



27 February 2007

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### **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

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

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

## NOTICE OF COUNCIL (STANDING) COMMITTEE MEETING

Minutes of an Ordinary Meeting of the Council (Standing) Committee held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 27 February 2007.

### MINUTES

27 February 2007

**NOTE: The recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the Council Meeting on 6 March 2007.**

#### 1. DECLARATION OF OPENING BY THE PRESIDING MEMBER

The Presiding Member declared the meeting open at 6.00pm.

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

*PRESENT*

<b>Council Committee Members</b>	
Presiding:	His Worship the Mayor, Mr D Smith
Deputy Presiding:	Deputy Mayor, Councillor J Jones
Members:	Councillor W Lambert
	Councillor A Leigh
	Councillor D Wenn
	Councillor W Major
	Councillor N McCleary
	Councillor T Smith
	Councillor L Rose
	Councillor S Craddock
Councillor S Rooney	
<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
A/Executive Manager City Development:	Mr G Fitzgerald
A/Executive Manager City Life:	Mr D Marzano
<b>Council Officers (Non-Voting):</b>	
Administration Officer Corporate Services:	Ms D Ryan
<b>Others (Non-Voting):</b>	
Members of the Public:	8 (approx.)
Members of the Press:	2

*APOLOGIES*

Cr R Frisina  
Cr T Dillon

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

Not applicable.

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

**Mr Neil Thomas, 1 Oakley Street, Bunbury**

*Questions: In relation to the proposal to build new medical consulting rooms on Lot 20 Sampson Road - why is the traffic not being dealt with in Sampson Road? Why is it intended that access to and from the medical centre will be from our little street? We have too much traffic in our street as it is and often observe people parking and waiting.*

*I understand 10 parking bays are proposed on-site, well, once you take out a number of these used by doctors, staff and people already in the centre having their appointment; where are people arriving early for their appointment going to park?*

Response: The Acting Executive Manager of City Development advised Mr Thomas that:

- (a) Part of the condition of approval for the new medical consulting rooms will be that the applicant has to undertake a traffic study and (so that the City can properly assess any concerns raised by residents in the study) the approval will initially be granted for a one (1) year period and any outstanding issues reviewed at the end of that period.
- (b) The parking requirements for the proposed medical consulting rooms are totally in compliance with City of Bunbury Town Planning Scheme No. 7.

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

Nil.

6. **CONFIRMATION OF PREVIOUS MINUTES**

**COMMITTEE DECISION**

**Moved Cr Major**  
**Seconded Cr Wenn**

*The minutes of the Council (Standing) Committee Meeting held 6 February 2007, be confirmed as a true and accurate record.*

**CARRIED**

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

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

Cr T Smith disclosed a financial and proximity interest in the item titled "*Proposed Multiple Dwelling Development Lot 10 (No. 5) Victoria Street*" as his family company owns No. 10 Victoria Street.

Cr S Rooney disclosed an impartiality interest in the item titled "*Proposed Multiple Dwelling Development Lot 10 (No. 5) Victoria Street*" as he owns some property in Marlston Hill.

Mayor D Smith disclosed an impartiality interest in the item titled "*Proposed Closure of Portion Old Coast Road Reserve and its Amalgamation with Adjoining Lot 963*" as he is a Director of the Bunbury Port Authority Board.

Mayor D Smith disclosed an impartiality interest in the item titled "*City of Bunbury Art Collection Management Committee - Change of Status*" as his wife is a member of the committee.

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

Mayor D Smith disclosed an impartiality interest in the item titled "*Bunbury Delegation to Setagaya, Japan - May 2007*" as he has been recommended for appointment as a member of the delegation.



**8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

Nil.

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

Nil.

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

Nil.

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

**11.1 PROPOSED SPECIALIST MEDICAL/CONSULTING ROOMS - LOT 20 (NO. 21) SAMPSON ROAD, BUNBURY (WAS LISTED AS ITEM 11.5 IN THE MEETING AGENDA)**

<b>File Ref:</b>	P08366
<b>Applicant/Proponent:</b>	Hassell Pty Ltd
<b>Author:</b>	Teshome Tadesse, Planning Officer
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

The City has received an application from Hassell Pty Ltd for development of a Specialist Medical Centre at Lot 20 (No. 21) Sampson Road which is zoned as “Residential R15” under Town Planning Scheme No.7 (“TPS 7”).

A location plan is **attached** at Appendix 5.

The subject land was used for consulting rooms prior to the building's destruction by a tornado in 2005. This new proposal is somewhat similar to the previous use in terms of its non-residential character as a medical centre. However, this time, it is more intensive than the previous one. The proposed use has been classified as a medical centre instead of a consulting room (under Schedule 1 of Definitions in TPS 7).

In accordance with the provisions of Part 9 of TPS 7, the proposal was advertised for a three week period. During the advertising period, one submission was received in relation to increased traffic volumes along Oakley Street.

Whilst the submission has a level of validity in terms of contributing to the final outcome of the decision making process, it is considered that it does not carry such weight as to preclude proper consideration of the proposed development and issue of a conditional grant of planning approval.

The assessment of the proposal reveals that the subject land is in close proximity to the Mixed Business Zone and that it is located within a “Frame Area”, therefore consideration of non-residential uses on the subject land would not be uncharacteristic. 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. For example, the Mixed Business Zone is located to the east, Special Use (City Centre) to the north, and “Place of Assembly” to the south

It is recommended that Council support the proposed Specialist Medical Centre subject to applicable development conditions.

## **Background**

Council at its meeting of 19 February 1990, resolved as follows:

*“(10) Council approve the application to use the dwelling located on Lot 20 Sampson Road as a consulting room for a specialist surgeon, subject to the car parking area being located on-site with attractive landscaping and dense screening to the satisfaction of Council.”*

Following Council’s decision, the City issued a planning approval on 28 February 1990 as a “Home Occupation Consulting Room”. In practical terms, however, the premises had been used solely as a consulting room before it was destroyed by the 2005 tornado.

Given the past land use history, the proposal can be considered as an attempt to replace the medical practice on-site with the exception that the proposed Specialist Medical Centre is more intensive in terms of use. The distinction can be further analysed in the terms of the following definitions contained under TPS 7:

- “Consulting Rooms: means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.”
- “Medical Centre: means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment and counselling.”

The key terminology here is “no more than 2 health consultants”, in the definition of consulting rooms. The proposal indicates three consulting rooms and therefore, has been categorised as a medical centre rather than consulting rooms.

On the basis of this analysis, the application was advertised for public comment, as required. At the end of the advertising period, only one submission was received - **attached** at Appendix 6.

The breakdown of the proposal indicates that the bulk of the construction material will be steel framed/rendered masonry with metal deck roof. The medical centre will occupy a 360 sq.m portion of the lot resulting in 40% site coverage. The other features of the proposal include a 1.8 metre high solid fence at the Sampson Road frontage with a mix of mesh fence towards the northeast corner of the lot. Also, the proposal indicates a landscaping treatment at the front, along Oakley Road and at the rear of the lot.

**Attached** at Appendix 7 are drawings of the proposed medical centre

Zone

Lot 20 (No. 21) Sampson Road is zoned Residential R15 under TPS 7. In accordance with the land use matrix (Table 1 of TPS 7), the use class - medical centre is an “A” use, which is required to be advertised to the public prior to determination by Council.

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 the “Frame Area” around commercial cores and the subject land lies within the “Frame Area” relevant to this application.

Frame Areas - (see plan **attached** at Appendix 8)

Although, on balance, it is considered that the proposed development would not be in conflict with the current land uses in the general area, it should be noted that the amenity of the surrounding residents along Oakley Street should be protected as far as practicable. Traffic calming devices and limitation of operation hours could be among possible measures that can be applied to protect the established level of amenity in the residential area. It is also considered that these measures would address the concerns raised by the objector to the proposed development in the areas of traffic noise, privacy matter and loss of residential status of the site.

Access and Car Parking

The proposed medical centre will have its main frontage from Sampson Road while its principal vehicular access will be from Oakley Street at about a distance of 35m from the intersection. It is noted that the Oakley Street access would increase vehicular movements along Oakley Street, as it is as well a primary means of access to residents along this street. However, it is considered that the vehicular movements would not significantly compromise the traffic situation in the area for the reason that the subject land is located at the intersection of Oakley and Sampson Road and therefore through traffic along Oakley Street would be minimal.

The medical centre will be served by 12 car-parking bays out of which one bay will be for disabled parking while one parking space adjacent to the rear entry will be reserved as an ambulance bay. The submitter has expressed his concern that there will be on street and verge parking in the area. It is considered that the proposed 12 car parking bays on-site would be sufficient to serve the proposed medical centre (as per the Scheme requirements).

**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.*” Undertaking assessment and approvals of all development proposals in line with the Town Planning Scheme is one of the strategies specified.

### **Community Consultation**

The proposal was advertised for 21 days in accordance with TPS 7 requirements and only one submission (objection) was listed against the proposal.

### **Councillor/Officer Consultation**

Discussions have been undertaken with Technical Officers within 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 Council perspective.

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

It is considered that the proposed medical facility will create employment opportunities in the City. Therefore, it is beneficial in economic terms.

The social impact would be positive in that it would promote the well being of the society through the provision of medical services.

There are no known environmental or heritage concerns relating to this proposal.

### **Council Policy Compliance**

The City has a current Commercial Strategy with a Local Planning Policy status as adopted by Council on 18 February 2003 (Council Decision 46/03). The term current is deliberately inserted to alert Council that this policy is applicable so far as the City is concerned at this point in time. In this regard the Policy specifies as follows: *“The ‘frame’ areas surrounding commercial areas should therefore be considered for buffer uses such as Consulting Rooms and are ideal for Home Occupation and Home Businesses.”*

The proposal is in line with City’s Local Planning Policy – Commercial Strategy as outlined above. On the other hand, it should be recognised that the Commercial Strategy has not been officially endorsed by the Western Australian Planning Commission.

The subject land is located within close proximity to the Mixed Business Zone and is within the Frame Area.

### **Legislative Compliance**

The principal statutory document is TPS 7, in this case. In accordance with Table 1 of the Scheme, the use class “Medical Centre” is an “A” use in the respective zone, which can be considered by Council following a public consultation process. The proposal was advertised as required and one submission was reported.

Although not primarily a statutory document and hence a legislative requirement, the associated Local Planning Policy - Non-Residential Development in or Adjacent to Residential Areas - has been referred to so as to determine compliance matters, and it has been found that the proposed medical centre is in line with the policy, in that it is in the Frame Area.

### **Delegation of Authority**

According to policy, in cases where public submissions are received, Development Applications are required to be referred to Council.

### **Relevant Precedents**

There are no known similar proposals.

### **Possible Options**

#### Option 1

Per the Executive recommendation.

#### Option 2

Council may elect to refuse the proposed medical centre. 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 Hassell Pty Ltd for a Medical Centre at Lot 20 (No. 21) Sampson Road, hereby resolves to refuse the proposal as the proposed specialist medical centre compromises the amenity of the immediate residential neighbourhood in terms of extra traffic movements and loss of residential character, in general."*

### **Conclusion**

The proposed specialist medical centre can be considered as a request to replace the previously existing medical establishment (consulting room) on the subject land, which was destroyed by the 2005 tornado, by another medical establishment (Medical Centre). It is noted that it is not a request to replace like by like. The proposed medical centre is larger and more intensive compared to the previous consulting room. Notwithstanding the marked difference in terms of intensity relative to the previously existing consulting room, it is considered that it is still acceptable relative to other land-uses in the area.

Importantly also, the proposal is within the Frame Areas, where non-residential uses can be considered for approval.

## **EXECUTIVE 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 Hassell Pty Ltd for a Medical Centre at Lot 20 (No. 21) Sampson Road, hereby resolves to:

1. Note the public submission received.
2. Approve the proposed “Specialist 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 commenced within twelve (12) months and completed within two (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 (1) month prior to the expiration of the Planning Approval.
  - 2.4 The applicant is required to prepare and submit a traffic study and, depending upon the outcome of the study, explore the possibilities of installing traffic calming devices along Oakley Street.
  - 2.5 For a one (1) year trial period, the operation hours to be limited as follows:  
  
Monday to Friday: 8am – 10pm  
Saturday 8am-12pm  
Sunday – to be closed.
  - 2.6 The access way(s), parking area(s) and 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 the 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 Standard, Austroads Part 11 Guide to Traffic Engineering Practice: Parking, Australian Standard AS2890.1-2004 Off-street Car Parking & Australian Standard AS2890.2-2002 – Off-street Commercial Vehicle Facilities). The design shall be approved prior to the issue of a building licence.*

- 2.7 The applicant shall construct and maintain vehicle crossovers to the development. Existing crossovers not required for the proposed development shall be removed, the verge made good and kerbing reinstated, immediately upon completion of the building. *(Advice Note: Crossovers shall be in accordance with Council's Standard Drawings MISC-01-03; MISC-01-04, MISC-01-05 or approved alternative design. Crossovers shall not vary from the standard designs without written approval from the City Engineer. Pedestrian access across the crossover shall be free of tripping hazards e.g., no raised kerbing. Paths shall take priority over crossovers. In accordance with Local Planning Policy - Vehicle Crossovers - Council's Crossover Rebate will only be issued where construction has been completed in accordance with the standard drawings.)*
- 2.8 The applicant shall dispose of storm water on-site. Plans and specifications relating to the disposal of storm water and ground water for the development shall be submitted and approved by the City Engineer prior to the issue of a building licence - refer to Local Planning Policy – Stormwater Disposal From Private Property. *(Advice Note: The applicant is to provide 1 cubic metre of underground storm water storage for each 65 sq.m of impervious area, including parking, driveways, other paved and sealed and roof areas.)*
- 2.9 This property is situated on the Preston River Flood Plain and is susceptible to flooding. Habitable rooms in any building construction shall have a minimum finished floor level of 2.2 metres AHD.
- 2.10 Payment of the Path Network contribution of \$2,350 prior to the issue of a building licence. The contribution will be used to fund Council's path replacement and expansion programme. The contribution may, at the City Engineer's discretion, be used to upgrade/construct paths on the property frontage.
- 2.11 Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the City Engineer at the developer's expense.
- 2.12 A Road Assets Damage Bond of \$1,000 shall be paid by the applicant prior to the issue of the building licence per Council's Local Planning Policy - Bonds.
- 2.13 Street frontage lot corners as marked on the approved development plan shall be truncated to the satisfaction of the City Engineer and ceded to the Crown free of cost.
- 2.14 The property shall be connected to a Water Corporation sewer.



- 2.15 Existing trees located in verge areas are to be retained except where otherwise approved for removal by the City's Manager of Parks and Recreation. Should removal be approved costs associated with the removal to be the responsibility of the developer.

## **OUTCOME OF THE COUNCIL COMMITTEE MEETING - 27 FEBRUARY 2007**

The Presiding Member called for public speakers.

Mrs Derinda Price (applicant) advised the meeting that she would like to see points 2.4 and 2.5 removed from the Executive Recommendation (and point 2.10 amended). In support of her request she indicated that:

- The new medical centre will be no different to the last building that was destroyed by the tornado in 2005 - the only difference will be an additional consulting room to accommodate an extra doctor if needed in the future.
- (As widely reported in the press) Bunbury is in urgent need of doctors.
- The objecting residents (No. 1 Oakley Street) have lived there since before the tornado of 2005 and would have been in residence while the medical centre was operating previously. As only one doctor will be operating from the premises for the time being, the level of traffic going to and from the premises will be no more than they experienced before the tornado.
- A traffic study of the area was done as part of the St John's development so it is unfair that we should have to bear the cost of another traffic study - especially as the level of traffic is not expected to alter.
- Cannot understand why the Council is trying to restrict the operating hours of the surgery as this was not a condition of approval when the centre was in operation before the tornado. What will happen in an emergency?
- In relation to clause 2.10, she would like the funds used from this to be spent on raising the footpath in Oakley Street (to at least 1.5 metres above the flood plain) as this would make entry into the surgery a little easier.
- In response to questions later during the meeting, Mrs Price confirmed that:
  - (a) the medical centre previously had six car parking bays and the new centre will require twelve;
  - (b) she expects the centre will have no more than 10 patients per day on weekdays and probably less on Saturdays, and;

- (c) the ambulance bay is a statutory requirement - it is there mostly for the drop-off and pick-up of elderly/frail people attending the centre for medical treatment. She can only recall one instance in the past when an ambulance was called to the medical centre for an emergency.

