



26 JUNE 2007

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### **Council Committee Minutes**

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## GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
1:100	Ratio of 'one in one hundred'
AD	Acceptable Development
ARI	Annual Recurrence Interval
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AWARE	All West Australians Reducing Emergencies (grant funding)
BCA	Building Code of Australia
BCCI	Bunbury Chamber of Commerce & Industries
BCRAB	Bunbury Community Recreation Association Board
BEAC	Built Environment Advisory Committee
BESAC	Bunbury Environment and Sustainability Advisory Committee
BHRC	Bunbury Harvey Regional Council
BPA	Bunbury Port Authority
BRAG	Bunbury Regional Art Galleries
BRAMB	Bunbury Regional Arts Management Board
BREC	Bunbury Regional Entertainment Centre
BSSC	Big Swamp Steering Committee
BWEA	Bunbury Wellington Economic Alliance
CALM	Department of Conservation and Land Management
CBD	Central Business District
CCAFF	Community Cultural and Arts Facilities Fund
CERM	Centre of Environmental and Recreation Management
CPI	Consumer Price Index
CSRFF	Community Sport and Recreation Facilities Fund
DADAAWA	Disability in the Arts Disadvantage in the Arts Australia, Western Australia
DAP	Detailed Area Plan (required by WA Planning Commission)
DCU	Development Coordinating Unit
DEC	Department of Environment and Conservation (formerly CALM)
DEWCP	Department for Environment, Water and Catchment Protection
DLI	Department of Land Information
DoE	Department of Environment
DOLA	Department of Land Administration
DoPI	Department of Primary Industry
DoW	Department of Water
DPI	Department for Planning and Infrastructure
DSR	Department of Sport and Recreation
DUP	Dual-use Path
ECT	Enforcement Computer Technology
EDAC	Economic Development Advisory Committee
EDWA	Education Department of Western Australia
EIA	Environmental Impact Assessment
EPA	Environmental Protection Authority
ERMP	Environmental Review and Management Program
ESL	Emergency Services Levy
FESA	Fire and Emergency Services Authority
FFL	Finished Floor Level
GBPG	Greater Bunbury Progress Group

<b>Term</b>	<b>Explanation</b>
GBRP	Greater Bunbury Resource Plan report
GBRS	Greater Bunbury Region Scheme
GL	Gigalitres
GRV	Gross Rental Value
GST	Goods and Services Tax
HCWA	Heritage Council of Western Australia
ICLEI	International Council for Local Environmental Initiatives
ICT	Information and Communications Technology
IP	Internet Protocol
IT	Information Technology
ITC	In Town Centre
ITLC	Former In-Town Lunch Centre (now the "In Town Centre")
LAP	Local Action Plan
LCC	Leschenault Catchment Council
LEMC	Bunbury Local Emergency Management Committee
LIA	Light Industrial Area
LN (2000)	Liveable Neighbourhoods Policy (2000)
LSNA	Local Significant Natural Area
MHDG	Marlston Hill Design Guidelines
MRWA	Main Roads Western Australia
NDMP	National Disaster Mitigation Program
NEEDAC	Noongar Employment & Enterprise Development Aboriginal Corp.
NRM	Natural Resource Management
NRMO	Natural Resource Management Officer
ODP	Outline Development Plan
PAW	Public Access Way
PHCC	Peel-Harvey Catchment Council
PR	Plot Ratio
R-IC	Residential Inner City (Housing) - special density provisions
RDC	Residential Design Codes
RDG	Residential Design Guidelines
Residential R15	Town Planning Zone – up to 15 residential dwellings per hectare
Residential R20	Town Planning Zone – up to 20 residential dwellings per hectare
Residential R40	Town Planning Zone – up to 40 residential dwellings per hectare
Residential R60	Town Planning Zone – up to 60 residential dwellings per hectare
RFDS	Royal Flying Doctor Service
RMFFL	Recommended Minimum Finished Floor Levels
ROS	Regional Open Space
ROW	Right-of-Way
RSL	Returned Services League
SBCC	South Bunbury Cricket Club Inc.
SCADA	Supervisory Control and Data Acquisition
SGDC	Sportsgrounds Development Committee
SW	South West
SWACC	South Western Area Consultative Committee
SWAMS	South West Aboriginal Medical Service
SWBP	South West Biodiversity Project
SWCC	South West Catchments Council
SWDC	South West Development Commission
SWDRP	South West Dolphin Research Program

<b>Term</b>	<b>Explanation</b>
SWEL	South West Electronic Library
SWSC	South West Sports Centre
TME	Thompson McRobert Edgeloe
TPS	Town Planning Scheme
USBA	Union Bank of Switzerland Australia
VGO	Valuer General's Office
VOIP	Voice-Over Internet Protocol
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission
WAPRES	Western Australian Plantation Resources
WAWA	Water Authority of Western Australia
WC	Water Corporation
WML	WML Consultants
WRC	Waters and Rivers Commission

## COUNCIL (STANDING) COMMITTEE MINUTES

Minutes of an Ordinary Meeting of the Council (Standing) Committee held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 26 June 2007.

### MINUTES

26 June 2007

**NOTE: The recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the subsequent Council Meeting on 3 July 2007.**

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

His Worship the Mayor, Mr David Smith, declared the meeting open at 6.00pm.

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

PRESENT:

<b>Council Committee Members</b>	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member:	Deputy Mayor, Councillor J Jones
Members:	Councillor W Lambert
	Councillor A Leigh
	Councillor D Wenn
	Councillor W Major
	Councillor T Dillon
	Councillor N McCleary
	Councillor T Smith
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
Executive Manager City Development:	Mr G Klem
Executive Manager City Life:	Mr D Marzano
<b>Council Officers (Non-Voting):</b>	
Manager Development Services:	Mr G Fitzgerald
Waste Services Supervisor:	Mr T Battersby
Technical Officer - Parklands:	Mr G Bilton
Business Development Officer:	Mr T Ayers
Community Development Officer:	Mr A Johnson
Administration Officer Corporate Services:	Ms D Ryan

PRESENT (continued)

<b>Others (Non-Voting):</b>	
Members of the Public:	10 (approx.)
Members of the Press:	2

APOLOGIES:

Councillor Frisina - Leave of Absence 28 May to 4 July 2007 (inclusive)  
Councillor Craddock - Leave of Absence 28 May to 4 July 2007 (inclusive).  
Councillor Rose - Apology

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

At the last meeting Council Standing Committee Meeting on 5 June 2007, the following questions were asked but no answers could be given at the time. Responses to the questions are printed below for the information of committee members and the public:

**Mr Kent Lyon, 5 Reading Street, Bunbury**

*Question 3: I am seeking some clarification on the statement by Mayor Smith at the Special Electors Meeting held 23 November 2006, that the property at the corner of Blair/Hayes/Charles Streets does not fall under the Stirling Street Heritage Precinct Boundaries? If this is not correct then may I request the Council clarifies publicly – either by letter showing the precinct boundaries sent to each elector that attended and/or public notice in the City Beat section of the paper showing the precinct boundaries. If the Mayor is correct then could I please request the details on when this precinct boundary was amended, who proposed the amendment, when it was advertised and when a motion was passed in Council to change this?*

Response 3: His Worship the Mayor advises that he had inadvertently informed those present at the Special Electors' Meeting held 23 November 2006 that the property at the corner of Blair, Hayes and Charles Streets did not fall within the Stirling Street Heritage Precinct boundaries. The error was identified and corrected at the meeting. As only the people at the meeting were affected by the advice, and the advice was corrected, no further action is required.

*Question 4: Does council have a policy on consultation with neighbours?*

Response 4: The Executive Manager City Development advised that where there was a requirement for consultation to be undertaken with neighbours, consultation was always undertaken. If the application is a permitted use under TPS No.7 there is generally no requirement for consultation excepting in special circumstances.



*Question 5: In relation to the new library development, will council be preserving the heritage value of the olive trees on Lot 1 (3) Turner Street close to the adjoining boundary, based on the conditions by the Heritage Council of Western Australia for its development approval of the plans for the new library?*

Response 5: See correspondence to Mr Lyon **attached** at Appendix 1.

*Question 6: Will council comply with the advice of the arboriculturalists in regards to the canopy pruning, excavation, root preservation and the foundations near the new library wall near the boundary, including the presence of a supervising arboriculturalist at the expense of the City of Bunbury?*

Response 6: See correspondence to Mr Lyon **attached** at Appendix 1.

*Question 7: Will council undertake an accurate survey in order to ascertain ownership of the Brazilian Pepper tree along the adjoining boundary, as recommended by the arboriculturalists to identify any developmental constraints for the new library?*

Response 7: See correspondence to Mr Lyon **attached** at Appendix 1.

*Question 8: Will council undertake a modelling of how Lot 1 (3) Turner Street will be overshadowed at various times of the year?*

Response 8: As part of the ongoing progress of the design of the new library building there is no adverse solar impact on the adjoining property in terms of the provision of the Residential Planning Codes 2002. Clause 3.9.1. of the RDC 2002 states that solar impact is measured by the shadow cast at midday on 21 June 2007. At a practical level the shadow cast by the new Library building at midday (on any day) is on the library land only.

It is also noted, as previously stated, the new library is only marginally higher than the existing building.

*Question 9: Will council consider the relocation of the existing Water Corporation sewer that runs diagonally across part of Lot 1 (3) Turner Street as a consequence of the plans for the new library development, that has imposed unnecessary constraints on the plans for landscaping and coach house, both of which now must be revised? The most sensible option would be to run it along the whole length of the disused carriageway and then northwards under the planned driveway to the new library's undercroft?*

Response 9: See correspondence to Mr Lyon **attached** at Appendix 1.

*Question 10: Will Council be undertaking landscaping of the wasteland at the southern end of the disused carriageway to compensate for the loss of the large Norfolk Pine tree, included on council's Register of Significant Trees and green space consumed by the new library? We suggest that the landscaping plans include at least three pine trees to replace the one on the library carpark and two to replace trees knocked over by the tornado.*

Response 10: See correspondence to Mr Lyon **attached** at Appendix 1.

*Question 11: Does council believe it is missing a once-off opportunity to restore Anzac Park back to its original dimensions (and depriving the public of much needed green space in a growing city) by encroaching on the Heritage Council of WA's State Register of Heritage Places listed Anzac Park?*

Response 11: See correspondence to Mr Lyon **attached** at Appendix 1.

**4. PUBLIC QUESTION TIME**

Nil.

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

Nil.

**6. CONFIRMATION OF PREVIOUS MINUTES**

The recommendation was moved Cr Major, seconded Cr Leigh (with an amendment concerning item 11.8 of the minutes) and adopted to become the committee's decision.

**COMMITTEE DECISION**

*The minutes of the Council (Standing) Committee Meeting held 5 June 2007, be confirmed as a true and accurate record subject to the third paragraph of the "Background" in item 11.8 (re. Bunbury-Harvey Regional Council) being amended to read as follows:*

*...continued overleaf*

*"The BHRC comprises representatives from both member municipalities together with a Chief Executive Officer. As at the beginning of April 2007, the City's representatives on the BHRC were: the Deputy Mayor, Councillor Judy Jones, Councillor Tom Dillon and Councillor Norm McCleary (with Councillor Major as proxy). The BHRC conducts a ballot to determine the position of Chairman and this position is currently held by a representative of the City of Bunbury."*

**CARRIED**

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

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

Cr T Smith disclosed a financial/proximity interest in the item titled *"Car Parking Requirements - Proposed New Reef Hotel Lot 123 (No. 21) Victoria Street, Bunbury"* as his family company owns property in Victoria Street.

Cr Leigh disclosed an interest-in-common in the item titled *"Re-consideration of Proposed Scheme Amendment No. 11, Town Planning Scheme No. 7 - Lot 71 Bunning Boulevard and Part Road Reserve Corner Sandridge and Picton Roads"* as he often stays in the Sandridge Park area but actually resides some distance away.

Cr Rooney disclosed an impartiality interest in the item titled *"Proposed Change of Use From Mixed Use (Office & Multiple Dwellings) Development to Office - Arrio Building - Lot 26 (No. 7) Stirling Street, Bunbury"* as one of the company directors is a relative.

Cr McCleary disclosed a financial interest in the item titled *"Proposed Change of Use From Mixed Use (Office & Multiple Dwellings) Development to Office - Arrio Building - Lot 26 (No. 7) Stirling Street, Bunbury"* as he is a 40% owner of the building.

Cr Lambert disclosed a proximity/impartiality interest in the item titled *"Proposed Home Business - Multimedia Design - Lot 11 (No. 28) Parkfield Street, Bunbury"* as the proposed business is located two City blocks away from his residence.

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

Nil.

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

**9.1 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR TREVOR SMITH**

<b>File Ref:</b>	A00215
<b>Applicant/Proponent:</b>	Councillor Trevor Smith
<b>Author:</b>	Greg Trevaskis, Chief Executive Officer
<b>Executive:</b>	Greg Trevaskis, Chief Executive Officer

**Summary/Background**

Councillor T Smith has requested leave of absence from all Council-related business from 24 July to 10 August 2007 (inclusive).

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

**Recommendation**

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor T Smith is granted leave of absence from all Council-related business from 24 July to 10 August 2007 (inclusive).

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

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

**COMMITTEE RECOMMENDATION**

*Pursuant to Section 2.25 of the Local Government Act 1995, Councillor T Smith is granted leave of absence from all Council-related business from 24 July to 10 August 2007 (inclusive).*

**CARRIED**

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

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

Nil.

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

**11.1 PROPOSED NAVAL CADET UNIT WATER TRAINING FACILITY - LOT 405 LESCHENAULT DRIVE, VITTORIA** *(LISTED AS ITEM 11.16 ON THE MEETING AGENDA)*

<b>File Ref:</b>	P11898
<b>Applicant/Proponent:</b>	Marten Wagenaar
<b>Author:</b>	Teshome Tadesse, Planning Officer
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

Council has received a development application from Mr Marten Wagenaar on behalf of the Naval Cadets, for development of a naval cadet facility on portion Lot 405 Leschenault Drive in Vittoria. The subject site is partly reserve (Parks and Recreation) and the balance of the site is zoned Port Industry under Town Planning Scheme No.7 (TPS7).

The Turkey Point Master Plan acknowledges the proposed naval cadet facility in its proposed location but no further explanations have been provided in the plan about the relevance of this facility in terms of its compatibility with the current or future zoning proposals. In addition, the Draft Bunbury Port Inner Harbour Structure Plan appropriately indicates the site, the subject of the proposal, as being contained in the Open Space and recreation description of the Plan, which suggests that a scheme amendment is inevitable. This plan, however, does not specifically indicate the location of the naval cadet facility except that it references about the Turkey Point Master Plan in its text.

It should be further noted that the proposal is located within a Conservation Category Wetland as well as within an Aboriginal Heritage Site under the City's Legislative Environmental Conservation map. Furthermore, it is indicated that the site may have some implications as being sited in close proximity to a contaminated site, as pointed out by DPI. In this regard, further investigation has been recommended by the DPI

It is concluded that the proposal, as submitted, does not strictly comply with the current scheme. Therefore, an alternative solution has been suggested to support the proposed development by way of issuing a Temporary Planning Approval in principle for a period of three years and subject to the applicant obtaining relevant environmental approvals from the concerned authorities. It is anticipated that the Inner Harbour Structure Plan will be finalised, and therefore it is considered the Scheme amendment will follow.

## **Background**

On 4 December 2006 the City provided preliminary comments on the proposed naval cadet facility on portion Lot 405 Leschenault Drive. On the basis of the City's comments, the applicant has further progressed in the preparation of development plans for the proposed naval cadet facility on the subject land and has submitted a planning application for approval.

The proposal was advertised for public comment, as the proposed naval cadet facility does not comfortably fit in with the standard land use definition contained under the Scheme. It has been considered as a use class not listed. During the advertisement period, no objections were received from the general public. However, government agencies, in particular the DPI, among other things, raised a concern in that the proposal extends over two mutually exclusive land use categories under the GBRS as well as under TPS 7. In addition, in recent communication, the DPI has raised the matter of proximity of the proposal to a contaminated site, that is the fly-ash ponds.

**Attached** at Appendix 21 is a letter from the DPI.

In the case of GBRS, the proposal covers two reserves i.e. Regional Open Space and Port Installations. In relation to TPS 7, the proposal extends over a Reserve (Parks and Recreation) and the Port Industry zone.

**Attached** at Appendix 22 is the location plan

It can be argued that the proposal required a scheme amendment so as to contain it within land reserved for Parks and Recreation reserve land. Alternatively, a Temporary Planning Approval could be issued to by-pass the need for a scheme amendment at this point in time. Consideration of the proposal by Council is considered appropriate in this instance.

## **Proposal**

The proposal is to create a naval cadet facility on a portion of Lot 405 Leschenault Drive. The subject land is located approximately 3.5 km north of the City Centre. The site is otherwise known as "Turkey Point". The ownership details indicate that the Port Authority owns the subject land, but it is nominated partly as a reserve and as substantial part of it as Port Industry zone under TPS 7.

The proposal incorporates two main components i.e. physical development (three sheds) and training ground (Parade Ground). The physical development part of the proposal shows three large shade structures on portion of the Parks and Recreation reserve, while the parade section of the proposal is a training ground for cadets and that it is on the Port Industry zone.

The development footprint of the existing development is **attached** at Appendix 23.

### **Greater Bunbury Region Scheme (GBRS) (Draft)**

The GBRS Scheme Map shows the subject site as being under split land use descriptions of Port Installations and Regional Open Space. Both, nominations come under reserved lands in the GBRS. The proposed development as mentioned above extends over these reserves i.e. sheds on the portion of the reserve and parade ground on the portion of Port Installations.

The proposal as it stands does not satisfy the intent and objectives of the Port Installation reserve. However, the portion of the physical development on the Regional Open Space site can be considered compatible with the intent and objectives of the reserve in that the naval cadet training activities, in part, can be considered as recreational activities that can go hand in hand with the purpose of the Regional Open Space (ROS).

The GBRS at this stage is only a draft; however, as a seriously entertained document, it is a key document in the consideration of a development proposal, which has a regional implication. In this regard, if Council were to resolve to support the proposal as submitted, it is required to amend the GBRS (in the future) in order to reassign a portion of Port Installation site as part of the ROS. In Development Services opinion, this is not an ideal approach in the short term to resolve the dual reserve issue reflected under the proposed development. It is therefore recommended that Temporary Planning Approval be granted in principle to the proposed development. This action would facilitate consideration of the proposal for approval without implication to the GBRS at this point in time.

### **Town Planning Scheme No.7 (TPS7)**

The subject site is nominated partly as a Reserve (Parks and Recreation) and the balance as a Port Industry zone under TPS7. The proposal is contained within these two mutually exclusive land use designations. The shed structures will be erected on the reserve portion of the land while the training ground will be located on the Port Industry portion of the site. Again, if Council were to resolve to support the proposal as submitted, a scheme amendment would be required to contain the proposed development in one land use designation as a reserve.

Development Services is of the opinion that in the short term a scheme amendment to TPS7 can be avoided by the granting of Temporary Planning Approval in principle. It is considered that the compatibility of the proposed use to the Scheme can be more appropriately dealt with under the Bunbury Port Inner Harbour Structure Plan and the Turkey Point Master Management Plan.

### **Turkey Point Master Management Plan (Draft)**

Turkey Point Master Management Plan is a City initiative aimed at providing a foundation for short, medium and long-term sustainability of tourism and other uses for the Turkey Point area. This Plan is at a draft stage and has no legal status at this point in time. However, it may be considered under the category of seriously entertained document, as it was advertised for public consultation.

The Turkey Point Master Plan incorporates the proposed Naval Cadet Area and states as follows:

“The design of the facility is as a community facility with primary use by the naval cadets; however the facility will be shared with local schools and youth groups.”

The Master Plan goes on to say that: “...The facility will house bunk style accommodation, male and female amenities and galley which are required for regular camps.”

**Attached** at Appendix 24 is a sketch layout for proposed Naval Cadet facilities (source: Turkey Point Master Management Plan)

**Attached** at Appendix 24 is the Turkey Point Management Plan (Stage 2)

### **Bunbury Port Inner Harbour Structure Plan (Draft)**

The Bunbury Port Inner Harbour Structure Plan is a Plan which is intended to be used as a decision making tool and a guide to development within the Inner Harbour. This Structure Plan is progressing to its final stage, and it can be considered as a seriously entertained document, which can be referenced in the development of the port area and its environs.

**Attached** at Appendix 24 is the Inner Harbour Structure Plan (Draft)

A preliminary assessment of the Structure Plan indicates that the entire site of the proposed Naval Cadet facility is contained within the Open Space and Recreation land use category as indicated on Figure 20 – Structure Plan (see attachment at Appendix 24). This means that the Structure Plan anticipates a future Scheme Amendment to include the entire site of the Navy Cadet facility under Open Space and Recreation. In this regard, it can be considered that the proposed development is in line with the Inner Harbour Structure Plan. In the short term therefore it is suggested that a Temporary Planning Approval be issued for the development of the proposed facility on the subject site for a period of at least three years in the anticipation that a Scheme Amendment will follow upon the finalisation of the Inner Harbour Structure Plan.

### **Environmental Matters**

The subject site has been identified as having significant environmental implications. The City’s Legislative Environmental Constraints map identifies the subject site as being under Conservation Category wetland and Aboriginal Site. In addition, DPI in its letter dated 14 June 2007 states that the subject site is “...within close proximity, or adjacent to a contaminated site (fly ash from the decommissioned Bunbury Coal-fired power station)” and recommended that Council investigate that matter in conjunction with DEC (**attached** at Appendix 21 is a letter from the DPI regarding the subject site and its closeness to a contaminated site).

Given the importance of environmental matters in connection to the proposal, Development Services is of the view that the applicant be advised to approach the responsible authorities and seek their approvals prior to any works on-site and prior to final approval being granted.



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

Council's Strategy 6.5: Social Inclusion and needs, outlines that the City seeks solutions to social issues in order to achieve social cohesion and to the ultimate achievement of quality of life. One can consider that the proposed naval cadet facility is in line with the general direction of this strategy for the reason that it directly benefits the youth in the City.

The proposed development has a regional implication in that the subject site falls under reserved land in the GBRS. The reservation of the site is for the purposes of Port Installations and Regional Open Space. Approval of the proposed development will in the future call for an amendment to the GBRS. It is considered that this part will be taken care of through the Bunbury Port Inner Harbour Structure Plan process, as the subject site is indicated as being Open Space and Recreation under this draft Structure Plan.

### **Community Consultation**

The proposal was advertised for 21 days in accordance with Clause 9.4 of TPS 7. No submission has been received from the public. But, Government Departments raised their concern about two different land use categories (reserve and Port Industry zone under TPS7) refer to schedule **attached** at Appendix 25.

### **Applicant Consultation**

Consultations have been undertaken with the applicant with a view to resolve the outstanding matters, in particular the matter of split land use nomination on the subject site.

### **Councillor/Officer Consultation**

Prior to the finalisation of this agenda item, discussions have been undertaken as to how to devise the best approach to progress the proposal.

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

The Recommendation will not impact on the existing Annual Budget nor involve cost to Council.

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

It is considered that no significant direct economic benefit can be obtained as a result of the proposed development except to say that a limited economic gain can be materialised during the construction phase. On the other hand, the proposal has significant social benefit in that it will facilitate training for the youth.

