Site 2 exists Ocean Drive and the Indian Ocean foreshore. To the east exists Upper Esplanade followed by residential land. To the northeast exists Bunbury Senior High School. To the south is Scott Street followed by Lot 497 Ocean Drive which is also undeveloped, is reserved for Parks and Recreation and is owned by the City of Bunbury.

With the exception of Lot 497 Ocean Drive, all foreshore land within approximately 200 metres north and south of Site 2 is zoned Special Use and is nominated for tourism related land uses. South of Lot 497 are Lots 1 and 2 which together are approximately 11,292sqm in size, are zoned Special Use and developed for restaurant and motel use. To the north is Lot 76 which is a freehold parcel of land, approximately 16,474sqm in size, that is zoned Special Use and nominated in the Scheme for hotel development (refer section 1.2.1 Location & Description in the Scheme Amendment Report).

## **Proposal**

The proposals under Scheme Amendment No. 17 are detailed below.

### ***Proposal for Site 1: Lots 210 and 211***

Site 1 is currently zoned “Special Use No. 7” and designated as “Caravan Park” on the Scheme Map and under the Special Use(s) column in Schedule 2 of the Scheme Text.

The proposal is to amend the uses permitted on Site 1 under Schedule 2 of the Scheme by replacing the reference to “Caravan Park” with the following:

- (a) Grouped Dwellings;
- (b) Hotel;
- (c) Motel;
- (d) Multiple Dwellings;
- (e) Private Recreation;
- (f) Reception Centre;
- (g) Restaurant;
- (h) Shop;
- (i) Short-stay Grouped Units;
- (j) Short-stay Multiple Units; and
- (k) Unrestricted Residential Accommodation.

As well, it is recommended that Schedule 2 of the Scheme Text be amended in relation to the conditions of Special Use No. 7. These amendments are in relation to the requirements for any applications for development over the sites including requirements for a Detailed Area Plan (DAP) and an accompanying Development Impact Statement (DIS) that addresses site constraints and development impacts to the satisfaction of Council (refer to section 4.3 of the Scheme Amendment Report).

### ***Proposal for Site 2: Lot 66***

Site 2 is currently designated as “Parks and Recreation Reserve” under the Scheme. The proposal is to amend the zoning of Site 2 to “Special Use Zone No. 50” on the Scheme Map, and incorporate the following land uses in the Special Use(s) column of Schedule 2 of the Scheme Text:

- (a) Grouped Dwelling;
- (b) Hotel;
- (c) Motel;
- (d) Multiple Dwelling;
- (e) Private Recreation;
- (f) Reception Centre;
- (g) Restaurant;
- (h) Shop;

- (i) Short-stay Grouped Units;
- (j) Short-stay Multiple Units; and
- (k) Unrestricted Residential Accommodation.

As well, it is recommended that Schedule 2 of the Scheme Text be amended in relation to the conditions of Special Use No. 50. These amendments are in relation to the requirements for any applications for development over the sites including requirements for a DAP and an accompanying DIS that addresses site constraints and development impacts to the satisfaction of Council (refer to section 4.3 of the Scheme Amendment Report).

***Proposal for Schedule 1 – Dictionary of Defined Words and Expressions***

The proposed Scheme Amendment also recommends the following land use definitions for inclusion into Schedule 1 of the Scheme - Dictionary of Defined Words and Expressions (refer section 4.2 of the Scheme Amendment Report):

- “Mixed-use development”;
- “Short-stay accommodation”;
- “Short-stay unit”;
- “Short-stay serviced apartment”;
- “Short-stay Grouped Units”;
- “Short-stay Multiple Units”; and
- “Unrestricted Residential Accommodation”

The definitions that are recommended for inclusion in Schedule 1 are referred to in Schedule 2 of the Scheme in relation to uses that may be permitted on specific sites; however, they are not presently defined in Schedule 1. As such any associated applications for planning consent for these uses would need to be treated as a use not listed. It is worth noting that certain existing Special Use Zones currently include reference to tourism type uses that are not presently defined in the Scheme. To improve this process, it is recommended that Schedule 1 be amended to more comprehensively include those land use definitions that are referred to in the Scheme.

As well, the definitions recommended for inclusion in Schedule 1 in effect parallel the definitions of the Residential Design Codes for dwelling and associated grouped dwelling and multiple dwelling uses. The introduction of these definitions will have the benefit of enabling their application in other Special Use Zone sites within the City in the short to medium term, and creates opportunities for their future inclusion in standard zones in the longer term.

**Strategic and/or Regional Outcomes**

***Strategic Plan 2007 - 2012***

The proposed Scheme Amendment complies with Council’s 2007 - 2012 Strategic Plan, specifically in relation to:

*Strategy 4.2: Implement City Vision Strategy*

*Deliverables*

*Advance the planning and sale of properties at Lot 66 Ocean Drive and Lot 210 and 211 Holywell Street.*

*Milestones*

*Planning matters to be resolved by the end of 2007.*

**City Vision Strategy**

The proposed Scheme Amendment over Sites 1 and 2 is in accordance with the adopted City Vision Strategy. The sites are located in the Inner City Living West (ICLW) part of the Strategic Regional Centre Vision Focus Area.

In relation to Site 1, recommendation ICLW10 of the adopted City Vision Strategy states “*that alternative tourist/commercial uses be investigated for the Punchbowl Caravan Park site*”.

In relation to Site 2, recommendation ICLW6 of the adopted City Vision Strategy states: “*Identify and promote sites for tourist development on the coastal strip and establish the criteria for site mix of freehold subdivision and tourism, height and management arrangements*”.

**Community Consultation**

In correspondence dated the 27th of August 2007, the City received confirmation of the EPA’s final assessment of the proposed Scheme Amendment. The City was advised that the Scheme Amendment was deemed to be an “assessed scheme amendment” under Part IV Division 3 of the *Environmental Protection Act 1986*.

Following receipt of this advice and in accordance with both the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*, the proposed Scheme Amendment was referred to all relevant state government agencies and publicly advertised for comment during a formal advertising period of 42 days.

At the close of the advertising period a total of 25 submissions were received from 29 signatories, including five submissions from government agencies. A full schedule of the submissions is provided (refer to the Schedule of Submissions, Attachment 4, **Report Under Separate Cover**) as well as a summary of the main issues and concerns of government agencies and the public in the following tables.

<b>Government Agency Submissions</b>	
<b>Government Agency</b>	<b>Comment / Response</b>
Water Corporation	No objection
Main Roads WA	No comment
Western Power	No objection
Aqwest – Bunbury Water Board	Water main upgrade works will be required where

	pressure and flow requirements exceed those currently available.
Department for Planning & Infrastructure	No objection or comment

Of the 20 public submissions received, five submissions were regarding Site 1. These submissions included one letter of no objection, two letters raising concerns and two comments raising objections.

Fifteen submissions were received regarding Site 2 comprising 13 objections and two letters of support.

A brief summary of the public issues and concerns, as well as the comments and response to the issues is provided in the following table.

<b>Public Submissions</b>		
<b>Frequency of Issue / Concern</b>	<b>Issue / Concern</b>	<b>Comment / Response</b>
<i>Site 1: Lots 210 &amp; 211 Ocean Drive</i>		
1	An application is likely to be made for the Bunbury Glade Caravan Park & assurance is sought that the proposed amendment will not prejudice any such future application.	Each site is assessed on its merits individually and based on the matters before Council at the time.
1	Loss of open space	<p>Whilst Lots 210 &amp; 211 may be considered by some to provide open space values, the land is classified for caravan park development and in part has been developed as such with access being limited to patrons (refer to sections 1.2.3.1 of the Scheme Amendment Report). While the amendment proposes an increase in the intensity of the land uses possible on the site, provision has been made for additional landscaping and retention or replacement of existing significant vegetation to maintain the landscape and amenity values of the site.</p> <p>As well, Schedule 2 No. 7 (1.1 (c) xii) will require any DAP for the site to include landscaping within setback areas and between buildings.</p>

<b>Public Submissions</b>		
<b>Frequency of Issue / Concern</b>	<b>Issue / Concern</b>	<b>Comment / Response</b>
		<p>A Development Impact Statement (1.4.3 (e); 1.4.4 (f); 1.4.5 (e)) may also be required to demonstrate an acceptable standard of open space and landscaping in accordance with the Residential Design Codes.</p> <p>With these factors in mind the Context and Site Analysis Plan for Site 1 seeks:</p> <ul style="list-style-type: none"> <li>* Retention of significant mature trees or where practicable their replacement on site, opportunities for stream reclamation and landscaping of the Five Mile Brook; and</li> <li>* In the Central Core significant numbers of existing trees have been identified and landscaping of street verges and setback areas is sought including incorporation of mature trees to maintain amenity.</li> </ul>
1	Safety concerns with Five Mile Brook outlet	Concern raised regarding the openness of or access to Five Mile Brook Drain will required to be addressed through the provisions of the Scheme Amendment regarding landscaping and stormwater management planning for any future development of the site.
1	Flooding of Holywell Street	Inundation of Hollywell Street will occur during flood events, as is the case for the rest of the road system, which is designed to convey local flooding away into the drainage system. The required fill on this site will not increase flood hazard to other buildings where their finished floor level is in compliance with recommended minimum finished floor levels for this locality.
1	<p>Sites should only be available for restaurant, shops &amp; reception centre given:</p> <ol style="list-style-type: none"> <li>1. There is adequate medium density residential land in the area;</li> <li>2. Increased visitors to the beach; and</li> <li>3. Shortage of commercial facilities within</li> </ol>	<p>The conditions of Schedule 2 for both sites limit the residential component of any development (including public and private open space, roads, parking, drainage and infrastructure) to a maximum of 25%. This is consistent with the recommendations of the Tourism Planning Taskforce Report (<i>Department for Planning and Infrastructure 2006, Tourism Planning Taskforce Report: Report of the Ministerial Taskforce to the Minister for Planning and Infrastructure, Perth, Western Australia</i>) and the City of Bunbury City Vision Strategy recommendation to facilitate a mix of uses.</p> <p>Residential dwellings are also to be constructed in the 'Residential Interface' areas of both sites for the maintenance of established residential amenity and</p>



<b>Public Submissions</b>		
<b>Frequency of Issue / Concern</b>	<b>Issue / Concern</b>	<b>Comment / Response</b>
	walking distance.	streetscape character and the need to provide a buffer and transition of building bulk and land use intensity to mixed use and non-residential uses.
1	Loss of caravan park site – important in providing affordable holiday accommodation	The site was developed and managed as a caravan park up until 1998 and, despite improvements that were made to the land, the site has not operated as caravan park since that time (refer section 1.2.3.1 of the Scheme Amendment Report).
1	A long term lease at a “peppercorn” rate should be available for the provisions of affordable caravan park holiday accommodation.	Section 1.2.2.1 of the Scheme Amendment Report details the ownership and historical tenure arrangements for Site 1. A lease was granted in March 2000 based on an unimproved market value at the time. The value of the lease arrangement was determined based on an independent valuation and with regard to the need to ensure no bias or unnecessary precedence with other developments on Council owned or managed lands. It is noted that this proposal was not progressed within time limits of the lease arrangements.
1	Development of the type envisaged on the sites is more appropriate to the Outer Harbour project.	Noted.
<b>Site 2: Lot 66 Ocean Drive</b>		
4	Adverse impact to views	Any development on Lot 66 will impact views that are currently enjoyed from surrounding sites given Lot 66 is currently undeveloped. The impact of development on the site in relation to views and height has however been considered. Schedule 2 No. 50 1.1 (c) requires a DAP which will address building height and scale and views to and from the site by limiting the maximum building height to four storeys and a loft, which is consistent with the adjoining hotel and motel sites (e.g. with regard to inland residential areas).
1	Planning & architectural design	State and local government planning policies seek to encourage good urban design outcomes that take account of such things as climate, crime prevention, energy efficiency, universal accessibility, environmental and public health impacts, etc. However, the majority of zoned land in the City is owned and developed by the

<b>Public Submissions</b>		
<b>Frequency of Issue / Concern</b>	<b>Issue / Concern</b>	<b>Comment / Response</b>
		<p>private sector. Subject to compliance with planning and building regulations, private landowners and developers retain primary responsibility for the design, construction, use and maintenance of their premises. The desire to regulate the “style” of buildings must be balanced with what is reasonable, relevant and legally enforceable.</p> <p>The proposal contains detailed statutory provisions for the regulation of both the land use planning process and standards for the development of the sites.</p>
3	Loss of parkland & open space	In relation to the demand for public open space (POS) the Scheme Amendment Report (Figure 15 & Tables 1 & 2) provides a summary analysis of the POS available for passive and active recreation purposes within pedshed distances of the sites. The Scheme Amendment Report notes that while the amount of land dedicated as local level open space is below best practice standards, both sites are situated in immediate proximity to regional open space that may adequately fulfil the role and function of local open space.
4	The land should be left for future generations	Noted.
4	Adverse impact to vegetation & loss of habitat &/or impact to dune system	<p>The habitat and biodiversity characteristics of the sites have been assessed and the sites are considered to be irreparably modified and fragmented by roads and developed land and provide ‘limited ecological function as habitat areas’ (refer 3.1.5 of Scheme Amendment Report). The sites alone are not of sufficient size to warrant protection. WALGA’s <i>Local Government Biodiversity Planning Guidelines for Perth Metropolitan</i> recommends a minimum land size of four hectares for conservation reserves to be viable.</p> <p>In relation to future development of the sites, DAP’s require landscaping within setback areas and between buildings. The Scheme Amendment Report (refer 3.1.5.1) also refers to revegetation of landscaped areas with native plant species (habitat trees).</p>
2	Sea level change	Development in response to sea level change at this time is managed by the Department for Planning and Infrastructure’s Coastal Asset Management section in