Dr Smith (applicant) advised that:

- This is his practice and it is simply a reinstatement of a medical practice that was operating from this site prior to the tornado in 2005.
- Prior to the tornado, the centre comprised two consulting rooms and now they just want to increase it to three.
- Traffic flow along roads surrounding the old St John of God Hospital site has reduced considerably since the hospital closed.

Oakley Street resident, Mr Neil Thomas, addressed the committee against the proposal and raised the following points:

- My main concern is that vehicles entering/exiting the site will be doing so from Oakley Street instead of Sampson Road. The medical centre is on Sampson Road so it is only fair that vehicle access should be from that road.
- This house started out as just an old house in a residential area and I am concerned at what it will grow into (and associated level of vehicular traffic).
- If Bunbury needs more doctors then what has Dr Smith been doing since the tornado? Has he been working out of a local hospital?
- Although we are only one set of residents this represents 1 out of 8 as there are only eight homes in the street - I assume none of them have made comment as these homes are mostly rented out.
- Allowing the medical centre to open whenever there is an emergency will not help the situation for residents as the centre can claim they are working on an emergency at any time.

The Acting Executive Manager of City Development made comment as follows:

- The approval condition requiring stipulation of business operating times was included in order to reduce the impact of the business on surrounding residents as this site is located within a 'frame' area.
- No more than three (3) medical consultants can operate out of the premises.

- It should be noted that the Executive Recommendation confirms a condition requiring traffic modelling to be undertaken prior to issue of a Building Licence. At the completion of the Traffic Study, the City's engineering officers will determine what traffic calming devices will be needed in the street (if any).

Following discussion, the Acting Executive Manager of City Development was requested to prepare additional information for consideration at the Council Meeting on 6 March 2007, concerning the footpath (i.e., points 2.9 and 2.10 of the Executive Recommendation).

Cr Major moved, Cr T Smith seconded the Executive Recommendation (in full).

Following a request from some committee members, the Presiding Member put the motion to the vote in separate parts, with the following outcome:

Points 1 to 2.3 (adopted 10 votes "for" to 1 vote "against")

Point 2.4 (defeated 1 vote "for" to 10 votes "against")

Point 2.5 (amended to read as follows - this amended motion adopted 10 votes "for" to 1 vote "against"):

*"2.5 For a one (1) year trial period, the medical operation hours to be limited as follows:*

*2.5.1 Monday to Friday: 8am-10pm; Saturday 8am-12pm and Sundays – closed.*

*2.5.2 These hours may be varied in the case of a medical emergency."*

Points 2.6 to 2.8 (adopted 10 votes "for" to 1 vote "against")

Point 2.9 (adopted 10 votes "for" to 1 vote "against")

Point 2.10 (adopted 8 votes "for" to 3 votes "against")

Points 2.11 to 2.15 (adopted 10 votes "for" to 1 vote "against")

The committee's recommendation now reads as follows:

**COMMITTEE RECOMMENDATION**

**Moved Cr Major**

**Seconded Cr T Smith**

*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 Hassell Pty Ltd for a Medical Centre at Lot 20 (No. 21) Sampson Road, hereby resolves to:*

- 1. Note the public submission received.*

2. *Approve the proposed “Specialist 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 commenced within twelve (12) months and completed within two (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 (1) month prior to the expiration of the Planning Approval.*
  - 2.4 *(deleted)*
  - 2.5 *For a one (1) year trial period, the medical operation hours to be limited as follows:*
    - 2.5.1 *Monday- Friday 8am-10pm; Saturday 8am-12pm; Sundays-closed.*
    - 2.5.2 *These hours may be varied in the case of a medical emergency.*
  - 2.6 *The access way(s), parking area(s) and 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 the 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 Standard, Austroads Part 11 Guide to Traffic Engineering Practice: Parking, Australian Standard AS2890.1-2004 Off-street Car Parking & Australian Standard AS2890.2-2002 – Off-street Commercial Vehicle Facilities). The design shall be approved prior to the issue of a building licence.*
  - 2.7 *The applicant shall construct and maintain vehicle crossovers to the development. Existing crossovers not required for the proposed development shall be removed, the verge made good and kerbing reinstated, immediately upon completion of the building. (Advice Note: Crossovers shall be in accordance with Council’s Standard Drawings MISC-01-03; MISC-01-04, MISC-01-05 or approved alternative design. Crossovers shall not vary from the standard designs without written approval from the City Engineer. Pedestrian access across the crossover shall be free of tripping hazards e.g., no raised kerbing. Paths shall take priority over crossovers. In*

*accordance with Local Planning Policy - Vehicle Crossovers - Council's Crossover Rebate will only be issued where construction has been completed in accordance with the standard drawings.)*

- 2.8 *The applicant shall dispose of storm water on-site. Plans and specifications relating to the disposal of storm water and ground water for the development shall be submitted and approved by the City Engineer prior to the issue of a building licence - refer to Local Planning Policy – Stormwater Disposal From Private Property. (Advice Note: The applicant is to provide 1 cubic metre of underground storm water storage for each 65 sq.m of impervious area, including parking, driveways, other paved and sealed and roof areas.)*
- 2.9 *This property is situated on the Preston River Flood Plain and is susceptible to flooding. Habitable rooms in any building construction shall have a minimum finished floor level of 2.2 metres AHD.*
- 2.10 *Payment of the Path Network contribution of \$2,350 prior to the issue of a building licence. The contribution will be used to fund Council's path replacement and expansion programme. The contribution may, at the City Engineer's discretion, be used to upgrade/construct paths on the property frontage.*
- 2.11 *Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the City Engineer at the developer's expense.*
- 2.12 *A Road Assets Damage Bond of \$1,000 shall be paid by the applicant prior to the issue of the building licence per Council's Local Planning Policy - Bonds.*
- 2.13 *Street frontage lot corners as marked on the approved development plan shall be truncated to the satisfaction of the City Engineer and ceded to the Crown free of cost.*
- 2.14 *The property shall be connected to a Water Corporation sewer.*
- 2.15 *Existing trees located in verge areas are to be retained except where otherwise approved for removal by the City's Manager of Parks and Recreation. Should removal be approved costs associated with the removal to be the responsibility of the developer.*

**Notes:**

- *This is not a Building Licence. This development is subject to a building licence approval – an application shall be made with Council's Building Services prior to commencement of works on-site.*
- *All documentation submitted with the application shall be in accordance with the Building Regulations 1989 and the Building Code of Australia 1996 – Volume 1, including in particular, detailed plans and specifications for the site works (including finished ground and floor levels), storm water and roof run-off disposal, existing easements, parking areas (including pavement type), to the satisfaction of Council.*

- *The Plans and Specifications must be submitted to the Fire Emergency and Safety Association (FESA).*
- *The Plans and Specifications must indicate the positions of any Exit Doors and Exit Signs and they are to be in accordance with the BCA – Parts D1 and E4 (Volume 1).*
- *The Plans and Specifications must indicate the position of required Fire Hydrants and Fire Hose Reels and they are to be in accordance with the BCA – Part E1 (Volume 1).*
- *Should the Plans and Specifications indicate that the external walls are within 3 metres of a boundary, then the walls must have a Fire Resistance Level (FRL) of 90/90/90 in accordance with the BCA – Part C3 (Volume1).*
- *The Plans and Specifications must indicate all provisions of access for people with disabilities, into and within the building, in accordance with the BCA – Part D3 (Volume 1) and AS 1428.1.*
- *The Plans and Specifications for the Building Application must provide sanitary facilities for people with disabilities in accordance with the BCA – F2 (Volume 1) and AS 1428.1.*
- *Owners, Builders and Developers undertaking development and/or construction of any kind are hereby advised of their responsibility to comply with the requirements of the Disability Discrimination Act 1992.*
- *Until a Certificate of Classification has been issued by the Department of Development Services under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the land for the purposes in accordance with this approval.*
- *A sign licence application, including a plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted and approved by the Council's Department of Development Services, prior to the erection of any signs on the site and/or building.*
- *The Plans and Specifications must be submitted to the Water Corporation for approval.*
- *Prior to the removal of any structure, a Demolition Licence shall be obtained from the Council pursuant to the Building Regulations 1989.*
- *The applicant is reminded of their obligations to ensure that all sand drift, waste, building materials and equipment is contained within the boundaries of the site during the construction period.*
- *Compliance with the Health Act 1911 is required.*

**CARRIED**

(Votes for individual parts as listed on page 14)

**11.2 CITY OF BUNBURY ART COLLECTION MANAGEMENT COMMITTEE -  
CHANGE OF STATUS** *(WAS LISTED AS ITEM 11.8 IN THE MEETING AGENDA)*

<b>File Ref:</b>	A00168
<b>Applicant/Proponent:</b>	City of Bunbury Art Collection Management Committee
<b>Author:</b>	Domenic Marzano, Executive Manager City Life
<b>Executive:</b>	Domenic Marzano, Executive Manager City Life

**Summary**

To improve the efficiency and focus of matters pertaining to the City of Bunbury's art collection, the City of Bunbury Art Collection Management Committee ("CBACMC") currently based at the Bunbury Regional Art Galleries, has recommended a review of the committee's status and has recommended that the CBACMC be re-established as a committee of the Council.

**Background**

The City of Bunbury Art Collection began in 1948 with the first donation of what was to become a total of 22 works to the (then) Town of Bunbury by Sir Claude Hotchin (1898–1977).

In the 1940's Sir Claude bequeathed art to country shire councils with the intention of giving country people greater access to art, encouraging local artists to develop and contribute and promoting the establishment of regional collections.

Initially, volunteers from the Bunbury Society of Artists managed the early collection. Later, the Bunbury Art Collection Committee was formed as an independent group under Section 181 of the Local Government Act (1960).

The collection is now stored and exhibited in the Bunbury Regional Art Galleries. The collection has developed into one of the most important art collections in regional Australia consisting of nearly 500 works of art and craft. The City of Bunbury Art Collection is conservatively valued in excess of \$2.5 million

In the interests of providing Council with effective service and advice regarding matters pertaining to the City of Bunbury's art collection, the CBACMC at its meeting on 11 December 2006, recommended that the CBACMC be re-constituted as a council committee that reports directly to the Bunbury City Council.

**Strategic and/or Regional Outcomes**

The role and function of this committee is congruent with Strategy 6. of the new 2007-2012 Strategic Plan (Develop Social Capital).

### **Community Consultation**

There has been no direct consultation with the general community concerning the amendment to the committee's status but the matter has been discussed with the members of the City of Bunbury Art Collection Management Committee.

### **Councillor/Officer Consultation**

Consultation has taken place with the Chief Executive Officer and Senior Administrative Officer concerning administrative and insurance matters.

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

Committees of Council place a resource allocation burden on the operations of the City. It is acknowledged that for such committees to function properly and regularly (usually monthly) they require the support of a senior professional officer and secretarial support. The impact extends beyond the meeting attendance and includes preparation for meetings, minute taking and actioning related items.

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

As this proposal relates specifically to administrative matters, no direct negative economic, social, environmental or heritage impacts are identified.

### **Council Policy Compliance**

There is no Council policy relevant to this matter.

### **Legislative Compliance**

Under the provisions of Sections 5.8 and 5.10 of the Local Government Act 1995, the formation of a new committee (or amendment to the Terms of Reference or membership) requires an 'Absolute Majority Vote' of the Council.

### **Delegation of Authority**

The Chief Executive Officer does not have the delegated authority of the Council to endorse a new committee or its Terms of Reference.

### **Relevant Precedents**

Council regularly considers its membership of Council-appointed committees and external groups.



## **Possible Options**

### *Option 1*

Per the Executive Recommendation listed in this report.

### *Option 2*

The Council may elect not to establish the City of Bunbury Art Collection Management Committee as a 'committee of the council'.

## **Conclusion**

Due to the changing nature of the CBACMC it is considered (by the CBACMC) that Council and the community would be far better served by re-establishing the City of Bunbury Art Collection Management Committee as a formal committee that reports directly to Council. It is considered that the Terms of Reference should still allow for matters of a contentious nature to be referred to Council for consideration.

## **EXECUTIVE RECOMMENDATION**

Council re-establishes the existing City of Bunbury Art Collection Management Committee as a committee of the Council with the following Terms of Reference and membership:

1. The City of Bunbury Art Collection Management Committee is to make recommendations to the Bunbury City Council and operate with the following Terms of Reference:
  - 1.1 To manage, conserve and exhibit movable artworks comprised within the City of Bunbury Art Collection.
  - 1.2 To manage, conserve and display public artworks comprised within the City of Bunbury Art Collection.
  - 1.3 To further develop the City of Bunbury Art Collection through the acquisition of new works of art and craft.
  - 1.4 To organise exhibitions.
  - 1.5 To encourage the loan of quality artworks for exhibition.
  - 1.6 To encourage art patrons and corporations to make bequests to the City's Collection.

- 1.7 To promote the collection and make it accessible to the Bunbury community.
  - 1.8 To encourage individuals, corporations, and businesses to sponsor prizes or to purchase works to add to the Collection.
  - 1.9 Any other associated matter that may be approved by the Council of the City of Bunbury.
2. Membership of the Bunbury Art Collection Management Committee to be as follows:
- 2.1 Councillor \_\_\_\_\_ and Councillor \_\_\_\_\_ (to be decided).
  - 2.2 One (1) representative from the Society of Artists as determined on an annual basis.
  - 2.3 Eight (8) persons interested (or participating) in Arts/Crafts to be appointed for a two (2) year term each, the terms being staggered. Five (5) of these persons shall be electors of the City of Bunbury.
  - 2.4 The Curator of the permanent Collection to hold an ex-officio position on the committee.
  - 2.5 The Director of the Bunbury Regional Art Galleries to hold an ex-officio position on the committee.

#### **OUTCOME OF THE COUNCIL COMMITTEE MEETING - 27 FEBRUARY 2007**

Mayor D Smith disclosed an impartiality interest as his wife is a member of the committee. He elected to leave the meeting at 6.55pm for the duration of discussion and the vote.

The Deputy Mayor (Councillor Judy Jones) assumed the role of Presiding Member in the Mayor's absence.

The Executive Recommendation was moved Cr Major, seconded Cr Wenn to become the motion under discussion.

The Acting Executive Manager of City Life confirmed that the term 'moveable art' refers to pieces of art that are transportable and can be shown at exhibits in places other than the Bunbury Regional Art Galleries. Public artwork is usually fixed down i.e., pieces of sculpture and statues located in roundabouts and local parks.

During discussion, Crs Craddock and McCleary were nominated for appointment to the committee. The motion was amended to incorporate their names and put to the vote:

**COMMITTEE RECOMMENDATION**

Moved Cr Major  
Seconded Cr Wenn

*Council re-establishes the existing City of Bunbury Art Collection Management Committee as a committee of the Council with the following Terms of Reference and membership:*

1. *The City of Bunbury Art Collection Management Committee is to make recommendations to the Bunbury City Council and operate with the following Terms of Reference:*
  - 1.1 *To manage, conserve and exhibit movable artworks comprised within the City of Bunbury Art Collection.*
  - 1.2 *To manage, conserve and display public artworks comprised within the City of Bunbury Art Collection.*
  - 1.3 *To further develop the City of Bunbury Art Collection through the acquisition of new works of art and craft.*
  - 1.4 *To organise exhibitions.*
  - 1.5 *To encourage the loan of quality artworks for exhibition.*
  - 1.6 *To encourage art patrons and corporations to make bequests to the City's Collection.*
  - 1.7 *To promote the collection and make it accessible to the Bunbury community.*
  - 1.8 *To encourage individuals, corporations, and businesses to sponsor prizes or to purchase works to add to the Collection.*
  - 1.9 *Any other associated matter that may be approved by the Council of the City of Bunbury.*
2. *Membership of the Bunbury Art Collection Management Committee to be as follows:*
  - 2.1 *Councillor Craddock and Councillor McCleary.*
  - 2.2 *One (1) representative from the Society of Artists as determined on an annual basis.*
  - 2.3 *Eight (8) persons interested (or participating) in Arts/Crafts to be appointed for a two (2) year term each, the terms being staggered. Five (5) of these persons shall be electors of the City of Bunbury.*

*2.4 The Curator of the permanent Collection to hold an ex-officio position on the committee.*

*2.5 The Director of the Bunbury Regional Art Galleries to hold an ex-officio position on the committee.*

**CARRIED**

**10 Votes "For" / Nil Votes "Against"**

Mayor D Smith returned to the meeting at 7.00pm.