Given that the proposal is within the vicinity of a water body, the proposal was referred to the Department Environment Conservation (DEC) and the Environmental Protection Authority (EPA). The DEC has replied with advice that the proposal is within the Regional Reserve

under the GBRS with no specific comment on environmental matters. EPA has not replied within the specified 14 days. It is noted that the subject site comes under the Conservation Category Wetland and Aboriginal Heritage Site under the City of Bunbury Legislative Environmental Constraints Map. In the former case, EPA's involvement is important. In this case, however, the applicant can be advised directly to liaise with the EPA and DEC to satisfy environmental requirements. Equally, the applicant can directly liaise with the Department of Indigenous Affairs so as to address the matter of Aboriginal Heritage Site.

### **Council Policy Compliance**

The proposal has been progressed in accordance with the City's Local Planning Policy – Development Applications Assessment Processes: Rights of the Applicant and Community in the areas of consultation with the general public and preparation of this agenda item for Council consideration.

### **Legislative Compliance**

The proposal cannot be supported as it stands for the reason that it is inconsistent with the objective of the Port Industry zone as specified under TPS7. In this instance, the alternative solution through the vehicle of Temporary Planning Approval can address the inconsistency and gives time for amendment process in the finalisation of the Bunbury Port Inner Harbour Structure Plan.

### **Delegation of Authority**

The proposal is unique in that it does not strictly satisfy scheme requirements in its current form. DPI has pointed out its concern in relation to land use matters at a local level as well as at a regional level. In addition to this, DPI has informed the City about the need to investigate the site with DEC whether or not the site is contaminated, as it is in close proximity to a contaminated site (fly ash from the decommissioned Bunbury Coal-fired power station). It is considered appropriate that Council be aware of the issues raised under the proposal and determine as required.

### **Relevant Precedents**

No relevant precedent has been identified in connection to this proposal.

### **Possible Options**

#### *Option 1*

Per the recommendation.

Option 2

1. Note the reply from the Government Departments (i.e. Department for Planning and Infrastructure (DPI), Department of Environment Conservation (DEC) and Bunbury Port Authority in relation to the proposed development.
2. Approve the proposed Navy Cadet facility subject to standard conditions plus the following additional conditions:
  - 2.1 The proponent is to redesign the proposed Naval Cadet facility so as the Parade Ground be relocated within the adjoining Parks and Recreation reserve land.
  - 2.2 Prior to the commencement of any works on-site, the applicant is to liaise with the Environmental Protection Authority (EPA) as to the suitability of the site and in order to address any environmental requirements (Conservation Category Wetland).
  - 2.3 The subject site has been identified as being an Aboriginal Heritage Site; therefore prior to the development occurring on-site approval is required under the provisions of the Aboriginal Heritage Act 1972. You are advised to contact the local Regional Office of the Department of Indigenous Affairs regarding this matter.
  - 2.4 The proposal notes a 'leach drain'. Given its close proximity to the Leschenault Estuary, approval from the Department of Water is needed.
  - 2.5 Given that the vegetation in the area was planted for rehabilitation purposes a clearing permit might be required from the Department of Environment and Conservation (DEC).
3. Advise applicant of Council decision.

Option 3

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

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

1. *Refuse the proposed Naval Cadet facility for the reason that the proposed development is inconsistent with Town Planning Scheme No.7 in that the proposed development does not satisfy the objective of the Port Industry zone in respect of the proposed parade ground.*

2. *Approval to the proposed Naval Cadet facility would be premature prior to the adoption of the Bunbury Port Inner Harbour Structure Plan by Council and endorsement this plan by the Western Australian Planning Commission.*
3. *Approval to the proposed Naval Cadet facility would be premature prior to the finalisation and adoption of the Turkey Point Master Management Plan by Council and endorsement of this plan by the Western Australian Planning Commission.*
4. *Advise applicant of Council decision."*

### **Conclusion**

The proposed naval cadet facility in its format appears to be similar to any standard development proposal, but detailed assessment has revealed that a number of land use matters need to be resolved prior to final determination on the proposal. It has relevance to two Structure Plans, which are under consideration by the City. These structure plans are still at draft stage and Council can have regard to these plans in the determination of the proposal. It can be said that the proposal is in line with the general direction of these draft structure plans.

The proposal as submitted poses some outstanding issues in terms of scheme amendment and environmental requirements. The alternative approach (Temporary Planning Approval in principle) is to push forward the proposal while the applicant in the meantime obtains approvals from relevant environmental agencies. It is also with the understanding that the finalisation of the Bunbury Port Inner Harbour Structure Plan will ultimately cause the required scheme amendment to bring the entire site under Parks and Recreation (reserve).

### **Recommendation**

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

1. Note the reply from the Government Departments (i.e. Department for Planning and Infrastructure (DPI), Department of Environment Conservation (DEC) and Bunbury Port Authority in relation to the proposed development.
2. Grant Temporary Planning Approval in principle for the proposed Navy Cadet facility for three years subject to appropriate standard conditions plus the following conditions to the satisfaction of the Manager Development Services.
  - 2.1 Prior to the commencement of any works on-site, the applicant is to liaise with the Environmental Protection Authority (EPA) and obtain approval as to the suitability of the site (Conservation Category Wetland).
  - 2.2 Prior to the commencement of any works on-site, the applicant is to liaise with the Department of Environment and Conservation (DEC) regarding the matter of proximity to a contaminated site (fly ash from the decommissioned Bunbury coal-fired power station) and obtain approval as to the suitability of the site.

- 2.3. The subject site has been identified as being an Aboriginal Heritage Site; therefore prior to the development occurring on-site approval is required under the provisions of the Aboriginal Heritage Act 1972 - the local Regional Office of the Department of Indigenous Affairs to be contacted regarding this matter.
- 2.4. The proposal notes a 'leach drain'. Given its close proximity to the Leschenault Estuary, approval from the Department of Water is required.
- 2.5. Given that the vegetation in the area was planted for rehabilitation purposes a clearing permit might be required from the Department of Environment and Conservation (DEC).
- 2.6. Upon the completion of the three year period, the applicant to report to Council regarding the status of the project.

#### **OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

At the invitation of the Presiding Member, the applicant (Mr Wagenaar) addressed committee members in favour of the recommendation listed in the meeting agenda. He advised that the Naval Cadets have spent a lot of time liaising with the Department for the Environment (over reports of contamination at the site) and a report from the Department of Indigenous Affairs is also forthcoming. He confirmed that the issue of connection to the power grid is an issue that is still to be resolved.

The Executive Manager of City Development confirmed that the City is supportive of the application provided that all outstanding issues (as listed in the officer's recommendation) can be met and considers that the three year temporary approval granted to the Cadets, will be more than adequate to allow them to finalise all outstanding matters.

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

#### **COMMITTEE RECOMMENDATION**

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

1. *Note the reply from the Government Departments (i.e. Department for Planning and Infrastructure (DPI), Department of Environment Conservation (DEC) and Bunbury Port Authority in relation to the proposed development.*
2. *Grant Temporary Planning Approval in principle for the proposed Navy Cadet facility for three years subject to appropriate standard conditions plus the following conditions to the satisfaction of the Manager Development Services.*

- 2.1 Prior to the commencement of any works on-site, the applicant is to liaise with the Environmental Protection Authority (EPA) and obtain approval as to the suitability of the site (Conservation Category Wetland).*
- 2.2 Prior to the commencement of any works on-site, the applicant is to liaise with the Department of Environment and Conservation (DEC) regarding the matter of proximity to a contaminated site (fly ash from the decommissioned Bunbury coal-fired power station) and obtain approval as to the suitability of the site.*
- 2.3. The subject site has been identified as being an Aboriginal Heritage Site; therefore prior to the development occurring on-site approval is required under the provisions of the Aboriginal Heritage Act 1972 - the local Regional Office of the Department of Indigenous Affairs to be contacted regarding this matter.*
- 2.4. The proposal notes a 'leach drain'. Given its close proximity to the Leschenault Estuary, approval from the Department of Water is required.*
- 2.5 Given that the vegetation in the area was planted for rehabilitation purposes a clearing permit might be required from the Department of Environment and Conservation (DEC).*
- 2.6 Upon the completion of the three year period, the applicant to report to Council regarding the status of the project.*

**CARRIED**

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

**11.2 PROPOSED CHANGE OF USE - FAMILY DAY CARE PREMISES - LOT 130 (NO. 15) JASMINE WAY, GLEN IRIS** *(LISTED AS ITEM 11.7 ON THE MEETING AGENDA)*

<b>File Ref:</b>	P13264
<b>Applicant/Proponent:</b>	Ms Kym Anne King (nee Kiewiet)
<b>Author:</b>	Teshome Tadesse, Planning Officer
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

The City has received a change of use application for the establishment of a Family Day Care at Lot 130 (No. 15) Jasmine Way, Glen Iris. The proposal was advertised for public comment as required and only one submission was received. The objector argues on the ground of traffic and noise related matters. Assessment of the proposal has revealed that the issues raised are not as such detrimental to the amenity of the locality. Accordingly, approval is recommended for the proposed change of use to family day care at Lot 130 Jasmine Way.

**Background**

The landowner of Lot 130 (No.15) Jasmine Way has submitted a change of use application to Family Day Care Premises. The proposal does not specify the number of children that will be cared for at one time, but in accordance with the Community Service (Child Care) Regulations 1988, the maximum number of children that are allowed at any given time is 7 including the occupants' children. It is considered that the proposed Family Day Care Premises will be used to its full capacity.

Child Care Premises in a Residential zone are an "A" use under the current Scheme. The proposal was advertised for 21 days for the general public in accordance with Scheme requirements. At the end of the advertising period, one objection was received from the adjoining landowner. The content of the objection reflects the submitters concerns regarding increased traffic in the area, parking and noise related matters . **Attached** at Appendix 8 is the schedule of submissions.

**Attached** at Appendix 9 is the location plan.

City's Local Planning Policy –Development Applications Assessment Processes: Rights of the Applicant and the Community states that: "Upon closure of the advertising period, all submissions are compiled and incorporated into an agenda item to Council for their consideration." In this instance, one objection was received, and hence determination by Council is required.

**Proposal**

The proposal is for a change of use application to a family day care. The term change of use does not mean that the entire house will be used for family day care and that the dwelling part

ceases to exist. It is only a technical terminology applicable for such a proposal. The occupants are required to reside in the premises and at the same time conduct the family day care activities.

The Community Services (Child Care) Regulations 1988, defines ‘family day care’ premises as follows:

“means a child care service provided to a child in a private dwelling in a family or domestic environment, and as per Regulation 28 (2) the total number of children under 12 years in the care of a Family Day Care licensee shall not exceed 7 (inclusive of the licensee’s own children)”.

The above definition describes the manner in which family day care should be carried out and at the same time confirms the maximum number of children that can be accommodated at one time (7). The proposal therefore can be considered within the scope of the above - mentioned general definition.

The applicant has submitted a site plan and a floor plan so as to indicate the portion of the house where family day care activities will be conducted. It appears that about 110m<sup>2</sup> floor area of the house will be used for family day care activities suggesting that the maximum number of children allowable (7) can be cared for at any given time.

**Attached** at Appendix 10 is a floor plan.

The City’s Local Planning Policy – Family Day Care Premises – does not strictly specify the number of car parking spaces that are required to run a family day care. It is also noted that the Scheme does not specifically provide car parking requirements for family day care, and therefore it is at the discretion of Council.

The site plan nominates the existing driveway as a car-parking site. This part of the proposal is not a viable option in that the driveway is principally a means of access to the existing carport. Technically, it cannot be considered as an extra car parking area. However, given the width of the drive way (5m) it can serve as a temporary drop off and pickup area. The subject land is bounded by Hyacinth Lane and Jasmine Way. The Hyacinth Lane side is predominantly vegetated and the verge area is not wide enough to accommodate parking spaces even on a temporary basis. Therefore, it is suggested that the applicant provide one car parking space at the Hyacinth Lane frontage so as to serve as pick up and drop off site.

One of the issues raised by the applicant include noise generation, Development Services is of the view that the noise level would not be significantly different from typical household setting and hence not detrimental, in this case.

Development Services of the opinion that the proposal is an extra income generating activity that can be run in a dwelling environment with out significant impact to the surrounding residents, and hence it is recommended that Council support the proposal.



### **Strategic Outcomes**

The proposed development does not quite directly fit into as to what has been explained under the City Bunbury Strategic Plan – Key Strategies 2007-2012. But, it is felt that it is in the general direction of the broad philosophy of Strategy 6.3: Community planning and infrastructure, which advocates the creation of a City that is inclusive and accessible.

### **Community Consultation**

The proposal was advertised for 21 days in accordance with Clause 9.4 of TPS 7. One objection was received from the adjoining landowner in the areas of traffic related matter and parking on the verge.

### **Councillor/Officer Consultation**

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

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

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

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

It is considered that the proposed family day care undertaking will generate additional income to the household.

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

### **Council Policy Compliance**

The proposal complies with the requirements of Family Day Care Premises - Local Planning Policies in terms of its permissibility in that it will be carried out in a private dwelling environment.

### **Legislative Compliance**

The proposal is an “A” use under the current Scheme in which Council can consider the proposed development following advertisement to the public. The proposal was advertised for 21 days as required by the Scheme and therefore the assessment of the proposal has been carried out in line with the Scheme requirement.

### **Delegation of Authority**

A proposal with submissions from the public is required to be determined by Council. In this case one submission was received and that it warrants consideration by Council.

### **Relevant Precedents**

In June 2006, Council approved a Family Day Care at Lot 831 (No.3) Meredith Way in a private dwelling environment similar to that of the current proposal in terms of land use.

### **Possible Options**

#### Option 1

Per recommendation.

#### Option 2

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

*"Council, under by virtue of the powers conferred upon it in that behalf of the Planning and Development Act 2005 hereby resolves to refuse the application from the owner of Lot 130 (No. 15) Jasmine Way, Glen Iris, for change of use to "Family Day Care Premises" as the proposed activity would impact on the immediate locality in terms of traffic, safety and noise."*

### **Conclusion**

The proposed family day care is a compatible use in a residential zone. The scheme allows it with the designation of an "A" use in that zone. Family day care is considered as an extra income generating activity that can be done without significant impact to the surrounding residents.

The application has been considered in light of the policy and comments received through the public advertising process. It is considered that the proposed family day care will not impact on the amenity of the locality and therefore the proposal can be supported.

### **Recommendation**

Council, under and by virtue of the powers conferred upon it in that behalf of Planning and Development Act 2005 hereby resolves as follows in relation to the application from the owner of Lot 130 (No. 15) Jasmine Way, Glen Iris:

1. Grant Planning Approval for the proposed change of use from a Single House to Family Day Care Premises subject to the following conditions:
  - 1.1. The premises being used only in accordance with the definition of “Family Day Care” contained in Schedule 1 of Town Planning Scheme No.7 unless otherwise approved by Council. All development shall be in accordance with the approved development plans, which form part of this Planning Approval.
  - 1.2. This approval shall expire unless the works hereby authorised have been substantially commenced within 2 years of the date of issue or within any extended period for which Council has granted written consent. Any application for such consent shall be received within 1 month prior to the expiration of the Planning Approval.
  - 1.3. The development is to be conducted in accordance with the following Community Services (Child Care) Regulations 1988 definition of Family Day Care: - “means a child care service provided to a child in a private dwelling in a family or domestic environment, and per Regulation 28(2) the total number of children under 12 years in the care of a Family Day Care licensee shall not exceed 7 (inclusive of the licensee’s own children)”.
  - 1.4. Applicant to provide for 1 additional car parking area on the Hyacinth Lane frontage.
  - 1.5. Any amendment to the proposal will require specific approval of the Local Authority.
  - 1.6. Approval is required from the Child Care Licensing Board prior to commencement of operation. Action in this regard is by the applicant.
  - 1.7. Any proposed building works must have a building licence and if there is an existing swimming pool, it must be inspected prior to the initiation of the proposed use.
  - 1.8. Food Premises Notification to be submitted to the City of Bunbury.
  - 1.9. Compliance with the Health Act 1911.
  - 1.10. Any other operational condition considered necessary by the Manager of Development Services.
2. Advise the applicant and the submitter of Council’s decision.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

The Presiding Member advised the committee that the applicant, Ms Kym King, was present at the meeting to answer any questions. (Note: There were no questions).

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

**COMMITTEE RECOMMENDATION**

*Council, under and by virtue of the powers conferred upon it in that behalf of Planning and Development Act 2005 hereby resolves as follows in relation to the application from the owner of Lot 130 (No. 15) Jasmine Way, Glen Iris:*

- 1. Grant Planning Approval for the proposed change of use from a Single House to Family Day Care Premises subject to the following conditions:*
  - 1.1. The premises being used only in accordance with the definition of "Family Day Care" contained in Schedule 1 of Town Planning Scheme No.7 unless otherwise approved by Council. All development shall be in accordance with the approved development plans, which form part of this Planning Approval.*
  - 1.2. This approval shall expire unless the works hereby authorised have been substantially commenced within 2 years of the date of issue or within any extended period for which Council has granted written consent. Any application for such consent shall be received within 1 month prior to the expiration of the Planning Approval.*
  - 1.3. The development is to be conducted in accordance with the following Community Services (Child Care) Regulations 1988 definition of Family Day Care: - "means a child care service provided to a child in a private dwelling in a family or domestic environment, and per Regulation 28(2) the total number of children under 12 years in the care of a Family Day Care licensee shall not exceed 7 (inclusive of the licensee's own children)".*
  - 1.4. Applicant to provide for 1 additional car parking area on the Hyacinth Lane frontage.*
  - 1.5. Any amendment to the proposal will require specific approval of the Local Authority.*
  - 1.6. Approval is required from the Child Care Licensing Board prior to commencement of operation. Action in this regard is by the applicant.*

- 1.7. Any proposed building works must have a building licence and if there is an existing swimming pool, it must be inspected prior to the initiation of the proposed use.*
  - 1.8. Food Premises Notification to be submitted to the City of Bunbury.*
  - 1.9. Compliance with the Health Act 1911.*
  - 1.10. Any other operational condition considered necessary by the Manager of Development Services.*
- 2. Advise the applicant and the submitter of Council's decision.*

**CARRIED**

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

**11.3 RETROSPECTIVE PLANNING APPROVAL - PROPOSED LANDFILL - LOT 218 AND LOT 219 ELIZABETH CRESCENT, SOUTH BUNBURY** *(LISTED AS ITEM 11.8 ON THE MEETING AGENDA)*

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

**Summary**

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

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

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

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

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

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

**Background**

The subject site originally rose very steeply from the lowest corner approximately 5 metres rising to approximately 21 metres at the highest point. The plan **attached** at Appendix 11 indicates the original ground levels over the subject site.

The subject land has been significantly filled (without approval) over a number of years so that the current fill level is up to approximately 7 - 8 metres above the original ground level over the lowest part of the site. The plan **attached** at Appendix 12 includes the current levels of the site including the unauthorised fill. Photographs of the current levels of the site are **attached** at Appendix 13.

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

### **Proposal**

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

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

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

The proposal was advertised for public comment and adjoining owners were requested to provide comment with the submission period closing on 1 June 2007 and 4 submissions were received. Details of the submissions are outlined in the Schedule of Submissions **attached** at Appendix 14. The principal issues raised in the submissions include:

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

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

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

The issue of retaining and fill levels would generally be assessed as part of an overall development application for the site. In general building setbacks are determined through the

Residential Design Codes (R Codes). Under the Residential R15 code a minimum rear setback of 6 metres is required for single residential dwellings.

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

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

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

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

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

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

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

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

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

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



### **Community Consultation**

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

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

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

### **Councillor/Officer Consultation**

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

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

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

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

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

### **Council Policy Compliance**

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

### **Legislative Compliance**

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

### **Delegation of Authority**

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

### **Relevant Precedents**

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

### **Options**

#### Option 1

Per the recommendation.

#### Option 2

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

### **Conclusion**

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

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

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

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

### **Recommendation**

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

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

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

The Presiding Member sought confirmation from the applicant, Mr Damion Farnell, as to whether (or not) he wanted to have a decision on this matter deferred. Mr Farnell confirmed that this was correct.

Councillor Dillon indicated that he has had discussions with a local resident who is strongly opposed to the application by Mr Farnell; and, this resident has requested that the matter be deferred for at least 2 months to give him (and others in the area) plenty of time to consider the proposal and consult.

*The Presiding Member advised those present at the meeting that the item is withdrawn and that it will be re-submitted for consideration at the Council (Standing) Committee Meeting scheduled for 31 July 2007.*

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

<b>File Ref:</b>	P10178
<b>Applicant/Proponent:</b>	Prodale Pty Ltd
<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 Prodale Pty Ltd for development of a new hotel. The proposed development comprises two storeys with ground floor, public drinking areas, beer garden, bottle shop and upstairs restaurant, dining area, function rooms, three (3) accommodation rooms and a director's suite.

The proponent has requested that the proposal be referred to Council for consideration of car parking requirements in accordance with Clause 5.7.1.9 of Town Planning Scheme No.7.

In accordance with Clause 5.7.1.9 developments within the City Centre less than 2000m<sup>2</sup> gross floor area may not be required to provide onsite car parking. The proposed development has a total floor area of approximately 1890m<sup>2</sup> which is less than the requirements under Clause 5.7.1.9.

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

In accordance with Town Planning Scheme No.7 car parking general land use requirements a total of 330 bays would be required for the development based on 1 bay per 2m<sup>2</sup> public area and 1 bay per 4m<sup>2</sup> for eating areas.

In Accordance with the current City of Bunbury, Local Planning Policy, Parking Strategy, in regard to consideration of reciprocal rights and existing car parking requirements for the existing use of the site the on site car parking could be reduced to 121 car parking bays.

Further, in accordance with the current Local Planning Policy the proponent could provide the total requirement on site or may provide cash in lieu for up to 80% of the car parking requirement with provision of the balance (24 Bays) on site.

Development Services considers that in light of the issues raised in regard to car parking within the CBD generally that it would be prudent to review the current philosophy of allowing significant relaxation of car parking under clause 5.7.1.9 of the scheme.

Therefore, the proposal is referred to Council for consideration of car parking requirements.

## **Background**

The site is currently developed with a red brick warehouse/showroom style building which is occupied by Vibrations Music Store. The site is proposed to be developed with a new hotel to replace the existing Reef Hotel located on the opposite side of Victoria Street.

The proponents advise that they have acquired the hotel licence from the existing Reef Hotel (Former Captain Bunbury Hotel) and intend to transfer the licence to the new premises. The proponents indicate that the new development will utilise much of the existing fittings and plant from the existing hotel.

The location plan is **attached** at Appendix 3.

## **Proposal**

The proposed development utilises portions of the existing building with rebuilding existing walls and new walls as necessary with two storey tilt panel walls around the beer garden. The proponents advise that the beer garden will include a large water feature and significant palms relocated from the existing hotel beer garden.

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

Concept design and floor plans are **attached** at Appendix 4.

Council's Environmental Health Department also has concerns in regard to potential noise from the outside (beer garden) area. The proponents have been requested to provide an acoustic assessment report for the outside beer garden area.

The proponents advise that the restaurant will have inside and outside dining and a completely soundproofed area on the first floor that will be available for groups/association meetings, and at night will play music directed at a more mature audience through music style and ambience.