Public Submissions																													
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		accordance with the <i>State Coastal Planning Policy (SPP 2.6)</i> , which specifies development setbacks. It is noted that the amendment achieves (refer sections 2.2.3 & 3.2.4.1) the “Coastal Development Setback Guidelines for Physical Processes” specified in SPP 2.6.																											
1	Multistorey development / building height	<p>In relation to multistorey development / building height and scale will be considerations in any DAP submitted for the sites.</p> <p>Height and scale would also be limited through the design process in response to a DIS that may be required as part of any planning application for the sites (refer Scheme Amendment Report Schedule 2 No. 7 - 1.4.3(b), 1.4.4(b),1.4.5(b); &amp; Schedule 2 No. 50 – 1.4.1(b) &amp; 1.4.3(b)), as follows:</p> <table border="1" data-bbox="683 987 1385 1413"> <thead> <tr> <th colspan="3">Development Impact Statement – Height Rqts</th> </tr> <tr> <th>Area</th> <th>Height (from NGL)</th> <th>Storey</th> </tr> </thead> <tbody> <tr> <td colspan="3">Lots 210 &amp; 211</td> </tr> <tr> <td>Western Interface</td> <td>9.0m</td> <td>2+loft</td> </tr> <tr> <td>Central Core</td> <td>15m (17.3m AHD) *</td> <td>4+loft</td> </tr> <tr> <td>Remaining</td> <td>9.0m</td> <td>2+loft</td> </tr> <tr> <td colspan="3">Lot 66</td> </tr> <tr> <td>Eastern Interface</td> <td>9.0m</td> <td>2+loft</td> </tr> <tr> <td>Remaining</td> <td>15m</td> <td>4+loft</td> </tr> </tbody> </table> <p>* Additional height up to 20.3m from AHD may be considered by Council subject to a supportive Development Impact Statement (View Shed Analysis as part of any DAP to the satisfaction of the Local Authority.</p> <p>The Scheme Amendment Report (Context &amp; Site Analysis Plans) also seeks that plot ratio for any proposed development minimises building bulk and protects existing sightlines.</p> <p>Notwithstanding, the amendment recommends building heights well within those limits specified in the <i>State Coastal Planning Policy (SPP 2.6)</i>, which are no higher than five storey (21m) and up to eight storey (32m)</p>	Development Impact Statement – Height Rqts			Area	Height (from NGL)	Storey	Lots 210 & 211			Western Interface	9.0m	2+loft	Central Core	15m (17.3m AHD) *	4+loft	Remaining	9.0m	2+loft	Lot 66			Eastern Interface	9.0m	2+loft	Remaining	15m	4+loft
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<b>Public Submissions</b>		
<b>Frequency of Issue / Concern</b>	<b>Issue / Concern</b>	<b>Comment / Response</b>
		subject to meeting several criteria.
1	No necessity for additional residential land	Up to a maximum 25% residential component of development (including public and private open space, roads, parking, drainage and infrastructure) for each site may be permitted as part of any Development Impact Statement. This is consistent with the recommendations of the Tourism Planning Taskforce Report and the City of Bunbury City Vision Strategy recommendation to facilitate a mix of uses.
3	Traffic	Traffic has been considered in the Scheme Amendment Report (Context & Site Analysis) and will be addressed in any development proposal of the sites with particular regard to streetscaping for enhanced pedestrian and cycling movement; upgrading of pedestrian access and crossings, lighting and signage; restriction of vehicle access from Ocean Drive; and development with active frontages at street level for pedestrian accessibility and amenity. As well, in accordance with Schedule 2 condition 1.1 (e) of the Scheme Amendment Report, a Traffic & Parking Management Plan is required to be prepared and submitted as part of any DAP for any proposed developments on the sites.
1	Noise	In relation to concerns about noise it is acknowledged that there will be an increase in noise generated from the site given it is currently undeveloped. The Scheme Amendment Report (refer 3.2.10.2) recommends the application of conditions militating against potential for nuisance noise as part of any DAP over Lot 66.
11	Crime & nuisance behaviour	<p>Noted.</p> <p>In relation to crime, graffiti and vandalism the Scheme Amendment Report (refer 3.2.11) recommends urban and landscape design components on any DAP are to adequately demonstrate the principles of Crime Prevention Through Environmental Design (CPTED).</p> <p>In order to reduce potential of land use conflict associated with social activities and to ensure greater assimilation of an appropriate mix of uses on the site, it is recommended that the original proposal be modified by removing the "Amusement Parlour" use class from Schedule 2 of the Scheme Amendment.</p>

<b>Public Submissions</b>		
<b>Frequency of Issue / Concern</b>	<b>Issue / Concern</b>	<b>Comment / Response</b>
3	Adverse impacts to pedestrians	In relation to pedestrian safety the Scheme Amendment Report (Context & Site Analysis) seeks particular regard to streetscaping for enhanced pedestrian and cycling movement; upgrading of pedestrian access and crossings, lighting and signage; restriction of vehicle access from Ocean Drive; and development with active frontages at street level for pedestrian accessibility and amenity.
1	Site provides a link to the foreshore from Bunbury High School.	Noted.
1	Conflicts with the high school site.	The Bunbury High School site is reserved as a school and is not in the control of the City of Bunbury but rather is vested with the Department of Education and Training. The potential rezoning and sale of the school site is not part of this proposal.
1	Site should become a resource for the school.	Noted.
1	Loss of open space for school use.	There is no evidence that the proposed Scheme Amendment over Site 2 will result in greater demand for public space in the immediate vicinity of the school. Notwithstanding, in relation to the demand for public open space (POS) the Scheme Amendment Report (Figure 15 & Tables 1 & 2) provides a summary analysis of the POS available for passive and active recreation purposes within pedshed distances of the sites. The Scheme Amendment Report notes that while the amount of land dedicated as local level open space is below best practice standards, both sites are situated in immediate proximity to regional open space that may adequately fulfil the role and function of local open space.
1	Existing zoning should remain as an "Entry Statement" to Tree Street Area.	Noted.

It is noted that no submissions or comments were made regarding the proposed amendments to the Scheme's Schedule 1 - Dictionary of Defined Words and Expressions.

As detailed in the tables above, the concerns and issues that have been raised as they relate to land use planning and development are considered to have been addressed. As such, the

proposed Scheme Amendment is considered to be both technically feasible and acceptable in this regard, and is now ready for final adoption.

### **Councillor/Officer Consultation**

Development Services and other City staff have participated in providing comment on the responses made to the concerns and issues raised during the advertising period.

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

The subject land is proposed for sale. Income received from the sale of the subject land is expected to generate a positive financial return to the City.

### **Economic, Social, Environmental and Heritage Issues**

#### *Economic Issues*

The availability of additional tourism and allied commercial land uses may promote economic development through creation of increased opportunities for accommodation, activities and amenities for visitors to the City.

#### *Social Issues*

A number of social concerns have been raised during the advertising period and they have been address as discussed above.

#### *Environmental Issues*

There are no significant environmental impacts generated by the proposal as discussed above.

#### *Heritage Issues*

There are no impacts to heritage values generated by the proposal.

### **Council Policy Compliance**

There are no relevant Council policies to consider.

### **Legislative Compliance**

A scheme amendment is required to be undertaken in accordance with both the *Planning and Development Act 2005* and the Town Planning Regulations 1967 to amend both the zone of Site 2 and modify or add text in the Scheme's Schedule 2 - Special Use(s) columns for Special Use No. 7 and Special Use No. 50.

### **Delegation of Authority**

The Chief Executive Officer does not have delegated authority of Council to enact a scheme amendment to the Scheme.

### **Relevant Precedents**

Council has previously granted consent to amend the Scheme (e.g. rezone) in order to enable the disposal of surplus Council owned land, specifically in relation to the following sites:

- Lot 66 Ocean Drive (13 February 2007);
- Lot 610 Maiden Park Road (7 December 2004); and
- Lot 779 Lockwood Crescent (8 February 2005).

However, it should be noted that final approval rests with the Minister for Planning and Infrastructure.

### **Options**

Option 1: As per the Recommendation.

Option 2: As per the Recommendation with modifications.

Option 3: Council may elect not to proceed with the proposed Scheme Amendment.

### **Conclusion**

The proposed Scheme Amendment, as it relates to the subject sites (Lots 210 and 211 and Lot 66), is to facilitate a mix of uses that include permanent residential, short stay accommodation and non-residential uses. This proposal is consistent with the City Vision Strategy recommendation, as it will make land available for commercial/tourism development that may benefit the City and its region both socially and economically. The proposal is also consistent with the Council's Strategic Plan.

The Scheme Amendment Report deals with the future development potential of the sites and management of on and off site impacts in detail through a DAP and DIS that require a comprehensive number and variety of pertinent issues to be addressed prior to approval of development. In this regard a large proportion of the issues and concerns that were raised during the advertising period have also been addressed. As well, it is noted that no comments or concerns were raised in relation to the proposed amendments to Schedule 1 of the Scheme. In response to public comments received, the original proposal has been modified by removing the "Amusement Parlour" use class from the Scheme Amendment. This modification will reduce the potential of land use conflict associated with social activities and will ensure greater assimilation of an appropriate mix of uses on the site.

Therefore the proposed Scheme Amendment is considered to be both technically feasible and acceptable, and is now ready for final adoption. Consistent with February and May 2007

resolutions of Council, a business plan outlining the proposed land sales is to be prepared and advertised and the findings reported back to Council.

### **Recommendation**

1. Pursuant to the *Planning and Development Act 2005* (as amended), Council resolves to finally adopt Scheme Amendment No. 17 to the City of Bunbury Town Planning Scheme No. 7 for Schedule 1 – Dictionary of Defined Words and Expressions in accordance with Attachment 5 (**Report Under Separate Cover** to this report).
2. Pursuant to the *Planning and Development Act 2005* (as amended), Council resolves to finally adopt Scheme Amendment No. 17 to the City of Bunbury Town Planning Scheme No. 7 for Lot 210 Holywell Street and Lot 211 Pental Street in accordance with Attachment 6 (**Report Under Separate Cover** to this report).
3. Pursuant to the *Planning and Development Act 2005* (as amended), Council resolves to finally adopt Scheme Amendment No. 17 to the City of Bunbury Town Planning Scheme No. 7 for Lot 66 Ocean Drive in accordance with Attachment 7 (**Report Under Separate Cover** to this report).
4. A Business Plan outlining the proposed sale of Lot 210 Holywell Street and Lot 211 Pental Street and Lot 66 Ocean Drive is to be prepared and advertised pursuant to Section 3.59 of the *Local Government Act 1995* and the findings are to be reported back to Council.

### **Outcome of the Committee Meeting – 20 November 2007**

Cr Kelly foreshadowed a motion for each part of the recommendation to be voted upon separately. His Worship the Mayor advised he would instruct Councillors to do so when appropriate.

After some discussion, Cr Kelly moved, Cr Steck seconded, the recommendation. The Presiding Member put each part of the motion to the vote and it was adopted to become the Committee's recommendation on this issue. For ease of reference the votes are recorded as follows:

- Point 1: 9 Votes "For"/2 Votes "Against"
- Point 2: 6 Votes "For"/5 Votes "Against"
- Point 3: 8 Votes "For"/3 Votes "Against"
- Point 4: 7 Votes "For"/4 Votes "Against"



### **Committee Recommendation**

1. Pursuant to the *Planning and Development Act 2005* (as amended), Council resolves to finally adopt Scheme Amendment No. 17 to the City of Bunbury Town Planning Scheme No. 7 for Schedule 1 – Dictionary of Defined Words and Expressions in accordance with Attachment 5 (Report Under Separate Cover to this report).
2. Pursuant to the *Planning and Development Act 2005* (as amended), Council resolves to finally adopt Scheme Amendment No. 17 to the City of Bunbury Town Planning Scheme No. 7 for Lot 210 Holywell Street and Lot 211 Pental Street in accordance with Attachment 6 (Report Under Separate Cover to this report).
3. Pursuant to the *Planning and Development Act 2005* (as amended), Council resolves to finally adopt Scheme Amendment No. 17 to the City of Bunbury Town Planning Scheme No. 7 for Lot 66 Ocean Drive in accordance with Attachment 7 (Report Under Separate Cover to this report).
4. A Business Plan outlining the proposed sale of Lot 210 Holywell Street and Lot 211 Pental Street and Lot 66 Ocean Drive is to be prepared and advertised pursuant to Section 3.59 of the *Local Government Act 1995* and the findings are to be reported back to Council.

### **AT THE COUNCIL MEETING**

The Manager Development Services tabled a memorandum containing an alternative to the Committee recommendation. A copy of the memorandum is **attached** at Appendix 20.

The alternative recommendation was moved Cr Dillon, seconded Cr Leigh.

The Presiding Member put the motion to the vote and it was adopted to become a Council Decision.

#### **COUNCIL DECISION 239/07**

1. *Council, in accordance with the Planning and Development Act 2005, initiate the proposed amendment to the City of Bunbury Town Planning Scheme No. 7 in accordance with Appendix 6 and 7 to this Local Planning Scheme Amendment Report.*
2. *Subject to endorsement by the Environmental Protection Authority, the proposed amendment to the City of Bunbury Town Planning Scheme No. 7 is to be advertised for public comment with a submission period of no less than forty two (42) days.*
3. *Following public advertising of the proposed amendment to the City of Bunbury Town Planning Scheme No. 7, the proposal and any public submissions lodged with the City during the advertising periods to be returned to Council for further consideration.*

4. *Subject to finalisation of the proposed Scheme Amendment, a Business Plan outlining the proposed sale of Lot 66 Ocean Drive, Lot 210 Holywell Street and Lot 211 Pandal Street is to be prepared and advertised pursuant to Section 3.59 of the Local Government Act 1995.*

**CARRIED**

**10 Votes “For”/2 Votes “Against”**

A request was made for the vote to be recorded.