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

**11.3 PROPOSED MULTIPLE DWELLING DEVELOPMENT LOT 10 (NO. 5) VICTORIA STREET, BUNBURY** *(WAS LISTED AS ITEM 11.6 IN THE MEETING AGENDA)*

<b>File Ref:</b>	P10147
<b>Applicant/Proponent:</b>	Hassell Pty Ltd (on behalf of Harmony Ridge Pty Ltd) - <i>See Confidential Report for Names of Company Directors</i>
<b>Author:</b>	Paul Davies, Planning Consultant
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

The City has recently received a Planning Application from Hassell Pty Ltd on behalf of Harmony Ridge Pty Ltd for development of twelve (12) multiple dwellings and a small commercial area on the abovementioned lot. The proposed development comprises five storeys with ground level commercial (retained heritage building) and car parking with four levels of residential units (three units of either two or three bedrooms) on each floor above.

The development also includes recreation facilities for residents including a swimming pool and outdoor areas on the first floor level. Twenty-seven on-site car parking bays are provided in an undercroft area on the ground level.

The location plan is **attached** at Appendix 9.

The proposed development requires variation to a number of requirements of the Marlston Hill (Stage 1) Design Guidelines. The development also requires variation of setback requirements in accordance with the Residential Design Codes.

The proposed development seeks variation to a number of requirements of the Marlston Hill (Stage 1) Design Guidelines ("MHS1 Guidelines") in regard to building height, wall height and roof pitch. The proposed development also seeks variation of setback requirements in accordance with the Residential Design Codes.

The MHS1 Guidelines state that Council may consider alternative designs which vary from the guidelines subject to demonstration that the proposed development is in keeping with the objective and intent of the Design Guidelines.

The proposed development was advertised for public comment for a 21-day period including advertising notices on-site, letters to adjoining owners and in the local newspaper. Thirteen submissions have been received from nearby property owners.

The proposed design is generally considered acceptable and it is recommended that Council approve the development with variations to the Marlston Hill (Stage 1) Design Guidelines subject to appropriate development conditions.

## **Background**

The site is currently occupied by the former Dalgety and Co building which is currently vacant (previously Hogs Breath Café). Also, there is an existing single residential dwelling on the rear of the property.

The former Dalgety and Co building is considered to be of historical significance to the City. The building is not, however, included on the City of Bunbury Municipal Inventory or Heritage List under Town Planning Scheme No 7. The proposed development design is supported by the Regional Heritage Advisor and it is proposed to include the building on the Municipal Inventory when the next review is undertaken.

In accordance with Town Planning Scheme No. 7 the site is zoned 'City Centre' and the proposed use for a multiple dwelling and commercial development is a use that can be permitted subject to compliance with City of Bunbury Town Planning Scheme No 7 Residential Design Codes and the Marlston Hill (Stage 1) Design Guidelines.

### Building Height

The MHS1 Guidelines recommend a maximum building height of 3 storeys with no more than two storeys (for a single wall height and the third floor in the roof), a maximum wall height to the eaves of 7.5 metres and minimum roof pitch of 25 degrees.

The proposed building is generally five storeys which includes a ground floor commercial tenancy of approximately 210 sq.m and four (4) levels of multiple dwelling units.

**Attached** plans at Appendix 10 shows the elevations of the proposed development and the ground floor, first floor and typical layout for floors 2 to 4 of the proposed development.

The MHS1 Guidelines state that Council may consider alternative designs which vary from the guidelines subject to demonstration that the proposed development is in keeping with the objective and intent of the Design Guidelines.

Notwithstanding the above, the subject land is zoned "City Centre" under the City of Bunbury Town Planning Scheme No 7. Under the City Centre zone a plot ratio of 3.5 could generally be accommodated on the site plus a possible 20% bonus subject to Council approval. Also, residential development in the City Centre Zone is permitted to a maximum density of R100.

Further to the above, it is noted that with the current City Vision framework the potential increased height limit in the City Centre may be possible subject to formalisation of the City Vision Strategy Process. On this basis, a building of greater height than the current proposal could potentially be considered for the subject site (subject to detailed design).

The proponents advise that the building has been “specifically designed to retain the heritage building and ensure attractive facades as people view the site from Victoria Street, the side road and residential properties behind. The new building is restrained in expressing modern forms and details”.

It is recommended that Council approve the plot ratio bonus of 17.6% as requested..

### Setbacks

The MHS 1 Guidelines Clause 3.3 states that Council will encourage zero (0) side setbacks for development fronting Victoria Street. The proposed development includes parapet walls on the north and south boundaries which is consistent with the guidelines.

Front setback for lots fronting Victoria Street is also required to be zero (0) metres. The proposed development is however, set back to retain visual aspects of the existing heritage building at the front of the property.

The Residential Design Codes (Visual Privacy) acceptable development provisions generally require a 4.5 metre setback for bedroom windows with major openings, a 6 metre setback for habitable rooms with major openings and 7.5 metres to balconies to avoid overlooking of adjoining properties.

The proposed southern elevation includes living room windows on the first to fourth level with a 2.5 metre setback to the side boundary. The southern elevation also includes balcony and decks on the first to fourth level with a 2.5 metre setback to the side boundary. Also a small balcony on the first floor is adjacent to the side boundary.

The proposed northern elevation includes bedroom windows and balconies adjacent to the existing access/ laneway. To comply with the Residential Design Codes the respective windows and balconies could be easily modified or screened to a height of 1.6 metres to avoid overlooking of adjoining properties.

The proposed windows and balconies may however, be supported in accordance with the performance criteria of the Residential Design Codes. The proponents advise that windows and balconies facing other residential properties have been located to minimise overlooking both to and from the site, while building elements such as screens and blades have been designed in addition.

The proponents advise that the adjoining development to the south facing Victoria Street is single storey constructed to the side boundary. On this basis, the proposed development only overlooks the roof top of the adjoining property.

The proposed windows and balconies to the north side overlook the existing access/laneway and the adjoining development includes a rear access driveway and two storey commercial units fronting Victoria Street and residential units to the rear.

It is considered that the reduced (visual privacy) setback requirements for the side elevations are satisfactory. Any future redevelopment of adjoining properties is likely to be multi storey and could include parapet walls on the boundary.

Submissions received during the advertising period outlined concerns with the proposed building height and potential loss of views and reduced land values for existing developments along Wittenoom Street and Sinclair Close.

In terms of impacts on views for adjoining properties, it is generally acknowledged that views cannot be guaranteed as a significant planning consideration. The proposed development is setback 18 metres plus the width of the access laneway from the rear boundary.

On this basis the development is considered to be adequately setback from the existing residences along Sinclair Close.

#### Car Parking and Access

The development includes provision of a total of twenty-seven car parking bays including two car parking spaces for each multiple dwelling with three visitor bays. The proponents advise that the visitor bays are proposed to be used by the commercial tenants during the day and would be available for visitors after hours.

Clause 5.7.1.9 of Town Planning Scheme No 7 states that car parking spaces associated with developments of up to 2000 sq.m may not be required but any development in excess of 2000 sq.m is to provide for adequate on-site parking as determined by the local authority.

Details of the commercial tenancy use are not available at this stage. Should the property be used for “office” purposes then four car parking bays would be required based on TPS No. 7 requirement of one bay per 50 sq.m floor area. Should the property be used for a “shop” then seven car parking bays would be required based on TPS No. 7 requirement on 1 bay per 30 sq.m floor area.

On this basis the development could be considered to have a shortfall of car parking of approximately 4-7 bays. The proposed development includes only a small amount of commercial floor space of 210 sq.m.

As the commercial floor space is less than 2000 sq.m it is generally considered that parking for the proposed commercial areas may not be required in accordance with the provisions of Clause 5.7.1.9 of Town Planning Scheme No 7 as outlined above. The parking provisions under the Town Planning Scheme are however, currently under review and may be modified in the future.

In 1997 the City acquired land and developed car parking adjacent to Ommanney Street from the Specified Central Area Parking Reserve Fund. This parking area was provided to service future car parking requirements in the Marlston Hill area.



It is recommended that Council approve the proposed car parking provision in accordance with the provisions of MHS1 Guidelines and Clause 5.7.1.9 of Town Planning Scheme No 7.

The proposed development obtains access from an adjoining laneway (road reserve) which is only 4.1 metres wide along the north boundary of the site. The existing lane way also services existing development to the north of the site and commercial premises to the south.

The current width of 4.1 metres does not accommodate two way traffic movements. This is considered likely to create potential for traffic conflicts in the laneway and at the intersection with Victoria Street.

Submissions received during the advertising of the proposal outlined concerns with the width of the adjoining lane and potential for traffic conflicts. Other concerns were raised in regard to increasing noise levels due to heavier traffic volumes using the laneway.

The Council's Engineering Department advises that the width of the access laneway should generally be increased to approximately 5 metres in width with a 6 metre crossover to Victoria Street. The Engineering Department further indicates that other possible solutions to avoid traffic conflicts may be considered.

It is recommended that a condition be included on the development approval requiring modification of the overall building design to provide a minimum land width of 5 metres and a crossover of 6 metres to Victoria Street to be designed and constructed to the specification and satisfaction of the City Engineer.

Also the land required for the increased laneway (road reserve) width is required to be ceded free of cost to the Crown for the purpose of road widening.

#### Plot Ratio

In accordance with the Residential Design Codes, multiple dwellings can achieve a plot ratio of 1.25. This equates to a residential floor area of 1,530 sq.m for the subject site. The proposed development includes a total floor area of 1,803 sq.m which equates to a plot ratio of 1.47.

However, the provisions of Town Planning Scheme No 7 Clause 5.9.2.2 (b) provides for Council to approve a 20% bonus (1,836 sq.m total) where "the development preserves an historical building which the local government considers warrants preservation and any building on the site is located at least 6 metres from the preserved building."

The proponents advise that a bonus plot ratio of 17.6% (306 sq.m) is sought for the proposed development. The development proposes to retain the former Dalgety & Co building which is considered to be of historical significance to the City.

As outlined previously the building is not included on the City of Bunbury Municipal Inventory and Heritage List under Town Planning Scheme No 7 but it is proposed to include the building on the Municipal Inventory when the next review is undertaken. The proposed development design is supported by the Regional Heritage Advisor.

Further to the above, it is noted that with the current City Vision framework, a potential increased height limit may be possible subject to formalisation of the City Vision Strategy Process. Also, it is noted that under the City Centre Zone a plot ratio up to 3.5 and residential development in accordance with R100 standards could be considered.

On this basis, it is recommended that Council approve the bonus plot ratio of 17.6% for the proposed development

### Roof Pitch

The provisions of MHS1 Design Guidelines require provision of a minimum roof pitch of 25 degrees. Also portions of flat roof may be permitted were trafficable and where parapet walls are used they must have pitched roofs behind.

Clause 7.1 of the MHS1 Design Guidelines outlines that roofscapes are particularly important to Marlston Hill as they will ultimately (in combination) form the profile of the hill as seen from the City Centre, Koombana Bay and the ocean.

The proposed development includes generally a flat roof with a raised section in the middle. Although the design does not strictly comply with the MHS 1 Guidelines the Council has in the past approved similar designs and it is not considered out of character for the surrounding area.

### **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.

### **Community Consultation**

The proposed development was advertised for public comment for a 21-day period including advertising notices on-site, letters to adjoining owners and in the local newspaper. Thirteen submissions were received. A schedule of submissions is **attached** at Appendix 11.

Submissions were generally received from residents or owners of existing properties along Wittenoom Street and Sinclair Close behind the proposed development. The submissions outline concerns with the proposed development in regard to;

- Proposed building height with potential loss of views and reduced privacy from existing properties
- Reduced property values
- Reduced residential amenity with increased traffic and noise in the proposed access roadway and open space areas
- Existing access road way width of 4.1 metres inadequate to service the proposed development

The issues raised in the objections are noted and have been addressed within the submission schedule but the proposed development is considered by Development Services Officers to be satisfactory. Issues in regard to building height and setbacks and variations to the Marlston Hill (Stage 1) Design Guidelines, have been discussed in the report.

In terms of impact of vehicles and noise, all access to the development is proposed from Victoria Street and any impact on adjacent properties will be minimal. In terms of impacts on views for adjoining properties, it is generally acknowledged that views cannot be guaranteed as a significant planning consideration.

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

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

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

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

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

In economic terms, the proposal will provide economic benefit during the construction phase of the development and also future employment opportunities in the proposed commercial tenancies. The proposal will provide for social opportunities for residents and the general public. There are no significant environmental impacts associated with the development. The proposal includes retaining the existing heritage significance of the site.

#### **Council Policy Compliance**

The proposal requires variation of provisions of the City's Local Planning Policy "Marlston Hill (Stage 1) Design Guidelines" in terms of Clause 4.1 Building Height, Clause 4.2 Overall Wall Height and Clause 7.0 Roofscape.

### **Legislative Compliance**

The proposal requires variation to the Marlston Hill (Stage 1) Design Guidelines and plot ratio requirements for the proposed grouped dwellings in accordance with the Residential Design Codes

### **Delegation of Authority**

Interpretation of the City's Local Planning Policy – 'Marlston Hill (Stage 1) Design Guidelines' is delegated to the Chief Executive Officer, the Executive Manager City Development and the Manager Development Services.

### **Relevant Precedents**

There are no known precedents which are the same as this proposal. However, Council has previously approved variations to requirements of Design Guidelines. Council recently approved development of Lot 222 Abrahamson Mews (known as The Shed) including a five storey section of building fronting Casuarina Drive.

### **Possible Options**

#### Option 1

Per the Executive Recommendation listed in this report.

#### Option 2

Council may resolve not to approve the proposed development because it does not comply with the City's Local Planning Policy "Marlston Hill (Stage 1) Design Guidelines" in terms of Clause 4.1 Building Height, Clause 4.2 Overall Wall Height and Clause 7.0 Roofscape, nor the City's Town Planning Scheme No 7 and Residential Design Codes which require a maximum plot ratio of 1.25 for multiple dwelling development under the R100 Code

Should Council determine to select this option a suggested format for such action is as follows;

*"Council, under and by virtue of the powers conferred upon it under the Town Planning and Development Act 2005, hereby resolves to refuse to grant approval to Hassell Pty Ltd (on behalf of Harmony Ridge Pty Ltd) for development of 12 multiple dwellings and a small commercial area on Lot 10 (No. 5) Victoria Street, Bunbury, for the following reasons*

- 1. The proposed design does not comply with Clause 4.1 of the City's Local Planning Policy 'Marlston Hill (Stage 1) Design Guidelines' as a maximum building height of three storeys with no more than two storeys for a single wall and the third floor in the roof or roofline, is required.*

2. *The proposed design does not comply with Clause 4.2 of the City's Local Planning Policy 'Marlston Hill (Stage 1) Design Guidelines' as the maximum for overall wall height is 7.5 metres to the eaves.*
3. *The proposed design does not comply with Clause 7.0 of the City's Local Planning Policy 'Marlston Hill (Stage 1) Design Guidelines' which requires roofs to be pitched to a minimum of 25 degrees and roofs to be pitched behind parapet walls.*
4. *The proposed design does not comply with City's Town Planning Scheme No. 7 and Residential Design Codes which require a maximum plot ratio of 1.25 for a multiple dwelling development under the R100 Code."*

### **Conclusion**

The proposed development seeks variation to a number of requirements of the Marlston Hill (Stage 1) Design Guidelines in regard to building height, overall wall height and roofscape. However, the MHS1 Guidelines state that Council may consider alternative designs which vary from the guidelines subject to demonstration that the proposed development is in keeping with the objective and intent of the Design Guidelines.