Further, the proponents advise that there will be no noise escape or amplified music in any outdoor area and that noise attenuation will be addressed so they can coexist with existing neighbours.

## **Car Parking Requirements**

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

The proposed development has a total gross floor area of approximately 1890m<sup>2</sup> which is less than the requirements under Clause 5.7.1.9, hence on site car parking may not be required for the proposed development.

In accordance with Town Planning Scheme No.7, general car parking requirement, Table 2, for "Hotel" development, one space is required for ever 2m<sup>2</sup> of public drinking area, plus one space for every 4m<sup>2</sup> of eating area and one space per bedroom.

Based on the current car parking requirements under Town Planning Scheme No.7 a total of 330 car parking bays would generally be required for the proposed development.

Councils current Local Planning Policy, Parking Strategy outlines potential for a 60% reduction in car parking based on reciprocal rights of access to other available parking within a 200 metre distance of the development site. The provision for reciprocal rights is based on uses which operate after 6:00pm.

Also, it is considered that the existing shop use on the site would generate demand for 28 car parking bays (based on 550m<sup>2</sup> existing floor area with 1 bay per 20m<sup>2</sup> shop area). By including a 60% reduction for reciprocal rights and deducting the existing shop use car parking requirement a total of 121 on site bays would be required for the proposed development.

The current Local Planning Policy, Parking Strategy also includes provision for the proponent to provide cash in lieu for up to 80% of the car parking requirement. On this basis cash in lieu could be provided for 97 car parking bays with an approximate value of \$1.746 million (based on current cost estimate of \$18,000 per parking bay).

With provision of cash in lieu for 97 bays the proponent would need to provide 24 car parking bays on site. The provision of the required car parking and cash in lieu as outlined above would require significant redesign of the proposed development, hence the proponent has requested that Council consider the issue of car parking prior to preparation of revised plans.

### **Applicants Justification**

The proponent requests that Council support provision of no on-site car parking for the proposed development. The proponent suggests that the existing Reef Hotel on the opposite side of Victoria Street does not have on site parking hence the new Reef Hotel proposal should also not require on site car parking.

The proponent advises that the development site has an area of 1113m<sup>2</sup> and in view of the small size of the lot it is impractical to have onsite car parking. They advise that they promote a no drinking and driving at the hotel and skipper program that minimises the number of vehicles that attend the venue.

Also, they advise that the driving behaviour of hotel patrons is changing significantly in recent years such that very few drive to hotels.

The proponents outline that the provision of 24 car parking bays on site and cash in lieu for 97 car parking for a total of 121 bays will make the project unviable and have advised that they do not support the recommendation.

### **Comment on Current Review**

A report in regard to the Central District Parking Strategy was considered at the Council Committee meeting on 24 April 2007. Consideration was subsequently deferred pending comments being obtained from the Bunbury Chamber of Commerce.

The Parking Strategy review report provides the basis for a parking strategy that addresses planning, management and the development of parking areas within the CBD. It was informed by the review of the GHD Integrated Land Use and Transport Strategy 2030 and the more recently advertised AARB Parking Works Program.

On evidence provided by the consultants, it has been concluded that the Bunbury CBD has adequate provision for car parking over the planning horizon of 10 years used in the AARB Report. There are however areas of high demand where inconvenience is being experienced and the potential to reach capacity in inner CBD parking areas if future developments do not provide adequate on site or cash in lieu of parking.

Development Services consider that the City has evolved to a point where parking is no longer an activity of Council that is insignificant and low profile. It is considered that the City is well placed to respond to any perceived or actual parking issues as it owns the main parking stations in key strategic locations of the CBD.

### **Strategic Outcomes**

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

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

### **Community Consultation**

No community consultation has been undertaken.

### **Councillor/Officer Consultation**

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



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

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

The issue of car parking provision in the long term has the potential to significantly impact on Councils future budget management. In that there may be a requirement for additional public car parking if adequate onsite parking or contributions are not provided by developers.

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

#### *Economic Issues*

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

#### *Social Issues*

The proposal will provide for social opportunities for residents and the general public.

#### *Environmental Issues*

There are no environmental issues associated with the proposal.

#### *Heritage Issues*

There are no heritage issues associated with the proposal.

### **Council Policy Compliance**

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

### **Legislative Compliance**

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

### **Delegation of Authority**

There is no delegation of authority in this instance.

### **Relevant Precedents**

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

## **Possible Options**

### Option 1

Per recommendation.

### Option 2

Council resolve to advise Prodale Pty Ltd that it supports in principle the proposed hotel development on Lot 123 Victoria Street, Bunbury with no on-site car parking provision in accordance with Clause 5.7.1.9 of Town Planning Scheme No.7 subject to submission of appropriate design drawing for the proposed building and a noise assessment report for the development to the satisfaction of the Manager Development Services.

### Option 3

Council resolves to advise Prodale Pty Ltd that it defers consideration of the car parking requirements for the proposed development the proposed hotel development on Lot 123 Victoria Street, Bunbury pending completion of the review of the car parking requirements for the CBD under Town Planning Scheme No.7 and the City of Bunbury Local Planning Policy Parking Strategy.

## **Conclusion**

The proposed development has a total floor area of approximately 1890m<sup>2</sup>. Council has previously supported reduced car parking requirements for commercial floor space less than 2000m<sup>2</sup> in the CBD in accordance with the provisions of Clause 5.7.1.9 of Town Planning Scheme No.7.

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

In accordance with Town Planning Scheme No.7 car parking general land use requirements a total of 330 bays would be required for the development based on 1 bay per 2m<sup>2</sup> public area and 1 bay per 4m<sup>2</sup> for eating areas.

With consideration of reciprocal rights and existing car parking requirements for the existing use of the site the on-site car parking could be reduced to 121 car parking bays. The proponent could provide the total requirement on site or may provide cash in lieu for up to 80% of the car parking requirement with provision of the balance (24 Bays) on site.

The proponent has requested that Council support provision of no car parking for the proposed development in accordance with Clause 5.7.1.9. Development Services considers that parking requirements should be reviewed with a view to facilitate provision of adequate on site car parking for the proposed development.

The proponents outline that the provision of 24 car parking bays on site and cash in lieu for 97 car parking for a total of 121 bays will make the project unviable and have advised that they do not support the recommendation.

### **Recommendation**

The Council resolves as follows in relation to the Planning Application from Prodale Pty Ltd for development of a new hotel on Lot 123 (No. 21) Victoria Street, Bunbury:

1. Advise Prodale Pty Ltd that Council supports the proposal in principle, subject to;
  - 1.1 provision of adequate on-site car parking comprising 121 car parking bays of which cash in lieu may be provided for up to 80% of the parking bay requirement with the balance of 24 bays being provided on-site;
  - 1.2 submission of appropriate design drawings for the proposed building, and;
  - 1.3 submission of a Noise Assessment Report for the development to the satisfaction of the Manager Development Services.
2. Through Development Services, address the issue of car parking requirements in the CBD through the review of current provisions/requirements of the City of Bunbury Town Planning Scheme No.7 and the City of Bunbury Local Planning Policy titled "Parking Strategy".

### **OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

Cr T Smith disclosed a financial/proximity interest as his family company owns property in Victoria Street. He left the meeting at 6.30pm for the duration of the discussion and vote on this matter.

The Proprietor of the Reef Hotel, Mr Mann, addressed committee members. Mr Mann indicated that he has successfully purchased the (soon to be demolished) Reef Hotel's liquor licence and intends to use it to establish a new bar/restaurant/function room facility at 21 Victoria Street - not far from the existing building. He is applying to establish the new hotel on the basis of the liquor licence and approval conditions issued for the old building. In support of this he indicated that although the new business will be an expansion of the old one, this does not necessarily mean it will increase parking demand as the clientele will make use of the facilities at different times i.e., the bulk of young singles/couples usually frequent bars after 11.00pm whereas mature-aged persons and family groups normally patronise restaurants between 6.00pm and 9.30pm. He also indicated that (as one would expect most of the patrons would be consuming alcohol) they would not be driving hence, minimal pressure on parking in the area.

Later in response to questions, Mr Mann indicated that the existing heritage building located behind the new premises at 21 Victoria Street has been considered in the design with respect to overshadowing. He also stated that the \$1.76 million payment that he would be required to make (in lieu of providing car parking bays) is excessive costing about the same amount as the new development itself.

The Executive Manager City Development confirmed that the public car parks nearest the new development are located in Marlston Hill (near the Chinese Restaurant) and at the Bunbury Regional Entertainment Centre. He also confirmed that residents in buildings near to the proposed new bar/restaurant/function room facility at 21 Victoria Street, have not been consulted in relation to parking.

The recommendation was moved Cr McCleary, seconded Cr Lambert to become the motion under discussion.

During discussion, the following points were raised:

- The original liquor licence and development conditions issued for the Reef Hotel (an historic building called the "Bunbury Hotel" or "The Captain Bunbury" in the past) would not have had to take modern-day issues such as car parking, into account. The City Council cannot be seen to discriminate against other business operators in Bunbury by allowing a new (re-located) business to operate on the same basis as an historic building.
- The new business will be an expansion of the existing one and the addition of "function rooms" will probably mean large groups of people needing to drive into Bunbury (and park) to attend the functions.
- Although some of Mr Mann's claims concerning his patrons not drinking and driving, warrant merit; the Chief Executive Officer advised that a one-off concession cannot be granted at this point in time. If the motion to require provision of parking is ultimately adopted by the Council, there will still be room for further negotiations with the proponent at a later stage perhaps based on "discretionary use".
- A member of the committee indicated that a number of large-scale development projects are planned for the Bunbury CBD in the near future and that a strategy for car parking in the CBD is urgently required.
- The Executive Manager City Development advised that as part of the parking strategy, the Chamber of Commerce would need to be consulted on how best for businesses to contribute toward parking required in the precinct i.e., what would the sustainable threshold for small businesses be with respect to concessions for parking and/or special rates that might need to be levied to assist the City in building/maintaining additional public parking infrastructure.

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

**COMMITTEE RECOMMENDATION**

*The Council resolves as follows in relation to the Planning Application from Prodale Pty Ltd for development of a new hotel on Lot 123 (No. 21) Victoria Street, Bunbury:*

- 1. Advise Prodale Pty Ltd that Council supports the proposal in principle, subject to;*
- 1.1 provision of adequate on-site car parking comprising 121 car parking bays of which cash in lieu may be provided for up to 80% of the parking bay requirement with the balance of 24 bays being provided on-site;*
- 1.2 submission of appropriate design drawings for the proposed building, and;*
- 1.3 submission of a Noise Assessment Report for the development to the satisfaction of the Manager Development Services.*
- 2. Through Development Services, address the issue of car parking requirements in the CBD through the review of current provisions/requirements of the City of Bunbury Town Planning Scheme No.7 and the City of Bunbury Local Planning Policy titled "Parking Strategy".*

**CARRIED**

5 Votes "For" / 4 Votes "Against"

Cr T Smith returned to the meeting at 7.10pm.

**11.5 TENDER 2006/2007-29 GREENWASTE PROCESSING SERVICES** (*LISTED AS ITEM 11.6 ON THE MEETING AGENDA*)

<b>File Ref:</b>	New File
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Tony Battersby, Manager Waste Services
<b>Executive:</b>	Michael Scott, Executive Manager City Services

At this point in the meeting, Cr Dillon moved (no seconder required) a procedural motion for the Greenwaste Processing Tender to be discussed 'behind closed doors' later during the meeting.

The motion was adopted to become the Committee's decision on this matter.

**COMMITTEE DECISION**

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

**CARRIED**

7 Votes "For" / 3 Votes "Against"

**Refer to item 11.8 of this document for the report and recommendation concerning the Greenwaste Tender.**

**11.6 RE-CONSIDERATION (SECOND) PROPOSED SCHEME AMENDMENT NO. 11, TOWN PLANNING SCHEME NO. 7 - LOT 71 BUNNING BOULEVARD AND PART ROAD RESERVE CORNER SANDRIDGE AND PICTON ROADS** (*LISTED AS ITEM 11.11 ON THE MEETING AGENDA*)

<b>File Ref:</b>	A02416
<b>Applicant/Proponent:</b>	Graham Houghton (Town Planning Consultant) on behalf of Citygate Properties Pty Ltd and Hornell Nominees Pty Ltd
<b>Author:</b>	Thor Farnworth, Senior Town Planner (Strategic & Environment)
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

It is proposed to rezone Lot 71 Bunning Boulevard from 'Residential R15' and 'Development Investigation Policy Area' to 'Mixed Business' and 'Residential R40'; and additionally, to rezone (and amalgamate) an adjacent portion of road reserve to 'Mixed Business'.

The proponent asserts that the proposal would create additional 'Mixed Business' zoned land with good exposure to main roads for the commercial component of his development and a residential interface to existing residential development to the east of the property.

The argument for providing more commercial land must be balanced with the equally pressing need for additional residential dwellings. Strategic planning and policy planning documentation prepared to date advocates that the site be developed for residential purposes.

The proposal is not consistent with the intent of the current Scheme or the adopted Local Planning Policy titled 'Commercial Strategy'. The subject site is outside that which has been designated as the Bunbury Regional Centre and is not within the envisaged area for inclusion in any future 'rounding off' of the Mixed Business Zone. The process for considering any future extension to (or potential 'rounding off') of the Bunbury Regional Centre will occur through a review of the Commercial Strategy that has yet to be finalised. It is considered that there are no circumstances unique to this site that would warrant an exception to be made in this case.

Notwithstanding the above, there remains concern that rezoning would fail to deliver a desirable built form, and difficulty would be experienced in accommodating the requirements and servicing needs of modern large commercial business whilst at the same time achieving satisfactory levels of residential amenity, particularly in respect of the future occupiers of the residential component. In acknowledging these particular concerns, Option 2 has been revised from that originally prepared to include more rigorous site development requirements.

In consideration of the prevailing concerns, submissions received during the previous advertising of this matter and advice provided by the DPI, it is recommended that Council resolve not to proceed with the adoption for the final approval of amendment 11 to Town Planning Scheme No. 7 (TPS No.7) under the Planning Act 2005.

Outline of Recent Events:

- 6 September 2005: Council resolves to request that the Minister defers consideration of the proposed amendment on the grounds that support would be premature (to strategic directions that may result from the City Vision process)
- 9 February 2007: DPI informs City of Bunbury that the Minister is not empowered to defer consideration, as it would be inconsistent with the Town Planning Regulations 1967 and that the matter be referred back to Council for a determination
- 24 April 2007: The item returned to Committee to reconsider a decision. The item is withdrawn from the agenda at the Meeting at the request of the Applicant in order to allow more time to prepare a response to the report.
- 5 June 2007: The item is reported to Committee. The recommendation of the Committee is to not proceed with the Scheme Amendment.
- 12 June 2007: The item is reported to the Council Meeting. At the Meeting, the Executive Manager City Development distributed an alternative Option 2 - i.e. to proceed with the Scheme Amendment with modifications. At the Meeting, Council decided to refer this item back to Committee to allow a decision to be made having had more time to read and understand the new information presented.

Note: The Executive continues to support the previous Committee Recommendation not to proceed with the Amendment (Option 1). The revised Option 2, although not overcoming strategic planning concerns, has been prepared to provide a more resolute basis upon which to proceed with the Scheme Amendment should Council decide on that course of action.

### **Background**

On 6 September 2005, Council considered the matter of Amendment 11 for Lot 71 Bunning Boulevard and a portion of road reserve at the intersection of Sandridge Road and Picton Road. The proposal to amend the Scheme Map involved:

- (a) deleting the "Development Investigation Policy Area" designation, "Residential Zone" and overlying residential density code of "R15" from Lot 71, and inserting a dual "Mixed Business Zone" and "Residential Zone" with an overlay of "R40"; and
- (b) deleting "District Distributor Road Reserve" from a portion of Sandridge Road and Picton Road reserves, and inserting "Mixed Business Zone".

The proposal also involved the concurrent advertising of:

- (a) a Local Planning Policy that was intended to guide the subsequent land use and development of the subject site once rezoned; (**attached** at Appendix 16) and
- (b) the closure of a portion of Sandridge Road and Picton Road and the amalgamation of both portions into Lot 71 Bunning Boulevard.



At its meeting held 6 September 2005 the Council decided (Decision No. 208/05):

*“Council, under and by virtue of the powers conferred on it in that behalf of the Town Planning and Development Act 1928 (as amended), hereby resolves to:*

- 1. Note the submissions received.*
- 2. Request that the Minister defers consideration of proposed Amendment 11 and the associated Local Planning Policy for the principal reason that Council is currently engaged in the City Vision process and that any consideration to support the proposed rezoning at this point in time would be premature.*
- 3. Advise the proponent and submitters of Council’s decision, and to request that the proponent consider resubmitting this application after the current City Vision process is completed and after Draft Commercial Strategy is finalised should the Minister acquiesce in this regard.”*

On 9 February 2007, the DPI formally responded in writing (copy **attached** at Appendix 17), directing Council to:

- refer the matter of proposed Amendment 11 back to Council for reconsideration;
- reconsider the proposed Amendment 11 based upon strategic planning work undertaken in the interim period; and
- provide a revised decision in line with Town Planning Regulations 1967 (approval, approval with modifications or refusal).

The DPI outlined the need for Council to reconsider its decision on proposed Amendment 11 as follows:

- (a) the Minister does not have the legislative power to defer a decision as recommended by Council; and
- (b) proposed Amendment 11 has been held in connection with the progression of the City Vision Strategy, which in the DPI’s view, is now at the stage where Council may consider proposed Amendment 11. However, the DPI acknowledges that there is a fundamental difference between the original scope of the City Vision project and that of the adopted revised City Vision Strategy. This difference lies in the fact that the adopted City Vision Strategy is a triple-bottom-line based strategic plan for the community, and is not a land use and development strategy, as this is the function of a Local Planning Strategy.

On the basis of the DPI’s advice outlined above, reconsideration of Council’s last decision on proposed Amendment 11 has been presented for further discussions and determination as required.

## **Proposal**

Scheme Amendment for Lot 71 Bunning Boulevard

Amendment 11 as it relates to Lot 71 Bunning Boulevard involves the following proposed amendments to the Scheme Map:

Delete	Insert
“Development Investigation Policy Area”	Nil.
“R15”	“R40”
“Residential Zone”	Split zoning of “Mixed Business Zone”, and “Residential Zone”, as shown on the proposed Scheme Amendment map.

It is proposed by the proponent to rezone Lot 71 Bunning Boulevard from ‘Residential R15’ and ‘Development Investigation Policy Area’ to ‘Mixed Business’ and ‘Residential R40’. The ‘Mixed Business’ zone would occupy that land fronting Sandridge and Picton Roads in the northwest portion of the subject lot, while the ‘Residential’ zone with an R40 residential density code would front the local access road, Duncan Way. The justification given by the proponent is that the proposal would create additional Mixed Business zoned land with good exposure to main roads for the commercial component and a residential interface to existing residential development towards the east.

A full analysis of the justifications by the proponent was provided in the report to the Council Meeting held on 11 May 2004. It is important to note that whilst a substantial amount of information has been collected and dialogue has occurred with the proponent since Council Decision 109/04, no new additional information or justification has been given to substantially or materially justify the proposed Amendment 11.

## **Scheme Amendment for Portion of Sandridge Road and Picton Road Reserves**

Amendment 11 as it relates to a portion of Sandridge Road and Picton Road reserves involves the following proposed amendments to the Scheme Map:

Delete	Insert
“District Distributor Road Reserve”	“Mixed Business Zone”

It is proposed by the proponent to close and amalgamate a portion of Sandridge Road and Picton Road reserves with Lot 71 Bunning Boulevard. It is considered by the proponent that this will increase the area of the subject lot for commercial purposes.

This report provides no further comment or justification for the road closure and amalgamation beyond that, any course of action to reduce the current road reserve will reduce the potential for a landscaped buffer to fringe residential properties within the neighbourhood of Sandridge Park.

**Attached** at Appendix 18 is the proposed Scheme Amendment No. 11 Map.

### **Local Planning Policy – Lot 71 and Closed Road Reserve on the Corner of Sandridge and Picton Roads - Land Use and Development Guidelines**

At its meeting held 28 September 2004 Council decided (Decision No. 266/04) that a Local Planning Policy is to be prepared subject to the proposed rezoning from “Residential R15” to “Mixed Business” and “Residential R40”. The rationale for this requirement was based upon the desire for the creation of a “Special Development Area” over the subject site under the Scheme (clause 5.9.4.6) in order to guide the development of the land.

This approach was potentially flawed, as the use of “Special Development Areas” is limited to only that land included in the “Mixed Use Zone”, and therefore any Local Planning Policy could not apply to land include in either the “Residential” Zone or a road reserve; and therefore, could not apply to the entirety of Lot 71 or adjoining access road reserves.

It is important to note that the proponent then subsequently sought to introduce a significant variation, which was not properly considered as part of Council’s original decision, and thus would have been potentially beyond the scope of the original decision. The nature of this variation (not properly advertised), presumed the rezoning of the entire Lot 71 as “Mixed Business” zone. Whilst this improper procedural matter has not been the focus of discussion, it should be advised that Council would need to reinitiate the Scheme Amendment process by readvertising the proposed Amendment 11 accordingly.

However, it must be advised that to proceed with a modified Scheme Amendment for the entire site’s inclusion in the “Mixed Business” zone would reduce the City’s statutory ability to regulate development, and may potentially expose the City to appeals on any:

- refusal for an application for planning approval; or
- conditions placed on planning approval granted.

It is important to note that the land is presently designated as a “Development Investigation Policy Area” under TPS No.7 (clause 6.2.1), and therefore requires a “Structure Plan” or a “Development Guide Plan” to be prepared in order to permit subdivision and development. The purpose of a Development Investigation Policy Area is not to permit the consideration of just any land use proposal as if the land was not already properly zoned. Rather, the use of Development Investigation Policy Areas is to require that a Structure Plan or a Development Guide Plan be prepared to guide the subdivision, infrastructure servicing and development of the land for uses permitted in the underlying zone. In the case of Lot 71, this is for the development of residential dwellings as part of the neighbourhood of Sandridge Park.

## **Strategic & Environmental Planning Comment**

### State & Local Planning Policy Contexts

The proposal and submissions received have been analysed in light of the relevant strategic and statutory planning documents, with a view to providing information and guidance for informed and lawful decision-making by Council.

### Bunbury Wellington Region Plan 1995

The Bunbury Wellington Region Plan (1995) identifies the subject land within “Planning Unit BU3: Bunbury East” (page 185). Whilst there are three (3) given statements of planning policies and guidelines, it is considered that the first statement “Encourage a further extension of the range and density of housing especially in the area adjacent to the CBD” is less relevant to the subject site, due to its inclusion in the extreme southern end of the Planning Unit’s boundary. Instead it is interpreted that this statement is more relevant to land in the neighbourhood of East Bunbury, which is adjacent to the Central Business District (CBD). Whilst it is acknowledged that the Bunbury Wellington Region Plan is twelve (12) years old, in the absence of an alternative regional planning framework it remains a sound and relevant guide for strategic land use and infrastructure decision-making.