For:	Mayor D Smith	Against:	Cr Worthington
	Cr Craddock		Cr Slater
	Cr Dillon		
	Cr Whittle		
	Cr Jones		
	Cr Slater		
	Cr Major		
	Cr Kelly		
	Cr Steck		
	Cr Leigh		

**11.7 PROPOSED AMENDMENT TO CLAUSE 4.1.3 PLOT RATIO OF LOCAL PLANNING POLICY “TUART STREET PRECINCT DEVELOPMENT DESIGN GUIDELINES”**

<b>File Ref:</b>	P13254
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Paul Davies, Planning Consultant
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

Council at its meeting on 7 August 2007 resolved to “*authorise Development Services to proceed to amend the current Local Planning Policy titled “Tuart Street Precinct Development Design Guidelines” such that the upper limit of Plot Ratio is 80%”*.”

The proposed amendment to Clause 4.1.3 Plot Ratio of the Local Planning Policy, “Tuart Street Precinct Development Design Guidelines” has been advertised for public comment with the submission period closing on 31 October 2007 and no submissions were received.

In terms of planning issues the subject area is generally comparable to the Marlston Hill area which is bound by the provisions of an LPP which allows a maximum plot ratio of 80%. It is considered that the Tuart Street area is similar to the Marlston Hill residential precinct in terms of general townscape considerations and geographical linkages to the CBD.

It is recommended that Council approve the proposed amendment to Clause 4.1.3 of the LPP titled “Tuart Street Development Design Guidelines” to allow an increased plot ratio (from 0.65 to 0.8)

**Background**

Council at its meeting on 7 August 2007 resolved under and by virtue of the powers conferred upon it in that behalf pursuant to the *Planning and Development Act 2005* as follows;

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

2. *To authorise Development Services to proceed to amend the current Local Planning Policy titled "Tuart Street Precinct Development Design Guidelines" such that the upper limit of Plot Ratio in is 80%.*

In accordance with part 2 of the Council resolution outlined above a proposed amendment to clause 4.1.3 Plot Ratio of the Local Planning Policy titled "Tuart Street Precinct Development Design Guidelines" has been advertised for public comment.

The submission period for the proposed amendment closed on 31 October 2007 and no submissions were received.

### **Proposal**

It is proposed to amend Clause 4.1.3, Plot Ratio of the Local Planning Policy (LPP), Tuart Street Precinct Development Design Guidelines" to increase the maximum plot ratio requirement from 0.65 to 0.8.

It has been noted that there is a level of conflict between the provisions of the LPP and Town Planning Scheme No 7 in terms of the matter of plot ratio. The LPP specifies a maximum plot ratio of 65% which is in conflict with the Residential Design Codes 2002 (RDC) which generally states that the matter of plot "plot ratio" per se is "not applicable" where the density coding is R40.

Town Planning Scheme No 7 states (Clause 2.2.1) "if provision of a Local Planning Policy is inconsistent with the scheme, the Scheme prevails". It is considered that, in that the RDC is a higher order Policy than the adopted LPP, the RDC should prevail, and particularly in that it is an integral part of the Scheme.

Also, it should be noted that Council is not specifically bound by precise provisions of the LPP. In this regard the Scheme states: "a Local Planning Policy is not part of the Scheme and does not bind the local government in respect to any application for planning approval but the local government is to have due regard to the provision of the Policy and the objectives which the Policy is designed to achieve before making it determination".

On this basis, the Council previously approved an increased plot ratio of 0.8 for planning approval for a new residence at Lot 420 Tuart Street, Bunbury.

In terms of planning issues the subject area is generally comparable to the Marlston Hill area which is bound by the provisions of an LPP which allows a maximum plot ratio of 80%. It is considered that the Tuart Street area is similar to the Marlston Hill residential precinct in terms of general townscape considerations and geological linkages to the CBD.

It is therefore considered appropriate to allow a higher plot ratio for the Tuart Street Precinct area. It is recommended that Council approve the proposed amendment to Clause 4.1.3 of the LPP titled "Tuart Street Development Design Guidelines" to allow an increased plot ratio (from 0.65 to 0.8).

A copy of modified LPP titled “Tuart Street Development Design Guidelines” is **attached** at Appendix 2. A location plan is **attached** at Appendix 3.

### **Strategic Outcomes**

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

### **Community Consultation**

The proposed amendment to clause 4.1.3 Plot Ratio of the Local Planning Policy titled “Tuart Street Precinct Development Design Guidelines” has been advertised for public comment with submission period closing on 31 October 2007 and no submissions were received.

### **Applicant Consultation**

Not applicable in this instance.

### **Councillor/Officer Consultation**

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

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

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

### **Economic, Social, Environmental and Heritage Issues**

#### Economic

Economic impact, however marginal, would be positive.

#### Social

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

#### Environmental

Not relevant.

#### Heritage

There are no heritage issues relative to the proposed development.

### **Council Policy Compliance**

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

### **Legislative Compliance**

The proposed amendment to the LPP is in accordance with the requirements of the City of Bunbury, Town Planning Scheme No 7 under the Planning and Development Act 2005.

### **Delegation of Authority**

Delegation of authority does not apply in this instance.

### **Relevant Precedents**

There are no known precisely relevant precedents in this instance

### **Options**

Option 1: Per the recommendation listed in this report.

Option 2: Should Council determine not to resolve to approve the proposed amendment to increase the plot ratio from 0.65 to 0.8, 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 not to amend Clause 4.1.3 Local Planning Policy titled Tuart Street Precinct Development Design Guidelines" for the following reasons; (Reasons to be determined by Council as part of deliberations)."*

### **Conclusion**

Council at its meeting on 7 August 2007 resolved to *"authorise Development Services to proceed to amend the current Local Planning Policy titled "Tuart Street Precinct Development Design Guidelines" such that the upper limit of Plot Ratio in is 80%"*.

The proposed amendment to Clause 4.1.3 Plot Ratio of the Local Planning Policy, Tuart Street Precinct Development Design Guidelines" has been advertised for public comment with the submission period closing on 31 October 2007 and no submissions were received.

In terms of planning issues the subject area is generally comparable to the Marlston Hill area which is bound by the provisions of an LPP which allows a maximum plot ratio of 80%. It is considered that the Tuart Street area is similar to the Marlston Hill residential precinct in terms of general townscape considerations and geological linkages to the CBD.

It is recommended that Council approve the proposed amendment to Clause 4.1.3 of the LPP titled "Tuart Street Development Design Guidelines" to allow an increased plot ratio (from 0.65 to 0.8)

**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 (following advertising) to amend Clause 4.1.3 of the Local Planning Policy titled "Tuart Street Precinct Development Design Guidelines" to increase the maximum plot ratio from 0.65 to 0.8 and advertise the amendment in accordance with the requirements of TPS 7 in respect of final public notification.

**Outcome of the Committee Meeting – 20 November 2007**

Cr Craddock moved, Cr Leigh seconded, the recommendation.

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

**Committee Recommendation**

Council, under and by virtue of the powers conferred upon it in that behalf pursuant to the *Planning and Development Act 2005*, hereby resolves (following advertising) to amend Clause 4.1.3 of the Local Planning Policy titled "Tuart Street Precinct Development Design Guidelines" to increase the maximum plot ratio from 0.65 to 0.8 and advertise the amendment in accordance with the requirements of TPS 7 in respect of final public notification.

**AT THE COUNCIL MEETING**

The Committee recommendation was moved Cr Major, seconded Cr Jones

The Presiding Member put the motion to the vote and it was adopted to become a Council Decision.

**COUNCIL DECISION 240/07**

*Council, under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005, hereby resolves (following advertising) to amend Clause 4.1.3 of the Local Planning Policy titled "Tuart Street Precinct Development Design Guidelines" to increase the maximum plot ratio from 0.65 to 0.8 and advertise the amendment in accordance with the requirements of TPS 7 in respect of final public notification.*

**CARRIED**

**12 Votes "For"/Nil Votes "Against"**

## **11.8 COMBINED WORKS DEPOT SITE LOCATION**

<b>File Ref:</b>	F00080
<b>Applicant/Proponent:</b>	City of Bunbury
<b>Author:</b>	Michael Scott, Executive Manager City Services
<b>Executive:</b>	Michael Scott, Executive Manager City Services

### **Summary**

Council approval is sought for its Avenue site to be redeveloped as the combined customer service, administration and storage site for the City's Construction, Maintenance and Parks Operations.

Council approval is also sought for the City's Waste Services to relocate its administration and recycling activities to the McCombe Road site vacated by co-locating the Parks Operations at Nuytsia Avenue.

This proposal would allow for the commencement of a strategic implementation plan to be costed for Council's consideration.

### **Background**

Council originally established its Depot at Nuytsia Avenue, Carey Park in 1954. Requirements for storage and the nature of Council's outdoor activities have changed considerably since that time. There is no longer a requirement for Council to own and store large road building plant and equipment. In the main, Council's plant currently consists of utilities and trailers for portage of maintenance equipment. Large plant is sourced on an as required basis with economic benefits arising from this strategy. A road repair truck and a general purchase truck from part of Council's maintenance fleet.

Parks maintenance vehicles are of a similar nature although a slasher tractor and two large mowers form part of its infrastructure.

In 1991, Council resolved to separate the Parks and Depot functions as part of the Business Unit implementation process. This decision effectively created two cultures and workforces which may have been appropriate for that time however the opportunity for improvement and achieving efficiency gains from an integrated workforce are now available. A combined outdoor workforce can deliver synergies through the possibility of a multi-skilled workforce and deployment based on Council work priorities during peak demand times.

Both the teams at Parks and the Depot have been engaged in a team building and work culture development programme that has delivered improvements in efficiency and productivity for the City. All the outdoor employees have been consulted and have indicated willingness for the co-location to proceed. Council's outdoor employees see the opportunities for personal skill development to occur through an integrated approach to the skills required across the broader outdoor workforce.



Waste Services has three large and two smaller trucks that commence their weekday run at 0600. In addition, the Council has met legislative requirements to provide recycling facilities for hazardous household materials, oils, batteries, paper products and plastics to reduce the amount of this material going to landfill. By relocating these functions to the appropriate LIA area in which the McCombe Road site is located, the nature of the depot requirement at Nuytsia Avenue becomes administrative and storage based. Waste Services staff commences work and finishes earlier than general depot and parks staff. Their attendance at team building functions occurs at the Nuytsia Avenue site and this arrangement will continue. Waste Services employees have also been consulted on this proposal and are supportive of it. Beach cleaning rakes and the prime mover tractor also form part of the Waste Services fleet.

The location of Waste Services at the McCombe Road site would require the construction of a suitable vehicle wash down facility and bunding for deposited recyclable and household hazardous material. The development of Waste Services functions and a transfer station in particular would be for separate Council consideration however the McCombe Road site in the Halifax LIA is a suitable location should any such proposal be acceptable to it.

Council identified the need to upgrade its substandard depot and parks facilities and staff amenities as long ago as 15 years. A modern, purpose built facility is required to attract and retain key personnel in a highly competitive recruitment environment. While the outdoor workforce is primarily engaged at locations around the city, key planning, training and communication activities occur at the Depot. Currently Parks works supervisors travel to the Nuytsia Avenue site to undertake these activities. Co-location of key outdoor works planners and supervisors will benefit the City and give it better capacity to deliver its maintenance and building services.

A review of all Council's land assets has been completed. An extensive analysis of possible sites and strategies for achieving an amalgamated workforce and enabling co-location of Council's outdoor workforce has also been undertaken. Many alternative and potential sites have been explored without success. Private landholdings such as the Palmer Street site(s) and discussions with Main Roads and the Port Authority regarding land availability were undertaken. All alternative suggestions have been explored and analysed when these have been presented.

In Council's 2006 five year plan, \$3.0M was assigned for the development of a combined depot facility. Originally, Council had received a report that indicated a cost of \$8.2M for development of a site in Halifax that is now not available. \$8.2M is considered too expensive for what is required. An estimate appraisal undertaken by Council staff shows that a programme over three years could see a new facility developed at Nuytsia Avenue for the budgeted amount of \$3M with Council employees supervising the programme of works.

However, a fully developed and QS costed strategy would need to be prepared for Council's consideration once the site has been determined.

Material relating to the process undertaken for selection of the recommended site, sites considered for appraisal, and additional relevant information and preliminary costings are included in a Confidential Report which has been circulated under separate cover.

### **Strategic and/or Regional Outcomes**

The development of the Nuytsia Avenue site is consistent with Council's stated aim of providing efficient and high quality maintenance services. Its location is central to delivery of these services.

Redevelopment of the Nuytsia Avenue site would improve the local amenity for properties adjacent to it compared with that which is currently there.

The proposal is consistent with the City Vision "Triple Bottom Line" sustainability approach towards addressing environmental, economic and social factors.

The SES has a storage compound and building at the Ecclestone Street (Eastern) end of the Nuytsia Avenue site. The SES has previously been advised by Council of the intention for them to vacate however an exact date for this to occur has not yet been agreed to. Alternative storage facilities are available for the SES at the corner of SW highway and Robertson Drive.