The proposed design is considered acceptable and it is recommended that Council approve the development with variations to the Marlston Hill (Stage 1) Design Guidelines and Residential Design Codes. Also, it is recommended that Council approve the 17.6% increased plot ratio for the proposed development based on retention of the existing Dalgety & Co heritage building.

One issue that is specifically required to be addressed through conditions placed on the approval, is increasing the width of the existing access/laneway (road reserve) to 5 metres and ceding the required land free of cost to the Crown for the purpose of road reserve.

### **OUTCOME OF THE COUNCIL COMMITTEE MEETING - 27 FEBRUARY 2007**

Cr T Smith disclosed a financial and proximity interest as his family company owns No. 10 Victoria Street. He left the meeting at 7.01pm for the duration of discussion and the vote.

Cr S Rooney disclosed an impartiality interest as he owns a mews in a property in Marlston Hill. He elected to remain at the meeting and take part in discussion and the vote.

The Presiding Member called for public speakers.

The project architect, Brian Delfs, addressed the committee in favour of the Executive Recommendation and raised the following points:

- His client's intention is to retain the existing heritage building.
- He has commissioned a traffic study.
- There is (in his opinion) an anomaly in the zoning of this portion of the Bunbury CBD and as there is highly likely to be much more development in the area to the east of Victoria Street, the City might want to do a review.

The Acting Executive Manager of City Development responded to queries concerning the bonus allowed for retaining a building of heritage significance and parking issues.

The Executive Recommendation moved Cr Major, seconded Cr Wenn was put to the vote and adopted to become the committee's recommendation on this matter:

**COMMITTEE RECOMMENDATION**

**Moved Cr Major**  
**Seconded Cr Wenn**

*Council, under and by virtue of the powers conferred upon it under the Town Planning and Development Act 2005, hereby resolves to grant approval to Hassell Pty Ltd (on behalf of Harmony Ridge Pty Ltd) for development of 12 multiple dwellings and a small commercial area on Lot 10 (No. 5) Victoria Street, Bunbury subject to the following conditions:*

- 1. All development shall be in accordance with the approved development plans forming part of this Planning Approval.*
- 2. This approval shall expire unless the works authorised have been commenced within twelve (12) months and completed within two (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 (1) month prior to the expiration of the Planning Approval.*
- 3. Existing trees located in verge areas are to be retained except where otherwise approved for removal by the City's Manager of Parks and Recreation. Should removal be approved, costs associated with the removal are to be the responsibility of the developer.*
- 4. Arrangements shall be made to the satisfaction of the City Engineer, for submission of an approved independent traffic planning study for 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:*

- 4.1 Traffic volumes including pre and post development traffic volumes to and from accesses to the development and on surrounding streets;*
- 4.2 Level of service of accesses;*
- 4.3 Impact of the development on the surrounding streets and intersections, including level of service pre and post development;*
- 4.4 Recommendations for measures to address impacts and maintain satisfactory levels of service;*
- 4.5 Safety Audit and recommendations to address any safety issues;*
- 5. Plans submitted with the building licence are to indicate widening of the existing laneway (road reserve) to a minimum width of 5 metres and a minimum crossover width to Victoria Street of 6 metres; such to be designed and constructed to the specifications and satisfaction of the City Engineer.*
- 6. Arrangements to be made to the satisfaction of the City Engineer to cede land required for widening the existing laneway (road reserve) free of cost and without compensation, to the Crown for the purpose of road widening.*
- 7. Contribution towards the construction of a 2.0m/2.5 concrete footpath to the full extent of the front of the subject property to the satisfaction of the City Engineer.*
- 8. Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specifications and satisfaction of the City Engineer at the developer's expense.*
- 9. A Road Assets Damage Bond (\$10,000) shall be paid by the applicant prior to the issue of the building licence per Council's Local Planning Policy "Bonds".*
- 10. 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 the 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.)*
- 11. Street lighting shall be provided for the access way(s), parking areas(s) and turning area(s) by the developer. (Advice Note: Design and construction standards shall be in accordance with the relevant Australian Standards)*

12. *The applicant shall construct and maintain vehicle crossovers to the development. Existing crossovers not required for the proposed development shall be removed, the verge made good and kerbing reinstated immediately upon completion of the building. (Advice Note: Crossovers shall be in accordance with Council's Standard Drawings MISC-01-03; MISC-01-04, MISC-01-05 or approved alternative design.*
13. *Crossovers shall not vary from the standard designs without written approval from the City Engineer. Pedestrian access across the crossover shall be free of tripping hazards (e.g. no raised kerbing).*
14. *The applicant shall dispose of storm water on-site. Plans and specifications relating to the disposal of storm water and ground water for the development shall be submitted and approved by the City Engineer prior to the issue of a building licence - refer to Local Planning Policy "Storm Water Disposal From Private Property". (Advice Note: The applicant to provide for 2 cubic metres of storm water storage for each 65 sq.m of impervious area, including parking, driveways, other paved and sealed areas and roof area. A 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).*
15. *Site storm water overflow shall be connected to the City's storm water drainage system to the satisfaction of the City Engineer. Plans and specifications are to be submitted and approved by the City Engineer prior to the issue of a building licence. (Refer to Local Planning Policy "Connection to the City's Stormwater Drainage System").*
16. *This property is situated on the Preston River Flood Plain and is susceptible to flooding. Habitable rooms in any building construction shall have a minimum finished floor level of 2.2 metres AHD.*
17. *The minimum required height for clearance for waste truck access to the bin compound is 3.2 metres. The bin compound door opening is to be a minimum of 1.2 metres to accommodate an estimated two 1,100 litre bulk bins (waste and recycled) emptied twice a week (supplied by Council).*
18. *Property shall be connected to a Water Corporation sewer.*
19. *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 issue of a building licence. The landscaping plan is to include the following:*
  - 19.1 *Building layout (external walls, windows and roof) and property boundary*
  - 19.2 *The location, species and size of existing vegetation*



- 19.3 Details of any significant vegetation that is to be removed.*
- 19.4 Exact location and number of species proposed*
- 19.5 Mature height of any proposed trees*
- 19.6 Treatment of paved areas (parking and pedestrian areas)*
- 19.7 Fence material, height and treatment*
- 19.8 A key or legend detailing species type grouped under the subheadings of tree, shrub and ground cover.*
- 19.9 Mulching or similar treatments of garden beds including edges*
- 19.10 Contours including any alteration to natural ground levels*
- 19.11 Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility of maintenance.*

**Notes:**

- (1) This is not a Building Licence. This development is subject to a building licence approval – an application shall be made with Council’s Building Services prior to commencement of works on-site.*
- (2) Until a Certificate of Classification has been issued by the Department of Development Services under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the land for the purposes in accordance with this approval.*
- (3) A sign licence application, including a plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted and approved by the Council’s Department of Development Services, prior to the erection of any signs on the site and/or building.*
- (4) The Plans and Specifications must be submitted to the Water Corporation for approval.*
- (5) A Geotechnical Site Report covering the whole site, must be prepared in accordance with AS 2870, by a Practising Structural Engineer on behalf of the applicant and must be submitted to ascertain the soil type and classification and is required prior to the issue of the Building Licence.*
- (6) Retaining wall(s) are to be constructed for earth banks caused by any required filling or excavation of the site and the retained area(s) must be landscaped.*
- (7) Prior to the removal of any structure, a Demolition Licence shall be obtained from the Council pursuant to the Building Regulations 1989.*
- (8) The applicant is reminded of its obligations to ensure that all sand drift, waste, building materials and equipment is contained within the boundaries of the site during the construction period.*
- (9) All documentation submitted with the application shall be in accordance with the Building Regulations 1989 and the Building Code of Australia – Volume 1, including in particular, detailed plans and specifications for the site works (including finished ground and floor levels), storm water and roof run-off disposal, existing easements, parking areas (including pavement type), to the satisfaction of Council.*

- (10) *The plans and specifications must be submitted to the Fire Emergency and Safety Authority (FESA).*
- (11) *The plans and specifications must indicate the positions of any Exit Doors and Exit Signs and they are to be in accordance with the BCA – Parts D1 and E4 (Volume 1).*
- (12) *The plans and specifications must indicate the position of and required Fire Hydrants and Fire Hose Reels and they are to be in accordance with the BCA – Part E1 (Volume 1).*
- (13) *Should plans and specifications indicate that the external walls are within 3 metres of a boundary, then the walls must have a Fire Resistance Level (FRL) of 90/90/90 in accordance with the BCA – Part C3 (Volume1).*
- (14) *The plans and specifications must indicate all provisions of Access for People With Disabilities, into and within the building, in accordance with the BCA – Part D3 (Volume 1) and AS 1428.1.*
- (15) *The plans and specifications for the Building Application must provide Sanitary Facilities for people with disabilities in accordance with the BCA – F2 (Volume 1) and AS 1428.1.*
- (16) *Compliance with the Health (Public Buildings) Regulations 1992 will be required. The building shall not be opened to the public until a Certificate of Approval has been issued in accordance with Section 178 of the Health Act 1911.*
- (17) *A Certificate of Electrical Compliance in accordance with the Health (Public Buildings) Regulations 1992, will be required.*
- (18) *Application for Certificate of Approval or Variation of Certificate of Approval in accordance with the Health (Public Buildings) Regulations 1992, will be required.*
- (19) *Compliance with the Health (Food Hygiene) Regulations 1993 will be required. Fit-out plans should be submitted to the Environmental Health Service of the Council prior to construction.*
- (20) *Compliance with City of Bunbury Health (Eating House) Local Laws 2000, will be required.*
- (21) *Compliance with the Health (Swimming Pools) Regulations 1964, will be required. Construction shall not commence until the written approval of the Executive Director of Public Health has been obtained.*
- (22) *Compliance with the Health Act 1911, is required.*
- (23) *Compliance with the City of Bunbury Health Local Laws 2001, is required.*
- (24) *Adequate waste storage and bin wash-down areas are to be provided.*
- (25) *Laundries to be a minimum of 3 cubic metres width in accordance with Health Local Laws.*
- (26) *Car park ventilation is to be provided in accordance with Division 5 of the Health Local Laws.*

**CARRIED**

7 Votes "For" / 3 Votes "Against"

Cr T Smith returned to the meeting at 7.22pm.

**11.4 BUNBURY REGION ROADWISE COMMITTEE - CHANGE OF MEMBERSHIP**  
*(WAS LISTED AS ITEM 11.1 IN THE MEETING AGENDA)*

<b>File Ref:</b>	A00106
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Raelene Lamb, Engineering Services Technical Officer
<b>Executive:</b>	Michael Scott, Executive Manager City Services

**Summary**

Mr Danny Simpson (Road Skills Australia) has nominated for appointment to the Bunbury Region Roadwise Committee as a replacement for Mr John Hendry (Road Skills Australia) who has formally resigned.

Community representatives Mr Colin Thomson and Mr John Clarke have also tendered their resignation from the committee. Ms Lisa Gartrell and Mr Brad Brooksby have nominated for appointment to fill these vacancies.

The appointment of Mr Danny Simpson, Ms Lisa Gartrell and Mr Brad Brooksby is supported.

**Background**

The Bunbury Region Roadwise Committee was formed in 1998 and consists of interested members of the public and representatives of organisations concerned with road safety. The committee's terms of reference reflects these concerns and are as follows:-

- Continue the development of road safety within the Bunbury Region.
- Develop and maintain a Road Safety Strategy document.
- Prioritise and recommend actions to be adopted.

At the Special Council Meeting on 7 May 2001 (Decision 147/01) the Council re-appointed the committee with no change to its terms of reference. At that time the committee comprised two councillors and the following community representatives:

- Ian Robertson, South Bunbury Rotary Club
- Robert Elphick, St John's Ambulance
- Snr Const. Lindsay Harding, Bunbury Traffic Police

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- Thomas Blair, Association for the Blind
- Ron Johnstone, RAC Bunbury
- Alan McDonald, Main Roads Bunbury
- Lyn Smith, South West Population Health Unit
- Melanie Layng, Heart Foundation
- Peter Keily, WAMA – RoadWise (Bunbury)
- Snr Sgt Garry Flynn, Police Traffic Office
- Samantha Poke, Bunbury Primary Health
- Aidan Tansey, Transport
- Chris Coates, RoadCare
- Chris Widmer, Fire & Emergency Services Authority
- Catherine Ferguson, Edith Cowan University
- Violet Pickett, NEEDAC (Noongar Employment and Enterprise Development Aboriginal Corp)

At the Council Meeting on 17 July 2001, the Council resolved (Decision 333/01) to alter the number of members on the Committee from 17 to 18 members. Community representation at that time was:

- Thomas Blair, Association for the Blind
- Chris Coates, Roadcare
- Robert Elphick, St John's Ambulance
- Catherine Ferguson, Edith Cowan University
- Sgt Garry Flynn, Police Traffic Office
- Snr Const Lindsay Harding, Bunbury Traffic Police
- Ronald Johnstone, RAC

- Peter Kiely, RoadWise Officer, SW
- Melanie Layng, Heart Foundation
- Alan McDonald, Main Roads WA
- Lyn Smith, SW Population Health Unit
- Aidan Tansey, Department of Transport
- Chris Widmer, FESA
- Ian Robertson, Rotary
- Colin Thomson, Community Member
- Peta Maiklem Bunbury Health Services
- John Clarke, Community Member
- Richard Oborn, Community Member (MV Assessor)

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

The Committee's terms of reference are in line with the City's strategy to "coordinate and promote community safety initiatives".

#### **Community Consultation**

The proposal was advertised on 29 November and 6 December 2006 in the City Update column of the Bunbury Mail Newspaper. The closing date was 15 December 2006.

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

The members of the Bunbury Region Roadwise Committee unanimously support appointment of the nominated committee members.

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

There are no budget implications as a result of this proposal.

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

There are no issues to consider.

### **Council Policy Compliance**

There is no Council policy relative to the proposal to appoint new members to the Bunbury Region Roadwise Committee.

### **Legislative Compliance**

Section 5.10(1) of the Local Government Act 1995 stipulates that appointment of members to committees of the Council is to be by way of a formal Council decision (an absolute majority vote is required).

### **Delegation of Authority**

The Chief Executive Officer can not be delegated the authority to appoint members to Council's committees.

### **Relevant Precedents**

Council has previously resolved to approve new members to its committees.

### **Options**

#### Option 1

Per the Executive Recommendation listed in this report.

#### Option 2

Council may elect to reject the appointment of the nominated members to the Bunbury Region Roadwise Committee at this time and re-advertise the vacancies for public information.

### **Conclusion**

The Western Australian Local Government Association is the managing agency for the Roadwise programme with funding provided by the Office of Road Safety and Main Roads Western Australia. All parties have agreed to place a regional officer in Bunbury to service the South West region. Ms Jennifer Kaye is currently in this position based at the City of Bunbury and is an active member of the Bunbury Region Roadwise Committee.

The members of the Bunbury Region Roadwise Committee unanimously support appointment of the nominated committee members.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 27 FEBRUARY 2007**

The Executive Recommendation was moved Cr Rose, seconded Cr Major and adopted to become the Committee Recommendation.

During discussion, Cr Rose indicated that notices calling for the nomination of new members were advertised on 29 November and 6 December 2006 in the City Update column of the Bunbury Mail Newspaper; and that she would like to have seen this reflected in the agenda report. The Mayor requested that Cr Rose's comments be recorded and that the report be amended for the minutes.

**COMMITTEE RECOMMENDATION**

**Moved Cr Rose**  
**Seconded Cr Major**

*Council appoints Mr Danny Simpson (Road Skills Australia), Ms Lisa Gartrell (Community Representative) and Mr Brad Brooksby (Community Representative) to fill the three vacant positions on the Bunbury Region Roadwise Committee.*

**CARRIED**

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

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

**11.5 PROPOSED CLOSURE OF PORTION OF OLD COAST ROAD RESERVE AND ITS AMALGAMATION WITH ADJOINING LOT 963** *(WAS LISTED AS ITEM 11.2 IN THE MEETING AGENDA)*

<b>File Ref:</b>	R00343
<b>Applicant/Proponent:</b>	Bunbury Port Authority
<b>Author:</b>	Raelene Lamb, Engineering Services Technical Officer
<b>Executive:</b>	Michael Scott, Executive Manager City Services

**Summary**

It is proposed that Council approve closure of a portion of the Old Coast Road reserve and amalgamate this closed portion with adjoining land i.e., Lot 963 - refer to location plan **attached** at Appendix 1.