The subject land lies outside of “Planning Unit BU1: Bunbury Regional Centre”, which is appropriately zoned for Mixed Business uses, and is the recognised Planning Unit for the City’s primary area of commercial activities. Consequently, the Bunbury Wellington Region Plan does not refer to commercial interest within Planning Unit BU3: Bunbury East specifically, as it reflects the fact that land included within this Planning Unit is principally for residential purposes. Indeed, the Planning Unit’s primary focus is the development and maintenance of its role and amenity as a residential living environment. The Bunbury Wellington Region Plan does however, allow for commercial uses within the Planning Unit according to the established hierarchy of commercial centres (page 204).

Flexibility in the interpretation of the Bunbury Wellington Region Plan may be justified in the consideration of the time since its release and current circumstances. However, any interpretation that deviates from the Bunbury Wellington Region Plan must be based upon orderly and proper planning considerations and in accordance with the aims of the Scheme.

### Draft Greater Bunbury Region Scheme

The Draft Greater Bunbury Region Scheme (GBRS) identifies the subject site as “Urban Zone”, and does not distinguish between lands for residential or commercial purposes.

### Town Planning Scheme No. 7

Under the current Scheme the subject land is included in the “Residential” zone and has a Residential Density Code of “R15”. The subject land is located within the neighbourhood of

Sandridge Park, which is separated from the “Mixed Business Zone” by the intersection of the Sandridge Road and Picton Road district distributor road reserves. As stated above, the Scheme also identifies the subject land as a “Development Investigation Policy Area”, which requires the preparation of a “Structure Plan” or a “Development Guide Plan” as set out under clause 6.2.1 of the Scheme. No development or subdivision is permitted within the Development Investigation Policy Area until the respective Structure Plan or Development Guide Plan has been adopted by Council and endorsed by the WAPC.

Development Investigation Policy Areas are designated over land requiring further strategic planning and investigations in relation to land use options, environmental issues, servicing requirements, transportation infrastructure needs, landscaping and design guidelines. Structure plans or development guide plans are however to be prepared consistent with the objectives of the underlying zone (in this case clause 5.9, and specifically 5.9.1 Residential Zone), and are not a blanket mechanism for the introduction of non-permitted or incompatible uses. Instead, structure plans or development guide plans are to be adopted and endorsed in order to provide a framework to guide the assessment of applications for planning and subdivision proposals or scheme amendment proposals for the rezoning of land. As such, structure plans or development guide plans are to be prepared consistent with the State Planning Strategy, State Planning Framework Policy, provisions of Statement of Planning Policy No. 1 and other strategic plans of the WAPC.

### **Local Planning Policy - Commercial Strategy**

In the absence of a regional policy for commercial centres endorsed by the WAPC, the City’s own Local Planning Policy – Commercial Strategy provides guidance on the planning of the local commercial centres hierarchy and mixed business area. This strategy identifies the “Bunbury Regional Centre” and “possible future rounding off Mixed Business Area”. Despite a claim by the proponent to the contrary, the subject site falls outside of the area recommended for consideration in any future ‘rounding off’ of the Bunbury Regional Centre and hence the “Mixed Business Zone”. The process for any future consideration of a ‘rounding off’ of the Bunbury Regional Centre will occur through a review of the Commercial Strategy, which will then inform the preparation of a Local Planning Strategy and the ultimate review of the Scheme as prescribed within the Planning and Development Act 2005 and the Town Planning Regulations 1967.

Notwithstanding, the need for more commercial land must be balanced with the equally pressing need for additional residential dwellings. Therefore, considering the ample amount of sound strategic planning and policy documents available, there is clear and consistent direction given that the subject site should be developed for residential purposes as intended and designed.

Whilst the City is progressing with the next phase in its strategic planning program, through the implementation of the City Vision Strategy, it is not considered that this site warrants any special consideration over and above other opportunities in older locations more suitable for

redevelopment to commercial and mixed uses. Where such opportunities are expected to be created, appropriate land use and development controls will be introduced to ensure new developments are designed and constructed in a manner that is sensitive to established character and amenity, are of human scale and encourage walkable neighbourhoods by incorporating good urban and streetscape design principles.

### **Site Analysis & Context**

The established view of King Road forming the demarcation between the commercial/light industry oriented mixed business area in the west and the residential oriented neighbourhood in the east was the basis for a refusal to progress the proposed Scheme Amendment No. 100 to Town Planning Scheme No. 6 (TPS6). The proposed rezoning to “Special Use – Car Sales with Ancillary Offices and Repair Facilities” was refused at the time; as it was judged that the development would not be in keeping with the predominate residential use or character of the area.

The proposal to develop Lot 71 with a row of medium density grouped housing along the frontage of Lot 71 with existing low density houses is not in itself a solution to land use conflict, but indeed may create problematic outcomes with respect to differential streetscape amenity and traffic generation between the two sides of the same streets. Further, the proposed land use arrangement does not address the potential for the creation of an undesirable interface and/or land use conflict between any new commercial and residential development on Lot 71 Bunning Boulevard itself. Simply put, the proposal may only attempt to avoid objections with existing residents by serving to generate the same land use conflict within a future development.

The proposal would entail the need for traffic to gain access by means of the local road reserves of Bunning Boulevard, which was designed for and used by the existing residential premises. The existing residential subdivision was design in a manner to reinforce its function as a neighbourhood cell, as described under the Residential Road Planning Policy DC 2.6, which states:

#### *“1.3.2 Access Roads*

*Access roads serve only to provide access to individual dwellings and are the link between these dwellings and the local distributor. It is on roads in this category that the domestic environment should predominate over the needs of the motor vehicle.”*

As discussed under the Proposal heading, the proposed draft “Local Planning Policy – Lot 71 and Closed Road Reserve, Corner Sandridge and Picton Roads, Land Use and Development Guidelines” was prepared as means for attempting to manage the potential land use conflicts expected to arise as a result of the proposed development. Notwithstanding the fundamental limitations of this approach, the draft Local Planning Policy itself does not articulate any significant controls over and above what is already stated under the Scheme for building setbacks, heights, parking and landscaping requirements.

### **Past Council Decisions on Proposed Amendment 11**

A summary of Council's Decisions in chronological order in relation to proposed Amendment 11, is **attached** at Appendix 19.

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

Council's Strategic Plan states as a goal to "Have a built environment which is safe, accessible, functional, attractive and sympathetic with the natural environment." To achieve this goal, the implementation of the Town Planning Scheme must ensure that land use and development balances the needs of maintaining residential amenity with enabling commerce and industry. Specifically, that the assessment and approval of Scheme Amendments and applications for planning and subdivision approval do not create unnecessary land use conflicts by introducing commercial development that may impact on established residential living environments.

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

### **Community Consultation**

During the public advertisement period following the Ordinary meeting of Council held 28 September 2004 (266/04) that initiated the proposed Scheme Amendment, twelve submissions were received, of which the majority rejected proposed Amendment 11 based upon the following (in summary):

- The proposed Scheme Amendment is inconsistent with the existing "Residential R15". One of the submitters states that the proposed Scheme Amendment "'leapfrogs' the spread of Mixed Business to the eastern side of Picton Road...".
- That the proposed Scheme Amendment is neither in the Bunbury Regional Centre nor in a "possible future rounding off Mixed Business Area".
- The proposal may undermine the precinct plans currently being prepared for CBD and Regional Centre under the City Vision process (at the time of the original City Vision Strategy in progress).
- That three (3) out of four (4) road frontages to the site adjoin residential sites and that the proposed showroom will face and potentially impact on the surrounding residential development.
- That the criteria listed in Section 11 of the Commercial Strategy does not include the site considered under proposed Amendment 11.
- One objector specifically questioned whether or not the City referred the proposal to the WAPC. The proposal was referred to the WAPC and the advice received, in summary, reads that it is premature to consider proposed Amendment 11 for the principal reason that there is a limited strategic justification.

- Potential traffic impact as a result of commercial development near the residential site.

In the presentation of this second reconsideration of proposed Amendment 11, no further community consultation is required over and above that already undertaken in relation to the proposed Scheme Amendment. As prior to the presentation to Council for final determination of the proposal in July 2005, the proposal was advertised in accordance with the then Town Planning and Development Act 1928.

Attached at Appendix 20 is the Schedule of Submissions received on proposed Scheme Amendment No. 11.

### **Councillor/Officer Consultation**

Advice and comment has been obtained from all relevant officers within Development Services in relation to the proposed Amendment 11.

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

The Recommendation will not impact on the existing Annual Budget, nor are there any expenses associated with the second reconsideration of proposed Amendment 11.

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

#### Economic Issues

There are no economic issues associated with this proposal.

#### Social Issues

There are no social issues associated with this proposal.

However, it is reasonable to expect potentially negative impacts to the established residential amenity of the locality through potential incongruity of built form, land use conflict and increased traffic and associated noise.

#### Environmental Issues

There are no known environmental issues associated with this proposal.

#### Heritage Issues

There are no known heritage issues associated with this proposal.



### **Council Policy Compliance**

The proposal does not comply with either the Scheme or the adopted Local Planning Policy – Commercial Strategy. The subject site is outside that which has been designated as the Bunbury Regional Centre, and is not within the envisaged area for inclusion in any future ‘rounding’ off the Mixed Business Zone.

### **Legislative Compliance**

The DPI, on behalf of the WAPC, has requested that Council reconsider its decision on proposed Amendment 11 due to the fact that Council’s Decision 208/05, which requests the Minister to defer consideration of proposed Amendment 11, is inconsistent with the Town Planning Regulations 1967.

Subject to the proposed Scheme Amendment being given consent to advertise (Note: the proposed Scheme Amendment was not referred to the WAPC at the time, but was belatedly referred to the DPI for comment on 16 May 2005, which was after the public advertising period was completed on 6 May 2005. Nevertheless, the DPI provided comment on 6 July 2005, noting the Departments’ concerns with regards to proposed Amendment 11) and it not requiring an Environmental Review (Note: the proposed Scheme Amendment was referred to the Environmental Protection Authority (EPA) within the statutory time period, which deemed the proposal as being properly assessed and did not require an Environmental Review to be conducted, nor did the EPA seek to give any environmental advice on the proposal.), in accordance with the provisions of the Planning and Development Act 2005 and the Town Planning Regulations 1967, the proposed Scheme Amendment is to be referred back to Council for its consideration upon completion of the public advertising period. Council may then either resolve to:

- adopt the proposed Scheme Amendment for Final Approval with or without modifications; or
- not to proceed with the proposed Scheme Amendment.

In either case, a copy of the Scheme Amendment documentation (text and maps), together with the following, must be forwarded to the WAPC for its final determination:

- (a) a schedule of submissions made on the proposed Scheme Amendment;
- (b) its recommendations made in respect of those submissions;
- (c) particulars of the modifications (if any) to the proposed Scheme Amendment recommended by the local government authority;
- (d) a copy of the resolution passed; and

- (e) if that resolution was not to proceed with the proposed Scheme Amendment, a summary of the reasons why the Local Government Authority does not wish to proceed with the proposed Scheme Amendment.

### **Delegation of Authority**

In accordance with the Planning and Development Act 2005, Council is the responsible local government authority for the initiation and adoption for final approval of proposed Scheme Amendments to its Local Planning Scheme.

### **Relevant Precedents**

To date, no known proposal for a Scheme Amendment has been returned to Council for a second reconsideration under similar circumstances.

### **Possible Options**

#### Option 1

Per the Recommendation.

#### Option 2

Proceed with the final approval of the proposed Amendment 11 with modifications. Should Council resolve to proceed with Option 2, the following wording is suggested:

#### "Part A – Scheme Map

*Pursuant to Section 84 of the Planning and Development Act 2005, the Council adopts for final approval the proposed Scheme Amendment No. 11 to the City of Bunbury Town Planning Scheme No. 7, by:*

1. *Amending the Scheme Map accordingly:*

  - 1.1 *rezone a portion of Lot 71 Bunning Boulevard from “Residential Zone” to “Mixed Business Zone”; and*
  - 1.2 *recode that portion of Lot 71 Bunning Boulevard remaining in the “Residential Zone” from a residential density code of “R15” to “R40”; and*
  - 1.3 *rezone a portion of the road reserve at the corner of Sandridge Road and Picton Road from “District Distributor Road Reserve” to “Mixed Business Zone”,*

*as shown on proposed Scheme Amendment Map (as modified).*

2. *Advising the proponent that a Structure Plan, as required under clause 5.9.13, must be prepared and submitted by the proponent at their expense accordingly:*
- 2.1 *A proposed draft Structure Plan must be adopted by the Local Government and endorsed by the Western Australian Planning Commission prior to the consideration of any application for subdivision and/or planning approval.*
- 2.2 *In accordance with the Scheme, any proposed draft Structure Plan must be advertised and is to be prepared in accordance with Liveable Neighbourhoods and Residential Design Codes and must show such detail to the satisfaction of the City of Bunbury that the development of land within the Structure Plan boundary is consistent with orderly and proper planning and the achievement of the highest appropriate level of amenity.*
- 2.3 *The proposed draft Structure Plan must include sufficient information and detail dealing with, but not be limited to, the following matters -*
- (a) *Planning and design statements detailing standards and requirements for all new development, including:*
- i) *building height and scale;*
- ii) *development setbacks from boundaries; and*
- iii) *building design and materials (including the treatment of all building facades and walls visible from streets and public open spaces). The orientation of buildings is to address street frontages and provide passive surveillance of streetscapes and public open spaces.*
- (b) *Lot layout of subdivision design and building envelopes.*
- (c) *Arrangement and extent of permissible land uses in accordance with the Zoning Table of the Scheme.*
- (d) *Interface and buffer design and management treatments between both:*
- i) *the proposed residential uses and non-residential uses within the subject lot (development site); and*
- ii) *any new development with surrounding residential premises.*
- (e) *Urban and landscape design treatments for setback areas, between buildings, car parking areas, streetscapes and residential interfaces.*

- (f) *Traffic management solutions, including the layout and design treatments of:*
  - i) *vehicle crossovers, accessways and external road modifications;*
  - ii) *all vehicle parking and loading bays; and*
  - iii) *internal traffic circulation areas.*
- (g) *Pedestrian access and movement layout and design treatments (including pathways and building entrances up to disabled access design standards).*
- (h) *Set out in appropriate detail any legal and financial arrangements (including an Infrastructure Cost Share Agreement) by which it is proposed to establish or facilitate the desired development and/or land uses within the Structure Plan area.*

**2.4** *Development Impact Statement:*

- (a) *Subject to section 9.2 of the Scheme, the City of Bunbury shall require a Development Impact Statement to be prepared by the proponent and submitted as part of any proposed draft Structure Plan that addresses the terms of reference that are specified by the City. The Development Impact Statement is to be prepared in the nature of and contain the information provided in a Scheme Report pursuant to clause 12 of the Town Planning Regulations 1967.*
  - (b) *Any supporting Development Impact Statement report may describe and explain existing site conditions, potential impacts resulting from the development proposal, management strategies and design statements; and any other explanatory material and details as necessary to provide the City of Bunbury with sufficient understanding of the purpose, intent and impact of the proposed development outcomes.*
3. *Advise the Western Australian Planning Commission, the proponent and all submitters of Council's decision on proposed Scheme Amendment No. 11.*

**Part B – Disposal, Road Closure and Amalgamation**

- 1. *A notice of intention to dispose of the land be advertised for public submissions pursuant to Section 3.58 (3) and (4) of the Local Government Act 1995.*
- 2. *A notice of intention to close the road reserve be advertised for public comment under Section 50 of the Land Administration Act 1997.*

Part C – Land Disposal

1. *Council approve closure of a portion of the Picton Road Reserve and its amalgamation with Lot 71 Bunning Boulevard.*
2. *Council be indemnified by Hornell Nominees Pty Ltd against all costs associated with the closure and amalgamation."*

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Should Council resolve to proceed with Option 2, the following strategic policy and statutory planning implications must be addressed –

- (a) the endorsement by the WAPC of a consequential amendment to the Local Planning Policy – Commercial Strategy; and
- (b) the endorsement by the WAPC of a consequential amendment to the Local Planning Policy – Housing Strategy.

Obtaining of the WAPC’s endorsement for such amendments is potentially problematic, as they are counter to the provisions of the adopted and endorsed State and Local Planning Policy Frameworks.

Further, as the accompanying proposed draft Local Planning Policy in its present form is inconsistent with the Scheme Amendment, it would need to be amended and re-advertised. Notwithstanding, the proposed draft Local Planning Policy is deficient in terms of acceptable planning practice, and therefore, it is advised that it should not be adopted in its present form. Finally, the proposed draft Local Planning Policy is an inappropriate instrument, as it only applies to that land included in the “Mixed Business Zone” and not to land in the “Residential Zone” or road reserves.

Therefore, it is proposed to modify the proposed Scheme Amendment by retaining the designated “Development Investigation Policy Area” notation on the Scheme Map. Thereby retaining the need for a properly prepared Structure Plan for the entire development area as a more comprehensive and robust method of managing environmental impacts (eg. traffic noise), urban design (setbacks to boundary walls to prevent overshadowing of residential premises), land use interface treatments (visual amenity, noise and light spill abatement) and regulating development and land use. This proposed modification is considered to be of a minor nature, and as such, may not require re-advertising subject to the agreement of the WAPC.

**Conclusion**

Council’s decision in requesting the Minister to defer proposed Amendment 11 is inconsistent with the Planning and Development Act 2005 and Town Planning Regulations 1967. Therefore, it is recommended that Council resolve to not proceed with the adoption for final approval of Amendment 11 to TPS No.7 for the following reasons:

- (a) the proposed Amendment 11 is inconsistent with the long-term planning objectives of the local area, as described under the Bunbury – Wellington Region Plan 1995, which nominates the site for residential development; and
- (b) the subject land is not located in the designated “Bunbury Regional Centre”, nor is it located within a “possible future rounding off Mixed Business Area” as defined in the City of Bunbury Local Planning Policy - Commercial Strategy.
- (c) the proposed Amendment 11 is inconsistent with passed land-use planning decisions regarding the subject site (lot 71).

### **Recommendation**

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

1. Not adopt for final approval the proposed Scheme Amendment No. 11 to the City of Bunbury Town Planning Scheme No. 7 for the following reasons:
  - 1.1 The proposed Scheme Amendment No. 11 is inconsistent with the long-term planning objectives of the local area, as described under the Bunbury–Wellington Region Plan 1995 which nominates the site for residential development; and
  - 1.2 the subject land is not located in the designated “Bunbury Regional Centre”, nor is it located within a “possible future rounding off Mixed Business Area” as defined in the City of Bunbury Local Planning Policy - Commercial Strategy.
2. Advise the Western Australian Planning Commission, the proponent and all submitters of Council’s decision on proposed Scheme Amendment No. 11.

### **OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

Cr Leigh disclosed an interest-in-common as he often stays in the Sandridge Park area but actually resides some distance away. He elected to remain at the meeting and take part in the discussion and the vote on this matter.

On behalf of the applicants, Mr Stephen Prosser addressed committee members. Mr Prosser requested the committee to adopt Option 2. instead of the officer's recommendation, as this would allow the land to be utilised for a mix of residential and commercial development. He raised the following points in support of his request:

- When the land was purchased in 1979, it was the intention that it be used for commercial purposes as (at that time) it was situated on the only entry into Bunbury (Sandridge Road and the Koombana Bridge had not been constructed) and was in close proximity to the railway tracks that used to run all the way into the centre of Bunbury.
- Commercial precincts including the Bunbury Forum Shopping Centre which is set to expand; are located in close proximity to the site.
- The land sits aside one of the major routes into Bunbury and is opposite existing commercial premises. This makes it well-suited for an entry statement building and showroom/warehouse use.
- The residential component of the proposed development (units) would provide a buffer between existing dwellings and the new commercial development.
- National retailers should be encouraged to locate their businesses within Bunbury instead of locating to business precincts in the outskirts of the City.
- This piece of land was marked as a "Special Investigation" area by the (then) City Planner during drafting of Town Planning Scheme No. 7.

**Option 2 (as listed in the report in this document) was moved Cr Major, seconded Cr Dillon.**

During discussion of Option 2, some members indicated that they are keen to see a quality development on this vacant lot as in its current state, it detracts from one of the major entries into Bunbury. They consider that development on the site cannot be restricted to residential only, as this would essentially mean that home sites will back onto one of the busiest intersections in the City.

The Presiding Member put the motion to the vote. There were 5 votes for the motion and 5 against. The Presiding Member used his casting vote to vote against the motion - the motion was defeated.

**Cr Wenn moved, Cr McCleary seconded the officer's recommendation as listed in the report.**

The Presiding Member immediately put the motion to the vote. Again, there were 5 votes for the motion and 5 against. The Presiding Member used his casting vote to vote for the motion and the motion was adopted to become the Committee's recommendation on this matter. Votes recorded for this motion were as follows:

For: Mayor D Smith (1 vote plus 1 casting vote); Cr McCleary, Cr Rooney, Cr Wenn and Cr Leigh

Against: Cr Lambert, Cr Major, Cr T Smith, Cr Jones and Cr Dillon

**COMMITTEE RECOMMENDATION**

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

1. *Not adopt for final approval the proposed Scheme Amendment No. 11 to the City of Bunbury Town Planning Scheme No. 7 for the following reasons:*
  - 1.1 *The proposed Scheme Amendment No. 11 is inconsistent with the long-term planning objectives of the local area, as described under the Bunbury–Wellington Region Plan 1995 which nominates the site for residential development; and*
  - 1.2 *the subject land is not located in the designated “Bunbury Regional Centre”, nor is it located within a “possible future rounding off Mixed Business Area” as defined in the City of Bunbury Local Planning Policy - Commercial Strategy.*
2. *Advise the Western Australian Planning Commission, the proponent and all submitters of Council’s decision on proposed Scheme Amendment No. 11.*

**CARRIED**

6\* Votes "For" / 5 Votes "Against"

(\*Includes 1 casting vote by the Presiding Member)



**11.7 PROPOSED CHANGE OF USE FROM MIXED USE (OFFICE & MULTIPLE DWELLINGS) DEVELOPMENT TO OFFICE - ARRIO BUILDING - LOT 26 (NO. 7) STIRLING STREET, BUNBURY** *(LISTED AS ITEM 11.17 ON THE MEETING AGENDA)*

<b>File Ref:</b>	P09076
<b>Applicant/Proponent:</b>	Veen's Design Drafting Service
<b>Author:</b>	Gary Fitzgerald, Manager Development Services
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

Veen's Design and Drafting Services has submitted a development application to Council to allow a change of use from a Mixed Use (Office and Multiple Dwelling) development to Office Use (for the entire building) at Lot 26 (No.7) Stirling Street. Currently the ground and first floors are used for offices and the second floor is established as residential apartments. Essentially therefore, the proposal by the developer is to keep the ground and first floors for offices and change the second floor from the use-class "multiple dwellings" to the use-class "offices".

The actual land use is in order and the only issue of consequence relates to car-parking provision. The Scheme, as it currently stands, states that car parking spaces may (emphasis by writer) not be required for commercial development (up to 2000 sqm) in the City Centre zone. The gross floor area of the proposed development is less than 2000m<sup>2</sup>. With recent concerns with availability of car parking in the central business district the parking provisions under Town Planning Scheme 7 are currently under review and may be modified in the future. The matter of car parking is also relevant in terms of Council's consideration of the AARB Report; refer Council report (Item No.11.5 – matter deferred) at Council's meeting held on 24 April 2007 regarding a proposed CBD Parking Strategy.