### **Community Consultation**

No concerns have been received from adjacent property owners. Since its establishment in 1954, adjacent property owners have purchased their place in the knowledge that it was close to a depot facility.

Community information processes will be undertaken in accordance with Council's policies and guidelines if the proposed site is accepted. It will be recommended that a Council appointed Project Control Group is established to oversee and assist with this process.

### **Councillor/Officer Consultation**

The proposal has been discussed and endorsed by Executive and the City Services Management Team. All Waste, Depot, Parks and Construction employees have been appraised of the proposal and are supportive of it.

A Council Briefing on the proposal was held on Tuesday 13<sup>th</sup> November 2007. A copy of the material presented is included in the attachments. Some Councillors requested copies of background and analysis information. This has been provided to all Councillors in the Confidential Attachments because the package contains information that is commercial in confidence.

A chronology of actions relating to the development of a depot facility is provided in the attached package of confidential information, including indicative costs and when detail has been provided to Council by way of information or in the form of a briefing presentation.

**27 November 2007**  
**Minutes - Council Meeting**

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A chronology of activity on the proposed redevelopment of the Depot, commencing in 2001 is as follows:

**2001**

The Western Power Depot in Picton is recommended as a possible site for a new Council Depot.

**2003**

Council resolved (May 2003) for a report to be prepared on alternative Depot locations.

Council resolved (October 2003) that the Nuytsia Ave site is deleted from further consideration and expressions of interest be sought from consultants to report on a needs analysis for a new Depot.

Consultants were engaged (Dec 2003) to undertake a Depot relocation report

**2004**

Councillor suggested that a private property in Allnut Court, Davenport be investigated as a possible Depot Site. This was also considered not to be viable.

In Feb 2004 SES was advised that Council would require their facilities to be relocated from the Nuytsia Ave site in the future, possibly 2007.

Consultant's first report was received in Feb 2004, which examined seven possible Depot sites. The undeveloped Bunbury Business Park site in Halifax was recommended.

Council requested a further costed consultant's report in June 2004 and received August 2004.

Council resolved (6 July 2004) to approve lots 212, 213, 217, 218, and 219 Halifax Drive and 210, 211, 220 and 222 Mason Street in Bunbury Business Park as the site of a new Depot.

In November 2004, the cost estimate for a Depot at the Halifax Drive site would be over \$8.0M however the budget was nominally \$4.0M over 5 years.

**2005**

The concept of combining the Works and Parks operations at one depot was re-introduced in January 2005.

A staff working group met in March 2005 to examine the proposal to purchase the ex-Main Roads site for a Depot. Preliminary feasibility plans for the Main Roads Site (July 2005) were assessed. (This site required purchasing and was considered not suitable when layout possibilities were assessed.)

The staff working group chair advised in November 2005 of an investigation into another possible Depot Site held by a private owner, at the recommendation of a Councillor.

Preliminary layout plans for the Nuytsia Ave site were prepared in October 2005 to assess Council's operational requirements and to conduct preliminary cost analysis.

Manager Parks briefed Councillors (15 November 2005) of a recommendation to develop proposals for the Nuytsia Ave site.

## **2006**

Following the briefing, a further study was requested to investigate a suitable alternative Depot Site in Bunbury that was achievable within budget.

Council's adopted 5 year strategic plan and financial model included \$3.0M for the development of a combined depot facility. The first instalment of \$1.6M was included in Council's adopted FY2007/2008 budget.

## **2007**

A briefing was held for Council (April 2007) on five possible Depot Sites, selected from a search through all Councils landholdings. Of the five assessed, the report supported Nuytsia Ave as the preferred site.

As a result of this briefing, further analysis was requested by Council to eliminate any sites under other consideration, undertake discussions with the Port Authority with regard to a site it may have had available and to make a recommendation to Council. This process was completed with a recommendation presented at the briefing on 13 November 2007.

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

The original proposal to develop the Halifax site for in excess of \$8.0M is considered to be unnecessary and too costly.

Council's endorsed strategic plan has \$1.6M in FY 2007/8 and \$1.3 M in FY 2008/9 for the construction of a new combined depot facility. A budget of for \$100K development costs has also been included in Council's endorsed FY 2007/08 budget.

In Council's 2006 five year plan, \$3.0M (combination of the figures above) was assigned for the development over two years. The recommended Halifax site at a cost to develop of over \$8.0M is no longer available. An estimate appraisal undertaken by Council staff shows that a programme over three years could see a new facility developed at Nuytsia Avenue for the budgeted amount of \$3M with Council employees supervising the programme of works.

The development of a comprehensive strategic implementation and architectural plans would be sought through Council's tendering processes utilizing the budgeted development costs.

### **Economic, Social, Environmental and Heritage Issues**

There are no known heritage issues.

The Nuytsia Avenue site (Lot 37 Ecclestone Street) has been registered on the Department of Environment and Conservation's inventory of contaminated sites. Following investigation into site contaminants, a consultants report to this effect has previously been received by Council. Redevelopment of the site would be consistent with its current classification as a municipal depot. Sale of the site for another use would result in the requirement to rehabilitate and rezone it for that use. This could be undertaken by the purchasing party.

Development would proceed in accordance with all environmental, planning and Council principles and policies.

There are economic benefits from having a centrally located depot facility. The current old infrastructure at the Nuytsia Avenue site would be replaced with an amenity more in keeping with the nature of the surrounding suburb. It is intended that redevelopment would ensure that no elements of the old infrastructure would remain.

While the benefits of not having Waste and Recycling services located at the site can be demonstrated, there may be local community members who object to the redevelopment of the Nuytsia Avenue depot site as a matter of opinion. It is for this reason that the provision of community information will be undertaken as part of the implementation process.

### **Council Policy Compliance**

The proposal is consistent with all applicable Council policies.

### **Legislative Compliance**

There is no known legislative compliance. The zoning classification of the Nuytsia Avenue site is "Municipal Depot."

### **Delegation of Authority**

The Chief Executive Officer does not have delegated authority on this matter.

### **Relevant Precedents**

Council has previously redeveloped sites within its jurisdiction (Chambers and Administration building, new Regional Library).

Council has previously moved elements of its operations as needs dictate (Parks to McCombe Road).

### **Options**

- 1 Council approves the Nuytsia Avenue Depot site for redevelopment as a combined Parks, Construction and Maintenance facility and QS costed implementation plans and designs be developed for Council's further consideration before the end of FY 2007/08.
- 2 Council does not support the recommendation to redevelop the Nuytsia Avenue site and an independent report that investigates alternative locations is prepared for Council's consideration by the end of FY 2007/08.
- 3 Council does not support the recommendation.

### **Conclusion**

Council is requested to support redevelopment of the Nuytsia Avenue Depot and to co-locate its Parks and Depot functions at this site in an appropriate and functional, purpose built facility. Waste and Recycling Services would then move to the light industrial location at the McCombe Road site to obviate the impact of their vehicle movements and activities on the community adjacent to the Nuytsia Avenue site.

Acceptance of the Nuytsia Avenue recommendation site would trigger the development and costing of a strategic implementation plan to achieve this.

### **Recommendation**

Council approves the Nuytsia Avenue Depot site for redevelopment as a combined Parks, Construction and Maintenance facility and QS costed plans for implementation be developed for Council's further consideration before the end of FY 2007/08.

### **Outcome of the Committee Meeting**

During discussion Cr Steck moved the following alternative recommendation which was seconded by Cr Kelly:

*"Council advertise for tenders to provide provisions from land owners to develop and supply land and specific buildings to Council requirements to supply and facilitate a waste transfer station, operate and house Council depot that shall include ablution blocks, office, canteen and storage facilities with a 10-year lease proposed with a 5 year option to renew. All tenders should provide annual rent rates and plan overview."*

The Presiding Member put the amendment to the vote, but it was defeated 4 Votes "For"/7 Votes "Against".

Discussion resumed on the original recommendation which was moved Cr Craddock, seconded Cr Leigh.

During discussion, the Presiding Member suggested the recommendation be amended to read as follows:

- “1. Council approves in principle the Nuytsia Avenue Depot site for redevelopment as a combined Parks, Construction and Maintenance facility and QS costed plans for implementation be developed for Council’s further consideration before the end of FY 2007/08.
2. Council immediately begin community consultation in relation to the “in principle” decision made in point 1 above.”

The mover and seconder agreed to amend their recommendation accordingly.

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

### **Committee Recommendation**

1. Council approves in principle the Nuytsia Avenue Depot site for redevelopment as a combined Parks, Construction and Maintenance facility and QS costed plans for implementation be developed for Council’s further consideration before the end of FY 2007/08.
2. Council immediately begin community consultation in relation to the “in principle” decision made in point 1 above.
3. Executive staff begin preparation of a project plan for the development of the new depot and the transfer of Waste Services to the McCombe Road facility.

### **AT THE COUNCIL MEETING**

The recommendation was moved Cr Craddock, seconded Cr Major.

During discussion, an amendment to the Committee recommendation was moved Cr Dillon to read as follows:

1. Council immediately begin community consultation in relation to the “in principle” decision made in point 2 below.
2. Council approves in principle the Nuytsia Avenue Depot site for redevelopment as a combined Parks, Construction and Maintenance facility and QS costed plans for implementation be developed for Council’s further consideration before the end of FY 2007/08.
3. Executive staff begin preparation of a project plan for the development of the new depot, and the transfer of Waste Services and recycling facilities to the McCombe Road site.

The Mayor put the amendment to the vote and it was adopted to become a Council Decision.

**COUNCIL DECISION 241/07**

1. *Council immediately begin community consultation in relation to the “in principle” decision made in point 2 below.*
2. *Council approves in principle the Nuytsia Avenue Depot site for redevelopment as a combined Parks, Construction and Maintenance facility and QS costed plans for implementation be developed for Council’s further consideration before the end of FY 2007/08.*
3. *Executive staff begin preparation of a project plan for the development of the new depot, and the transfer of Waste Services and recycling facilities to the McCombe Road site.*

**CARRIED**

**8 Votes “For”/4 Votes “Against”**

A request was made for the vote to be recorded.

For:	Mayor D Smith	Against:	Cr Steck
	Cr Craddock		Cr Kelly
	Cr Dillon		Cr Jones
	Cr Major		Cr Slater
	Cr Whittle		
	Cr Leigh		
	Cr Worthington		
	Cr Rooney		



**11.9 REPORT ON STRATEGIC ACTIVITIES FOR PERIOD 1 JULY 2006 TO 30 JUNE 2007**

<b>File Ref:</b>	A00836
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Fiona Wood, Administration Assistant Corporate Services
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

**Summary**

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

A report on strategic activities identified in the Strategic Plan for the period March 2007 to September 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 headings in the Strategic Plan as follows:

1. Improve relationships with state, federal and other local government authorities
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 September 2007 be received.

**Outcome of the Committee Meeting – 20 November 2007**

After several queries from Cr Kelly were answered by Executive Manager Corporate Services, Cr Jones moved, Cr Rooney seconded, the recommendation.

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 September 2007 be received.

**AT THE COUNCIL MEETING**

The Committee recommendation was moved Cr Major, seconded Cr Jones.

The Presiding Member put the motion to the vote and it was adopted to become a Council Decision.

**COUNCIL DECISION 242/07**

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

**CARRIED**

**11 Votes “For”/Nil Votes “Against”**

**11.10 ASSIGNMENT OF LEASE - BUNBURY CITY TRANSIT/SOUTH WEST COACH LINES, PORTION LOT 5 CARMODY PLACE, BUNBURY**

<b>File Ref:</b>	F00049
<b>Applicant/Proponent:</b>	David Bernard Adams and Lenita Beverly Adams - Proprietors of Bunbury City Transit
<b>Author:</b>	John Beaton, Manager Administration & Property Services
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

**Summary**

David and Lenita Adams - the proprietors of Bunbury City Transit and South West Coach Lines - make application to assign their lease over a portion of Lot 5 Carmody Place (Old Railway Station Complex) to Veolia Transport WA Pty Ltd ("VTA"). Mr and Mrs Adams have agreed to sell their interest in the South West Coach Lines and Bunbury City Transit to VTA and the transaction is anticipated to be finalised in December 2007.

VTA understands that the assignment will be for the remaining tenure of the lease with no change to existing lease terms and conditions. The "permitted use" of the lease i.e., booking office and driver's rest room, will not change and VTA has indicated it will continue to operate South West Coach Lines and Bunbury City Transit in much the same manner as present.

In a letter dated 14 November 2007, Mr and Mrs Adams provided the names of directors of Veolia Transport WA Pty Ltd ("VTA") for Council information. These names are listed in the Confidential Report that has been circulated to meeting members under separate cover. The letter also states that VTA operates a number of large public transport businesses (e.g., rail, bus, light rail and monorail) throughout Australia and New Zealand and has over 3,500 employees. In Western Australia, Veolia's sister company owns the business known as Southern Coast Transit based in Fremantle which operates 300 buses.

**Background**

In the mid-1980's the Council agreed to give an undertaking to the State Government that it would establish a bus station and bus parking area in Bunbury on the basis that the City would not be involved in any ongoing arrangements for financial support of the bus service (the proposed assignment of the lease retains this condition)

Bunbury City Transit has held the lease over portion of the Old Railway Station Complex in Carmody Place since January 1986.

The existing lease conditions provide the City with the opportunity to monitor and assess the suitability of the site as a bus station. Should the Council require relocation of the bus station at any time, the proposed Assignee will be entitled to seek Council's consideration to re-negotiate the terms of its lease (for the new location). The new location will need to be

chosen by the city in line with the State Government's requirement for the City to provide a bus station in Bunbury.