**Background**

On 25 May 2006, an application was received from the Bunbury Port Authority to close a portion of the original Old Coast Road reserve and amalgamate it into adjoining lot 963. The Bunbury Port Authority sought the closure in order to accommodate an upgrade of port security and improve general access to the inner harbour.

Management of the City's Engineering and Planning Sections advises that the portion of road reserve under consideration is surplus to the City's requirements and is not required for future road expansion. The proposal is supported subject to the following conditions:

1. The existing footpath/cycleway on portion of the Old Coast Road alignment (proposed to be closed) is to be retained while Estuary Drive is open to the public.
2. Public access to Turkey Point must be retained.
3. The Bunbury Port Authority to indemnify the City against costs associated with the proposed closure and amalgamation, including surveying, advertising and disposal.

The Bunbury Port Authority has been advised of the above conditions of approval and responds as follows:

- 1 The footpath will remain available to the public while Estuary Drive remains open.
- 2 Public access to Turkey Point is included in the Bunbury Port Authority's overall structure plan.
- 3 The Bunbury Port Authority indemnifies the City of Bunbury against costs associated with the closure, including surveying, advertising and disposal.



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

There are no strategic or regional outcomes to consider.

### **Community Consultation**

As required under Section 58 of the Department of Land Administration Act 1997, an advertisement was placed in the locally distributed newspaper, the "Bunbury Mail", on 6 September 2006, for a period of not less than 35 days, giving notice of the proposed closure and requesting public submissions.

Signs were placed on-site for a period of not less than 35 days advising of the proposal.

Submissions closed on 13 October 2006. Two submissions were received (see copies **attached** at Appendix 2). Both objected to any plan to remove the cycleway/footpath. Subject to the path remaining however, the submitters have no objection to the proposal.

Service Providers were contacted and made the following comments:

- Department for Planning and Infrastructure ("DPI") - no objections.
- Alinta - no objection subject to relocation of a 150mm PVC medium-pressure gas main in the subject area.
- Telstra - no objection subject to adequate liaison concerning major assets in the subject area.
- Western Power - no objection subject to establishment of an easement (if required) in relation to the high voltage lines that currently traverse the subject land.
- Optus, Water Corporation and Aqwest have no assets in the location and have no objection to the proposal.

### **Councillor/Officer Consultation**

The City's Executive has considered the proposal and has no objection to the closure, subject to the following:

- Public access to Turkey Point to be maintained.
- Suitable cycleway to be maintained.

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

There will be no detrimental effect on the City's Annual Budget as a result of the proposed closure and amalgamation because the proponent will be responsible for, and has indemnified the City against, any associated surveying and advertising costs. The land in question is Crown land and all proceeds from its disposal will be allocated to State Revenue.

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

#### Economic Issues

As it is nominated as a road reserve, the proposed portion of the Old Coast Road to be closed is vested in the Crown.

#### Social Issues

The proposed closure of a portion of the Old Coast Road will have no social implications.

#### Environmental and Heritage Issues

There are no issues to consider.

### **Council Policy Compliance**

No Council policy applies.

### **Legislative Compliance**

Council has complied with the Department of Land Administration Act 1997 (Section 58) which requires:-

- A public notice to be placed in a "locally distributed paper" for a period of thirty five (35) days, inviting written submissions from members of the public.
- A public notice to be placed in Council's libraries and its Customer Service Centre.
- Signs to be erected on-site, giving full details of the proposal and providing contact details.

There are no statutory voting requirements for this item.

### **Delegation of Authority**

The Department of Land Asset Management Services requires official consent of the Council, via a formal Council decision, to instigate closure of a Public Road or a portion thereof.

### **Relevant Precedents**

On 26 September 2006, Council resolved to close a portion of King Road and Sandridge Road reserve and amalgamate the closed portion with an adjoining freehold property.

On 23 August 2005, Council resolved to close a portion of Kaeshagen Street road reserve and amalgamate it with adjoining freehold properties.

On 15 November 2004, Council resolved to close a portion of Maiden Park Road and amalgamate it with adjoining Lot 610 Maiden Park Road.

### **Options**

#### Option 1

Per the Executive Recommendation listed in this report.

#### Option 2

Council may elect not to approve:

1. the closure of a portion of the Old Coast Road reserve, and;
2. amalgamation of the closed portion of the Old Coast Road reserve with adjoining Lot 963.

### **Conclusion**

Closure of a portion of the Old Coast Road reserve and its amalgamation with Lot 963 will enable the Bunbury Port Authority to upgrade port security and improve general access to the Inner Harbour. The proposed closure will not create any significant change to the site subject to the public being able to continue to use the existing footpath and surrounding area. The Bunbury Port Authority has confirmed that the existing footpath will be retained whilst Estuary Drive continues to be in use.

### **EXECUTIVE RECOMMENDATION**

Pursuant to the provisions of Section 58 of the Department of Land Administration Act 1997, and having given the prescribed notice and consideration of submissions, Council consents to the following:-

1. Closure of a portion of the Old Coast Road reserve and amalgamation of the closed portion with adjoining Lot 963.
2. The City of Bunbury indemnifies the Department for Planning and Infrastructure against costs associated with the closure, including surveying, advertising and disposal.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 27 FEBRUARY 2007**

Mayor D Smith disclosed an impartiality interest as he is a Director of the Bunbury Port Authority Board. He elected to leave the meeting at 7.25pm for the duration of discussion and the vote.

The Deputy Mayor (Councillor Judy Jones) assumed the role of Presiding Member in the Mayor's absence.

The Executive Recommendation was moved Cr Craddock, seconded Cr Major (pro forma) with an amendment, adding a point 3. which reads "*3. A letter be written to the two individual submitters assuring them that the BPA has confirmed that the existing footpath will be retained whilst Estuary Drive continues to be in use.*"

During discussion of the motion, the City's Executive Manager of City Services clarified that the City is required to provide indemnity to the Department for Planning and Infrastructure - it is a procedural requirement and an annotation to this effect will appear in any future agenda reports of this nature.

A number of concerns were raised by committee members, including:

- If the Bunbury Port Authority decides to close Estuary Drive once the Port Access Road is established (as has been flagged by the BPA for well over 20 years) does it intend to keep the existing cycleway open or will the BPA pay for reinstatement of the cycleway?
- The application from the Bunbury Port Authority for this piece of road reserve could be used in negotiations concerning the Turkey Point Master Plan.
- If the City gives this piece of road reserve back to the Bunbury Port Authority, then access to the historic Leschenault Homestead site is lost. The future of the homestead is yet to be resolved. Should the Heritage Council of WA resolve to have the building dismantled and moved to another site - there will be no access road.
- Does the land to the south of this portion of road reserve (and the homestead) belong to the City or the Port Authority and what is it zoned as?
- The biggest land owner in the City of Bunbury is the (State) Bunbury Port Authority with over 600 hectares of land for which it does not pay Council land rates. Despite this, last year the BPA refused outright to grant a simple request from the City for use of a small piece of parking area near the jetty to alleviate temporary parking problems at Marlston Hill.

Committee members requested that this matter be discussed at a briefing session.

A procedural motion was moved by Cr Major and adopted to become the committee's recommendation.

**COMMITTEE RECOMMENDATION**

**Moved Cr Major**

**Seconded (not required for a procedural motion)**

*The application for proposed closure of a portion of the Old Coast Road reserve and its amalgamation with adjoining Lot 963, is referred back to committee for further consideration.*

**CARRIED**

**10 Votes "For" / Nil Votes "Against"**

Mayor D Smith returned to the meeting at 7.44pm.

**11.6 APPOINTMENT OF AUTHORISED COUNCIL OFFICERS/PERSONS - ALAN SNOW, SCOTT KISS & JULIE HANNICH** (*WAS LISTED AS ITEM 11.3 IN THE MEETING AGENDA*)

<b>File Ref:</b>	A02355
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	John Kowal, Manager Community Law & Safety
<b>Executive:</b>	Gary Fitzgerald, Acting Executive Manager City Development

**Summary/Background**

Mr Alan Snow and Mr Scott Kiss have been recently been employed by the City of Bunbury as Ranger/Fire Control Officers. Julie Hannich has recently been appointed as Administration Officer. These officers now require Council authorisation to perform relevant duties in accordance with various pieces of legislation.

**Legislative Compliance**

Council is required to authorise and appoint a person or persons to act on behalf of the City of Bunbury in accordance with various pieces of legislation. Once Council has appointed a person, the appointment must be advertised for public information (a statutory requirement).

**Options**

Option 1

Per the Executive Recommendation listed in this report.

Option 2

Council may elect not to approve the appointments.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 27 FEBRUARY 2007**

A committee member voiced concern at a recent newspaper article in which the RSPCA is reported as having taken action against the Police and Council Rangers over issues concerning animal handling. The Mayor requested that councillors be provided with a report (via memorandum or email) on whether the City's rangers are protected from prosecution by groups such as the RSPCA.

The Executive Recommendation was moved Cr Jones, seconded Cr Leigh and adopted to become the Committee Recommendation.

**COMMITTEE RECOMMENDATION**

**Moved Cr Jones**

**Seconded Cr Leigh**

1. *Council appoints Alan Neil Snow, Scott Edward Kiss and Julie Anne Hannich as Authorised Persons and/or Authorised Officers in accordance with the following legislation:*
  - 1.1 *Dog Act 1976, Dog Act Regulations and Dog Local Laws (as amended);*
  - 1.2 *Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1995 as amended;*
  - 1.3 *Litter Act 1979 and Litter Act Regulations (as amended);*
  - 1.4 *Control of Vehicles (Off-road Areas) Act 1978 and Control of Vehicles (Off-road Areas) Act Regulations (as amended);*
  - 1.5 *The purpose of control and supervision of any of the Local Laws of the City of Bunbury Council; and*
  - 1.6 *Bush Fires Act 1954 and Bush Fires Act Regulations (as amended).*
2. *Council appoints Alan Neil Snow, Scott Edward Kiss and Julie Anne Hannich as:*
  - 2.1 *Registration Officer in accordance with the Dog Act 1976;*
  - 2.2 *Fire Control Officer in accordance with Section 38 and 59 of the Bush Fires Act 1954 (as amended);*
  - 2.3 *Pound Keeper/Ranger pursuant to the provision of Part XX of the Local Government (Miscellaneous Provisions) Act 1995.*
3. *The appointments to be advertised for public information as required by Legislation.*
4. *The previous appointment of David Lanigan as an Authorised Person and an Authorised Officer is hereby cancelled.*
5. *The appointments mentioned in points 1 and 2 above are to apply as of the date of the officer's commencement of employment with the City of Bunbury.*

**CARRIED**

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

**11.7 PROPOSED LOCAL PLANNING POLICY TITLED "MIXED BUSINESS ZONE - AREAS OF COMMERCIAL PRIMACY" (WAS LISTED AS ITEM 11.4 IN THE MEETING AGENDA)**

<b>File Ref:</b>	A00398
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Kelvin Storey, Planning Officer
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

It is proposed that a Planning Policy be initiated in response to increasing interest in land acquisition for residential development within established Mixed Business Zones of the City. There is concern that if such development is not constrained, residential activity will spread into areas predominantly associated with commercial activity and subsequently undermine their strategic function.

The policy identifies as part of the Mixed Business Zone an area of 'commercial primacy'. Within this area, discretionary uses (i.e. 'D' and 'A' uses under Town Planning Scheme No. 7) will be resisted if, in the opinion of the City, they are judged to be potentially injurious to the future efficient and effective use of land for commercial purposes, or otherwise proposed within a location that in the opinion of the City fails to offer a reasonable degree of residential amenity.

The proposed Local Planning Policy 'Mixed Business Zone - Commercial Primacy Area' is **attached** at Appendix 3.

At the Council Meeting held on 31 October 2006, Council made the following decision:

- "1. Advertise the draft Local Planning Policy titled 'Mixed Business Zone – Commercial Primacy Area' for public comment with a submission period of twenty one (21) days in accordance with Clause 2.3 of the City of Bunbury Town Planning Scheme No 7.*
- 2. Subject to no objections being received during the advertising period, Council to adopt the policy without modification."*

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The period for public comment closed on 7 February 2007. The single submission received during the advertising period requests (in part) clarification of a number of matters and also opposes adoption of the policy on planning grounds. Council's planning officers are of the opinion that the benefits afforded by the policy significantly outweigh the extent of the concerns and objections raised.



## **Background**

The report to Council on 31 October 2006 highlighted concerns regarding further residential development occurring within parts of the Mixed Business Zone.

The primary concerns were as follows:

- Without constraint, residential activity will infiltrate areas predominantly associated with commercial activity within the Mixed Business Zone and as a result, reduce the area of commercial land available - undermining the strategic function of that zone.
- Residential uses will result in increased separation requirements and lead to an inefficient use of the land.
- Difficulties in attempting to achieve and maintain high living standards (in terms of amenity, accessibility to services and safety) for new residents within a predominantly commercial environment.

## **Strategic Outcomes**

The policy is considered consistent with the aims and goals of Council's 2002–2007 Strategic Plan and planning principles adopted as part of the City Vision Strategy.

## **Community Consultation**

The proposed Local Planning Policy was advertised for public comment in accordance with clause 2.3 of the City of Bunbury, Town Planning Scheme No 7. One letter was submitted opposing the adoption of the policy. The letter, from the owner of Lot 20 Teede Street (an existing residential property that falls within the area identified for commercial primacy) is **attached** as Appendix 4. The letter raises a number of concerns which are addressed below:

1. There is an apparent variation between the map appearing within the Council Minutes of 31 October 2006 and that attached to the draft policy.

*Officer Response:* The map that appeared within the Council Minutes was a 'location plan' for the benefit of Council members, showing the position and entire extent of the current mixed business area lying directly to the south of the CBD. It did not form part of the draft policy. The map that forms part of the draft policy document (as considered by Council at the meeting of 31 October 2006) identifies the area within the mixed business zone to which the policy would be applied. Accordingly, There was no inconsistency in these maps, each intentionally serving a different purpose.

2. The policy runs contrary to apparent market demands to establish areas of inner city living such as Marlston Hill.

*Officer Response:* The policy is not intended to stifle inner city living. The CBD, where residential is a 'P' (permitted) use, is not affected or influenced by the draft policy. The draft policy acknowledges that there are parts of the Mixed Business Zone where residential development may be appropriate and as such, these are excluded from the area identified as 'commercial primacy'. It is clearly the intent of the policy to advise (community, investors and Council) in respect to which areas of the Mixed Business Zone - due to their established character - are not suited to the introduction of residential uses.

3. The 'presumption against all forms of new residential development' essentially removes a current option for development from those approved uses under TPS 7 and which refer to prior approved uses under TPS 6.

*Officer Response:* The policy does not modify or change the function of the zoning table that forms part of TPS 7; accordingly residential use classes would remain discretionary in the Mixed Business Zone as either 'D' (single dwelling, residential building) or 'A' (grouped dwellings or multiple dwellings) uses. Currently, without the benefit of policy guidance, there is no clear indication prior to the submission of a planning application in regard to which areas of the Mixed Business Zone may be suitable for residential development and viewed sympathetically by the City, and conversely which are those areas where support is unlikely to be forthcoming. The policy prepared intends to advise owners and developers of the likely outcome prior to them or their agents undertaking the time and expense associated with the submission of a planning application.

The policy does not remove or deny any option that is currently available. Planning applications seeking new residential development may still be submitted and will continue to be determined at the discretion of the City in the light of guidance offered by the new policy (if adopted) and furthermore having due regard to any mitigating evidence provided by the applicant that would support their proposal.

4. Request for clarification of matters associated with City Vision Precinct Plans

*Officer Response:* The draft policy, whilst complementary to planning principles expressed through City Vision, is not directly associated with any conceptual plans produced as part of the City Vision exercise. The City Vision Project has progressed through a number of phases, which included at an early stage the preparation of conceptual precinct plans that were intended to spark debate and discussion within the community. The draft policy does not represent an amendment to TPS 7.