It is considered after study that the development proposal is in order. Development Services has formed the view that the matter of car parking (which is the key issue) is in order if one accepts that the current land-uses should not attract further re-consideration regarding car-parking provision.

**Background**

The subject building, known as the Arrio Building, is located at the corner of Parkfield Street and Stirling Street. The shape of the building follows an "L" shape configuration with the longest portion of the building facing Stirling Street while the shortest leg is located along Parkfield Street. Vehicular access to the building is from Parkfield Street under the southern wing of the building.

Staff have had discussions with the developer and his consultants over the past few weeks in terms of the development proposal in general, and in terms of recent concerns regarding the availability of car parking in the central business area, and the analysis of the development proposal viz.-a-viz. the findings of the AARB report and its impact on past determinations.

In light of the AARB report, Development Services staff have had to adopt a more focused approach in terms of car-parking. As indicated in the Exec. Manager's report to Council on 24th April 2007 on the matter of the Central Business District Parking Strategy, and in relation to the findings of the AARB report, "it has been concluded that the Bunbury CBD has adequate parking over the planning horizon of 10 years used in the AARB report. There are however areas of high demand where inconvenience is being experienced and the potential to reach capacity in inner city parking areas if future developments do not provide adequate on-site or cash in lieu of parking."

It is considered that the development application being considered is of significance, and that the subject development, in light of the proposed CBD Parking Strategy and the AARB report, could possibly be contentious, and on that basis the development application has been referred to Council for its formal determination.

### **Proposal**

The proposal is, in effect, for a change of use from the use-class "Multiple Dwellings" to the use-class "Office" on the 2nd floor of the Arrio Building (currently the ground and first floors are used for offices) and for additions and alterations (eg. lift to all floors) within the building.

The principal external change to the existing building is a proposed new fascia structure at roof level.

The proposal has been tabled for Council's consideration, to address the matter of car parking requirements in the City Centre zone, and in light of the fact that Development Services is currently taking into account the impact of the findings of the AARB report on future decision-making with regard to any future development in the central business area of the City.

The proposed development is best described, in terms of detail, by reference to submitted drawings (Drawing Nos. A01 – A09 **attached** at Appendix 26).

The land (Lot 26, No.7 Stirling Street) is zoned City Centre in the current Town Planning Scheme (TPS 7). One of the relevant objectives of the City Centre zone is stated as follows:

*"To provide for the development or redevelopment of land within the zone for a broad range of compatible uses which the local government considers are appropriate to the City Centre function and serve the residents of and visitors to, the City of Bunbury..."*

The proposed change of use to “office” is considered to be in line with the above-mentioned objective and hence can be supported in terms of land use.

Furthermore, the proposed development complies essentially with applicable development standards such as Plot Ratio and Site Coverage in that we are dealing with an existing building. Building setbacks and landscaping are discretionary under the Scheme. In this regard, building setbacks are acceptable (existing building), but the matter of landscaping is open for discussion. The subject land is already developed to its full potential with no extra space for landscaping treatment. If landscaping were to be required, this would have to be provided at the expense of the limited car parking spaces available on site. In light of the fact that car parking is currently limited (9 spaces shown on site), it is suggested that landscaping be exempted in respect of this proposal.

As discussed above the matter of car parking is the key issue regarding the matter. It is considered that the matter of car parking is best considered by reference to the following table.

Floor	Area	Car-Parking
Ground floor	497 sqm	Nil (existing use – no change)
First floor	497 sqm	Nil (existing use – no change)
Second floor	497 sqm	Nil (no increase in demand for car-parking) *

\* Note: the current approved land use on the second floor is residential. On that basis if one allows 2 car- parking spaces per residential unit (7 units) then the current on-paper provision is 14 spaces for the second floor (i.e. the applicant can claim of 14 spaces towards any new use). The actual car-parking demand for offices, on the other hand, for the entire floor is 10 spaces (one space per 50 sqm) and on that basis (new demand is less than the established 14 on-paper figure), it is therefore considered that it can be determined that the development complies.

Whilst the above is considered to be the most rational approach bearing in mind that there is an existing development already established on the subject land, Council would have the option of considering the entire building as “new” development, thereby opening up the opportunity to require full compliance with car parking standards. Taking this alternate approach, the total car-parking requirement would be in the order of 30 spaces (1491m<sup>2</sup>/50m<sup>2</sup>), and allowing for the nine (9) spaces currently indicated on site, the shortfall would be 21 spaces. In this case the requirement would apply to the entire building.

This would be an onerous interpretation and research into the development of a parking policy for the CBD does not support this approach.

This option is not supported because the developer could reasonably claim that he currently has a development approval for the existing development, and that this is reflected in the current design of the existing building. If the City were to treat the development as “new”, the developer would be required to provide the extra car parking within an existing building footprint, which would be practically impossible, and would essentially result in a substantial “cash-in-lieu” requirement.

On balance, it is suggested that Council adopt the first approach whereby the established uses are recognized, thereby resulting in affirmation that the development proposal is in order, in terms of land use and car-parking demand.

### **Comment on Current Review**

A report in regard to the Central District Parking Strategy was considered at the Council Committee meeting on 24 April 2007. Consideration was subsequently deferred pending comments being obtained from the Bunbury Chamber of Commerce.

The Parking Strategy review report provides the basis for a parking strategy that addresses planning, management and the development of parking areas within the CBD. It was informed by the review of the GHD Integrated Land Use and Transport Strategy 2030 and the more recently advertised AARB Parking Works Program.

On evidence provided by the consultants, it has been concluded that the Bunbury CBD has adequate provision for car parking over the planning horizon of 10 years used in the AARB Report. There are however areas of high demand where inconvenience is being experienced and the potential to reach capacity in inner CBD parking areas if future developments do not provide adequate on site or cash in lieu of parking.

Development Services consider that the City has evolved to a point where parking is no longer an activity of Council that is insignificant and low profile. It is considered that the City is well placed to respond to any perceived or actual parking issues as it owns the main parking stations in key strategic locations of the CBD.

### **Strategic Outcomes**

Council’s Strategic Plan states that Bunbury City Council has a goal to “Have a built environment which is safe, accessible, functional, attractive and sympathetic with the natural environment.” To achieve this goal, undertaking assessment and approvals of all development proposals in line with the Town Planning Scheme is one of the strategies specified under the Council’s Strategic Plan.

It is considered that the Recommendation is not in conflict with the provisions of Council’s Strategic Plan.

### **Community Consultation**

Community consultation is not specifically required, as “Office” use is a permitted (“P”) use under the land use matrix (Table 1) of TPS 7.

### **Councillor/Officer Consultation**

Staff have had a significant level of consultation with the developer prior to the preparation of this report with a view to progressing the matter.

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

The Recommendation will not impact adversely on the Municipal Budget.

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

Under the proposal, additional office spaces would be created in a convenient location in the periphery of City Centre zone and it is considered that the proposed development would contribute to the revitalisation of the central business area.

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

### **Council Policy Compliance**

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

### **Legislative Compliance**

The proposal is in line with the operative TPS7.

### **Delegation of Authority**

It is considered that delegation of authority is not an option in this instance.

### **Relevant Precedents**

There are no known precisely relevant precedents in this case.

### **Possible Options**

#### *Option 1*

Per Recommendation.

Option 2

Council determine to issue a grant of planning approval subject the full provision of required car parking. Should Council determine to resolve to adopt this option, a suggested format for such action is as follows

*"Council, under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005, hereby resolves to grant planning approval to Roger Veen Design and Drafting Services for a proposed Change of Use from "Mixed –Use (Office and Multiple Dwelling) Development" to "Office" at lot 26 (No. 7) Stirling Street, subject to:*

- 1. All applicable development conditions to the satisfaction of the Manager Development Services, and,*
- 2. The provision of a car-parking complement comprising 21 car-parking spaces on site by way of a re-design of the building, or by way of payment to the City for 80% of such spaces, and with the remainder being provided on site."*

Comment: Option 2 is not recommended as the proposed use will generate less parking demand than the current use in that it is considered that any appeal to SAT against such decision in this regard would be likely to be successful.

**Conclusion**

It is considered that the proposed development is in order. The use-class "office" is a permitted use in the City Centre zone, and on that basis the matter of land use is not in question. The other key issue, in terms of determining as to whether a grant of planning approval should be issued, is that of car parking. In effect, and as outlined above, if one accepts that the established land uses should be recognized (in terms of being able to contribute a "discount" for car parking), the proposed development necessitates a lesser requirement for car parking than the established approved uses. It is recommended therefore that, on balance, the development application should be approved.

**Recommendation**

Council, under and by virtue of the powers conferred upon it in that behalf of Planning and Development Act 2005 hereby resolves to grant planning approval to Roger Veen Design and Drafting Services for a proposed Change of Use from "Mixed –Use (Office and Multiple Dwelling) Development" to "Office" at lot 26 (No. 7) Stirling Street subject to imposition of all applicable development conditions to the satisfaction of the Manager Development Services.

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Cr Rooney disclosed an impartiality interest as one of the company directors is a relative. He left the meeting at 7.45pm for the duration of discussion and the vote on this matter.

Cr McCleary disclosed a financial interest as he is a 40% owner of the building. He left the meeting at 7.45pm for the duration of discussion and the vote on this matter.

Mr Gillingham addressed committee members on behalf of the applicant. Mr Gillingham advised that the application is to change the use of the second storey of the building from "accommodation" to "office use" - this will require 4 less car parking bays than is currently required by the City. They are looking at expanding their stockbroking business but as they only have up to 8 clients attend the office per day and most of their business is done over the phone or the internet, there should be no increase in parking demand. It is proposed to have the regional branch of the Bendigo Bank established on the bottom storey of the building and it is expected that any increase in parking this might create will be serviced by the proposed car parking expansion at the new library nearby.

In response to questions, Mr Gillingham advised that there is no current proposal to change the name of the building although it is possible that a clock/ambient temperature display will be attached to the outside of the structure in the future. As the second storey of the building overlooks the war memorial at the end of Victoria Street, the building's owners intend to allow the RSL Club's bugler to station him or herself at a window of the building during Anzac Day ceremonies.

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

**COMMITTEE RECOMMENDATION**

*Council, under and by virtue of the powers conferred upon it in that behalf of Planning and Development Act 2005 hereby resolves to grant planning approval to Roger Veen Design and Drafting Services for a proposed Change of Use from "Mixed-Use (Office and Multiple Dwelling) Development" to "Office" at lot 26 (No. 7) Stirling Street subject to imposition of all applicable development conditions to the satisfaction of the Manager Development Services.*

**CARRIED**

**8 Votes "For" / Nil Votes "Against"**

Crs Rooney and McCleary returned to the meeting at 7.55pm.

**11.8 TENDER 2006/2007-29 GREENWASTE PROCESSING SERVICES** (*LISTED AS ITEM 11.6 ON THE MEETING AGENDA*)

<b>File Ref:</b>	New File
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Tony Battersby, Manager Waste Services
<b>Executive:</b>	Michael Scott, Executive Manager City Services

**Summary**

The current contract for Greenwaste Processing Services has expired.

A tender was advertised for the supply of greenwaste processing services to process greenwaste collected in the twice a year kerbside collections. The contract is for a period of one (1) year with an option of a further two (2) years.

There has been no prescribed conflict of interest between any parties.

**Background**

Tender documents were prepared and advertised in The West Australian on Wednesday, 4 April 2007 and the South Western Times on Thursday, 5 April 2007. Tenders closed at 3:00pm on Thursday, 26 April 2007 and were opened by the Contracts Coordinator and the Manager Waste Services.

**Tender Submissions**

Following opening, the tenders were registered with the City's Records Department before being taken for assessment by the City of Bunbury Waste Services Department.

Two (2) tenders were received:

1. Malatesta - Lot 2 North Boyanup Road, Bunbury, WA 6230
2. Haulaway - 15 Thornton Crescent, Mitcham, VIC 3132

**Tender Evaluation**

The Waste Services Department conducted the Tender Evaluation.

The tender was evaluated using the non-weighted price method as recommended by the Local Government Purchasing and Tender Guide. Each tender was assessed for compliance, scored against qualitative criteria and evaluated against value for money criteria.

A Confidential Report containing price and qualitative criteria information has been provided under separate cover.



### **Compliance Criteria**

The compliance criteria required each supply tenderer to submit the following evidence:

- Compliance with the Specification contained in the Request; and
- Compliance with the Conditions of Responding Contained in this Request; and
- Compliance with the ability and resources to undertake the works in the required time in this Request; and
- Compliance with and completion of the Price Schedule.

All tender submissions supplied all appropriate information thus compliance criterion was satisfactorily met.

### **Qualitative Criteria**

All supply tenders were assessed against the following Qualitative Criteria weightings:

<i>Qualitative Criteria</i>	<i>Weighting</i>
(a) Demonstrated experience in completing similar tasks	50%
(b) Experience of key personal and plant operators	20%
(c) Equipment proposed to be used	15%
(d) Safety awareness & safety management plans	<u>15%</u>
TOTAL (maximum score)	100%

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

Acceptance of the recommendation is consistent with Council's Strategic Plan and will "*facilitate the provision of waste services to the ratepayers of the City of Bunbury*".

### **Community Consultation**

The tender was advertised in *The West Australian* on Wednesday, 4 April 2007 and the *South Western Times* on Thursday, 5 April 2007 in accordance with the Local Government Act 1995.

### **Councillor/Officer Consultation**

Tender specifications were developed in consultation with Waste Services operational staff involved and management of the Parks and Urban Design department on their requirements.

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

A budget allocation for the greenwaste processing expenditure has been allowed for in the 2007/2008 City's Waste Services budget and tenders offered do not exceed the budget allocation.

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

#### Economic

No adverse economic issues are thought likely to arise as a result of the Recommendation.

#### Environmental

The processing of greenwaste into a reusable product - mulch or compost - will improve the local environment and reduce the amount of waste going to landfill.

#### Social/Heritage

There are no social or heritage issues to consider.

### **Council Policy Compliance**

The Tender process complies with the requirements of Work Procedure WP4.6 (Tender Procedure).

### **Legislative Compliance**

The calling of tenders was undertaken in accordance with the provisions of the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996.

### **Delegation of Authority**

The tender does not exceed \$100,000 but because of the sensitivity of the Local Buying Compact Policy No. 7.2 and the locality of the tenderers, it has been brought to Council for approval.

### **Relevant Precedents**

Previous tenders of this nature have been referred to Council for determination.

### **Options**

#### Option 1

Per the Recommendation.

Option 2

The Council may elect to reject all tenders and re-advertise.

**Conclusion**

From the information provided and the assessment process undertaken, the tender evaluation panel believes the recommendation will provide the City with the most suitable greenwaste processing services.

**Recommendation**

With regard to Tender 2006/2007-29 for provision of greenwaste processing services:

1. Council accepts the tender from Haulaway item A1.
2. The successful tender price be recorded in the Council Meeting minutes.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

**Refer to item 11.5 of this document for the motion to discuss this matter as a "Confidential Item" i.e., no public or members of the press to be present.**

At 7.56pm, the Presiding Member requested all members of the public and press present to leave the meeting room so that confidential business could be discussed.

Committee members referred to the Confidential Report which contained details of the tenders and comparative/selection criteria used by Council Officers in determining the successful bidder. The City's Supervisor of Waste Services responded to questions.

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

**COMMITTEE RECOMMENDATION**

*With regard to Tender 2006/2007-29 for provision of greenwaste processing services:*

1. *Council accepts the tender from Haulaway item A1.*
2. *The successful tender price be recorded in the Council Meeting minutes.*

**CARRIED**

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

At 8.10pm, the following procedural motion was moved Cr Lambert, seconded Cr Leigh to re-open the meeting.

**COMMITTEE DECISION**

*Cr Lambert moved, Cr Leigh seconded that members of the public be re-admitted to the meeting room.*

**CARRIED**

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

**11.9 BUNBURY REGIONAL MUSEUM "THREE WATERS CENTRE" - FORMATION OF PROJECT CONTROL GROUP** (*LISTED AS ITEM 11.10 ON THE MEETING AGENDA*)

<b>File Ref:</b>	A02773
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Trevor Ayers, Business Development Officer
<b>Executive:</b>	Domenic Marzano, Executive Manager City Life

**Summary**

In 2001, the State Government committed \$1 million towards the creation of a Bunbury Regional Museum and a feasibility study was later commissioned by the City of Bunbury in 2003 (SGS Economics and Planning - 2004).

Work towards a proposal detailing how the funds would be spent to progress a regional museum facility in Bunbury led to the *Three Waters Centre Implementation Plan (2006)*.

In addition to other reports, the *City of Bunbury Cost and Benefit Analysis of Bunbury Art Gallery Siting Options* was delivered in 2006. This report explored the relative advantages and disadvantages of co-locating the Bunbury Regional Art Galleries within the Three Waters Centre.

A briefing was conducted on 8 May, 2007 to update Council on the current situation of the Three Waters Centre Project and the outcomes of relevant reports. Since the original decision was made in May 2004 to situate the proposed Three Waters Centre on Koombana Drive opposite the Dolphin Discovery Centre, two issues have arisen. They are the completion of the *City Vision Strategy* and the State Government announcement of the Bunbury Outer Harbour Project. Due to the potential impacts both projects will have on the Three Waters Centre it is appropriate that a review of the project is undertaken to provide Council with future direction.

**Background**

The following decision was made at the Council Meeting on 7 December 2004:

- "1. The State Government be requested to consider the reallocation of funds earmarked for the Bunbury Regional History Museum for the purpose of assisting the immediate needs of the BRAG and initial funding for a museum collection.*
- 2. Should the State Government be receptive to the in principle reallocation proposal, Council prepare a specific proposal for the expenditure of the \$1 million taking into consideration Art Gallery improvements, provision for design for the proposed new Museum and allocations for initial collection purposes."*

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Previously (at the Council Meeting of 11 May 2004) the Council revoked a 2001 decision that had endorsed the existing art gallery site at the corner of Wittenoom and Wellington Streets for use as a museum and art galleries, and, endorsed the "Island Precinct", between the Leschenault Inlet and Koombana Drive as the preferred location for a Bunbury Regional Museum and Visitor Information Centre. This decision also endorsed initiating discussions with the Noongar Cultural Centre Steering Committee on the potential for the Noongar Cultural Centre to also be located within the Island Precinct.

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

Strategic Objective Three of the *City of Bunbury Strategic Plan 2007-2012* includes the following deliverable: "Complete the report on the Museum, Regional Visitor Information Centre and Noongar Cultural Centre."

### **Community Consultation**

Each component of the Three Waters Centre has had various forms of community input whilst each was being considered as stand alone projects.

Two rounds of community consultation and separate discussions with special interest groups took place during completion of the *Bunbury Regional Museum Feasibility Study* undertaken by SGS Economics and Planning in 2003 and accepted by Council on 11 May 2004.

Community and government stakeholders including professional arts and cultural associations were consulted during the collation of the *City of Bunbury Three Waters Centre Implementation Plan 2006* report.

### **Councillor/Officer Consultation**

A briefing was conducted with councillors on 8 May 2007, to update them on the Three Waters Centre Project.

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

This item has no current budget implications. Future decisions regarding this initiative would require substantial financial consideration. No allowance for any expenditure other than the \$1 million contribution from the State Government, has been budgeted for within the *City of Bunbury Corporate Financial Plan 2007/2008 to 2011/2012*.

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

The various reports undertaken in recent years have identified a range of issues that need to be taken into consideration. In particular environmental and heritage consideration will need to be given to any development of the land opposite the Dolphin Discovery Centre due to its

proximity to the mangroves and the shipwrecks located in that area. Additionally, the Bunbury Regional Art Galleries and the Bunbury Visitor Centre are currently located in buildings that are on the permanent *State Register of Heritage Places*.

### **Council Policy Compliance**

There is no Council Policy relative to the proposal to create a Three Waters Centre.

### **Legislative Compliance**

This item does not contravene any current legislation.

### **Delegation of Authority**

The Chief Executive Officer has no delegated authority to form a committee of the Council.

### **Relevant Precedents**

Council has previously formed Project Control Groups when dealing with significant projects e.g., the City Administration Building and the New City Library.

### **Options**

#### Option 1

Per the recommendation

#### Option 2

Not proceed any further with this project and advise the State Government's Department of Culture and the Arts accordingly.

### **Conclusion**

Internal and external committees/groups have been calling for establishment of a suitable museum facility over a period of time. A number of reports have also been conducted around the issue in past years.

The Three Waters Concept initially came from the *Three Waters Strategy*, undertaken for Council in 2002/2003. At that stage, the land opposite the Dolphin Discovery Centre was identified as a potential Cultural Precinct, a Museum and Noongar Cultural Centre.

The State Government's announcement of the Bunbury Outer Harbour Project and the *City Vision Strategy* both impact on any work or report conducted in the past. The ongoing interest of the Department for Indigenous Affairs to a Noongar Cultural Centre being located in Bunbury, also requires consideration.

Within the current deliberations it should be recognised that the Bunbury Visitor Centre and Bunbury Regional Art Galleries are situated in heritage listed buildings built for other purposes.

A decision is required as to whether the Three Waters Centre is the best option to individually and collectively accommodate the needs of the various facilities i.e., a museum, Noongar Cultural Centre, Bunbury Visitor Centre and Bunbury Regional Art Galleries. The need to address essential conservation of the current Bunbury Regional Art Galleries building is also an integral part of this decision.

### **Recommendation**

1. Council establishes the "Three Waters Centre Project Control Group" as an advisory committee with the following Terms of Reference:
  - 1.1 Review all relevant documents in relation to the Three Waters Centre, Bunbury Regional Art Galleries, Noongar Cultural Centre, Bunbury Visitor Centre and Bunbury Regional Museum.
  - 1.2 Recommend an appropriate allocation of the \$1 million funding received from State Government in 2001 toward the Bunbury Regional Museum.
  - 1.3 Consider all funding sources to assist with the Three Waters Centre.
  - 1.4 Provide recommendations to Council on a course of action no later than December 2007.
2. The following councillors and Executive Staff to be appointed to the Three Waters Centre Project Control Group (with full voting rights):
  - 2.1 Cr \_\_\_\_\_ and Cr \_\_\_\_\_
  - 2.2 Chief Executive Officer
  - 2.3 Executive Manager City Life
  - 2.4 Executive Manager City Development



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

The following is a summary of discussion on this matter:

- It was proposed that representatives from the following organisations be invited to participate as voting members on the Group: Bunbury Regional Art Galleries; City of Bunbury Art Collection Management Committee; Art Gallery of Western Australian; Western Australian Museum; Noongar community and Bunbury Visitor Centre.
- As permitted under Section 5.10(4) of the Local Government Act 1995, the Mayor (Mr D Smith) indicated that he will be a member of this Group.
- The Mayor also indicated that he would like to preside over the Group - the Executive Manager City Life is to ensure that the Mayor's nomination for the position is noted on the agenda for the first meeting of the Project Control Group (at which members will hold a ballot to elect a Presiding Member from amongst themselves as required under Section 5.12 of the Local Government Act 1995).
- Cr Craddock was nominated (in his absence) to be a member of the Group.

The mover and seconder of the motion agreed to amend their motion in line with discussion (as noted above). The Presiding Member put the motion to the vote and it was adopted to become the Committee's recommendation on this issue.