### **Land Details**

The Old Railway Station Complex is situated on portion of Old Bunbury Lot 678 being Lot 5 on diagram 71676 and being the whole of the land comprised within Certificate of Title Volume 1764 Folio 155. A location and site map are **attached** at Appendix 14.

### **Existing Lease Details**

Current Lessees ( <i>have held the lease since 1986</i> ):	David Bernard Adams & Lenita Beverly Adams t/as Bunbury City Transit/South West Coach Lines
Latest Renewed Lease Term Commenced:	1 July 2006
Renewed Term:	Four (4) years with a further two (2) year option
Expiry Date:	30 June 2010
Rental:	\$22,873 per annum (inc. GST) indexed to the CPI
Rent Review:	30 June 2009
Outgoings:	Responsibility of the Lessee (includes power and telephone charges)
Insurance:	Lessee to maintain Public Risk Insurance and General Insurance on the premises. Public liability to be set at \$10(M).
Document Preparation Costs:	Lessee to pay the full costs of documentation, registration and advertising.
Special Conditions:	If relocation of the bus station is required by Council then the Lessee will be given the option of renegotiating the terms and conditions of the lease.

### **Strategic and/or Regional Outcomes**

The proposal complies with Council's 2007-2012 Strategic Plan Strategy 2.4 which states that the City "*will develop a Property Strategy that benefits the City's residents, businesses, community and sporting organisations*", and Strategy 3.2 which states: "*Develop and maintain an integrated and sustainable approach to transport with reference to road hierarchy, traffic management, public transport, cycleways and dual-use paths.*"

### **Community Consultation**

The proposal to grant an assignment of the 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 the applicant and have mutually agreed on the terms and conditions of the assignment.

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

The Lessee is responsible to pay the full costs of documentation, registration and advertising of the assignment.

### **Economic, Social, Environmental and Heritage Issues**

#### *Economic Issues*

The proposal supports the economic importance of providing public transport to the City and the Greater Bunbury Region.

#### *Social Issues*

Bunbury City Transit provides a travel option for many people to access parts of Bunbury and surrounding areas.

#### *Environmental Issues*

There are no environmental issues to consider at this time.

#### *Heritage Issues*

The Old Railway Station complex is listed on the City of Bunbury Municipal Inventory and has an interim listing on the National Trust Register. The proposal to assign the lease does not conflict with the building heritage classification.

### **Council Policy Compliance**

There is no Council policy concerning leasing of Council buildings.

### **Legislative Compliance**

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

### **Delegation of Authority**

The Chief Executive Officer has the delegated authority of the Council to negotiate the terms of an application for assignment of a lease provided the settled term and conditions are presented to Council for approval 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 proceed with preparation and signing of the assignment document.

### **Relevant Precedents**

Mr and Mrs Adams (t/as Bunbury City Transit) have satisfactorily operated from the premises since January 1986 with Council approving renewal of the lease on many occasions since that time. Lease terms have been restricted to shorter terms i.e., 2 to 4 years, due to a pending review of the use of the Old Railway Station Complex.

### **Options**

Option 1: Per the recommendation listed in this report (amended if required by Council Members)

Option 2: Council may opt not to assign the lease over portion of City of Bunbury Freehold Lot 5 Carmody Place, Bunbury to the new proprietors of Bunbury City Transit - Veolia Transport WA Pty Ltd.

### **Conclusion**

The existing Lessees have leased the site since 1986 and have at all times satisfactorily fulfilled the obligations and responsibilities required under their lease with the City.

The proposed assignee operates a number of large public transport businesses throughout Australia and New Zealand. Its sister company owns the business Southern Coast Transit based in Fremantle. The terms and conditions of the assignment will not change and the service is expected to continue with a strong 'business as usual' approach.

### **Recommendation**

Council agrees to assign the lease over portion of City of Bunbury Freehold Lot 5 Carmody Place, Bunbury, to Veolia Transport WA Pty Ltd ("VTA") such assignment to commence upon conclusion of VTA's purchase of Bunbury City Transit and South West Coach Lines from the current owners (D B & L B Adams). The assignment is to be for the remainder of the tenure of the lease with no change to the existing lease terms or conditions and to be subject to the following:

1. The intention to assign the lease to be advertised locally in accordance with Section 3.58 of the Local Government Act 1995 by providing notice on the Public Notice Board at the City's Administration Centre/libraries and in the 'City Update Column' of the Bunbury Mail.
2. Subject to no objecting submissions being received, the Chief Executive Officer is authorised to undertake preparation and execution of the assignment documents.
3. The Lessee to pay full costs of documentation, registration and advertising.

**Outcome of the Committee Meeting – 20 November 2007**

Cr Craddock moved, Cr Slater seconded, the recommendation.

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 assign the lease over portion of City of Bunbury Freehold Lot 5 Carmody Place, Bunbury, to Veolia Transport WA Pty Ltd ("VTA") such assignment to commence upon conclusion of VTA's purchase of Bunbury City Transit and South West Coach Lines from the current owners (D B & L B Adams). The assignment is to be for the remainder of the tenure of the lease with no change to the existing lease terms or conditions and to be subject to the following:

1. The intention to assign the lease to be advertised locally in accordance with Section 3.58 of the Local Government Act 1995 by providing notice on the Public Notice Board at the City's Administration Centre/libraries and in the 'City Update Column' of the Bunbury Mail.
2. Subject to no objecting submissions being received, the Chief Executive Officer is authorised to undertake preparation and execution of the assignment documents.
3. The Lessee to pay full costs of documentation, registration and advertising.

**AT THE COUNCIL MEETING**

The Committee recommendation was moved Cr Major, seconded Cr Slater.

The Presiding Member put the motion to the vote and it was adopted to become a Council Decision.

**COUNCIL DECISION 243/07**

*Council agrees to assign the lease over portion of City of Bunbury Freehold Lot 5 Carmody Place, Bunbury, to Veolia Transport WA Pty Ltd ("VTA") such assignment to commence upon conclusion of VTA's purchase of Bunbury City Transit and South West Coach Lines from the current owners (D B & L B Adams). The assignment is to be for the remainder of the tenure of the lease with no change to the existing lease terms or conditions and to be subject to the following:*

1. *The intention to assign the lease to be advertised locally in accordance with Section 3.58 of the Local Government Act 1995 by providing notice on the Public Notice Board at the City's Administration Centre/libraries and in the 'City Update Column' of the Bunbury Mail.*

2. *Subject to no objecting submissions being received, the Chief Executive Officer is authorised to undertake preparation and execution of the assignment documents.*
3. *The Lessee to pay full costs of documentation, registration and advertising.*

**CARRIED**

**12 Votes “For”/Nil Votes “Against”**



## 11.11 YEAR 2008 COUNCIL MEETING SCHEDULE

<b>File Ref:</b>	A00221
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Fiona Wood, Administration Assistant
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

### Summary

This report is submitted in order for Council to consider and adopt a Council Meeting Schedule for 2008.

#### Option 1:

At the Council Meeting of 22 May 2007, Council adopted:

*COUNCIL DECISION 102/07*

*As of January 2008, the Bunbury City Council to adopt a new policy regarding the Council recesses that allows for only two recesses per year in the annual meeting schedule, rather than the current four recesses.*

CARRIED

10 Votes "For" / Nil Votes "Against"

A meeting schedule reflecting this decision (Option 1) is **attached** at Appendix 15.

#### Option 2:

Council may wish to consider holding three recesses during the year. A meeting schedule (Option 2) is **attached** at Appendix 16.

#### Option 3:

Council may wish to adopt a similar meeting schedule as per past years, containing four Council recesses. A meeting schedule (Option 3) is **attached** at Appendix 17.

### Background

Pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996, at least once a year a local government is to give local public notice of the dates on which it intends to hold its Council Meeting over the ensuing 12-month period. Likewise, the Local Government must also advertise Committee Meetings that will be open to the public.

### **Strategic and/or Regional Outcomes**

Councillors had a six (6) week recess over the 2006/07 Christmas/New Year period with no disruption to the City's services, and the first meeting Agenda in February 2007 contained thirteen (13) items.

This issue fits within the confines of Strategic Objective 2, Strategy 2.1: "To provide an open forum for decision making."

### **Community Consultation**

No community consultation is required as general services provided to City of Bunbury customers will not be affected by the proposal. Should a situation arise which requires a Council decision, a Special Meeting of Council may be convened at any time.

### **Councillor/Officer Consultation**

All Councillors and Council Officers have been consulted in relation to the proposal.

The recess periods will pose no restrictions on Councillor activities, other than the absence of Ordinary Council and Council Committee Meetings.

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

The City's Budget will be not be affected by the proposal.

### **Economic, Social, Environmental and Heritage Issues**

There are no Economic, Social, Environmental or Heritage issues associated with this proposal.

### **Council Policy Compliance**

The proposal does not contravene any existing Council Policies or Work Procedures.

### **Legislative Compliance**

The proposal complies with Regulation 12 of the Local Government (Administration) Regulation 1996 and does not contravene Council's Standing Orders Local Law.

The Department of Local Government confirms there are no legislative requirements applicable to the setting of a recess period other the Section 5.3(2) of the Local Government Act 1995, which state in part that: "*Ordinary Meetings are to be held not more than 3 months apart.*" As can be seen from the proposed schedule of meetings, this requirement has been met.

### **Delegation of Authority**

The Chief Executive Officer has not been delegated the authority to set the annual schedule of Council Meetings.

### **Relevant Precedents**

Council have adopted similar Council Committee and Council Meeting schedules including periodic recesses throughout the year since 1999.

### **Options**

Option 1: Council adopt the ordinary meeting schedule for 2008 for the period 1 January 2008 – 31 December 2008 containing only two recess periods during the year.

This option, providing for two recesses during the year, complies with the Council decision of 22 May 2007.

Option 2: Council adopt the ordinary meeting schedule for 2008 for the period 1 January 2008 – 31 December 2008 containing three recess periods during the year.

This option provides for three recesses during the year in comparison to four recesses in previous years, and provides a more family friendly work practice for both Elected Members and Staff.

Option 3: Council adopt the ordinary meeting schedule for 2008 for the period 1 January 2008 – 31 December 2008 containing four recess periods during the year.

### **Conclusion**

Council is required to adopt its meeting schedule in order to comply with the legislative requirement of giving notice of the dates and times of its proposed meetings.

The recommended Option 1 was preferred by Council at its Council Meeting 22 May 2007, however, the current Council may wish to consider Option 2 or Option 3 to suit their personal circumstances during the 2008 year.

### **Recommendation**

#### *Option 1*

*Council adopt and give local public notice that Ordinary Meetings of the Bunbury City Council and Council (Standing) Committee will take place in the Council Chamber, 4 Stephen Street, Bunbury, commencing at 6.00pm on the following dates during the year 2008:*

**27 November 2007**  
**Minutes - Council Meeting**

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<i>Council Standing Committee</i>	<i>Council Meeting</i>
<i>29 January 2008</i>	<i>5 February 2008</i>
<i>19 February 2008</i>	<i>26 February 2008</i>
<i>11 March 2008</i>	<i>18 March 2008</i>
<i>1 April 2008</i>	<i>8 April 2008</i>
<i>22 April 2008</i>	<i>29 April 2008</i>
<i>13 May 2008</i>	<i>20 May 2008</i>
<i>3 June 2008</i>	<i>10 June 2008</i>
<i>24 June 2008</i>	<i>1 July 2008</i>
<i>2 Weeks Council Recess</i>	
<i>29 July 2008</i>	<i>5 August 2008</i>
<i>19 August 2008</i>	<i>26 August 2008</i>
<i>9 September 2008</i>	<i>16 September 2008</i>
<i>30 September 2008</i>	<i>7 October 2008</i>
<i>21 October 2008</i>	<i>28 October 2008</i>
<i>11 November 2008</i>	<i>18 November 2008</i>
<i>2 December 2008</i>	<i>9 December 2008</i>
<i>Christmas Recess Period</i>	

**Outcome of the Committee Meeting – 20 November 2007**

Cr Craddock moved the recommendation but did not receive a seconder. The Presiding Member declared the motion lapsed.

After lengthy discussion, Cr Kelly moved a motion to rescind Council Decision No 102/07 made at Council Meeting of 22 May 2007 (as printed in the “Summary” above). The motion was seconded Cr Worthington.

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 to rescind Council Decision 102/07 which states: “*As of January 2008, the Bunbury City Council to adopt a new policy regarding the Council recesses that allows for only for only two recesses per year in the annual meeting schedule, rather than the current four recesses.*”

**AT THE COUNCIL MEETING**

The Committee recommendation was moved Cr Worthington, seconded Cr Kelly.

The Presiding Member put the motion to the vote and it was adopted to become a Council Decision.

**COUNCIL DECISION 244/07**

*Council to rescind Council Decision 102/07 which states: "As of January 2008, the Bunbury City Council to adopt a new policy regarding the Council recesses that allows for only two recesses per year in the annual meeting schedule, rather than the current four recesses."*

**CARRIED**

**7 Votes "For"/5 Votes Against**

A motion to adopt Option 3 (as stated above in this report) was moved Cr Major, seconded Cr Leigh.

The Presiding Member put the motion to the vote and it was adopted to become a Council Decision.

**COUNCIL DECISION 245/07**

*Council adopt the ordinary meeting schedule for 2008 for the period 1 January 2008 – 31 December 2008 containing four recess periods during the year.*

**CARRIED**

**9 Votes For/3 Votes Against**

A request was made for the vote to be recorded.