5. The policy should include possibilities for permission that for example including permission to convert or expand office use over 200 sq.m.

*Officer Response:* 'Office' is a 'D' or discretionary use in the mixed business zone and any formal application would be judged according to provisions of the TPS 7.

6. How does the policy affect premises that are seeking reversion to their former residential use?

*Officer Response:* Any application that seeks a change of use to revert back to a previous residential use would be considered on its merits having due regard to the proposed policy (should it be adopted by Council) and any mitigating and supporting evidence submitted by the applicant.

7. How does the policy affect alterations to existing residential buildings in the Mixed Business Zone?

*Officer Response:* It is not the intent of the policy to restrict the ability to extend or upgrade existing residential buildings. Residential use in the Mixed Business Zone is not an 'x' (meaning not-permitted or non-conforming) use, and in accordance with the provisions of TPS 7 such works do not normally require the submission of a planning application when relating to a single dwelling.

### **Councillor/Officer Consultation**

This matter has been discussed by Strategic and Statutory Planning Officers as well as with the Executive Manager of City Development.

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

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

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

In economic terms, the proposal seeks to retain the majority of land within the Mixed Business Zone for commercial development. The proposal will lessen the occurrence of social and environmental incompatibility within the mixed business area. There are no significant heritage issues that would result from this proposal.

### **Council Policy Compliance**

No conflict identified with any current Council Policy.

### **Legislative Compliance**

The proposal is in line with the current Town Planning Scheme requirements.

### **Delegation of Authority**

Adoption of a Local Planning Policy needs to be by a formal decision of the Council.

### **Relevant Precedents**

There are no known precedents relating to the consideration of this matter.

### **Options**

#### Option 1

Per the Executive Recommendation listed in this report.

#### Option 2

Council may resolve not to proceed with the draft Local Planning Policy titled 'Mixed Business Zone – Areas of Commercial Primacy'.

### **Conclusion**

It is recommended that Council resolve to formally adopt the policy without modification.

### **EXECUTIVE RECOMMENDATION**

1. Council, under and by virtue of the powers conferred upon it under the Planning and Development Act 2005, hereby resolves to adopt the Local Planning Policy titled 'Mixed Business Zone - Commercial Primacy Areas' without modification.
2. Council acknowledges the content of the single submission received following the close of the public advertising period on 7 February 2007, and dismisses the objections raised therein.

### **OUTCOME OF THE COUNCIL COMMITTEE MEETING - 27 FEBRUARY 2007**

The Acting Executive Manager of City Development was requested to provide councillors with a better map than that attached at Appendix 3.

The Executive Recommendation was moved Cr T Smith, seconded Cr McCleary pro forma (with a change to point 2. deleting the word "dismisses" and replacing it with the word "notes") and adopted to become the Committee Recommendation.

**COMMITTEE RECOMMENDATION**

**Moved Cr T Smith**

**Seconded Cr McCleary (pro forma)**

1. *Council, under and by virtue of the powers conferred upon it under the Planning and Development Act 2005, hereby resolves to adopt the Local Planning Policy titled 'Mixed Business Zone - Commercial Primacy Areas' without modification.*
2. *Council acknowledges the content of the single submission received following the close of the public advertising period on 7 February 2007, and notes the objections raised therein.*

**CARRIED**

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

**11.8 BUNBURY REGIONAL ARTS MANAGEMENT BOARD INC. - APPOINTMENT OF BOARD MEMBERS** *(WAS LISTED AS ITEM 11.7 IN THE MEETING AGENDA)*

<b>File Ref:</b>	A00168
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Domenic Marzano, Acting Executive City Life
<b>Executive:</b>	Domenic Marzano, Acting Executive City Life

**Summary**

The constitution of the Bunbury Regional Arts Management Board Inc. requires any appointments to the Board (which manages the Bunbury Regional Art Galleries) to be endorsed by the Bunbury City Council.

Expressions of interest have been received for recently advertised vacancies on the Board of Management and Council now needs to consider and endorse the nominees.

**Background**

The Bunbury Regional Arts Management Board Inc. is an independent, not-for-profit community organisation charged with the management of the Bunbury Regional Art Galleries ("BRAG"). The Management Board is comprised of interested members of the community with a commitment to the visual arts.

The Bunbury Regional Art Galleries complex managed by the Board is a City of Bunbury asset. The complex is situated in the former Sisters of Mercy Convent that was re-opened in 1987 after extensive renovations. Since that time, the BRAG complex has provided the people of Bunbury and the South West Region with the opportunity to view and interact with all forms of visual art in a top class facility.

The Board of Management has four existing vacancies it is now taking action to fill.

Expressions of interest for the vacant Board positions have been received from:

Ms Jo O'Dea (re-nominating)  
Ms Jill Thompson-White (re-nominating)  
Ms Carol Bryson  
Mr Alex Mickle.

Ms O'Dea and Ms Thompson-White are renominating for positions on the Board and have proven themselves to be effective and committed Board members. Ms O'Dea is the former Marketing Manager for the Bunbury Regional Entertainment Centre and brings to the Board extensive networks throughout the state and regional arts communities, as well as valuable experience in events management and promotions.

Ms Thompson-White is a lecturer in art education at Edith Cowan University's South West Campus. She has extensive knowledge of the visual arts and education sectors. She has a particular interest in the development of Noongar arts practice in the South West.

Ms Bryson is a local lawyer with a long and diverse history of community service. She is the Chairperson of another Bunbury community organisation which is indicative of her commitment to good governance. Ms Bryson is also a member of the Friends of the Galleries group and is a regular patron of the Bunbury Regional Art Galleries.

Mr Mickle is a full-time practising sculptor and graduate of the Claremont School of Fine Art who specialises in public art and commissioned works. He has a solid understanding of arts business practices and is a member of the ArtsWA Peer Assessment Panel. He is actively involved in a number of arts and community initiatives intended to enhance opportunities for visual arts and further develop the arts industry in the South West. He demonstrates a particular commitment to the integration of the arts into every day life.

The Bunbury Regional Arts Management Board Inc. met on 18 December 2006 and recommended that Ms Jo O'Dea, Ms Jill Thompson-White, Ms Carol Bryson and Mr Alex Mickle be appointed to the Board for a term of two (2) years.

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

The proposal is consistent with the Strategic Directions of "the City as a Social Community".

### **Community Consultation**

The vacant positions have been advertised in South West newspapers in November 2006 and through industry networks. People were given one month to respond to the advertisements.

### **Councillor/Officer Consultation**

The nominations have been discussed with Councillor Stephen Craddock - Council's representative on the Bunbury Regional Arts Management Board Inc - who supports the recommended appointments.

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

No change to the existing Budget will be necessary.

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

This proposal ensures interested community members have the opportunity to involve themselves in (and contribute to) the Bunbury Regional Art Galleries, thereby promoting community ownership of the Galleries and encouraging a commitment to community life.

### **Council Policy Compliance**

The proposal does not contravene any existing Council Policy.

### **Legislative Compliance**

There are no legislative requirements in relation to this issue.

### **Delegation of Authority**

Not applicable.

### **Relevant Precedents**

Council endorses the appointment of members to the Bunbury Regional Arts Management Board Inc. regularly as that Board is responsible for the management of a City of Bunbury asset. Council's involvement in the Board of Management is dictated by the BRAG Board's Constitution.

### **Options**

#### Option 1

Per the Executive Recommendation listed in this report.

#### Option 2

Council may resolve not to endorse the appointment of Ms Jo O'Dea, Ms Jill Thompson-White, Ms Carol Bryson and Mr Alex Mickle to the Bunbury Regional Arts Management Board Inc.

### **Conclusion**

Regularly, upon a position becoming vacant, the Bunbury Regional Arts Management Board Inc. makes recommendations to Council regarding the composition of the Board. To date the Board has proven itself to be effective and committed which reflects on the appropriateness of the recommendations. The capacity of the Bunbury Regional Arts Management Board Inc. to operate effectively is compromised when vacancies exist within its membership.



**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 27 FEBRUARY 2007**

The Executive Recommendation was moved Cr Major, seconded Cr Leigh and adopted to become the Committee Recommendation.

**COMMITTEE RECOMMENDATION**

**Moved Cr Major**

**Seconded Cr Leigh**

**1. Council endorses the re-appointment of the following members to the Bunbury Regional Arts Management Board Inc. for a term of two (2) years:**

**1.1 Ms Jo O'Dea**

**1.2 Ms Jill Thompson-White**

**2. Council endorses the appointment of the following new members to the Bunbury Regional Arts Management Board Inc. for a term of two (2) years:**

**2.1 Ms Carol Bryson**

**2.2 Mr Alex Mickle**

**CARRIED**

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

**11.9 SENIOR CITIZENS CENTRE NO. 1 STIRLING STREET, BUNBURY - DISABILITY ACCESS AUDIT REPORT**

<b>File Ref:</b>	A01145
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Domenic Marzano, Acting Executive Manager City Life
<b>Executive:</b>	Domenic Marzano, Acting Executive Manager City Life

**Summary**

At its meeting held 12 November 2006, the Council's Community Access Committee resolved to endorse and accept the Bunbury Meals-on-Wheels and Senior Citizens Centre (Inc.) Disability Access Audit Report and request for a Fire and Safety Audit of the Bunbury Meals-on-Wheels and Senior Citizens Centre Complex received from FESA.

At its meeting on 12 December 2006, Council resolved that: *"Receipt of the BMWSCC Disability Access Audit Report and the request of a fire and safety audit of the BMWSCC from FESA, be referred back to committee."* This report has been distributed to Council Members under separate cover.

**Background**

At its meeting in May 2005, the Community Access Committee recommended that the City of Bunbury undertake a Disability Access Audit of the Bunbury Senior Citizens Centre located in Stirling House, 1 Stirling Street, Bunbury, as concerns had been raised regarding the suitability of Stirling House to accommodate the Bunbury Meals-on-Wheels and Senior Citizens Centre ("BMWSCC") based on accessibility. These concerns were presented as discussion and questions centred on "accessibility issues" i.e., those items presenting barriers to community participation in activities and services being offered at the Centre.

In consultation with the Community Access Committee, the City of Bunbury developed Terms of Reference for the project. Ann O'Brien Consulting successfully secured the contract to undertake the Disability Access Audit and provide the City with a report and recommendations that address identified barriers to accessing the BMWSCC. The access audit was undertaken in August of 2006 and the draft report was presented to the Community Access Committee in September 2006. Based on feedback provided by the Committee to Ann O'Brien Consulting and other relevant stakeholders, the report is presented for Council consideration.

**Strategic and/or Regional Outcomes**

There are no strategic and/or regional outcomes associated with this report, as no recommended actions are stated.

### **Community Consultation**

The Community Access Committee actively participated in the development and implementation of the Disability Access Audit report process. The Committee, made up of five (5) community members, played an instrumental role in the development of the Terms of Reference for the Disability Access Audit and reviewed all associated draft documentation.

The Community Access Committee endorsed the BMWSCC Disability Access Audit Report and recommends Council accept the report. It is important to note that the five (5) committee members representing the community have strong affiliations and links with the disabled community.

### **Councillor/Officer Consultation**

Membership of the Community Access Committee includes Councillors Warren Lambert and Doug Wenn. The City's Executive Management Team, the Manager of Community and Culture together with the Manager of Administration and Property Services; have been consulted throughout the development and implementation phase of the BMWSCC Disability Access Audit. Councillor Trevor Smith was also consulted.

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

There are no financial or budget implications associated with receiving this report.

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

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

There are no known issues to consider.

#### Heritage Issues

The BMWSCC is located in 'Stirling House' a building registered on the City of Bunbury Municipal Heritage List and located at 1 Stirling Street, Bunbury.

### **Council Policy Compliance**

The BMWSCC Disability Access Audit is congruent with the priorities and outcomes identified in the City of Bunbury 2002–2007 Community Access Plan which was endorsed by Council in November 2003.

### **Legislative Compliance**

The Disability Services Act 1993 of Western Australia (amended in 2004) requires statutory bodies to develop and implement disability service plans such as the City of Bunbury 2002–2007 Community Access Plan; that address five (5) outcomes being;

1. Existing services are adapted to ensure they meet the needs of people with disabilities
2. Access to buildings and facilities are improved.
3. Information about services is provided in formats which meet the communication requirements of people with a disability.
4. Advice and services are delivered by staff that are aware of (and understand the needs of) people with a disability.
5. Opportunities are provided for people with a disability to participate in public consultations, grievance mechanisms and decision making processes.

### **Delegation of Authority**

There is no delegation of authority applicable to this proposal.

### **Relevant Precedents**

There are no relevant precedents

### **Options**

#### Option 1

Per the Executive Recommendation listed in this report.

#### Option 2

The Council may resolve that the Bunbury Meals-on-Wheels and Senior Citizens Centre Disability Access Audit Report not be received

#### Option 3

The Council may resolve that costs associated with the budget allocation to provide a three-year maintenance and access issues programme, not be investigated

### **Conclusion**

The Senior Citizens Disability Access Audit was commissioned through the Community Access Committee after questions were raised at a meeting relating to "access issues presenting barriers that prevent members of our community participating in services offered by the BMWSCC". As noted in the report, whilst a significant number of issues were identified and numerous recommendations made, there appear to be no accessibility issues that exclude using Stirling House as a venue for the BMWSCC, or; that present barriers to accessing the facilities or services provided by the BMWSCC.

**EXECUTIVE RECOMMENDATION**

1. Council accepts the Bunbury Meals-on-Wheels and Senior Citizens Centre Disability Access Audit Report.
2. Council officers investigate costs associated with a budget allocation to provide a three-year maintenance and access issues programme for the Bunbury Meals-on-Wheels and Senior Citizens Centre.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 27 FEBRUARY 2007**

The Executive Recommendation was moved Cr Major, seconded Cr Rooney to become the motion under discussion.

During discussion, Cr Lambert requested that the words "in 2007/08" be inserted after the word "allocation" in point 2. of the motion to ensure timely delivery of the programme. The mover and seconder agreed.

Cr Jones left the meeting at this point (8.05pm) and was absent for the vote.

The amended motion was put to the vote and became the Committee Recommendation.

**COMMITTEE RECOMMENDATION**

**Moved Cr Major**

**Seconded Cr Rooney**

1. *Council accepts the Bunbury Meals-on-Wheels and Senior Citizens Centre Disability Access Audit Report.*
2. *Council officers investigate costs associated with a budget allocation (in 2007/08) to provide a three-year maintenance and access issues programme for the Bunbury Meals-on-Wheels and Senior Citizens Centre.*

**CARRIED**

**10 Votes "For" / Nil Votes "Against"**

**11.10 BUNBURY DELEGATION TO SETAGAYA, JAPAN - MAY 2007**

<b>File Ref:</b>	A00443
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Rachel Griffiths, PA - Executive Assistant to the Mayor
<b>Executive:</b>	Greg Trevaskis, Chief Executive Officer

**Summary**

It is proposed that the Council authorise a delegation from the City of Bunbury to travel to Setagaya (Japan) in May 2007, to take part in celebrations to mark the fifteenth anniversary of the Sister City relationship between the City of Bunbury and City of Setagaya.

The travel date for the proposed visit is 22 to 26 May 2007. A Council decision is required to allow for airline bookings to be finalised.

An itinerary for the visit is **attached** at Appendix 12.

**Background**

On 14 October 1992, the City of Bunbury and the City of Setagaya in Japan signed a formal agreement to establish a Sister City relationship and pledged to, *“develop the bonds of friendship and mutual understanding between their citizens through conducting exchanges in the form of education, culture, art and economics, among others, and to contribute where possible to the maintenance of world peace”*.

In November 1997, Mr Keiji Ohba, Mayor of Setagaya and a large delegation of members of the Setagaya Assembly and Citizens visited Bunbury to mark the Fifth Anniversary Celebrations. A further document was signed signifying five years of successful association in the spirit of goodwill development between the two cities and re-affirming their commitment to fulfil the objectives of the Sister Cities Agreement.

In 2002 (tenth anniversary of the Sister Cities Agreement) the City of Bunbury received a formal invitation from Mayor Ohba for a Mayoral Delegation from Bunbury to visit Setagaya in May to once again, re-affirm the agreement.