**COMMITTEE RECOMMENDATION**

- 1. *Council establishes the "Three Waters Centre Project Control Group" as an advisory committee with the following Terms of Reference:***
  - 1.1 *Review all relevant documents in relation to the Three Waters Centre, Bunbury Regional Art Galleries, Noongar Cultural Centre, Bunbury Visitor Centre and Bunbury Regional Museum.***
  - 1.2 *Recommend an appropriate allocation of the \$1 million funding received from State Government in 2001 toward the Bunbury Regional Museum.***
  - 1.3 *Consider all funding sources to assist with the Three Waters Centre.***
  - 1.4 *Provide recommendations to Council on a course of action no later than December 2007.***

2. *The following councillors and Executive Staff to be appointed to the Three Waters Centre Project Control Group (with full voting rights):*
  - 2.1 *Mayor D Smith and Cr Craddock*
  - 2.2 *Chief Executive Officer*
  - 2.3 *Executive Manager City Life*
  - 2.4 *Executive Manager City Development*
  
3. *Representatives from the following organisations/community groups, to be invited to participate as members (with full voting rights) on the Three Waters Centre Project Control Group:*
  - 3.1 *Bunbury Regional Art Galleries*
  - 3.2 *City of Bunbury Art Collection Management Committee*
  - 3.3 *Art Gallery of Western Australian*
  - 3.4 *Western Australian Museum*
  - 3.5 *Local Noongar Community (to assist with formation of the Noongar Cultural Centre component of the new facility)*
  - 3.6 *Bunbury Visitor Centre*

**CARRIED**

10 Votes "For" / Nil Votes "Against"

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

**11.10 DRAFT DISABILITY ACCESS AND INCLUSION PLAN** *(LISTED AS ITEM 11.13 ON THE MEETING AGENDA)*

<b>File Ref:</b>	A01145
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Adam Johnson, Community Development Officer
<b>Executive:</b>	Domenic Marzano, Executive Manager City Life

**Summary**

The Draft Disability Access and Inclusion Plan that was circulated to councillors at a previous Briefing Session, outlines how the City of Bunbury plans to make its buildings, services, facilities and information more accessible to community members experiencing a range of disabilities.

The Policy Statement included in the Plan, will guide the City's commitment to access and inclusion, by providing a statement of relevant principles and values that relate to the six desired outcomes of the Disability Access and Inclusion Plan.

**Background**

In 2002 the City of Bunbury formed the Community Access Committee to assist in formulating the first Community Access Plan. The plan expired in 2007, and as part of the Disability Services Commission's strategy to ensure consistency across Local Government, all Local Governments have to now produce and lodge with the DSC a Disability Access & Inclusion Plan (DAIP). The DAIP 2007-2012 captures many of the achievements of the City over the last five years.

The new DAIP lays out a framework for implementation of access and inclusion initiatives across a range of buildings, services, and facilities, as well as methods for improving the accessibility to our information. The DAIP policy represents a significant milestone for the City as it is the first time that a document confirming the City's commitment to the principles of access and inclusion has been adopted by Council.

**Strategic and/or Regional Outcomes**

The DAIP will impact on a range of Council plans and strategies where improvements in design and implementation will result in better access and inclusion outcomes for people experiencing a range of physical and social limitations. These include the City Vision Implementation Plan (which already captures some access related outcomes), the Corporate Strategic Plan, and other department specific plans. As of 2007, all Local and State/Federal Government Departments will be responsible for ensuring that not just public officers, but also contractors and agents are also complying with access and inclusion requirements, and some training and resources made need to be made available to achieve this.

The anticipated outcomes will be the incorporation of accessibility and inclusion principles into the design of any buildings and programs, so that Bunbury will become a more welcoming community for everyone. Many improvements will impact not just on people with disabilities, but also on other sectors of the community such as parents with prams, cyclists, seniors, etc, and may have improved physical and social participation outcomes for all community members.

This item also meets Council's corporate objectives within the City of Bunbury Corporate Strategic Plan 2007-2012 in the following areas:

Strategy 6.3: Community planning and infrastructure - Community planning and infrastructure achieves a city that is inclusive and accessible

Strategy 6.5: Social inclusion and needs - City of Bunbury seeks solutions to social issues to achieve social cohesion and quality of life.

Strategy 2.1: Improve accountability - Ensure compliance with the City's statutory obligations.

### **Community Consultation**

It is a requirement of the Disability Services Commission that initial consultation and ongoing reviews are undertaken to ensure that the DAIP is relevant and workable. A community consultation workshop occurred in early June, with representation from a range of community members and agencies. Members of the public were also invited to submit suggestions in writing or by telephone.

Once the draft DAIP and Policy have been endorsed by Council, there will be a further period of 14 days in which members of the public will be invited to comment on the Plan. After this the plan will be referred to Council for adoption, and the plan will be monitored and reviewed annually by the DAIP officer in conjunction with the Community Access Committee.

### **Councillor/Officer Consultation**

Officers of the City Services, City Life and City Development were consulted in the development of the plan, and all Officers and Councillors will have an opportunity to provide written feedback during the public consultation period.

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

There will be some budgetary implications to Council for the DAIP to be successfully implemented. Costs will be connected with the activities of staff training, resource development, public consultation and advertising, and project work. An outline of the budgetary implications will be provided to a future Council meeting for consideration. Partnerships will also be sought with State/Federal and community organisations to secure sources of funding and in-kind assistance.

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

The DAIP has the potential to have significant implications for the social and economic health of our community. Greater access and inclusion will allow people with disabilities to access the community more for leisure and recreation, to access more places of employment, and to participate in public events and other citizen activities. Bunbury also has potential to draw tourists with disabilities who will come to the region with confidence knowing that there will be services and facilities in place to cater for them. Shoppers with disabilities will be able to access a wider range of shops to support business, and to make a greater contribution to social and economic vibrancy of the region.

### **Council Policy Compliance**

Adoption of the Disability Access & Inclusion Plan does not contravene any existing Council Policy. A new draft Policy is before Council for endorsement.

### **Legislative Compliance**

The Disability Services Act 1993 has been amended to require all Government agencies by law to lodge their Disability Access & Inclusion Plan with the DSC by the end of July 2007, and to review and report changes to the DSC on a minimum annual basis.

### **Delegation of Authority**

The Chief Executive Officer does not have delegated authority to endorse this Plan and Policy.

### **Relevant Precedents**

Council endorses plans and policies as required.

### **Options**

No alternatives to the recommendation can be offered at this point in time.

### **Conclusion**

The Disability Access and Inclusion Plan (and Policy) capture the City of Bunbury's commitment to the principles and practice of accessibility and inclusion for all community members. The documentation is a reference point for use in ensuring that Council's buildings, services, facilities and information are continually reviewed and improved.

The Disability Services Act 1993 requires the City of Bunbury to lodge its Disability Access and Inclusion Plan with the DSC by the end of July 2007, and to review and report changes to the DSC on a minimum annual basis.

**Recommendation**

1. Council endorses the Draft Disability Access and Inclusion Plan (and Policy) subject to a 14-day public consultation process.
2. The Disability Access and Inclusion Plan (and Policy) be referred back to Council for final adoption after the completion of the consultation period.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

In response to questions, the Executive Manager City Life confirmed that the consultation period cannot be extended at this time as the Plan needs to be submitted to the Disability Services Commission by the end of July 2007.

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

**COMMITTEE RECOMMENDATION**

1. *Council endorses the Draft Disability Access and Inclusion Plan (and Policy) subject to a 14-day public consultation process.*
2. *The Disability Access and Inclusion Plan (and Policy) be referred back to Council for final adoption after the completion of the consultation period.*

**CARRIED**

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

**11.11 BUSINESS PLAN - BIG SWAMP WILDLIFE PARK** (*LISTED AS ITEM 11.12 ON THE MEETING AGENDA*)

<b>File Ref:</b>	A00143
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Grant Bilton, Senior Technical Officer Parks & Urban Design
<b>Executive:</b>	Michael Scott, Executive Manager City Services

**Summary**

The Big Swamp Wildlife Park Steering Committee as part of its Terms of Reference is required to prepare a Business Plan and associated management and marketing documents for implementation of the preferred model. A copy of the Business Plan has been provided to members under separate cover.

**Background**

The Big Swamp Wildlife Park Committee comprises councillors and community members. It operates under the following terms of reference:

1. To refine and develop a clear proposal based on the broad working model defined within the initial 'Future Directions' facilitators report for an integrated environmental community education resource centre bringing the environment and community together at the existing Wildlife Park facility;
2. To work in partnership with a wide range of stakeholders including community, business and government to gain necessary financial and other support for the delivery of an integrated environmental community education resource centre;
3. Present an agreed model that is broadly accepted by the community, which has a clearly defined independent funding revenue;
4. To prepare a business plan and associated management and marketing documents for implementation of the preferred model;
5. Facilitate the integration, development and marketing of the preferred model that will blend the existing wildlife component of the Park with the broader environmental initiatives being implemented within Bunbury and the southwest, with a strong focus on community involvement and ownership;
6. To liaise with existing 'Friends of' groups and community groups to investigate specific issues and strategies in relation to the Big Swamp Wildlife Park Steering Committee Terms of Reference.

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

The adoption of a Big Swamp Wildlife Park Business Plan will enable the provision of an integrated environmental community education and resource centre, bringing the community and environment together at the Wildlife Park facility. It is recognised that the Big Swamp Wildlife Park has the potential to provide a significant cultural, social and environmental facility for the community of Bunbury and the South West.

### **Community Consultation**

The Big Swamp Business Plan has been developed as a result of consultation undertaken to develop the Future Directions facilitators report and members of the Big Swamp Wildlife Park are community members who have had input into the development of the business plan.

### **Councillor/Officer Consultation**

Councillors are members of the Big Swamp Wildlife Park Committee and have been actively involved in the development of the document. The City's Business Development Officer has been consulted during the development of the Business Plan.

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

Funding for development of the Big Swamp Wild Life Park is included as part of normal council budget deliberations.

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

The Big Swamp Wildlife Park contributes to the development of tourism in the City and through its linkages with the Big Swamp Wetland helps to educate and make the community aware of Environmental and Heritage Issues.

### **Council Policy Compliance**

The Business plan does not contravene any Council Policy

### **Legislative Compliance**

The Proposal does not contravene any legislation.

### **Delegation of Authority**

The Chief Executive Officer has not been delegated the authority in respect to the approval of new committee members.



**Relevant Precedents**

Council has previously endorsed Business Plans.

**Options**

Option 1

Council approve the Big Swamp Wildlife Park Business Plan.

Option 2

Council reject the Big Swamp Wildlife Park Business Plan.

**Conclusion**

Adoption of a Business Plan for the Big Swamp Wildlife Park will provide additional guidance and clear goals that will assist the members of the Big Swamp Wildlife Park Development Committee meet their objectives.

**Recommendation**

Council approves the Big Swamp Wildlife Park Business Plan

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

The recommendation was moved Cr Major, seconded Cr Dillon.

Brief discussion took place during which the dedication and commitment to preservation (and improvement) of the Wildlife Park by a number of volunteers, members of the public, community groups and past councillors, was acknowledged.

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

**COMMITTEE RECOMMENDATION**

*Adoption of a Business Plan for the Big Swamp Wildlife Park will provide additional guidance and clear goals that will assist the members of the Big Swamp Wildlife Park Development Committee meet their objectives.*

**CARRIED**

10 Votes "For" / Nil Votes "Against"

**11.12 PROPOSED TRUCK AND TRAILER PERMIT - AUSTRAL BRICKS** (LISTED AS ITEM 11.1 ON THE MEETING AGENDA)

<b>File Ref:</b>	R00550
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Beatrice Plant, Senior Engineer - Program & Asset Management
<b>Executive:</b>	Michael Scott, Executive Manager City Services

**Summary**

Austral Bricks intend to apply to Main Roads WA for a general endorsement to operate a truck and trailer configuration consisting of a 4-axle rigid truck towing a 5-axle articulated trailer with a gross combined mass of 64 tonnes for the distribution of bricks, tiles and some roofing materials in the South West area and have requested the City's support in obtaining this general endorsement. A photograph of the truck and trailer configuration is **attached** at Appendix 2.

**Background**

To date, Austral Bricks have been operating truck and trailer configurations for the delivery of building materials to building sites within the City, under a general endorsement issued by Main Roads WA. Main Roads WA recently advised operators, however, that the 64 tonne endorsement was only valid for the Metropolitan Area and, therefore, any transport beyond the City of Mandurah was restricted to a gross combined mass of 50 tonne. Austral Bricks are now seeking to reinstate a general endorsement that will include the South West area and have requested the City of Bunbury to support an application for general endorsement for local roads with the City.

The general endorsement that is currently applicable only to the metropolitan area consists of eight (8) conditions associated with its use and allows a total combined length of 20 metres with a gross combined mass of 64 tonnes. Without this general endorsement, Austral Bricks can still operate the same truck and trailer configuration but are limited to a gross combined mass of 50 tonne.

Austral Bricks has advised the City that the reduction in mass will affect their operations in the following manner:

- The capacity of the truck and trailer would be under-utilised and operators would likely be forced to utilise a semi-trailer configuration instead.
- Use of semi-trailer configurations will increase truck movements by approximately 43%.

- An increase in transportation costs to builders and ultimately, the consumer.
- A need for additional drivers at a time when there is a shortage of transport drivers.
- An increase in fuel consumption and a subsequent increase in greenhouse gas emissions.
- Longer lead times for delivery of building materials.
- Additional trucks to meet the requirement of the South West area.

The semi-trailer trucks are already a “right of way” vehicle within the City meaning that these trucks have approval to travel anywhere within the City. The approved length and tonnage on these “right of way” semi-trailers is 19m and 42.5 tonne. A diagram of the “right of way” semi-trailer configuration is **attached** at Appendix 2 under the “Class 7” listings. A photograph of a semi-trailer is **attached** at Appendix 2.

In order for the City to consider Austral Brick’s application, the City requested a demonstration of the two configurations, (i) a semi trailer, and (ii) truck and trailer at a site of the City’s choosing.

The demonstration was conducted at the newly developed “Old Regional Hospital Site” located on the corner of Blair Street and Mitchell Crescent. This location was selected due to the restricted road layout and because it reflects the type of environment the truck configurations would be confronted with in other subdivision developments.

The demonstration confirmed the following:-

- The truck and trailer configuration, which comprises of an articulated 5-axle trailer, can be manoeuvred with more precision than the “right of way” semi-trailer.
- The wheel path of the semi-trailer is greater than that of a truck and trailer.
- In order for the semi-trailer to negotiate some of the turning movements it crosses the road centre line.
- The semi-trailer is more likely to cause damage to the City’s roads and infrastructure than the truck and trailer due to the greater wheel path.

Demonstrations were also conducted at various other Shires and Austral Bricks have already obtained approval from the Shires of Murray, Waroona and Dardanup and are seeking similar endorsements from other Shires in the South West. A copy of the approval from the Shire of Murray and the Shire of Waroona is **attached** at Appendix 2

Some additional issues that need consideration are: -

- The under-utilisation (i.e. loading to 50 tonne instead of 64 tonne gross combined mass) of the truck and trailer would potentially force operators to move towards the use of a semi-trailer configuration.
- The use of semi-trailers is considered by the City to be undesirable as it is less manoeuvrable than a truck and trailer. This is due to the longer trailer in the semi-trailer configurations (i.e. longer spacing between axle groups).
- The majority of building material deliveries is to multiple building sites within the City. In almost all cases, the truck and trailer gross combined mass is reduced to below 50 tonnes after the first delivery.
- Mass restrictions will increase the number of trucks on the road but will not reduce the length and size of the vehicle. It is desirable to minimise the number of truck movements within residential areas.

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

The South West region is experiencing unprecedented growth in population and development which could be adversely affected by the projected increase in costs to builders and their customers if operators are restricted to carrying less mass tonnage than the truck configuration is safely licensed to transport.

### **Community Consultation**

The local government is the delegated authority assigned with the care, control and maintenance of local roads. Community consultation is not required in this instance.

### **Councillor/Officer Consultation**

Engineering staff have observed a demonstration of the two configurations, i.e. a semi-trailer and a truck and trailer. Other relative council officers have been consulted with regard to this matter; however, no adverse comments have been received.

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

It was observed during the demonstration that the “right of way” semi-trailer has a greater wheel path than that of the 4-axle rigid truck and 5-axle articulated trailer as well as less manoeuvrability. Increased use of the “right of way” semi-trailer to deliver all building materials within the City could result in increased damage to roads and infrastructure, which would impact adversely upon the City’s maintenance budget.

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

### Economic

The local building industry could be adversely affected if companies are required to increase the number of end trips, using the semi-trailer, to deliver the same amount of building material that they currently deliver with the rigid truck and trailer configuration. This could result in increased costs to builders and consumers as well as an increase in the amount of fuel consumption.

### Social Issues

There are no social issues associated with this proposal.

### Environmental Issues

An increase in the amount of fuel required for the increase in end trips would result in an increase in the amount of greenhouse gas emissions.

### Heritage Issues

There are no heritage issues associated with this proposal

## **Council Policy Compliance**

The City does not have a policy relative to this issue.

## **Legislative Compliance**

The City of Bunbury has delegated authority for the care, control and maintenance of the roads within its jurisdiction. Before Main Roads WA can issue any permits associated with the City's roads, approval must be forthcoming from the City.

## **Delegation of Authority**

The Chief Executive Officer does not have delegated authority in this instance.

## **Relevant Precedents**

Various approvals have been given for extra mass vehicles to use Koombana Drive to access the Inner Harbour.

Approvals have been given for extra mass vehicles to access various other roads under the City's jurisdiction subject to Main Roads WA confirming that they are able to safely manoeuvre the road configuration in question.

## **Options**

### Option 1

Per the recommendation listed in this report.

### Option 2

The City of Bunbury does not approve Austral Brick's application for the use of a 4-axle rigid truck and a 5-axle articulated trailer configuration with a gross combined mass of 64 tonnes for the distribution of building material transport only

## **Conclusion**

As stated in the report, Austral Bricks have been operating truck and trailer configurations for the delivery of building materials to building sites within the City, under a general endorsement issued by Main Roads WA. Recently, Main Roads WA advised operators that the 64 tonne endorsement was only valid for the Metropolitan Area and, therefore, any transport beyond the City of Mandurah was restricted to a gross combined mass of 50 tonne.

Austral Bricks intend to apply to Main Roads WA for a general endorsement to operate a truck and trailer configuration consisting of a 4-axle rigid truck towing a 5-axle articulated trailer with a gross combined mass of 64 tonnes for the distribution of bricks, tiles and some roofing materials in the South West area and have requested the City's support.

The Senior Engineer, Program and Asset Management attended a demonstration between the two different configurations in question and the demonstration confirmed the following:-

- The truck and trailer configuration, which comprises of an articulated 5-axle trailer, can be manoeuvred with more precision than the "right of way" semi-trailer.
- The wheel path of the semi-trailer is greater than that of a truck and trailer.
- The semi-trailer is more likely to cause damage to the City's roads and infrastructure than the truck and trailer.

## **Recommendation**

Council approves the request from Austral Bricks for the use of 4-axle rigid truck and a 5-axle articulated trailer configurations (with a gross combined mass of 64 tonnes and maximum combined length not exceeding 20 metres) for the distribution of building material transport only, subject to the following conditions:-

1. Approval is granted under the same conditions as those imposed in the general endorsement for the metropolitan area.
2. Vehicle speeds in residential areas are restricted to 10km per hour below the posted or default speed limit.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

The recommendation was moved Cr Dillon, seconded Cr Wenn.

During discussion, the Executive Manager City Services responded to questions concerning load weights and other vehicle details. He confirmed that the vehicle subject of the application is in fact, only 1 metre longer than vehicles currently used on Bunbury roads.

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

**COMMITTEE RECOMMENDATION**

*Council approves the request from Austral Bricks for the use of 4-axle rigid truck and a 5-axle articulated trailer configurations (with a gross combined mass of 64 tonnes and maximum combined length not exceeding 20 metres) for the distribution of building material transport only, subject to the following conditions:-*

1. *Approval is granted under the same conditions as those imposed in the general endorsement for the metropolitan area.*
2. *Vehicle speeds in residential areas are restricted to 10km per hour below the posted or default speed limit.*

**CARRIED**

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

**11.13 SOUTH WEST YARRAGADEE WATER SUPPLY DEVELOPMENT PROPOSAL**  
*(LISTED AS ITEM 11.2 ON THE MEETING AGENDA)*

<b>File Ref:</b>	A01981
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Ben Deeley, Environmental Officer
<b>Executive:</b>	Greg Trevaskis, Chief Executive Officer

**Summary**

On 15 May 2007, Premier Alan Carpenter announced that the State Government would develop a second desalination plant as Western Australia's next major water source and that subsequently the Water Corporation's South West Yarragadee Water Supply Development proposal had been placed on hold.

This report provides an overview of the history of the South West Yarragadee Water Supply Development proposal and the implications of the proposed new desalination plant.

**Background**

In December 2002, the Western Australian Premier, Dr Geoff Gallop, announced that the State Government was accelerating possible new water source developments in response to the threat of a drying climate.

In 2003, the Water Corporation made an application to the Department of Environment (now Department of Environment and Conservation) for a licence to extract 45 gigalitres (GL) of water annually from the South West Yarragadee aquifer in the south west of the state. It was envisaged that the aquifer would be the next major water source to supply the Integrated Water Supply Scheme ("IWSS") which services the Perth metropolitan area, Mandurah, Pinjarra, Harvey, some south west towns, and towns and farming areas through the Goldfields.

In March 2004, the Department of Environment advised the Water Corporation that while the physical capability of the aquifer to deliver 45 gigalitres of water had been proven, several significant issues including environmental acceptability, remained. Consequently, in March 2005, the Environmental Protection Authority ("EPA") resolved to formally assess the proposal under the provisions of the WA Environmental Protection Act 1986 at the level of Environmental Review and Management Program ("ERMP"). The Water Corporation subsequently prepared the ERMP document, which was released for public comment between 27 February and 22 May 2006.

Council considered the Water Corporation's ERMP document at its Meeting on the 9th May 2006 and resolved as follows:



Council Decision 63/06:

*Part A*

*That Council express its concern and opposition to the Water Corporation's proposal to abstract water from the South West Yarragadee Aquifer to supply the Integrated Water Supply Scheme on the basis that:*

- 1. The adverse environmental impacts associated with the proposal are unacceptable;*
- 2. A suitable review of the proposal's impact on the reasonable needs of the South West Region has not been undertaken;*
- 3. The social and economic impacts of the proposal on the South West Region have not been adequately investigated; and*
- 4. Unacceptable impacts and a threat to sustainable groundwater supplies for Bunbury due to the predicted salination of bores up to 1 km from the coast in the Bunbury area.*

*Part B*

*Council requests the Chief Executive Officer to prepare a submission on the South West Yarragadee Water Supply Development "Sustainability Evaluation/Environmental Review and Management Programme" pursuant to the concerns raised in Part A above.*

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The City of Bunbury prepared a submission upon the Water Corporations' ERMP document in accordance with Council Decision 63/06.

Following closure of the public comment period, the EPA's report and recommendation's to the Minister for the Environment regarding the proposal was compiled and publicly released on the 8th December 2006. The EPA concluded that the proposal could be permitted provided that a range of impact mitigation measures are implemented by the Water Corporation in order to safeguard the environment.