For:	Mayor D Smith	Against:	Cr Craddock
	Cr Worthington		Cr Dillon
	Cr Steck		Cr Whittle
	Cr Jones		
	Cr Kelly		
	Cr Major		
	Cr Rooney		
	Cr Leigh		
	Cr Slater		

**11.12 BUNBURY-HARVEY REGIONAL COUNCIL - RENEWAL OF LEASE OVER LANDFILL SITE LOT 45 STANLEY ROAD, LESCHENAULT AND PROPOSAL TO INTRODUCE REBATE SYSTEM**

<b>File Ref:</b>	F00075
<b>Applicant/Proponent:</b>	Bruce Lorimer (CEO) - Bunbury-Harvey Regional Council
<b>Author:</b>	John Beaton, Manager Administration and Property Services
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

**Summary**

In response to written requests received from both the Shire of Harvey and the Bunbury-Harvey Regional Council ("BHRC"), it is proposed that the City of Bunbury agree to extend the lease held by the BHRC over the Stanley Road Landfill Facility located at Lot 45 Stanley Road, Leschenault, for a five-year term. Further, it is also proposed that the City of Bunbury waive its demand for an annual lease fee for the site in lieu of the BHRC's offer of a \$2.00 per tonne rebate of the gate fees paid by the City of Bunbury and Shire of Harvey.

**Background - Land Details and BHRC**

**This section of the report was originally contained in the report to the Council Meeting of 12 June 2007 and has been repeated for the benefit of new councillors.**

The lease site at Lot 45 Stanley Road is jointly owned by the City of Bunbury (89.6%) and the Shire of Harvey (10.4%). The land is Lot 45 on Plan 17161 as contained in Certificate of Title Volume 1850 Folio 63. All domestic and commercial waste collected within the City of Bunbury and Shire of Harvey is delivered to the landfill facility on the site for processing and disposal. The land is leased by the Bunbury-Harvey Regional Council ("BHRC") which was formed in 1990 and receives funding by way of tipping fees predominantly from the City of Bunbury and Shire of Harvey.

The objectives of the BHRC are:

- The orderly and efficient treatment, storage and disposal of waste.
- The provision and maintenance of machinery & equipment for the above purpose.
- Charge fees in regard to the above.
- Provide representation to the WA Waste Disposal Advisory Council.

The BHRC comprises representatives from both member municipalities together with a Chief Executive Officer. As at the beginning of April 2007, the City's representatives on the BHRC were: Councillors Judy Jones, Tom Dillon and Norm McCleary (with Councillor Major as proxy). Following the Council Election held 20 October 2007, the City's representation on the BHRC changed to Councillors Judy Jones, Tom Dillon and Wayne Major (no proxy). The BHRC conducts a ballot to determine the position of Chairman and this position is currently held by a representative of the City of Bunbury - Cr Jones.

At its meeting on 9 August 2005, the City granted the BHRC a two-year extension of its lease over the Stanley Road Landfill Facility (from 30 June 2006 to 30 November 2007) so that the expiration of the lease for the site would coincide with expiration of the contract for the newly appointed Waste Disposal Contractor i.e., 30 November 2007.

The BHRC will call tenders for a Waste Disposal Contractor again toward the end of 2007. (Note: Tenders closed on 8 November 2007 with one tender received. The BHRC will consider the tender received at a Special Council Meeting of the BHRC to be held 16 November 2007.)

The Executive of the BHRC is currently formulating a new Site Management Contract for the Stanley Road Landfill Facility to ensure that future operators of the site run the facility in a professional manner in accordance with DEC Licence conditions and any associated statutory requirements. The BHRC considers that a vital component of attracting (and appointing) a quality Waste Disposal Contractor will be ensuring the BHRC has a long-term lease in place for the Landfill facility.

The viability of the site for waste disposal is not inexhaustible however. In 2003, BSD Consultants prepared a "Future Directions Strategy" for the site and recommended that it could continue to accept waste until the current cells have been filled, shaped and capped appropriately - it is now expected that the site should be viable until at least 2012.

Accordingly, it is proposed that the BHRC lease over the Stanley Road Landfill Facility be restricted to five (5) years from 1 December 2007 to 30 November 2012.

### **Background - Annual Lease Fee Proposal**

The Council last considered the request for renewal of the Bunbury-Harvey Regional Council lease over the Stanley Road Landfill Facility at its meeting on 12 June 2007, where the following decision was made:

#### *Council Decision 114/07 - 12 June 2007*

- 1. Subject to the Bunbury-Harvey Regional Council agreeing to the introduction of an annual lease rental of \$56,000 (and items 2 and 3 below), the Bunbury City Council agrees to support the application by the Bunbury-Harvey Regional Council to extend its lease over Lot 45 Stanley Road (for the purpose of a landfill facility) from 1 December 2007 to 30 November 2012 under the terms and conditions as mutually agreed.*
- 2. Council meet with the Bunbury-Harvey Regional Council to discuss the introduction of the Valuer General's valuation lease fee for the five-year lease of the site.*
- 3. All costs associated with extension of the lease are to be borne by the Bunbury-Harvey Regional Council.*

The reason that the BHRC does not pay an annual lease fee for use of the landfill site emanates from a decision made at the time the Bunbury-Harvey Regional Council was conceived in 1990, which allowed for the BHRC to be allowed to establish itself financially prior to a lease fee being implemented.

At the Council Meeting on 12 June 2007, the City's Executive advised that it would now be in order to request the BHRC to commence paying annual lease fee as the organisation has been in operation for over 15 years and this is a business cost to the BHRC associated with operation of the landfill site. If the BHRC does not commence paying an annual lease fee for the landfill site, the cost to the users of that site will continue to be financially subsidised by the landowners, i.e. the City of Bunbury and Shire of Harvey.

Shire of Harvey – Comments

The Shire of Harvey was advised of the Council's proposal to implement an annual lease fee for the Stanley Road Landfill Site and considered this matter (together with the BHRC's application to renew its lease) at the Harvey Shire Council Meeting held 26 June 2007, where the following decision was made:

*“That (Harvey) Council advises the Bunbury-Harvey Regional Council, that:*

1. *It reiterates its support for a long-term lease of the Stanley Road site to enable strategic development of the site.*
2. *It strongly opposes the introduction of a lease fee on the grounds that this will impact on the cost to member councils and ratepayers which would be better spent on improving the waste disposal facility.*
3. *It recommends consideration of a differential gate fee for non-member Councils.”*

Bunbury-Harvey Regional Council – Comments

The BHRC considered the City of Bunbury's annual lease fee proposal at its meeting on 18 July 2007 and made two decisions. These decisions were conveyed to the City of Bunbury by letter dated 23 October 2007 (copy **attached** at Appendix 1) and are dealt with separately in points 1 and 2 below:

1. Decision OC70718-0030

*“That BHRC request the CEO to formally advise the City of Bunbury and Shire of Harvey that the BHRC seeks a five (5) year lease of the Stanley Road site on the current terms and conditions.”*

An alternative to the proposed annual lease fee of \$56,000, the BHRC provide a \$2.00 per tonne rebate for gate fees paid by the City of Bunbury and Shire of Harvey. In the 2007/08 financial year these gate fees are estimated to be in the order of \$30,067 per annum for the City of Bunbury and \$17,995 per annum for the Shire of Harvey.



A Five Year Estimated Forecast of the Tonnage Rebate

	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>
City of Bunbury	\$30,067	\$30,458	\$30,853	\$31,255	\$31,661
Shire of Harvey	\$17,995	\$19,255	\$20,063	\$22,045	\$23,588

2. Decision OC70718-0033

*"The BHRC request the CEO to formally request that the City of Bunbury and the Shire of Harvey consider selling the Stanley Road site to the Bunbury-Harvey Regional Council."*

In his letter, the Chief Executive Officer of the BHRC acknowledges that negotiations concerning the BHRC's proposal to purchase the land will be complex but requests that the Bunbury City Council consider the matter and make formal response to the BHRC. He suggests that to initiate negotiations, a meeting can be held between the Chief Executive Officer's of the BHRC, Shire of Harvey and City of Bunbury.

At the BHRC's previous Council Meeting, the Shire of Capel and the Shire of Dardanup expressed an interest in joining the Regional Council. The BHRC may enter into discussions with them. This may be an opportunity for the City to reduce capital it has tied up in the BHRC facility by selling a portion (e.g. 20% - 25%) of its landholding to both Dardanup and Capel should they wish to join.

In respect to the suggested sale of the land to the BHRC, this would be the subject of a separate Council Briefing.

**Strategic and/or Regional Outcomes**

The proposal to initiate a lease with the BHRC complies with the City's Strategic Plan 2007-2012, i.e. strategic objective 5.3 states that the City will "*explore regional waste management opportunities with adjoining local authorities*".

A milestone of the Strategic Plan is to develop policies and maximise the City's own resource revenues to strengthen the City's financial position and performance. The Executive proposal to charge an annual lease fee on the BHRC land is compatible with the strategy.

**Community Consultation**

There is no need for community consultation concerning a proposal to renew the lease over the site. Regulation 30(1)(c)(iii) of the Local Government (Functions and General) Regulations 1996 exempts the City of Bunbury from the requirements of Section 3.58 of the Local Government Act 1995, as the land is disposed to a regional council.

### **Councillor/Officer Consultation**

Council's decision of 12 June 2007 was submitted to the BHRC for consideration at its meeting on 18 July 2007. Prior to that meeting, the City's Chief Executive Officer had held discussions with the City's representatives on the BHRC (at that time being Cr Jones, Cr Dillon and former Cr McCleary) wherein it was agreed that the City would not pursue introduction of annual lease fee for the Stanley Road Landfill Facility provided the BHRC agrees to reimburse the City and the Shire of Harvey for a proportion of gate fees paid.

The Shire of Harvey considered extension of the lease and opposed the proposal to introduce an annual lease fee for the landfill site at its meeting on 26 June 2007.

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

The Valuation Services Section of the Department for Planning and Infrastructure advises that a fair market rental value for the site would be \$56,000 per annum (excluding GST).

Council has not previously levied a lease fee for the lease of the land to the BHRC in order to give the BHRC time to "establish itself financially" prior to a lease fee being implemented. The BHRC has now been in operation for over 15 years.

It is now proposed that in lieu of the annual lease fee, the BHRC provide a \$2.00 per tonne rebate of the gate fees paid by the City of Bunbury and Shire of Harvey estimated to be \$30,067 and \$17,995 respectively in the 2007/08 financial year. The absence of a lease fee on the site is a foregone revenue to the City.

### **Economic, Social, Environmental and Heritage Issues**

There are no economic, social or heritage issues to consider.

As advised at the Council Meeting on 12 June 2007, the waste disposal site is managed in accordance with a Department of Environment and Conservation Licence and associated statutory requirements that protect the local environment. Further, BSD Consultants prepared a "Future Directions" strategy for the Stanley Road site back in June 2003 which outlines a strategy to fill and cap the existing landfill pits (or cells). No new cells can be commenced without the City's consent first being received.

It should be noted that discussions are due to commence with local governments abutting the City of Bunbury, to explore the possibility of establishing a new regional council that will provide waste management services for the entire region.

### **Council Policy Compliance**

There are no council policies applicable to the proposal.

### **Legislative Compliance**

In accordance with Regulation 30(1)(c)(iii) of the Local Government (Functions and General) Regulations 1996, the Council is exempt from the requirements of Section 3.58 of the Local Government Act 1995 (to publicly advertise the proposal to extend the lease) as the land is leased to the BHRC.

The landfill site operates within the confines of a Department of Environment and Conservation Licence and associated statutory requirements.

### **Delegation of Authority**

Not applicable.

### **Relevant Precedents**

Council previously agreed to extend the BHRC lease to 30 November 2007.

### **Options**

Option 1: Per the officer's recommendation listed in this report.

Option 2: Per the officer's recommendation (as listed) but also requiring payment of an annual lease fee of \$56,000 per annum. The annual lease fee would be apportioned \$50,176 to the City of Bunbury and \$5,824 to the Shire of Harvey and indexed by CPI throughout the term.

*Comment 1 – The lease fee of \$56,000 per annum could be phased in over the five (5) year period of the lease.*

*Comment 2 - Neither the BHRC nor the Shire of Harvey are agreeable to imposition of an annual lease fee for the site.*

Option 3: Council may elect not to support the application by the Bunbury Harvey Regional Council to extend its lease term to 30 November 2012 and may vary the term.

*Comment 1 - The Shire of Harvey supports the BHRC's application for a long-term lease.*

*Comment 2 – The City invite the Shire of Harvey to enter into discussions not to renew the lease and manage the BHRC tip site facility at a City of Bunbury or Shire of Harvey operational level. This would forego the need to run the BHRC which involves Regional Council governance items associated with running a regional council including holding of meetings, preparation of agendas, minutes, financial audits, governance compliance, records management, etc.*

## **Conclusion**

As reported to the 12 June 2007 Council Meeting, the intention to extend the BHRC lease to 30 November 2012 is supported by the Executive as the site should still be viable for use as a landfill facility up to that date, and the BHRC requires security of tenure in order to attract the services of a quality Waste Disposal Contractor.

The Council's proposal for introduction of an annual lease fee for the site is opposed by the Shire of Harvey and BHRC. In lieu of the proposed lease fee, the BHRC has agreed to commit to a \$2.00 per tonne rebate of the gate fees paid by the City of Bunbury and Shire of Harvey on the current terms and conditions.