Now in 2007, on the fifteenth anniversary, the City of Bunbury is once again invited to send a Delegation to Setagaya - refer to letter **attached** at Appendix 13.

The Bunbury-Setagaya Sister Cities relationship continues to be immensely successful with annual Student Goodwill Exchanges as well as art, culture and sporting exchanges occurring in recent years.

It is proposed the delegation visit Japan from 22 to 26 May 2007. It has always been an expectation of the City of Setagaya that the Presiding Member of the Bunbury-Setagaya Sister Cities Committee form part of the delegation - this position is currently held by Councillor Linda Rose.

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

In the Draft Strategic Plan 2002–2007 Strategic Direction 1, Goal 4 states several relevant points including “establish links with national and international educational organisations and promote Bunbury as a *university city*”.

### **Community Consultation**

Not applicable.

### **Councillor/Officer Consultation**

Not applicable.

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

Return direct flights from Perth to Tokyo on Qantas cost \$1,234.00 (plus taxes of approximately \$305.00). This brings the total cost per person to \$1,539.00.

Yoshie Hisasue, the Chief of International Affairs Section at the City of Setagaya has advised that previous delegations stayed at the Hotel Sangenjaya B and has advised that this would be the best option again. An approximate accommodation rate for this hotel per person per night is \$150.00.

Historically when visiting Setagaya, the City of Bunbury has always paid for flights but accommodation and hospitality have been paid for by the City of Setagaya (if an official visit) for the official party only - this is a reciprocal arrangement.

Council note that funding is to come from the allocated China Visit funds and/or the Bunbury/Setagaya Committee funds.

Approximate total costs associated with the delegation's visit to Setagaya will be \$7,695.00 in air fares and expenditure of an additional \$3,000 (approximately).

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

Nil.

### **Council Policy Compliance**

The proposal does not contravene any existing Council Policy.

### **Legislative Compliance**

The proposal is part of an Agreement entered into by the Municipalities of Bunbury and Setagaya.

### **Delegation of Authority**

The Chief Executive Officer has not been delegated the Authority of Council to approve International Delegations.

### **Relevant Precedents**

On 24 April 1999, the Mayor visited the City of Jiaxing in China in conjunction with the Bunbury Port Authority, to enhance the negotiations of Sister Port Relations between the Bunbury Port Authority and Zha Pu Port in Jiaxing City.

In June 2001, the Mayor together with the City's Chief Executive Officer and Council representatives visited the City of Jiaxing with the Bunbury Port Authority, to further enhance Sister City relations.

In May 2002, the Mayor visited the Mayor of Setagaya in Japan to re-affirm Bunbury's Sister City Agreement.

### **Options**

#### Option 1

Per The Executive Recommendation listed in this report.

#### Option 2

Council may elect not to send a delegation to Setagaya (Japan) to mark the fifteenth anniversary of the Sister City relationship that exists between the City of Bunbury and City of Setagaya.

### **Conclusion**

The Bunbury-Setagaya Sister Cities relationship is immensely successful with annual Student Goodwill Exchanges as well as art, culture and sporting exchanges between the two cities occurring in recent years.

Due to the protocol to be observed as part of the Sister Cities Agreement, the Mayoress is to form part of the Delegation.



Should the Presiding Member of the Bunbury-Setagaya Sister Cities Committee (i.e., Councillor Rose) be unable to attend, then another councillor may take her place.

### **EXECUTIVE RECOMMENDATION**

1. Council authorise a Delegation representing the City of Bunbury to visit Setagaya (Japan) between 22-26 May 2007, to mark the fifteenth anniversary of the Sister City relationship that exists between the City of Bunbury and the City of Setagaya.
2. In order to fulfil cultural protocol, the delegation is to comprise:
  - 2.1 His Worship the Mayor, Mr David Smith
  - 2.2 The Mayoress, Mrs Tresslyn Smith
  - 2.3 Executive Assistant to the Mayor - Ms Rachel Griffiths
  - 2.4 Presiding Member Bunbury-Setagaya Sister Cities Committee - Councillor Linda Rose (or her designated proxy)
  - 2.5 Chief Executive Officer - Mr Greg Trevaskis
3. Council authorises payment of all costs associated with the Delegation's visit to Japan and notes that as part of the Sister City arrangement, the City of Setagaya will pay for all costs associated with the Delegation's accommodation and hospitality whilst staying in Setagaya.

### **OUTCOME OF THE COUNCIL COMMITTEE MEETING - 27 FEBRUARY 2007**

The Presiding Member, Mayor D Smith, disclosed an impartiality interest as he has been recommended for appointment as a member of the delegation. He elected to leave the meeting at 8.05pm for the duration of discussion and the vote.

The Deputy Mayor (Councillor Jones) had left the meeting during discussion of a previous item. Accordingly, the Mayor requested that Cr Wenn take his place as chair for discussion and the vote on this item.

Councillor Jones returned to the meeting at 8.06pm.

The Executive Recommendation was moved Cr Rose, seconded Cr Craddock to become the motion under discussion.

During discussion, Cr Rose announced that she has nominated as a candidate for the Family First Party at the next Federal election and as a result, it may be necessary for her to resign from Council as early as September 2007 depending on the Federal election date set. Cr Rose is the current Chairman of the Bunbury-Setagaya Sister Cities Committee. In Japanese culture, the position of Chairman holds high regard and the Japanese would expect that the person holding this office would make every effort to attend. Despite the fact that there is a possibility she may be on Council for just a further seven months, Cr Rose is happy to participate on the delegation but only if her fellow councillors consider it appropriate.

Cr Rose's colleague on the Bunbury-Setagaya Sister Cities Committee (Cr Wenn) has indicated he will be unable to attend on her behalf due to other commitments.

Protocol precludes any other member of the Council being nominated to take Cr Rose's place.

At this point in proceedings, Cr Major queried the status of a letter the Mayor was to write to the City of Setagaya concerning Japan's position on whaling and fishing rights. Cr Wenn advised him that he will need to speak with the Mayor directly about this matter.

**COMMITTEE RECOMMENDATION**

**Moved Cr Rose**

**Seconded Cr Craddock**

1. *Council authorise a Delegation representing the City of Bunbury to visit Setagaya (Japan) between 22-26 May 2007, to mark the fifteenth anniversary of the Sister City relationship that exists between the City of Bunbury and the City of Setagaya.*
2. *In order to fulfil cultural protocol, the delegation is to comprise:*
  - 2.1 *His Worship the Mayor, Mr David Smith*
  - 2.2 *The Mayoress, Mrs Tresslyn Smith*
  - 2.3 *Executive Assistant to the Mayor - Ms Rachel Griffiths*
  - 2.4 *Presiding Member Bunbury-Setagaya Sister Cities Committee - Councillor Linda Rose (or her designated proxy)*
  - 2.5 *Chief Executive Officer - Mr Greg Trevaskis*
3. *Council authorises payment of all costs associated with the Delegation's visit to Japan and notes that as part of the Sister City arrangement, the City of Setagaya will pay for all costs associated with the Delegation's accommodation and hospitality whilst staying in Setagaya.*

**CARRIED**

**9 Votes "For" / 1 Vote "Against"**

Cr Major requested that his vote "against" the committee's recommendation, be recorded.

Mayor D Smith returned to the meeting at 8.20pm.

## **11.11 PAISLEY CENTRE - PROPOSED NEW LEASE AGREEMENTS**

<b>File Ref:</b>	F00333
<b>Applicant/Proponent:</b>	Stefan Whiteside and Lauren Rose
<b>Author:</b>	John Beaton, Manager Administration & Property Services
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

### **Summary**

An application has been received from Stefan Whiteside (Head Lessee) and Lauren Rose (Sub-Lessee) seeking Council's approval to offer separate lease agreements at the Paisley Centre for a five (5) year term as follows:

Stefan Whiteside: Tango room, office, rest area and lobby

Lauren Rose: Dining room, kitchen, office and use of portion of the courtyard for alfresco dining.

A copy of the site plan (identifying each of the proposed sites) is **attached** at Appendix 14.

A further application has been received from Ms Christine Waller (Bunbury Dance Studio) seeking Council's approval to extend her existing Tenancy Hire Agreement at the Paisley Centre which covers the main auditorium, stage area, kitchen and public toilets; for a period up to and including 30 April 2007.

### **Background**

The Paisley Centre is situated on Reserve 3753 (Lot 690) Arthur Street, Bunbury and is held by the City of Bunbury Management Order Crown Land Record 3257/983 for the purpose of 'Cultural Centre, Restaurant and Parking' with the power to lease for a period of up to twenty-one (21) years.

#### Lease Agreements

Mr Whiteside has held the Head Lease since 2 May 2000 for dance tuition, with Ms Rose holding the Sub-Lease since 4 February 2003 for restaurant and alfresco dining.

Mr Whiteside has decided to scale down his lease area interests and is seeking Council's consideration to lease the tango room, rest area, office accommodation and lobby.

Ms Rose is seeking Council's consideration to retain the lease over the restaurant and use portion of the courtyard for alfresco dining.

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Tenancy Agreement

Ms Waller is unable to commit to a formal lease agreement at this stage but may seek Council's consideration to do so following her current advertising campaign, at which time she hopes to have attracted sufficient bookings to cover anticipated lease payments. Ms Waller has been the resident dance tutor at the Bunbury Dance Studio (which operates out of the Paisley Centre) since the Paisley Centre was refurbished and opened for public use in 1999.

Currently, thirty-five students are enrolled at the Bunbury Dance Studio. Young people represent 60% of enrolments.

Current Lease Details

<b>Lease Terms</b>	<b>Head Lease ( S Whiteside)</b>	<b>Sub-Lease (L Rose)</b>
Commencement Date:	27 February 2001	4 February 2003
Term:	Five (5) years	Unexpired portion of Head Lease
Expiry Date:	26 February 2006	26 February 2006
Rental:	\$20,280 per annum + GST	\$9,000 per annum + GST
Rent Review:	Annually by CPI	Annually by CPI
Outgoings:	Responsibility of Lessee	Agreement with Head Lessee
Insurance:	Maintain Public Risk and General insurance cover for the entire premises. Public Liability insurance set at \$5(M).	Maintain Public Risk and General insurance cover for the sub-leased portion of the premises. Public Liability insurance set at \$5(M).

The 'Holding Over' clause contained in the leases has been invoked due to the delay in receiving the independent market rental valuation and review, and; negotiating proposed terms and conditions with the parties.

The City's Executive and the parties have reached mutual agreement on the following proposed terms and conditions and each have provided a satisfactory level of assurance to manage their interests and clearly demonstrated the capacity to fulfil their financial obligations.

Proposed Separate Lease Details

**Lease No. 1 - Mr Stefan Mark Whiteside (Dance Studio)**

Lease Area:	108 sq.m
Commencement Date:	1 April 2007
Term:	Five (5) years
Expiry Date:	28 February 2012
Rental:	\$6,534 (inclusive of GST) per annum based on the Valuer General's market rent assessment of \$55 per sq.m x 108 sq.m.

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Rent Review:	Market rental review every third anniversary date and annually by CPI in the intervening years
Permitted Use:	Dance tuition, office accommodation and storage.
Statutory Obligation:	Lessee to comply with all acts, statutes, ordinances, orders, local laws or regulations in respect of the permitted use.
Insurance	Lessee to maintain Public Risk and General insurance cover over the permitted area. Public Liability to be set at \$10M.
Outgoings:	Responsibility of Lessee.
Document Costs:	Lessee to pay the full costs of documentation, registration, valuation assessment and advertising.

**Lease No. 2 - Ms Lauren Diane Rose (Restaurant)**

Lease Area:	110 sq.m plus portion of courtyard for alfresco dining.
Commencement Date:	1 April 2007
Term:	Five (5) years
Expiry Date:	28 February 2012
Rental:	\$18,755 (inclusive of GST) per annum based on the Valuer General's market rent assessment of \$155 per sq.m x 110 sq.m plus the annual Outdoor Eating Licence Registration fee of \$633.00.
Rent Review:	Market rent review every third anniversary date and annually by CPI in the intervening years
Permitted Use:	Restaurant and alfresco dining
Statutory Obligation:	Lessee to comply with all acts, statutes, ordinances, orders, local laws or regulations in respect to the permitted use.
Insurance	Lessee to maintain Public Risk and General insurance cover over the permitted area. Public Liability to be set at \$10M.
Outgoings:	Responsibility of Lessee.
Document Costs:	Lessee to pay the full costs of documentation, registration, valuation assessment and advertising.

Tenancy Agreement Details

**Existing Tenancy Hire Agreement - Ms Christine Waller (Dance Tutor)**

Hire Area:	354 sq.m										
Commencement Date:	Already in operation ( <i>operates under the Holding Over Clause associated with the current Head Lease for the Building</i> )										
Allotted Times:	<table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">Wednesdays 3:00pm to 9:00pm</td> <td style="text-align: right;">6 hours</td> </tr> <tr> <td>Thursdays 3:00pm to 9:00pm</td> <td style="text-align: right;">6 hours</td> </tr> <tr> <td>Fridays 1:00pm to 11:pm</td> <td style="text-align: right;">11 hours</td> </tr> <tr> <td>Saturdays (by appointment only)</td> <td style="text-align: right;">2 hours</td> </tr> <tr> <td colspan="2" style="text-align: right;"><b>Total: 25 hours</b></td> </tr> </table>	Wednesdays 3:00pm to 9:00pm	6 hours	Thursdays 3:00pm to 9:00pm	6 hours	Fridays 1:00pm to 11:pm	11 hours	Saturdays (by appointment only)	2 hours	<b>Total: 25 hours</b>	
Wednesdays 3:00pm to 9:00pm	6 hours										
Thursdays 3:00pm to 9:00pm	6 hours										
Fridays 1:00pm to 11:pm	11 hours										
Saturdays (by appointment only)	2 hours										
<b>Total: 25 hours</b>											
New Expiry Date:	Ongoing monthly										
Rental:	\$50.00 per session equal to \$200 per week or \$10,400 per annum (inclusive of GST and outgoings)										

Permitted Use:	Dance Tuition
Statutory Obligation:	Lessee to comply with all acts, statutes, ordinances, orders, local laws or regulations in respect of the permitted use.
Insurance	Lessee to maintain Public Risk and General insurance cover over the permitted area. Public Liability to be set at \$10M.
Outgoings:	Responsibility of Lessee.
Document Costs:	Lessee to pay the full costs of documentation, registration, valuation assessment and advertising.
Special Condition:	Tenancy Hire Agreement to be reviewed in April 2007.

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

The proposal complies with Council's 2002-2007 Strategic Plan as it *"attracts a diversity of recreation and commercial opportunities"* and Strategic Direction 2b by *"promoting Council's leasehold properties"*.

### **Community Consultation**

Any proposal to grant new leases over Council-owned or operated property must be advertised pursuant to Sections 3.58(3) and (4) of the Local Government Act 1995 - a public submission period of fourteen (14) days is required.

### **Councillor/Officer Consultation**

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

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

The Office of the Valuer General has assessed the market rental based on the Management Order and permitted use - taking into consideration the heritage classification and restrictions on the building.

The applicants are to meet the full costs of documentation, registration, valuation assessment and advertising.

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

#### Economic Issues

The proposed leases provide an economic benefit to the City through business opportunities and the provision of employment.

#### Social Issues

The venue provides a social outlet for residents, visitors and tourists of the Greater Bunbury Region.

Environmental Issues

There are no environmental issues to be considered at this time.

Heritage Issues

The Paisley Centre is listed on the Register of National Estate and Heritage Places (Heritage Council of WA). Activities and alterations at the venue are restricted accordingly.

**Council Policy Compliance**

There is no Council policy in relation to leasing of the Paisley Centre.

**Legislative Compliance**

The intention to enter into separate leases will be advertised for public information with a submission period of fourteen (14) days pursuant to Sections 3.58(3) and (4) of the Local Government Act 1995.

**Delegation of Authority**

The Chief executive Officer has the delegated authority 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.

It is proposed that subject to no objecting submissions being received as a result of public advertising, the Chief Executive Officer be authorised to proceed with preparation of the lease documents.

**Relevant Precedents**

The current Lessee and Sub-Lessee have satisfactorily operated at the premises during the lease term.