A 14-day appeals period occurred following the release of the EPA's report in order to provide aggrieved parties the opportunity to express their concerns prior to the Minister's final decision.

A review of the EPA's report was conducted by City of Bunbury staff and subsequently an appeal against the EPA's determination was lodged with the Appeals Convenor on the following grounds:

1. Considerable uncertainty exists in regard the magnitude and extent of environmental impacts associated with the proposal as these impacts have largely been estimated through numerical modelling as opposed to direct observation of the aquifer's response to high volume abstraction
2. The proposal is likely to result in significant unacceptable environmental impacts even if the aquifer responds as predicted
3. The State Government agency charged with the management of Western Australia's conservation estate, the Department of Environment and Conservation, opposes the proposal based upon its inherent level of uncertainty
4. The Water Corporation's proposal to supplement flows in tributaries of the Blackwood River is not a viable option as it necessitates further abstraction of groundwater from the Yarragadee aquifer
5. Even if current groundwater allocations from the Yarragadee were reduced by 20% as proposed (i.e. from 90 to 73GL/yr), the Water Corporation's proposal should not be permitted as the combined total extraction from the aquifer (118 GL/yr) is likely to be environmentally unsustainable in the longer term
6. The EPA's recommendation to the Minister for the Environment that the Water Corporation's proposal could be approved provided that no further private allocations be granted from the aquifer would curtail the future development and long-term sustainability of communities in the South West; and
7. It is questionable as to whether the Water Corporation will cease abstraction from the aquifer should unacceptable environmental impacts ensue given that the proposal requires a \$700 million up-front investment in infrastructure.

Sixty seven (67) appeals were lodged in relation to EPA's report. The Appeals Convenor collated the appeals and submitted a final report to the Minister for the Environment in April 2007.

Correspondence was received in May 2007 from the Hon. David Templeman MLA, Minister for the Environment; Climate Change; Peel in relation to his determination upon the Water Corporation's proposal. The Minister stated that he had resolved to uphold in part the appeals received in relation to the EPA's report:

"I have concluded that the level of uncertainty and risk of unacceptable environmental impacts associated with this proposal is more significant than what was determined by the EPA.

It follows from this that I have upheld the appeals to the extent that the level of uncertainty and risk of unacceptable environmental impacts associated with this proposal is significant.

In upholding one of the appeal grounds, I will therefore require a condition be set, should the proposal proceed, that would compel the Water Corporation to either reduce abstraction or cease abstraction in the event that other mitigation measures prove not to be effective. Such a condition would reduce the risk to the environment that this proposal would pose.

I will now consult with the Ministers who are decision making authorities under Section 45 of the EP Act on:

- Whether or not the proposal should proceed; and
- If so, what conditions and procedures should be set”

A media statement was released by Premier Alan Carpenter on the 15th May 2007 informing that the State Government had decided to develop a second desalination plant powered by renewable energy as Western Australia’s next major water source instead of the utilising the South West Yarragadee. In the release the Premier stated:

“The internationally acclaimed wind-powered Kwinana seawater desalination plant has demonstrated that large quantities of water from an unlimited ocean supply can be provided using a clean and green process.”

“Unlike the South West Yarragadee and traditional water sources, it is also climate independent.”

“That is why the State Government has decided that the next major water source can be provided by the seawater desalination process.”

“I have asked the Water Corporation to immediately start developing the State’s second major seawater desalination plant.”

It is understood that the proposed site for the new desalination plant is at a Water Corporation wastewater treatment facility on Taranto Road, north of Binningup. The new plant is expected to provide at least 45 gegalitres of water per year into the IWSS by the end of 2011, with the potential to increase to 100 gegalitres. It is also understood that the plant is to be powered by renewable energy sources. The new desalination plant is estimated to cost \$640 million and an additional \$315 million will be required to integrate it into the IWSS.

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

The State Government has decided to develop a new desalination plant at Binningup as Western Australia’s next major water source and subsequently the Water Corporation’s South West Yarragadee Water Supply Development proposal has been placed on hold.

Limited research has been undertaken concerning the likely impact of the proposed new desalination plant on the environment. However, it is anticipated that the proposal will be subjected to a similar environmental approvals process as the South West Yarragadee Water Supply Development proposal.

There is concern that the development of the new desalination plant at Binningup will result in the South West being connected to the IWSS and thus being charged increased prices for water given the cost of the desalination process. Given that the South West's current and future anticipated water requirements can be easily and cheaply accommodated by resources in the region such as the South West Yarragadee Aquifer, this is considered to be an undesirable result and could threaten the long term sustainability of the region.

Furthermore, if the South West is connected to the IWSS in association with the development of the new desalination plant, the exploitation of the South West Yarragadee Aquifer as proposed by the Water Corporation might be considered a fait accompli given the ease with which it could be put 'on line'.

It is likely that Council will be provided the opportunity to comment on the environmental aspects of the new desalination plant proposal through the State's environmental approvals process. However, no mechanism currently exists for the consideration of social and economic issues such as those raised above as part of this process. It is thus advised that the City of Bunbury remain abreast of this issue.

### **Community Consultation**

Not applicable.

### **Councillor/Officer Consultation**

Not applicable. Neither of the two water supply development proposals are City of Bunbury proposals.

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

Neither the South West Yarragadee Water Supply Development proposal nor the new desalination plant proposal is anticipated to have an impact upon Council's current financial budget situation.

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

Not applicable. Neither of the two water supply development proposals are City of Bunbury proposals.

### **Council Policy Compliance**

Not applicable. Neither of the two water supply development proposals are City of Bunbury proposals.

**Legislative Compliance**

Not applicable. Neither of the two water supply development proposals are City of Bunbury proposals.

**Delegation of Authority**

Not applicable. Neither of the two water supply development proposals are City of Bunbury proposals.

**Relevant Precedents**

Not applicable. Neither of the two water supply development proposals are City of Bunbury proposals.

**Conclusion**

This report has been prepared for the information of His Worship the Mayor and all Councillors.

**Recommendation**

1. The report from the City's Environmental Officer concerning the State Government's South West Yarragadee Water Supply Development Proposal, be received.
2. Council advise the Minister for Water Resources that the City of Bunbury opposes any plans or endeavours to connect the integrated water supply system into the Greater Bunbury reticulated system (including Aqwest) in association with the development of the proposed desalination plant at Binningup.
3. The City re-affirms its position that the Yarragadee Aquifer is critical to the long term sustainability of the south west and should be developed to support the region's future environmental, agricultural and economic requirements.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

The recommendation was moved Cr Major, seconded Cr Dillon.

Some members indicated concern at adopting Point 2. of the recommendation as it might work against the City (and the region) in future. Accordingly, the Presiding Member put each part of the motion to the vote separately.

**COMMITTEE RECOMMENDATION**

- 1. The report from the City's Environmental Officer concerning the State Government's South West Yarragadee Water Supply Development Proposal, be received.**
- 2. Council advise the Minister for Water Resources that the City of Bunbury opposes any plans or endeavours to connect the integrated water supply system into the Greater Bunbury reticulated system (including Aqwest) in association with the development of the proposed desalination plant at Binningup.**
- 3. The City re-affirms its position that the Yarragadee Aquifer is critical to the long term sustainability of the south west and should be developed to support the region's future environmental, agricultural and economic requirements.**

**CARRIED**

**Part 1. carried 9 votes "for" / 1 vote "against"**

**Part 2. carried 7 votes "for" / 3 votes "against"**

**Part 3. carried 9 votes "for" / 1 vote "against"**

**11.14 AMENDMENT TO LOCAL LAW "ADVERTISING DEVICES" (LISTED AS ITEM 11.4 ON THE MEETING AGENDA)**

<b>File Ref:</b>	A00129
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Gary Fitzgerald, Manager Development Services
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

Proposal to amend the Local Law relating to Advertising Devices in accordance with the Council decision 25/07 made on 6 February 2007 so as to reflect the recommendation of the Western Australian Government Joint Standing Committee on Delegated Legislation.

**Background**

The following decision was made at the Council Meeting of 18 December 2001:

Decision No. 578/01 - 18 December 2001

1. *Council give state-wide public notice in accordance with Section 3.12 of the Local Government Act 1995 (as amended) of its intention to repeal the existing Signs Hoardings and Bill Posting Local Laws and intention to adopt the proposed Advertising Devices Local Law and Advertising Devices Policy with an invitation for public submissions on the proposed Advertising Devices Local Laws.*
2. *A report is presented to Council at the conclusion of the period for public submission.*

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The proposed Advertising Local Law and Advertising Devices Policy were advertised for public comment in *The West Australian* on Saturday, 26 January 2002 and the *South Western Times* on Thursday, 31 January 2002. The closing date was to be 11 March 2002 but due to several requests for an extension of the public submission period, it was extended until 15 April 2002.

In conjunction with public advertising, several information sessions on the proposed Local Law and Policy were held with the Chamber of Commerce, sign writers and business operators within the City.

Following extensive consultation with the community and industry throughout 2002, Council again considered the proposed Advertising Local Law and Policy at its meeting on 18 February 2003 and made the following decision:

Decision No. 39/03 – 18 February 2003

*Council approves the Advertising Devices Local Law and Policy in accordance with Section 3.12 of the Local Government Act 1995 (as amended), and:*

1. *approves a 6-month moratorium effective from the date of gazettal of the Advertising Devices Local Law on the enforcement of the provisions relating to existing signage, in order to facilitate an extensive awareness and education campaign to be undertaken by Council staff, and ;*
  2. *during the 6-month moratorium period, application for multiple signage be considered as a one-off application allowing owners of signs that may not have had approval to be licensed with the one application; the maximum fee for such an application would be \$50.00.*
- 

All relevant documentation was forwarded to the Joint Standing Committee of Delegated Legislation for approval and the Local Law was publicised in the *Government Gazette* on 24 March 2003. On 16 May 2003, the Joint Standing Committee forwarded a list of amendments it required to be made to the Local Law Relating to Advertising Devices.

As the aforementioned amendments were not undertaken, on 1 December 2006 further correspondence from the Joint Standing Committee was received requesting that the previously indicated amendments be made forthwith. The required action was commenced and Council considered the proposed amendments to the Local Law relating to Advertising Devices at its meeting on 6 February 2007, where the following decision was made:

Decision No. 25/07 – 6 February 2007

1. *Council resolves to give public notice that it intends to adopt amendments to its Advertising Devices Local Law so as to reflect the recommendations of the Western Australian Government Joint Standing Committee on Delegated Legislation.*
  2. *The proposed Local Law to amend the text of the Advertising Devices Local Law is to be advertised for public information state-wide and locally with a submission period of no less than six (6) weeks as required under Section 3.12 (3) and (3a) of the Local Government Act 1995.*
  3. *A copy of the proposed amended Local Law be provided to the Minister.*
  4. *Following the public submission period the proposed amended Local Law to be returned to Council for further consideration and adoption.*
-



In accordance with Section 3.12 of the Local Government Act 1995, amendments to the Local Law relating to Advertising Devices were advertised by state-wide public notice. This was followed by a public submission period of six (6) weeks and copies of the Local Law amendments were made available to members of the public. Further to this, copies of the proposed Local Law were sent to the Minister for Local Government. Although no public submissions were received in relation to the proposed amendments, comment was received from the Department of Local Government in relation to the formatting of the proposed amendment. These suggestions were considered and adopted.

Details of the local law have been circulated to members under separate cover.

### **Purpose and Effect of Amended Local Law**

The purpose and effect of the amendments to the Advertising Devices Local Law is to ensure compliance with the recommendations of the Parliamentary Joint Standing Committee on Delegation Legislation.

The effect of the amendments to the Advertising Devices Local Law will be for Council to adopt, gazette and implement the recommendation of the Joint Standing Committee on Delegated Legislation.

### **Community Consultation**

Under section 3.12 of the Local Government Act 1995 it is a requirement of Council to advertise the amended Local Law by giving state-wide and local public notice. This is followed by a 6 week public submission period. Further to this a copy of the proposed Local Law is to be made available to any person requesting it and a copy sent to the relevant Minister.

In accordance with the above, notice of the proposed amendment to the Local Law was advertised in *The Western Australian* dated 26 January 2007 and the *South Western Times* on 30 January 2007. The 6-week public submission period closed on 21 February 2007.

### **Councillor/Officer Consultation**

The matter has been canvassed at staff level with a view to gaining maximum input into the decision making process.

Council most recently considered the matter on 6 February 2007

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

No adverse financial or municipal budget implications are expected to result from the amendment to the Local Law except for the costs associated with the local and state-wide advertising and the advertising of the local law in the *Government Gazette* in accordance with legislation.

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

Advertising signs are a significant element to the City's environment, impacting on both the natural beauty of the area and the liveability of the built environment. While it is acknowledged that advertising signs can contribute to the urban environments by adding vibrancy and life, poor quality and inappropriate signage can also detract from the overall amenity and atmosphere of an area.

### **Council Policy Compliance**

Council currently has an Advertising Device Policy in place. The proposed amendment to the Local Law will enable the enforcement of the policy.

### **Legislative Compliance**

Section 3.12 of the Local Government Act gives the process for Local Law adoption. The process used to amend the Advertising Devices Local Law complies with this process.

### **Delegation of Authority**

The Chief Executive Officer cannot be delegated the authority to make decisions that require a special majority vote of the Council.

### **Relevant Precedents**

Council first adopted a Local Law relating to Signs, Hoardings and Bill Posting on 6 November 1964.

### **Possible Options**

#### *Option 1*

Per the recommendation contained in this report.

#### *Option 2*

Council advise the Western Australian Government Joint Standing Committee on Delegated Legislation that it is not prepared to approve the recommended amendments to the Local Law relating to Advertising Devices.

This option is not recommended as the purpose of the proposed amendments is to ensure the validity of the Local Law.

### **Conclusion**

It is recommended that Council adopt option 1 as the purpose of this report is to allow the Local Law relating to Advertising Devices made by Council on 18 February 2003, to be amended so as to reflect the recommendations of the Western Australian Government Joint Standing Committee on Delegated Legislation.

### **Recommendation**

Council resolves as follows:

1. The Amendment Local Law relating to Advertising Devices, be adopted.
2. The amended Local Law is to be published in the *Government Gazette*.
3. A copy of the proposed amended Local Law is to be provided to the Minister.
4. Local public notice is to be given stating the title of the Local Law, a summary of its "Purpose and Effect", the date on which it comes into operation and giving advice that copies are available for public information.

### **OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

The recommendation was moved Cr Dillon, seconded Cr Jones.

In response to concerns that the new local law appears to contain excessively heavy penalties, the Presiding Member indicated that the document has already been reviewed by the State Government, and, the City's officers can be trusted to exercise every care and diplomacy in enforcement of the law.

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

**COMMITTEE RECOMMENDATION**

*Council resolves as follows:*

1. *The Amendment Local Law relating to Advertising Devices, be adopted.*
2. *The amended Local Law is to be published in the Government Gazette.*
3. *A copy of the proposed amended Local Law is to be provided to the Minister.*
4. *Local public notice is to be given stating the title of the Local Law, a summary of its "Purpose and Effect", the date on which it comes into operation and giving advice that copies are available for public information.*

**CARRIED**

9 Votes "For" / 1 Vote "Against"

**NOTE:**

- 1) **A SPECIAL MAJORITY VOTE WILL BE REQUIRED AT THE COUNCIL MEETING.**
- 2) **THE PURPOSE AND EFFECT OF THE AMENDED LOCAL LAW WILL NEED TO BE READ ALOUD AT THE COUNCIL MEETING.**

**11.15 PROPOSED HOME BUSINESS - MULTIMEDIA DESIGN - LOT 11 (NO. 28)**  
**PARKFIELD STREET, BUNBURY** *(LISTED AS ITEM 11.5 ON THE MEETING AGENDA)*

<b>File Ref:</b>	P07397
<b>Applicant/Proponent:</b>	Bruce Crain, Multimedia Design
<b>Author:</b>	Lindsay Bergsma, Planning Officer
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

Council has received a development application from Bruce Crain (who was in the process of purchasing the subject lot when he lodged the application with the City) for a home business on Lot 11 (No. 28) Parkfield Street, Bunbury.

The subject site is zoned “Residential R15” within which a home business is an “A” use. The proposal was advertised and two (2) submissions were received objecting to the proposal. It is for this reason that the proposal is being referred to Council for determination.

**Background**

The subject land is zoned “Residential R15” and currently there is an existing single house on-site. The zoning of the subject land will remain the same. A home business in a residential zone is an “A” use under the City’s current Town Planning Scheme (TPS No.7) meaning this is a use that is not permitted unless the local government exercises its discretion and grants planning approval after advertising the proposal for public comment.

A location plan of the subject lot is **attached** at Appendix 5.

In accordance with the Scheme requirements, the proposal was advertised for 21 days and two (2) submissions were received. The two (2) submitters have objected to the proposal on the basis that the residential zoning of the area is being eroded and commercial interests and small businesses are locating in the area and this may set a precedent for the future.

Pursuant to the City’s Local Planning Policy –Development Applications Assessment Processes: Rights of the Applicant and the Community, “Upon closure of the advertising period, all submissions are [to be] compiled and incorporated into agenda item to Council for their consideration.” This then, is the purpose of this report.

The applicant noted in a letter to the City as part of the planning application that he had conducted the same business (GEO Media Interactive, formally BTG Media) at Lot 4, No. 2 Carey Street, Bunbury. He noted that he had conducted the business from this location for the last seven (7) years, having successfully applied for approval at that time. The applicant stated that he received no complaints from the neighbours in the seven years in which the business was located there.

This application was initially referred to the Council Committee Meeting on 5 June 2007. The Committee decided at this meeting to defer the application until the following round of Committee and Council meetings.

### **Proposal**

The proposal is a home business (for a multimedia design business) for Lot 11, No. 28 Parkfield Street, Bunbury. Two (2) offices are proposed in the existing dwelling. The total area of the home business is proposed to be approximately 35m<sup>2</sup> of the existing dwelling. The proposed area of the home business is shown on the floor plan, being 'office 1' and 'office 2' and the area between the stairs and the 'lounge', in front of 'office 2'. The floor plan is **attached** at Appendix 6.

### **Applicant's justification**

Subsequent to a letter submitted by the applicant as part of the planning application, and on request from Development Services to clarify the use, further details were provided on the proposal. The applicant advised that a total of two (2) people are employed by the business. The applicant also stated that it is his intent to live in the existing dwelling during the week, while his business partner (who is not a family member) will not be living on site but will be coming to the site daily to work. The business is proposed to receive approximately one (1) client visit per month since the applicant and business partner mostly visit the clients where necessary. The nature of the business generally involves the use of computers creating multimedia. There is no machinery and no noise etc. In regard to parking on site, there is sufficient room to park four vehicles in total in the existing garage and on the driveway area.

### **Local Planning Policy – Home Based Businesses**

The City's Local Planning Policy – Home Based Businesses identifies three (3) forms of home based businesses (which are also uses listed individually under the City's TPS No.7). They are: home occupation, home office and home business. These categories are outlined in the Policy as follows:

1. Home Office: an occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not-
  - (a) entail clients or customers travelling to and from the dwelling;
  - (b) involve any advertising signs on the premises; and
  - (c) require any external change to the appearance of the dwelling.
  
2. Home Occupation: an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which-
  - (a) does not employ any person not a member of the occupier's household;
  - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
  - (c) does not occupy an area greater than 20m<sup>2</sup>;
  - (d) does not display a sign exceeding 0.2m<sup>2</sup>;

- (e) does not involve the retail sale, display or hire of goods of any nature;
  - (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight and does not include provision for the fuelling, repair or maintenance of motor vehicle; and
  - (g) does not involve the use of an essential service or greater capacity normally required in the zone.
3. Home Business: means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which-
- (a) does not employ more than 2 people not members of the occupier's household;
  - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
  - (c) does not occupy an area greater than 50m<sup>2</sup>;
  - (d) does not involve the retail sale, display or hire of goods of any nature;
  - (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
  - (f) does not involve the use of an essential service of greater capacity than normally required in the zone.

In consideration of the different home based business categories given above, the proposed multimedia design business best fits the 'home business' definition. The proposal cannot be classed as a home office due to the fact that there will be some clients coming to the site (even though this will be very seldom). The proposal cannot be classed as a home occupation due to the fact that the business employs a person who is not a member of the occupier's household and also is proposed to occupy an area greater than 20m<sup>2</sup>.

The proposal was therefore assessed as a home business. The assessment considered the 'home business' definition points outlined above (stated in the City's Local Planning Policy – Home Based Businesses) and found the proposal to comply with these points. From the previous information stated in this report, the proposed home business can be seen to comply with the points a, c, d, e. Points b and f are related to the objections raised in the two (2) submissions received by the City following advertising of the proposal. The submissions will now be discussed.

Submissions (objections) to the proposal (**attached** to Appendix 7)

During the advertising of the proposal for a three-week period, two (2) submissions were received from adjoining landowners objecting to the proposal. Since both submissions are fairly short they can be included in full in this report.

Submission 1

“Concerns that the residential zonings are being slowly eroded and commercial interests, slowly, are sneaking into our area. No properties directly are affected but whole area is under threat by the encroaching commercial interests pretending to be a home business! As the submission is “home business” should the property have permanent residence? Since the property was handed over (early January 07) there seems to never be anyone present except during office hours!”

Submission 2

“I am the owner and occupier of an adjoining property. I am very concerned that this could cause a precedent and that the area could be dominated by small business. This is a beautiful heritage-type precinct and it would be a disaster for Bunbury if this lovely area was lost as residential zone. I would like a guarantee from Council that this will not happen in the short/long term. I don't agree with a business in this area.”

In response to both submissions, it should be noted firstly, that the residential zoning of the subject lot is not proposed to change. Also, only a very limited number of commercial uses can be considered under the City's TPS No.7 for the residential zone. These uses would require a planning application to be lodged with the City and the uses would be assessed on their merits. Mechanisms are therefore in place to restrict any land uses from locating in the residential zone which would detrimentally affect the zone.

Submission 1 questions the definition of ‘home business’ in regards to permanent residency. The definition of ‘home business’ (as stated in the City's Local Planning Policy- Home Based Businesses) has been included in an earlier section of this report. The submission also refers to the observation that “there seems to never be anyone present except during office hours”. What the landowner (applicant) has chosen to do with the subject land at this stage (before planning approval is issued for the home business) is unclear. If he has chosen to keep the site vacant at this time, he has the right to do so. It should be noted however, that the applicant has confirmed that he will live in the existing dwelling during the week once the home business has been approved. If approval is issued, the City can then monitor the situation and ensure that the applicant is operating the business in accordance with the approval.

It should also be noted at this point that the City's Local Planning Policy- Home Based Businesses refers to the City's Housing Strategy and states that as per the Strategy, home businesses will ideally be supported to operate from ‘frame areas’- being those locations adjacent to identified commercial areas. The subject lot is not within a frame area. The Policy goes on to state that if an application is received for a home business external to a frame area, the application would be considered on its merits (i.e. nature of business, number of employees, location etc).



From all that has been stated earlier, it can be seen that the nature of the business is not likely to be detrimental to the surrounding area. The business will not be noisy since most of the work undertaken by the business is carried out via computer. With one (1) employee coming to the subject site daily from elsewhere, and the possibility of approximately one (1) client coming per month, the traffic coming to the site would not be more than what is normally expected for a dwelling in any residential zone.