## **Recommendation**

### *PART A - Extension of Lease to BHRC for Stanley Road Landfill Facility*

1. The Bunbury City Council agrees to support the application by the BHRC to extend its lease over Lot 45 Stanley Road (for the purpose of a landfill facility) from 1 December 2007 to 30 November 2012 on the current terms and conditions.
2. The Bunbury City Council accepts the offer by the BHRC for receipt of a \$2.00 per tonne rebate of the gate fees paid by the City of Bunbury and Shire of Harvey each year - this arrangement to be upheld throughout the term of the extended lease.
3. All costs associated with extension of the lease are to be borne by the BHRC.

### *PART B - BHRC Request to Purchase the Stanley Road Landfill Facility*

The Chief Executive Officer to arrange a meeting with Executives of the BHRC and the Shire of Harvey to discuss the potential positive/negative aspects of selling Lot 45 Stanley Road, Leschenault to the BHRC, and to report the outcome to the Council by mid-2008.

## **Outcome of the Committee Meeting – 20 November 2007**

Cr Jones moved, Cr Leigh seconded, the recommendation.

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 - Extension of Lease to BHRC for Stanley Road Landfill Facility*

1. The Bunbury City Council agrees to support the application by the BHRC to extend its lease over Lot 45 Stanley Road (for the purpose of a landfill facility) from 1 December 2007 to 30 November 2012 on the current terms and conditions.

2. The Bunbury City Council accepts the offer by the BHRC for receipt of a \$2.00 per tonne rebate of the gate fees paid by the City of Bunbury and Shire of Harvey each year - this arrangement to be upheld throughout the term of the extended lease.
3. All costs associated with extension of the lease are to be borne by the BHRC.

*PART B - BHRC Request to Purchase the Stanley Road Landfill Facility*

The Chief Executive Officer to arrange a meeting with Executives of the BHRC and the Shire of Harvey to discuss the potential positive/negative aspects of selling Lot 45 Stanley Road, Leschenault to the BHRC, and to report the outcome to the Council by mid-2008.

**AT THE COUNCIL MEETING**

The Committee recommendation was moved Cr Dillon, seconded Cr Steck.

The Presiding Member put the recommendation to the vote and it was adopted to become a Council Decision.

**COUNCIL DECISION 246/07**

*PART A - Extension of Lease to BHRC for Stanley Road Landfill Facility*

1. *The Bunbury City Council agrees to support the application by the BHRC to extend its lease over Lot 45 Stanley Road (for the purpose of a landfill facility) from 1 December 2007 to 30 November 2012 on the current terms and conditions.*
2. *The Bunbury City Council accepts the offer by the BHRC for receipt of a \$2.00 per tonne rebate of the gate fees paid by the City of Bunbury and Shire of Harvey each year - this arrangement to be upheld throughout the term of the extended lease.*
3. *All costs associated with extension of the lease are to be borne by the BHRC.*

*PART B - BHRC Request to Purchase the Stanley Road Landfill Facility*

*The Chief Executive Officer to arrange a meeting with Executives of the BHRC and the Shire of Harvey to discuss the potential positive/negative aspects of selling Lot 45 Stanley Road, Leschenault to the BHRC, and to report the outcome to the Council by mid-2008.*

**CARRIED**

**12 Votes "For"/Nil Votes "Against"**

### 11.13 APPOINTMENT OF COUNCIL COMMITTEES

<b>File Ref:</b>	A03065
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Greg Trevaskis, Chief Executive Officer
<b>Executive:</b>	Greg Trevaskis, Chief Executive Officer

#### Summary

Subsequent to the Local Government Election held on 20 October 2007 and a Council Workshop held 7 November 2007, it is recommended that the members of the Council consider establishing a number of advisory committees and/or project control groups to assist the Council in discharging its duties.

#### Background

Pursuant to Section 5.11(1)(d) of the Local Government Act 1995, membership of the Council's various advisory committees and project control groups expired on Election Day i.e., 20 October 2007.

At a Special Meeting on 22 October 2007, the new Council established the Council (Standing) Committee and appointed all councillors as members.

At the Council Meeting on 6 November 2007, the Council appointed representatives to a number of external groups and committees.

At a Council Workshop held on 7 November 2007, members of the Council together with members of the City's Executive Management Team, reviewed the previous Council's advisory committee structure and discussed new reporting requirements required by the recently adopted City Vision Strategy. It was decided that a number of advisory committees that reported to the previous council are no longer required and these are set out in a list that forms Attachment No. 1 of a report circulated to members **under separate cover**. A number of new committees need to be created and some committees that reported to the previous council will need to be re-established. These are dealt with in parts 1 and 2 below.

#### 1. **New Committees to be Created**

<i>Name</i>	<i>Reason for Establishment</i>
Bunbury-Jiaxing Sister Cities Committee  <u>To comprise:</u> The Mayor/CEO of both the City of Bunbury and the Bunbury Port Authority; the Dean of ECU  <u>Terms of Reference</u>	The sister city relationship has been in force for some time in an informal capacity. It is considered that the relationship has reached the stage where it should be officially recognised.

<p>Refer to report "under separate cover"</p> <p>City Promotions Committee</p> <p><u>To comprise:</u>  Two (2) councillors; CEO &amp; Executive Manager City Life together with the following ex-officio members: Marketing Officer, Bunbury Visitor Centre Coordinator, BCCI CEO and BREC Manager.</p> <p><u>Terms of Reference</u>  Refer to report "under separate cover"</p>	<p>This was formerly a Working Group known as the Events Unit that reported direct to EDAC. It is now proposed that it be a stand-alone committee reporting to Council on special events, tourism and marketing.</p>
<p>City Vision Strategy Implementation Committee</p> <p><u>To comprise:</u>  Any number of councillors (min. of 4)</p> <p><u>Terms of Reference</u>  Refer to report "under separate cover"</p>	<p>To provide recommendations to Council on implementing the City Vision Strategy and liaison with Landcorp on the Bunbury Waterfront Project.</p> <p>This committee replaces the former City Vision Taskforce.</p>
<p>Recreation Project Control Group</p> <p><u>To comprise:</u>  Two (2) councillors; the CEO and Executive Manager City Life (or their nominees) as voting members. The Manager Economic and Social Development; Recreation Planner and any number of community or sporting reps. to be invited to attend meetings (when needed).</p> <p><u>Terms of Reference</u>  Refer to report "under separate cover"</p>	<p>At the briefing session on 13 November 2007, councillors agreed that a project control group is required to monitor the implementation (and review) of the Bunbury Recreation Plan 2007-2012.</p> <p>This group replaces the former Sportsgrounds Development Committee</p>

2. **Committees to be Re-established**

2.1 **Discretionary Committees**

- Art Collection Management Committee
- Awards & Commendations Panel
- Big Swamp Wildlife Park Steering Committee
- Bunbury Airport Advisory Committee
- Bunbury Environment & Sustainability Advisory Committee ("BESAC")
- Bunbury-Setagaya Sister Cities Committee
- College Grove Joint Venture Committee

Greater Glen Iris / Moorlands Project Control Group  
Heritage Advisory Committee  
Land Rationalisation Project Control Group  
Library Project Control Group  
Retail Trading Implementation Committee  
Three-Waters Centre Project Control Group  
Youth Advisory Council

2.2 Statutory/Professional Committees

Advertisements Appeals Committee  
Asset Management Project Control Group  
Audit Committee  
Bunbury Region Roadwise Committee  
Community Access Committee  
Community Crime Prevention Committee

**Strategic and/or Regional Outcomes**

The City's Strategic Plan 2007-2012 states that the City's vision is: *"To enhance our community's pride in our City by demonstrating the pursuit of excellence by our leadership, advocacy, service delivery and facilities."*

The Strategic Plan is based around six objectives - two of these are relevant to involvement by councillors on council-appointed committees/groups and these are:

1. Strengthen the City of Bunbury's governance and leadership
2. Develop social capital - it is seen that part of the role of a councillor is to successfully interact with members of the community that have been appointed to council committees or to consult with members of the public (where appropriate) to ascertain public sentiment concerning the committee's activities and terms of reference.

**Community Consultation**

Community representatives on those Council committees that have expired and will not be re-established are to be provided with a letter of thanks on behalf of the Mayor and Councillors.

Where new committees to be appointed (or re-established) require community representation, the respective Executive Officer will advertise for expressions of interest to fill vacancies and report the names of successful nominees to Council for endorsement.

**Councillor/Officer Consultation**

All Executive Officers for the former Council's list of advisory committees were consulted in the lead-up to this report to Council.



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

All advisory committees or project control groups appointed by the Council should correlate with the City's annual budget, annual programme of works or the City Vision Strategy and are resourced accordingly.

### **Economic, Social, Environmental and Heritage Issues**

Establishment of Council Advisory Committees following a local government election is standard practice.

Where the terms of reference for a proposed advisory committee or project control group is considered to have the potential to significantly impact economic, social, environmental or heritage issues in Bunbury, then the "Terms of Reference" for these committees will permit the committee to seek appropriately qualified counsel (where required) through the committee's nominated Executive Officer.

### **Council Policy Compliance**

The "Terms of Reference" for advisory committees or project control groups appointed by the Council should not contravene or contradict established Council policies.

A draft policy setting out guidelines for establishment and operation of advisory committees (tabled by the Mayor at the Council Workshop on 7 November 2007) has been circulated to members under separate cover. If this policy is adopted by the Council, all advisory committees appointed by the Council will be required to abide by it.

### **Legislative Compliance**

Establishment of advisory committees of three or more persons to assist the Council in discharging its duties is permitted under Section 5.8 of the Local Government Act 1995.

Section 5.9(2) indicates that an advisory committee of the Council may comprise council members only, officers only, community members only or a combination of any of these.

Where an advisory committee, project control group or working group has been established by a formal decision of the Council, then any future appointments to that committee/group or changes to its terms of reference, are to be by Council Decision only.

Tenure of committee membership is specified in Section 5.11 of the Local Government Act 1995.

### **Delegation of Authority**

Not applicable. The Chief Executive Officer has not been delegated the authority to appoint committees of council.

### **Relevant Precedents**

It is standard practice for the members of a new Council to review and establish council advisory committees shortly following a local government election.

### **Options**

- Option 1: Per the recommendation listed in this report.
- Option 2: Council to refer establishment of its Advisory Committees and Project Control Groups to the next Council Meeting on 18 December 2007.

### **Conclusion**

The committee structure recommended in this report is based on discussion held at the Council Workshop held 7 November 2007 and the Briefing Session held 13 November 2007.

It should be noted that the names of councillors recommended for appointment to committees are not final and are subject to amendment at the Council Committee Meeting on 20 November 2007 and the Council Meeting on 27 November 2007.

### **Recommendation**

#### *PART A - Establishment of Committees*

1. Pursuant to Sections 5.8 to 5.18 of the Local Government Act 1995, the Council establishes the following advisory committees and appoints the councillors (as listed). The "terms of reference" for each committee are listed as Attachment No. 2 in the booklet circulated to members under separate cover:

\*\* These are preliminary nominations only. As discussed at the Council Workshop, these nominations can be changed by committee members at the Council Committee Meeting on 20 November 2007. There is no limit to the number of Council representatives that can be appointed to these discretionary advisory committees.

#### 1.1 Discretionary Advisory Committees

<i>Name</i>	<i>Elected Members**</i>
Art Collection Management Committee	Cr Punch Cr Steck
Awards & Commendations Panel	Mayor D Smith Cr Craddock Cr Jones Cr Leigh
Big Swamp Wildlife Park Steering Committee	Cr Slater Cr Jones Cr Major

**27 November 2007**  
**Minutes - Council Meeting**

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<i>Name</i>	<i>Elected Members**</i>
Bunbury Airport Advisory Committee	Mayor D Smith Cr Dillon Cr Whittle
Bunbury Environment & Sustainability Advisory Committee	Mayor D Smith Cr Rooney Cr Kelly
Bunbury-Jiaxing Sister Cities Committee (NEW)	Mayor D Smith
Bunbury-Setagaya Sister Cities Committee	Cr Leigh Cr _____
City Promotions Committee (NEW)	Cr Craddock Cr _____ Cr _____
City Vision Implementation Committee (NEW)	Mayor D Smith Cr Craddock Cr Slater Cr Punch Cr Worthington
College Grove Joint Venture Committee	N/A - officers only
Greater Glen Iris / Moorlands Project Control Group	Cr _____ Cr _____ Cr _____
Heritage Advisory Committee	Cr Kelly Cr Whittle Cr _____
Land Rationalisation Project Control Group	Cr Dillon Cr Jones Cr _____
Library Project Control Group	Cr Jones Cr _____ Cr _____
Recreation Project Control Group (NEW)	Cr Worthington Cr Steck Cr _____
Retail Trading Implementation Committee	Mayor D Smith Cr Dillon Cr Craddock Cr Punch Cr Rooney
Three-Waters Centre Project Control Group	Cr _____ Cr _____ Cr _____

<i>Name</i>	<i>Elected Members**</i>
Youth Advisory Council	Cr Rooney Cr Worthington Cr Leigh

1.2 Statutory/Professional Committees

<i>Name</i>	<i>Elected Members**</i>
Advertisements Appeals Committee	Mayor D Smith Dep. Mayor Craddock Cr _____
Asset Management Project Control Group	Mayor D Smith Cr Leigh
Audit Committee	Mayor D Smith Cr Leigh Cr Major
Bunbury Region Roadwise Committee	Mayor D Smith Cr Slater
Community Access Committee	Cr Kelly Cr Worthington
Community Crime Prevention Committee	Cr Rooney Cr _____

NOTE: ABSOLUTE MAJORITY VOTE FOR PART A. WILL BE REQUIRED AT THE COUNCIL MEETING ON 27 NOVEMBER 2007

- Where community representation is required on a committee listed in 1. above, the Executive Officer for that committee is to advertise for expressions of interest from members of the public/community groups to fill the vacancy - the name(s) of successful nominees are to be submitted to Council for endorsement.