Council has renewed the lease terms for the premises since 1996.

**Options**

Option 1

Per the Executive Recommendation listed in this report.

Option 2

Council may opt not to consent to the new lease proposals.

## **Conclusion**

Mr Whiteside (Lessee) and Ms Lauren Rose (Sub-lessee) have operated their interest at the venue to a high standard during the current lease period and have fulfilled all obligations and responsibilities required under the terms and conditions of their lease agreements.

## **EXECUTIVE RECOMMENDATION**

### *PART A - Lease Agreements*

Council agrees to grant Mr Stefan Whiteside and Ms Lauren Rose separate leases over portion of the Paisley Centre located on Reserve 3753 (Lot 690) Arthur Street in Bunbury for a term of five (5) years, subject to the terms and conditions as specified in this report to Council and the following.

1. The intention to lease be advertised locally pursuant to Sections 3.58(3) and (4) of the Local Government Act 1995, by providing notice on the Public Notice Boards at City's Administration Centre, libraries and in the City Update Column of the Bunbury Mail Newspaper.
2. Approval for each lease to be sought from the Minister for Lands.
3. Subject to no objecting submissions being received, the Chief Executive Officer to be authorised to proceed with preparation and signing of the Lease Agreements.
4. The Lessees to pay the full cost for documentation, registration, valuation assessment and advertising.

### *PART B - Tenancy Hire Agreement*

Council agrees to grant Ms Christine Waller an extension of her Tenancy Hire Agreement over portion of the Paisley Centre located on Reserve 3753 (Lot 690) Arthur Street in Bunbury for a period expiring on 30 April 2007, subject to the terms and conditions as specified in this report to Council and the following.

1. The tenancy agreement be advertised locally pursuant to Sections 3.58(3) and (4) of the Local Government Act 1995, by providing notice on the Public Notice Boards at City's Administration Centre, libraries and in the City Update Column of the Bunbury Mail Newspaper.
2. Approval for the Tenancy Agreement to be sought from the Minister for Lands.



3. Subject to no objecting submissions being received, the Chief Executive Officer to be authorised to proceed with preparation and signing of the extended Tenancy Agreement.
4. Ms Waller to pay the full cost for documentation, registration, valuation assessment and advertising associated with the Tenancy Agreement.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 27 FEBRUARY 2007**

Members of the Council Committee were advised that this matter needs to be withdrawn as the lessees have submitted questions that require further investigation.

The proposal to renew the leases at the Paisley Centre will be re-submitted to Council for consideration in due course.

A procedural motion to refer the matter back to committee was adopted to become the committee's recommendation on this matter.

**COMMITTEE RECOMMENDATION**

**Moved Cr Lambert**

**Seconded Cr Wenn**

*The application for renewal of leases at the Paisley Centre be referred back to committee for further consideration.*

**CARRIED**

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

**11.12 FINANCIAL STATEMENTS - JANUARY 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

Financial Statements for January 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)

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 27 FEBRUARY 2007**

The Executive Recommendation was moved Cr Leigh, seconded Cr Major and adopted to become the Committee Recommendation.

**COMMITTEE RECOMMENDATION**

**Moved Cr Leigh**  
**Seconded Cr Major**

*The Financial Statements for the month of January 2007, be received.*

**CARRIED**

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

**11.13 LOCAL GOVERNMENT STATUTORY COMPLIANCE RETURN - 1 JANUARY TO 31 DECEMBER 2006**

<b>File Ref:</b>	A00106
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jack Dyson, Senior Administration Officer
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

**Summary**

It is proposed that Council adopt the Local Government Statutory Compliance Return for the year 1 January to 31 December 2006, a copy of which has been circulated to members under separate cover.

**Background**

Each year the Department of Local Government and Regional Development requests councils throughout the State to conduct an annual assessment of compliance with key components of the Local Government Act 1995 (and associated regulations). The Statutory Compliance Return for 2006 needs to be completed and returned to the Department by 31 March 2007.

Compliance has been achieved on all key components of the return for the period under review. It is noted the Council's current review of the Corporate Strategic Plan and Five Year Finance Plan will be advertised for public comment April/May 2007.

**Strategic and/or Regional Outcomes**

The recommended action complies with the "Governance of the City of Bunbury" section of the City's Strategic Plan 2002-2007 and the following goals:

- "Achieve 'Best Practice' governance through the Principles of openness and accountability in government, community participation, sound financial management and leadership."
- "Have open and accountable management of Bunbury City Council's statutory and legislative requirements"

**Community Consultation**

There is no community consultation required.

### **Councillor/Officer Consultation**

All Executive and Work Area Managers are provided with copies of relevant sections of the Statutory Compliance Return forms on a regular basis. The final return is compiled at the end of the review period using information contained and examined as a result of regular mini audits which are conducted on various aspects of the Return.

These internal audits assist the various Work Areas to ensure their operations meet the statutory requirements of the Local Government Act 1995. They also provide management with information necessary to ensure continual compliance.

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

There are no budgetary implications associated with this return.

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

Completion of the Statutory Compliance Return has no direct effect on economic, social, environment or heritage issues.

### **Employment Outcome**

There are no employment issues relevant to this matter.

### **Council Policy Compliance**

The responses contained within this report do not contravene any existing Council Policy or Work Procedure.

### **Legislative Compliance**

Completion of the Statutory Compliance Return is a requirement under the provisions of Section 7.13(i) of the Local Government Act 1995 and Clause 13 of the Local Government (Audit) Regulations 1996. The City of Bunbury has fulfilled its commitment to completing this return since 1997.

The last return (2005) was adopted by Council at its meeting held 7 March 2006.

### **Delegation of Authority**

The various sections of the Statutory Compliance Return are compiled under delegated authority by the Senior Administration Officer.

**Relevant Precedents**

The City of Bunbury has fulfilled its commitment to completing a Statutory Compliance Return each year since the inception of the process in 1997. The last return (2005) was adopted by Council at its meeting held 7 March 2006.

**Options**

No alternative option is offered as completion of the Local Government Statutory Compliance Return is a statutory requirement.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 27 FEBRUARY 2007**

The Executive Recommendation was moved Cr Jones, seconded Cr T Smith and adopted to become the Committee Recommendation.

**COMMITTEE RECOMMENDATION**

**Moved Cr Jones**

**Seconded Cr T Smith**

*Council adopt the Statutory Compliance Return for the City of Bunbury for the period 1 January 2006 to 31 December 2006, and authorise its endorsement by His Worship the Mayor and Chief Executive Officer.*

**CARRIED**

11 Votes "For" / Nil Votes "Against"

**11.14 REQUEST FOR TENDER FOR THE PROVISION OF AUDIT SERVICES - CITY OF BUNBURY AND BUNBURY-HARVEY REGIONAL COUNCIL**

<b>File Ref:</b>	A00084
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, City Accountant
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

**Summary**

The Local Government Act requires that the accounts and annual financial report of a local government for each financial year are audited by an auditor appointed by the local government. As Council's auditor, Mr Tim Partridge from AMD Chartered Accountants' term of office as auditor for the City of Bunbury and Bunbury Harvey Regional Council has expired from the audit of the 2005/06 financial year, Council is now required to appoint an auditor.

**Background**

It is proposed to issue a "Request to Tender" for the provision of external audit services for 5 years from 2006/2007 to 2010/2011 for the City of Bunbury and Bunbury Harvey Regional Council. A draft Request for Tender has been prepared and has been circulated under separate cover for councillor's information.

The Request for Tender has been based on the "Minimum Standard Audit Specifications" that have been prepared by the Department of Local Government, which includes details of the scope of the audit, price, audit methodology, and critical audit areas to fulfil the requirements of the Local Government Act. The appointment of an auditor for the Bunbury Harvey Regional Council is subject to that Council's endorsement.

Tenders received will be assessed by Council's Audit Committee who will then provide a recommendation to Council for the appointment of Council's Auditor. Members of the Audit Committee are His Worship the Mayor, Councillor Major and Councillor Leigh.

**Strategic and/or Regional Outcomes**

The appointment of an auditor satisfies the City's Strategic Plan to have open and accountable management of Council's statutory and legislative requirements, as well as ensuring compliance to statutory obligations.

**Community Consultation**

Appointment of an auditor is a legislative requirement and community consultation is not required.

### **Councillor/Officer Consultation**

Executive Management support the recommendation. Council's Audit Committee will receive and evaluate the tender documents for the provision of audit services and report to Council with a recommendation for Council's consideration.

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

Audit Fees form part of Council's Annual Budget.

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

The advertisement of the Request for Tender for the provision of external audit services does not have any economic, social, environmental or heritage issues.

### **Council Policy Compliance**

The proposal does not contravene any Council Policy.

### **Legislative Compliance**

The proposal complies with Part 7, Division 2 "Appointment of Auditors", of the Local Government Act 1995. Council is able to call tenders or alternatively re-appoint the current auditor.

### **Delegation of Authority**

Nil

### **Relevant Precedents**

Council has previously advertised a request for tender for the appointment of auditors for the City of Bunbury and Bunbury Harvey Regional Council and has also re-appointed its current auditor without going to tender.

### **Options**

#### Option 1

Per the Executive Recommendation listed in this report.

#### Option 2

Council is able to negotiate the re-appointment of the current auditor for a 3-year term without going to tender.

**Conclusion**

Due to the expiration of Mr Tim Partridge's term of office as auditor, Council is required to appoint or re-appoint an auditor. It is proposed that the Request of Tender be advertised to enable Council to appoint an auditor for the provision of audit services for the 5 financial years 2006/2007 to 2010/2011.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 27 FEBRUARY 2007**

The Executive Recommendation was moved Cr Jones, seconded Cr Leigh and adopted to become the Committee Recommendation.

**COMMITTEE RECOMMENDATION**

**Moved Cr Jones**

**Seconded Cr Leigh**

1. *Council advertise the "Request for Tender" for the Provision of Audit Services for the five financial years 2006/2007 to 2010/2011, in the South Western Times and The West Australian newspapers.*
2. *The Council's Audit Committee to evaluate the tenders received for the provision of audit services and report to Council with a recommendation for appointment of an auditor for the City of Bunbury and Bunbury-Harvey Regional Council\* for the five financial years 2006/2007 to 2010/2011.*

*(\* Note: Appointment of an auditor for the Bunbury-Harvey Regional Council is subject to endorsement by that Body.)*

**CARRIED**

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



## **11.15 CITY OF BUNBURY STRATEGIC PLAN 2007-2012**

<b>File Ref:</b>	A00362
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jack Dyson, Senior Administration Officer
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

### **Summary**

Council to adopt the City of Bunbury Strategic Plan 2007–2012 which outlines strategic objectives for improving relations with the State, Federal and other Local Governments; Strengthen the City of Bunbury’s governance and leadership; deliver major capital projects on time and on budget; implement City Vision; promote ecological sustainable development of the City’s built and natural environment; develop social capital as the strategic component of Council’s “Plan for the Future”.

### **Background**

Recent amendments to the Local Government Act 1995 require Council to prepare a “Plan for the Future”, a plan that incorporates both strategic and financial planning for its future years.

This Strategic Plan component has been workshopped with Council several times in recent months and the latest draft version was discussed at the Council Briefing Session on 20 February 2007 - refer to copy issued under separate cover.

The plan must be reviewed on an annual basis. Prior to each review the plan will be advertised for public comments/submissions and these are to be considered by Council in each annual review.

The Draft Strategic Plan was developed under the guidance of Council Project Control Group which consisted of His Worship the Mayor, Councillor Rooney, Councillor Craddock, Chief Executive Officer and the Executive Manager Corporate Services.

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

The adoption of the Strategic Plan provides assurances to the community that Council is focussed on a sustainable long-term strategy considering economic, social, and ecological factors affecting the City.

### **Community Consultation**

The development of this strategic plan has been influenced by community participation and consultation through the advancement of a number of strategies outlined on Page 4 of the plan, including Bunbury Transport Vision 2030, Tourism Strategy, Sustainability Strategy, Smart Community Strategy, Waste Management Strategy, City Vision Strategy, Housing Strategy, Commercial Strategy and Integrated Open Space Strategy.

These strategies have led to the development of master plans which drive the implementation of the major components.

### **Councillor/Officer Consultation**

His Worship the Mayor, Councillor Rooney, Councillor Craddock, the Chief Executive Officer and Executive Manager Corporate Services formed the Project Control Group, charged with overseeing the development of this plan.

The plan has been workshopped at different stages throughout 2006 with all Councillors and other officers to allow their input.

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

There are no budgetary or financial implications relevant to the adoption of this plan.

The “Plan for the Future” when adopted in its entirety will have a direct bearing on annual budgets as it will be the driver for major capital projects.

The 5-year Finance Plan to be adopted by Council in March 2007 maintains a balanced financial position.

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

There are no Economic, Social, Environmental or Heritage related issues relevant to this item.

### **Council Policy Compliance**

Council does recognise the Strategic Plan as an important strategic management tool.

### **Legislative Compliance**

The preparation of a “Plan for the Future” is a requirement under the provisions of section 5.56 of the Local Government Act 1995.

Adoption of this strategic component of the plan meets a large proportion of this requirement.

### **Delegation of Authority**

There is no delegation of authority to the Chief Executive Officer to adopt or endorse this report.

### **Relevant Precedents**

Council has previously adopted and maintained a strategic plan “2002–2007”. This document (2007–2012) will have direct links to Council’s future corporate direction, budgets and 5-year Finance Plan.

**Options**

Option 1

Per the Executive Recommendation listed in this report.

Option 2

Council adopt the “City of Bunbury Strategic Plan 2007–2012” with amendments.

**Conclusion**

Council is required to develop a “Plan for the Future”. Adoption of the 5-year Finance Plan in March, will achieve that objective as the combination of the Strategic Plan and 5-year Finance Plan will form Council’s “Plan for the Future”.

**EXECUTIVE RECOMMENDATION**

Council adopts the “City of Bunbury Strategic Plan 2007–2012”.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 27 FEBRUARY 2007**

The Executive Recommendation was moved Cr Craddock, seconded Cr T Smith (with an amendment adding a point 2.) and adopted to become the Committee Recommendation.

**COMMITTEE RECOMMENDATION**

**Moved Cr Craddock**  
**Seconded Cr T Smith**

- 1. Council adopts the City of Bunbury Strategic Plan 2007–2012.*
- 2. Council to be provided with a Progress Report on a quarterly basis.*

**CARRIED**

**10 Votes "For" / 1 Vote "Against"**

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

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

Nil.

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

In response to a query from Cr Major, the Mayor announced that he will use the forthcoming Bunbury-Setagaya Sister Cities delegation to Japan, as an opportunity to speak personally with the Mayor of Setagaya and formally express the Bunbury community's objection to Japan's current whaling and fishing practices.

**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.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 27 FEBRUARY 2007**

The Executive Recommendation was moved Cr Jones, seconded Cr Leigh and adopted to become the Committee Recommendation.

**COMMITTEE RECOMMENDATION**

Moved Cr Jones  
Seconded Cr Leigh

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

1. *Title: Temporary Road Closure - Free Community Concert - 14/3/2007*  
*Author: John Kowal, Manager Ranger Services*  
*File: R00549*
2. *Title: Minutes - Big Swamp Wildlife Park Steering Committee - 22/1/2007*  
*Author: Grant Bilton, Technical Officer - Parks & Urban Design*  
*File: A00143*
3. *Title: Public Library Service - Structural Reform Report*  
*Author: Sue Franklin, Regional Librarian*  
*File: F00096*

**Supplementary Items to be Noted**

1. *Title: Accounts for Payment - 1 to 31 January 2007*  
*Author: David Ransom, City Accountant*  
*File: A00083*
2. *Title: South West Sports Centre Operations and Financial Report - January 2007*  
*Author: David Ransom, City Accountant*  
*File: F00111*

**CARRIED**

11 Votes "For" / Nil Votes "Against"

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

There were no items recommended for endorsement.

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

Nil.

16. **CLOSE OF MEETING**

The Presiding Member declared the meeting closed at 8.45pm.

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CONFIRMED this day 20 March 2007, to be a true and correct record of proceedings of the Council (Standing) Committee Meeting held 27 February 2007.

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**MAYOR D SMITH**  
**PRESIDING MEMBER**