*PART B - Discontinued Committees*

The community representatives on committees that expired on Election Day (20 October 2007) and which are not to be re-established, are to be provided with a letter of thanks on behalf of the Mayor and Councillors.

*PART C - Policy titled "Guidelines for Establishment and Operation of Council Advisory Committees"*

Council adopts the policy titled "*Policy - Guidelines for Establishment and Operation of Council Advisory Committees*" as contained in Attachment No. 3 of the report circulated to members under separate cover.

**Outcome of the Committee Meeting – 20 November 2007**

The meeting discussed Part A of the Recommendation and made various nominations and amendments to the Committees listed.

Cr Jones moved, Cr Leigh seconded, Parts A (as amended), B and C of the recommendation.

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 - Establishment of Committees*

1. Pursuant to Sections 5.8 to 5.18 of the Local Government Act 1995, the Council establishes the following advisory committees and appoints the councillors (as listed). The "terms of reference" for each committee are listed as Attachment No. 2 in the booklet circulated to members under separate cover:

1.1 Discretionary Advisory Committees

<i>Name</i>	<i>Elected Members</i>
Art Collection Management Committee	Cr Punch Cr Steck
Awards & Commendations Panel	Mayor D Smith Dep Mayor Craddock Cr Jones Cr Leigh
Big Swamp Wildlife Park Steering Committee	Cr Slater Cr Jones Cr Major
Bunbury Airport Advisory Committee	Cr Major Cr Dillon Cr Whittle

**27 November 2007**  
**Minutes - Council Meeting**

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<i>Name</i>	<i>Elected Members</i>
Bunbury Environment & Sustainability Advisory Committee	Mayor D Smith Cr Rooney Cr Kelly
Bunbury-Jiaxing Sister Cities Committee (NEW)	Mayor D Smith Cr Slater
Bunbury-Setagaya Sister Cities Committee	Cr Leigh Cr Slater
City Promotions Committee (NEW)	Dep Mayor Craddock Cr Steck Cr Whittle
City Vision Implementation Committee (NEW)	Mayor D Smith Dep Mayor Craddock Cr Slater Cr Punch Cr Worthington
College Grove Joint Venture Committee	N/A - officers only
Greater Glen Iris / Moorlands Project Control Group	Mayor D Smith Cr Dillon Cr Leigh
Heritage Advisory Committee	Cr Kelly Cr Whittle
Land Rationalisation Project Control Group	Cr Dillon Cr Jones Cr Kelly Cr Worthington
Library Project Control Group	Mayor D Smith Cr Jones Cr Whittle
Recreation Project Control Group (NEW)	Cr Worthington Cr Steck
Retail Trading Implementation Committee	Mayor D Smith Dep Mayor Craddock Cr Dillon Cr Punch Cr Rooney

<i>Name</i>	<i>Elected Members</i>
Three-Waters Centre Project Control Group	Mayor D Smith Dep Mayor Craddock Cr Kelly
Youth Advisory Council	Cr Rooney Cr Worthington Cr Leigh

1.2 Statutory/Professional Committees

<i>Name</i>	<i>Elected Members</i>
Advertisements Appeals Committee	Mayor D Smith Dep Mayor Craddock
Asset Management Project Control Group	Mayor D Smith Cr Leigh
Audit Committee	Mayor D Smith Cr Leigh Cr Major
Bunbury Region Roadwise Committee	Mayor D Smith Cr Slater
Community Access Committee	Cr Kelly Cr Worthington
Community Crime Prevention Committee	Cr Rooney Cr Punch

2. Where community representation is required on a committee listed in 1 above, the Executive Officer for that committee is to advertise for expressions of interest from members of the public/community groups to fill the vacancy - the name(s) of successful nominees are to be submitted to Council for endorsement.

**PART B - Discontinued Committees**

The community representatives on committees that expired on Election Day (20 October 2007) and which are not to be re-established, are to be provided with a letter of thanks on behalf of the Mayor and Councillors.

PART C - Policy titled "*Policy - Guidelines for Establishment and Operation of Council Advisory Committees*"

Council adopts the policy titled "*Policy - Guidelines for Establishment and Operation of Council Advisory Committees*" as contained in Attachment No. 3 of the report circulated to members under separate cover.

#### **AT THE COUNCIL MEETING**

The Committee Recommendation was moved Cr Major, seconded Cr Jones

The Presiding Member put the motion to the vote and it was adopted to become a Council Decision.

#### **COUNCIL DECISION 247/07**

##### *PART A - Establishment of Committees*

1. Pursuant to Sections 5.8 to 5.18 of the Local Government Act 1995, the Council establishes the following advisory committees and appoints the councillors (as listed). The "terms of reference" for each committee are listed as Attachment No. 2 in the booklet circulated to members under separate cover:

##### *1.1 Discretionary Advisory Committees*

<i>Name</i>	<i>Elected Members</i>
<i>Art Collection Management Committee</i>	<i>Cr Punch Cr Steck</i>
<i>Awards &amp; Commendations Panel</i>	<i>Mayor D Smith Dep Mayor Craddock Cr Jones Cr Leigh</i>
<i>Big Swamp Wildlife Park Steering Committee</i>	<i>Cr Slater Cr Jones Cr Major</i>
<i>Bunbury Airport Advisory Committee</i>	<i>Cr Major Cr Dillon Cr Whittle</i>
<i>Bunbury Environment &amp; Sustainability Advisory Committee</i>	<i>Mayor D Smith Cr Rooney Cr Kelly</i>



**27 November 2007**  
**Minutes - Council Meeting**

<i>Bunbury-Jiaxing Sister Cities Committee (NEW)</i>	<i>Mayor D Smith Cr Slater</i>
<i>Bunbury-Setagaya Sister Cities Committee</i>	<i>Cr Leigh Cr Slater</i>
<i>City Promotions Committee (NEW)</i>	<i>Dep Mayor Craddock Cr Steck Cr Whittle</i>
<i>City Vision Implementation Committee (NEW)</i>	<i>Mayor D Smith Dep Mayor Craddock Cr Slater Cr Punch Cr Worthington</i>
<i>College Grove Joint Venture Committee</i>	<i>N/A - officers only</i>
<i>Greater Glen Iris/Moorlands Project Control Group</i>	<i>Mayor D Smith Cr Dillon Cr Leigh</i>
<i>Heritage Advisory Committee</i>	<i>Cr Kelly Cr Whittle</i>
<i>Land Rationalisation Project Control Group</i>	<i>Cr Dillon Cr Jones Cr Kelly Cr Worthington</i>
<i>Library Project Control Group</i>	<i>Mayor D Smith Cr Jones Cr Whittle</i>
<i>Recreation Project Control Group (NEW)</i>	<i>Cr Worthington Cr Steck</i>
<i>Retail Trading Implementation Committee</i>	<i>Mayor D Smith Dep Mayor Craddock Cr Dillon Cr Punch Cr Rooney</i>

<i>Three-Waters Centre Project Control Group</i>	<i>Mayor D Smith Dep Mayor Craddock Cr Kelly</i>
<i>Youth Advisory Council</i>	<i>Cr Rooney Cr Worthington Cr Leigh</i>

1.2 *Statutory/Professional Committees*

<i>Name</i>	<i>Elected Members</i>
<i>Advertisements Appeals Committee</i>	<i>Mayor D Smith Dep Mayor Craddock</i>
<i>Asset Management Project Control Group</i>	<i>Mayor D Smith Cr Leigh</i>
<i>Audit Committee</i>	<i>Mayor D Smith Cr Leigh Cr Major</i>
<i>Bunbury Region Roadwise Committee</i>	<i>Mayor D Smith Cr Slater</i>
<i>Community Access Committee</i>	<i>Cr Kelly Cr Worthington</i>
<i>Community Crime Prevention Committee</i>	<i>Cr Rooney Cr Punch</i>

2. *Where community representation is required on a committee listed in 1 above, the Executive Officer for that committee is to advertise for expressions of interest from members of the public/community groups to fill the vacancy - the name(s) of successful nominees are to be submitted to Council for endorsement.*

*PART B - Discontinued Committees*

*The community representatives on committees that expired on Election Day (20 October 2007) and which are not to be re-established, are to be provided with a letter of thanks on behalf of the Mayor and Councillors.*

*PART C - Policy titled "Policy - Council Committees"*

*Council adopts the policy titled "Policy - Guidelines for Establishment and Operation of Council Advisory Committees" as contained in Attachment No. 3 of the report circulated to members under separate cover.*

**CARRIED**

**11 Votes "For"/Nil Votes "Against"**  
**Absolute Majority Vote Attained**

## **11.14 FINANCIAL STATEMENTS – 31 OCTOBER 2007**

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

### **Summary/Background**

Financial Statements for the period ending 31 October 2007 have been circulated to members under separate cover. The statements included the following details:

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

### **Recommendation**

The Financial Statements for the period ending 31 October 2007, be received.

### **Outcome of the Committee Meeting – 20 November 2007**

Cr Jones moved, Cr Leigh seconded, the recommendation.

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 Financial Statements for the period ending 31 October 2007, be received.

**AT THE COUNCIL MEETING**

The Committee recommendation was moved Cr Major, seconded Cr Jones

The Presiding Member put the motion to the vote and it was adopted to become a Council Decision.

**COUNCIL DECISION 248/07**

*The Financial Statements for the period ending 31 October 2007, be received.*

**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**

**12.1 MOTION ON NOTICE – ROCKY POINT PLAYGROUND EQUIPMENT**

<b>File Ref:</b>	A00217
<b>Applicant/Proponent:</b>	Councillor S Craddock
<b>Author:</b>	Councillor S Craddock
<b>Executive:</b>	Michael Scott, Executive Manager City Services

Cr Craddock has given notice that he intends to move the following motion at the Council Committee Meeting on 20 November 2007:

*"That Council Executives be requested to prepare options for playground equipment at the Rocky Point picnic area for Council's consideration in the 2008/2009 budget."*

**Comments - Cr Craddock**

In support of his motion, Cr Craddock stated:

*"The grassed slope area at Rocky Point is a very well used picnic area. The area has shade houses, tables and is adjacent to toilets. The addition of a small amount of simple playground equipment would be a further attraction to family groups. The type of equipment installed at the jetty baths (low impact tones which would blend with the natural colours of the area) is what I have in mind."*

**Executive Comments**

Funding from the final stage of the Back Beach development has been earmarked by the BCEP PCG for the installation of additional facilities in the Rocky Point area. It has not yet been determined as to what additional facilities will be provided, however, the provision of playground equipment is on the recommended list for consideration.

**CR CRADDOCK'S MOTION**

That Council Executive be requested to prepare options for playground equipment at the Rocky Point picnic area for Council's consideration in the 2008/2009 budget.

**Outcome of the Committee Meeting – 20 November 2007**

Cr Craddock moved, Cr Leigh seconded, the recommendation.

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 Executive be requested to prepare options for playground equipment at the Rocky Point picnic area for Council's consideration in the 2008/2009 budget.

**AT THE COUNCIL MEETING**

The Committee recommendation was moved Cr Craddock, seconded Cr Dillon.

The Mayor put the motion to the vote and it was adopted to become a Council Decision.

**COUNCIL DECISION 249/07**

*That Council Executive be requested to prepare options for playground equipment at the Rocky Point picnic area for Council's consideration in the 2008/2009 budget.*

**CARRIED**

**12 Votes "For"/Nil Votes "Against"**

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

Nil.

**14. ITEMS TO BE NOTED**

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

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various

A report has been circulated 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: Accounts for Payment Month Ending 31 October 2007  
Author: D Ransom, City Accountant  
File: A00083

**Outcome of the Committee Meeting – 20 November 2007**

Cr Jones moved, Cr Leigh seconded, the recommendation.

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: Accounts for Payment Month Ending 31 October 2007  
Author: D Ransom, City Accountant  
File: A00083



**AT THE COUNCIL MEETING**

The Committee recommendation was moved Cr Jones, seconded Cr Leigh.

The Presiding Member put the motion to the vote and it was adopted to become a Council Decision

**COUNCIL DECISION 250/07**

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

- 1. Title: Accounts for Payment Month Ending 31 October 2007  
Author: D Ransom, City Accountant  
File: A00083*

**CARRIED**

**12 Votes “For”/Nil Votes “Against”**

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

**REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR ALFRED LEIGH**

<b>File Ref:</b>	A00215
<b>Applicant/Proponent:</b>	Councillor Alfred Leigh
<b>Author:</b>	Ken Weary, Executive Manager Corporate Services
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

**Summary**

Cr A Leigh has requested leave of absence from all Council-related business from 7 December to 21 December 2007.

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

**Recommendation**

Pursuant to Section 2.25 of the Local Government Act 1995, Cr A Leigh is granted leave of absence from all Council-related business from 7 December to 21 December 2007.

The recommendation was moved Cr Dillon, seconded Cr Craddock.

The Presiding Member put the motion to the vote and it was adopted to become a Council Decision.

**COUNCIL DECISION 251/07**

*Pursuant to Section 2.25 of the Local Government Act 1995, Cr A Leigh is granted leave of absence from all Council-related business from 7 December to 21 December 2007.*

**CARRIED**

**12 Votes “For”/Nil Votes “Against”**

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

Nil.

16. **CLOSE OF MEETING**

There being no further business the Mayor declared the meeting closed at 11.11 pm.

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CONFIRMED this day 18 December 2007 to be a true and correct record of proceedings of the Bunbury City Council Meeting held 27 November 2007.

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**MR DAVID SMITH**  
**MAYOR**