Finally it should also be acknowledged that if approval was issued for the proposed home business, the approval will only be valid until the end of the year. After that time, the home business will need to be renewed annually. This allows for the home business to be reviewed on an annual basis and, if major issues arise, the City could decide (in the worst case scenario) not to renew the home business.

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

Council's Strategic Plan states that Bunbury City Council has a goal to "Have a built environment which is safe, accessible functional attractive and sympathetic with the natural environment". To achieve this goal, Council is guided by its strategy to "Undertake assessment and approvals of all development proposals within the context of the Town Planning Scheme". In this case, the proposal has been considered in the context of its compliance with current Scheme and has been assessed against the associated planning policies.

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

### **Community Consultation**

The proposal was advertised for a three week period between 21 March 2007 and 10 April 2007. Two (2) submissions were received objecting to the proposal.

### **Councillor/Officer Consultation**

The proposal was received on 13 December 2006, and it was tabled for the Development Coordinating Unit (DCU) meeting of 14 December 2006 during which time some issues were discussed among the concerned Departments.

Following the DCU meeting, the proposal was prepared for advertisement in accordance with scheme requirements.

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

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

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

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

### **Council Policy Compliance**

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

### **Legislative Compliance**

Legislative requirements relating to the Local Government Act or any other Act, Local Law, or regulation have been complied during finalisation of this report.

### **Delegation of Authority**

There is a requirement for an application to automatically be referred to Council for a decision when submissions are received as the result of public advertising.

### **Relevant Precedents**

There are no known relevant precedents.

### **Options**

#### Option 1

Per the Recommendation contained in this report.

#### Option 2

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

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

1. Not to grant planning approval in respect of the proposed home business for Lot 11 (No. 28) Parkfield Street, Bunbury, as the proposed home business is likely to detrimentally affect the amenity of the residential area in which it is proposed to be located.
2. Advise the applicant and submitters of Council's decision.

### **Conclusion**

The proposed home business meets the requirements stated in the City's Local Planning Policy – Home Based Businesses. The submissions received by the City objecting to the proposal are on the basis that the residential zoning of the area is being eroded and commercial interests and small businesses are locating in the area and this may set a precedent for the future. However, it has been noted that that the residential zoning of the subject lot is not proposed to change and there are procedures in place to restrict any land uses from locating in the residential zone which would detrimentally affect the zone. It has been shown that this proposal will not detrimentally affect the surrounding area and the use, in any case (if approved), can be reviewed on an annual basis.

It is therefore recommended that the proposal be approved.

### **Recommendation**

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

1. Grant planning approval for the proposed home business for Lot 11 (No. 28) Parkfield Street, Bunbury, subject to the applicable development conditions to the satisfaction of the Manager Development Services.
2. Advise the applicant and submitters of Council's decision.

### **OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

Cr Lambert disclosed a proximity/impartiality interest as the proposed business is located two City blocks away from his residence. He left the meeting at 9.03pm for the duration of discussion and the vote on this matter.

Cr Dillon moved, Cr Major seconded Option 2 (as printed in the report) in preference to the recommendation.

The following points were raised during discussion:

- This is one of the few remaining residential precincts left in the City and allowing this business to operate here would be the catalyst that allows further encroachment of business in the area.
- It was debated whether the application complies with the guidelines for a home business which is that only two people can be employed by the business - the applicant has stated that he employs two people but also has a business partner coming into work each day. This could be seen as him having three people working for him.
- It is noted that the applicant will only be living at the address during the week.

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

**COMMITTEE RECOMMENDATION**

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

1. *Not to grant planning approval in respect of the proposed home business for Lot 11 (No. 28) Parkfield Street, Bunbury, as the proposed home business is likely to detrimentally affect the amenity of the residential area in which it is proposed to be located.*
2. *Advise the applicant and submitters of Council's decision.*

**CARRIED**

9 Votes "For" / Nil Votes "Against"

Cr Lambert returned to the meeting at 9.11pm.

**11.16 TOWN PLANNING SCHEME AMENDMENT - PROPOSED REZONING OF LOTS 5 AND 6 MONEY STREET, LOTS 1-4 AND 27 PARKFIELD STREET, LOTS 2, 15 AND 16 BREND TOR STREET AND A PRIVATE RIGHT OF WAY TO "SPECIAL USE" (LISTED AS ITEM 11.9 ON THE MEETING AGENDA)**

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

**Summary**

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

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

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

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

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

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

## **Background**

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

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

## **Proposal**

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

A proposed Master Plan (**attached** at Appendix 15) has been submitted with the rezoning documents to indicate how the site will be developed. Access to the site has been retained from Parkfield Street, Brend Tor Street and the access to Money Street is relocated.

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

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

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

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

### **Car Parking Requirements**

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

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

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

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

### **Scheme Amendment Requirements**

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

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

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

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

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

1. All subdivision and development is to be generally in accordance with the precinct Master Plan endorsed by Council.
2. Except as provided in Condition 3, Council will not approve subdivision within the zone until such time as a Master Plan has been prepared and adopted by Council. Except where it is clear, in the opinion of Council, that the proposed activities will not prejudice the objectives of the zone or the preparation of the required Master Plan.
3. The objective of the Master Plan is to provide a framework for development of a campus which integrates the various activities of the Catholic Church with the surrounding community and recognises the landscape qualities of the site and the opportunity to develop a land mark building or structure visible from a large part of the City and a focus for the vista looking southward along Victoria Street.
4. The following matters will be addressed in the preparation of the Master Plan.

Permitted land uses

Car parking and access

Transitional uses to adjoining residential precincts

Servicing

Earthworks

Landscaping

Visual amenity and creation of a landmark building

Landscape treatments of Parkfield Street and Money street

Heritage value of existing buildings

Rationalisation of the existing lot layout.

Building height and setbacks

### **Master Plan Requirements**

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

1. The proposed upgrading of the existing driveway/access within the Parkfield Street road reserve is not supported. It is considered that any widening of the driveway/access to Parkfield Street should be located on the property rather than within the road reserve. This will ensure that Parkfield Street can be widened in the future if required.
2. The proposed footpath along Money Street in the road reserve from the driveway/access through to Parkfield street is not supported. The footpath could be deleted or relocated within the Church property. It is considered that the full width of the road reserve will be required in this area to accommodate traffic for the proposed development.



3. The Master Plan appears to indicate a retaining wall within the Parkfield road reserve up to the Money Street intersection. All proposed development is required to be located within the Church property.
4. The proposed scheme amendment report needs to be modified to include discussion of each of the matters outlined in condition 4 (above) of the Special Use Zone which are required to be addressed in the Master Plan prior to advertising and final consideration by Council.

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

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

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

### **Community Consultation**

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

### **Councillor/Officer Consultation**

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

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

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

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

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

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

### **Council Policy Compliance**

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

### **Legislative Compliance**

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

### **Delegation of Authority**

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

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

### **Possible Options**

#### Option 1

Per the recommendation.

#### Option 2

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

### **Conclusion**

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

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

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

### **Recommendation**

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

1. Initiate an amendment to the City of Bunbury, Town Planning Scheme No 7 to rezone Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a Private Right of Way from "Residential", "Place of Public Assembly" and "Access Road" to "Special Use" zone, subject to the proposed scheme amendment report, text and maps being modified to include the following modifications to the satisfaction of the Manager Development Services.
2. The proposed scheme amendment maps are required to be modified as follows:
  - 2.1 To include the correct Residential R15 zoning on the land to the east of Parkfield Street on the existing zoning map.
  - 2.2 Address the boundary of the Special Use site adjacent to lots 3 and 4 Parkfield Street.
3. The amendment text to be modified to only include the following land uses:

Community purposes  
Educational Establishment  
Place of Worship  
Public Assembly  
Residential  
Residential Building and  
Car Park
4. The proposed conditions for the Special Use Zone 51 be modified to read as follows:
  - 4.1 All subdivision and development is to be generally in accordance with the precinct Master Plan endorsed by Council.
  - 4.2 Except as provided in Condition 4.3, Council will not approve subdivision within the zone until such time as a Master Plan has been prepared and adopted by Council. Except where it is clear, in the opinion of Council, that the proposed activities will not prejudice the objectives of the zone or the preparation of the required Master Plan.
  - 4.3 The objective of the Master Plan is to provide a framework for development of a campus which integrates the various activities of the Catholic Church with the surrounding community and recognises the landscape qualities of the site and the opportunity to develop a land mark building or structure visible from a large part of the City and a focus for the vista looking southward along Victoria Street.

- 4.4 The following matters will be addressed in the preparation of the Master Plan.
- Permitted land uses
  - Car parking and access
  - Transitional uses to adjoining residential precincts
  - Servicing
  - Earthworks
  - Landscaping
  - Visual amenity and creation of a landmark building
  - Landscape treatments of Parkfield Street and Money street
  - Heritage value of existing buildings
  - Rationalisation of the existing lot layout.
  - Building height and setbacks
5. Advertise the proposed Master Plan for the Special Use Zone 51, Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a Private Right of Way with the scheme amendment for public comment subject to the following modifications and requirements to the satisfaction of the Manager Development Services:
6. The proposed Master Plan to be modified as follows:
- 6.1 Any widening of the driveway/access to Parkfield Street to be located on the property rather than within the road reserve.
  - 6.2 The proposed footpath along Money Street in the road reserve from the driveway/access through to Parkfield Street to be deleted or relocated within the Church property.
  - 6.3 All retaining walls are required to be located within the Church property.
7. The proposed scheme amendment report to be modified to include discussion of each of the matters required to be addressed in the Master Plan.
8. The proponent to prepare a suitable agreement for rights of access to the existing and proposed Council public car park adjacent to the proposed library building in Parkfield Street.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

*The Presiding Member advised that this application has been withdrawn.*

**11.17 REVIEW - DELEGATIONS REGISTER** *(LISTED AS ITEM 11.14 ON THE MEETING AGENDA)*

<b>File Ref:</b>	A00276
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jack Dyson, Senior Administration Officer
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

**Background**

The City of Bunbury currently has 90 Specific items of delegation within the delegations register. These delegations have been reviewed on an annual basis since 1995 and further addressed and amended on an “as needed” basis.

A copy of Council’s Delegations Register has previously been issued to members under memorandum dated 17 May 2007 and again to the Council Briefing held Tuesday 19 June 2007.

A Local Government the size of the City of Bunbury cannot operate without utilising Council’s power under the Local Government Act to delegate functions to the Chief Executive Officer. The purpose of delegations is to free up councillors time to enable them to set broad directions in regard to the Strategic Plan, Principal plan of Activities and Budget; thereby enabling the Chief Executive Officer to efficiently put into effect Council decisions and implement Council Policy. Delegations need to be provided to ensure that the organisation can be efficient.

Delegations to the Chief Executive Officer are not an abolishment of Councils authority or control. A council is the controlling body of a local authority and the Chief Executive Officer and his staff are accountable through the following:

- Council Policies
- Strategic Plan
- Principal Plan of Activities
- Budget
- Performance reporting and direction set by Council through the Chief Executive Officer’s Performance Contract.

A local government may delegate to its Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, other than those as specified. These are listed within this Report.

The Chief Executive Officer may delegate to any employee of Council, the exercise of any of the CEO’s powers or the discharge of any of his duties under the provisions of the Act, other than the power of delegation. On-delegated powers and duties are identified at the rear of each section of the Delegations Register.

Council has been operating successfully over the past years with these delegations and they have proved suitable to date.

### **Summary**

Council's Executive Managers and Managers have recently conducted an internal review of the Register of Delegated Authority.

### **Proposal**

It is proposed the Council endorse the existing specific delegations as presented.

The powers that may not be delegated under the provisions of Section 5.43 of the Local Government Act 1995 include:

1. Any power or duty requiring a decision of an absolute majority or a 75% majority (Special Majority) of the local government – for example, establishing advisory committees, appointing members to committees, making local laws, imposition of fees and charges, etc.
2. Accepting a Tender that exceeds \$100,000.
3. Appointing an Auditor.
4. Acquiring or disposing of property valued at or above \$50,000.
5. Any of the City's powers under Sections 5.98, 5.99 and 5.100 of the Act which relate to fees, allowances, and meeting fees for council members including the annual allowance for the Mayor/Deputy Mayor; and, payments to committee members who are not council members.
6. Borrowing money on behalf of the Local Government.
7. Hearing or determining and objection of a kind referred to in Section 9.5 – where a person lodges an objection to a council decision.
8. Any power or duty that requires the approval of the Minister or Governor.
9. Such other powers or duties as may be prescribed, (Note: There are no items prescribed to date).

Likewise, the Chief Executive Officer is able to be delegated all allowable delegations from the following Acts (including regulations and local laws made under these Acts):

- Trustees Amendment Act
- Council Town Planning Scheme

- Town Planning and Development Act 1928
- Residential Planning Codes
- Reserved Street Names Register – Land Administration Act 1997
- Town Planning Scheme ‘R’ Codes
- Building Regulations of Western Australia 1989
- Council local Laws
- Health Act 1911
- Litter Act 1979
- Bush Fires Act 1954
- Environmental Protection Act 1986
- Road Traffic Act 1974
- Control of Vehicles (Off Road Areas) Act 1978
- Dog Act 1976 and Amendment Act 1976
- Strata Titles Act 1985
- Local Government (Miscellaneous Provisions) Act 1960
- Health (Treatment of Sewerage and Disposal of Liquid Waste) Regulations 1974
- Caravan Parks and Camping Grounds Act 1995
- Caravan Parks and Camping Ground Regulations 1997
- Parks and Reserves Act 1895

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

Council’s Delegations of Authority are to be reviewed annually under the provisions of the Local Government Act 1995.

#### **Community Consultation**

Community consultation is not necessary on this matter.

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

Council’s Executive Managers and Managers have recently conducted an internal review of the Register of Delegated Authorities as presented to Councillors on 17 May 2007 and again to the Council Briefing held Tuesday 19 June 2007.

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

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

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

There are no Economic, Social, Environmental or Heritage Issues regarding this matter.

#### **Council Policy Compliance**

The proposal does not contravene existing Council policies or work procedures.

### **Legislative Compliance**

Council's Delegations of Authority are required to be reviewed annually under the provisions of the Local Government Act 1995.

### **Delegation of Authority**

There is no Delegated Authority for the CEO to alter the content of the Delegations Register.

### **Relevant Precedents**

Council has approved delegations to the Chief Executive Officer since the implementation of the new Local Government Act in 1995 and has undertaken annual reviews since this time.

### **Options**

#### Option 1

Council endorses the existing specific delegations as presented or with amendment as issued under memorandum dated 17 May 2007.

Comment: This option is preferred by the Executive as the existing delegations have been in operation over the past years, most since 1995, and have proven suitable to date.

#### Option 2

Council does not endorse the existing specific delegations as issued to members under memorandum dated 17 May 2007.

Comment: This option is not supported as it would seriously prevent Council from managing its day-to-day operations and would need a Council decision on every item listed in the delegation register.

### **Recommendation**

Council endorses the existing specific Delegations of Authority as issued to members under memorandum dated 17 May 2007.

### **OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

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



**COMMITTEE RECOMMENDATION**

*Council endorses the existing specific Delegations of Authority as issued to members under memorandum dated 17 May 2007.*

**CARRIED**

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

**11.18 REVIEW - ADMINISTRATIVE POLICIES** (*LISTED AS ITEM 11.15 ON THE MEETING AGENDA*)

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

**Summary**

This report is submitted to update Council on the current status of the Administrative Policy Manual in order that policies as submitted may be adopted.

**Background**

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

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

These policies have been in place for sustained period of time and have proved non problematic.

**Strategic and/or Regional Outcomes**

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

**Community Consultation**

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

**Councillor/Officer Consultation**

The Administrative Policies as issued on 17 May and to the Council Briefing are now referred to Council for consideration.

**Analysis of Financial and Budget Implications**

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

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

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

### **Council Policy Compliance**

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

### **Legislative Compliance**

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

### **Delegation of Authority**

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

### **Relevant Precedents**

Council has previously adopted all policies after review.

### **Options**

#### Option 1

Council adopt the Administrative Policies as submitted

#### Option 2

Council not adopt the Administrative Policies as submitted.

#### Option 3

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

### **Conclusion**

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

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

### **Recommendation**

Council adopts the following Administrative Policies with amendments to CEO 1, CPS 2, CPS 3, CPS 4, CPS 6, CPS 8, CPS 9, CPS 10, CPS 13, CD 1, CD 4 and CD 5 as specified in the Policy Manual Summary Amendments table:

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

### **OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

The Presiding Member called for this matter to be referred back to committee as he has requested an amendment to one of the policies listed and would like all committee members to view the document before adopting it.

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

**COMMITTEE RECOMMENDATION**

*The adoption of Administrative Policies be referred back to Council Committee for further consideration.*

**CARRIED**

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

**11.19 FINANCIAL STATEMENTS - MAY 2007** (*LISTED AS ITEM 11.18 ON THE MEETING AGENDA*)

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

**Summary/Background**

Financial Statements for the period ending 31 May 2007, have been circulated to members under separate cover. The statements included the following details:

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

**Recommendation**

The Financial Statements for the period ending 31 May 2007, be received.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

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

**COMMITTEE RECOMMENDATION**

*The Financial Statements for the period ending 31 May 2007, be received.*

**CARRIED**

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

**11.20 SOUTH WEST SPORTS CENTRE OPERATIONS AND FINANCIAL REPORTS - MAY 2007** *(LISTED AS ITEM 11.19 ON THE MEETING AGENDA)*

<b>File Ref:</b>	F00111
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, City Accountant
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

**Summary**

This report is to advise Council on the operational and financial performance of the South West Sports Centre (SWSC).

The City has been provided with an Operations Report for May 2007 from Belgravia Leisure - this has been circulated to meeting members under separate cover. The Operations Report includes information on attendances, income and expenditure, marketing initiatives, an overview of programs, customer feedback, incidents, maintenance and staff training during May 2007.

A Financial Report for the SWSC prepared by Council's Accounting Services Department to 31 May 2007 - this has been circulated to members under separate cover. Overall the SWSC has a net operating result (i.e. income less expenditure) of \$39K better than budget to the 31 May 2007. Revenues are down \$21K but expenditure is \$60K less than budgeted for the 9 months to the end of May 2007.

The net operating result favourable variance of \$39K to 31 May 2007 is a decline from the previous month of \$69K. In consultation with the Centre Manager an explanation for this decline is provided in the Operations Report on Pages 3 & 4, Item 2.

This favourable net operations result has allowed additional repairs and maintenance to be carried out at the Centre, new cleaning machinery purchased, and a new telephone system ordered for installation in June 2007.

Both reports are for Councillor's information.

**Background**

The SWSC is currently under an interim management arrangement until the 30 June 2007 with Belgravia Leisure Pty Ltd who commenced management of the SWSC on the 1 September 2006.

Council resolved at the Council Meeting on the 1 May 2007 to assume in-house management of the SWSC from the 1 July 2007. Corporate Services are liaising with the SWSC management team to implement a coordinated transition to the City.



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

The South West Sport Centre supports Council's Strategic Plan of having diverse recreational and leisure opportunities. The SWSC provides a comprehensive range of facilities and services to the local community and the South West Region.

### **Community Consultation**

Council's decision to receive the operations and financial reports of the South West Sports Centre will not impact the community and will not require community consultation.

### **Councillor/Officer Consultation**

Council adopted the 2006/2007 Budget for the South West Sports Centre at the Council Meeting 21 November 2006.

### **Summary of the Financial Report to 31 May 2007**

	Budget 1/9/06–30/6/07	Budget 1/9/06-31/5/07	Actual 1/9/06-31/5/07	Variance
Operating Income	\$1,822,033	\$1,659,833	\$1,638,765	\$(21,068)
Operating Expenditure	\$2,132,952	\$1,933,768	\$1,874,059	\$(59,709)
Operating Deficit	\$310,919	\$273,935	\$235,294	\$38,641

The financial report to 31 May 2007 shows a favourable actual to budget-to-date variance of \$38,641.

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

The South West Sports Centre employs 62 staff members and provides opportunities for an additional 10 staff on a seasonal basis.

### **Council Policy Compliance**

Council's decision to receive the operations and financial reports of the South West Sports Centre do not contravene any Council policies.

### **Legislative Compliance**

The preparation of an operations and financial report for the South West Sports Centre is not required under any legislation.

**Delegation of Authority**

No delegated authority applies.

**Relevant Precedents**

Council has previously received operation and financial reports on the South West Sports Centre.

**Options**

Option 1

The South West Sports Centre Operations and Financial Reports for May 2007 be received.

Option 2

The South West Sports Centre Operations and Financial Reports for May 2007 are not received.

**Conclusion**

The Operations and Financial Reports to May 2007 are provided to inform Councillors on the performance of the South West Sports Centre.

**Recommendation**

The South West Sports Centre Operations and Financial Reports for May 2007 be received.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

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

**COMMITTEE RECOMMENDATION**

*The South West Sports Centre Operations and Financial Reports for May 2007 be received.*

**CARRIED**

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

**11.21 WRITE-OFF OF RANGER SERVICES INFRINGEMENTS** (LISTED AS ITEM 11.20 ON THE MEETING AGENDA)

<b>File Ref:</b>	A00088
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, City Accountant
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

**Summary**

Outstanding Ranger Services Infringements for Parking, Dog Act, Litter, Bushfire and Off Road Vehicles have been reviewed to determine the likelihood of these fines being collected in the future. After all endeavours to facilitate collection of the outstanding amounts have been exhausted after 2 years it is prudent that these amounts are removed to accurately reflect the collectability of infringements shown in the financial statements.

**Background**

Outstanding infringements issued since 1 July 2004 totalling \$168,202 were brought to account on commission of Council's new financial computer system during 2006 and formed part of the 'Trade and Other Receivables' in the Balance Sheet for the year ended 30 June 2006.

On reconciliation of these outstanding infringements brought to account it was revealed that \$54,266 were brought to account in error as these infringements were issued between 1994 and 2004.

Further, because now all Ranger infringements are recorded when issued through Council's financial system, (approximately \$339,000 per annum); it is necessary to annually review uncollectible infringements. This current review for infringements raised during 2004/2005 resulted in \$32,157 being considered not collectable and should also be removed from the financial statements.

The current collection target is 90% of infringement notices issued.

**Summary of Infringement Outstanding Balances:**

Infringement:	Balance as at 20/6/07	Infringements prior to 1/7/04 to be written-off	Infringements issued 2004/05 to be written-off	Balance after Write-Off
Parking	\$113,311	\$26,367	\$14,107	\$72,837
Dog Act	\$77,432	\$26,803	\$15,983	\$34,646
Litter	\$2,807	\$382	\$435	\$1,990
Bushfire	\$9,607	\$295	\$1,632	\$7,680
Off Road Vehicles	\$419	\$419		
Total	\$203,576	\$54,266	\$32,157	\$117,153

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

A regular review of outstanding infringements ensures that 'Trade and Other Receivables' in the Balance Sheet are not over stated.

### **Community Consultation**

Community consultation for the write off of outstanding infringements is not required.

### **Councillor/Officer Consultation**

A review of outstanding infringements was completed in consultation with the Manager Community Law and Safety.

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

A review of outstanding infringements ensures that the 'Trade and Other Receivables' in the Balance Sheet are not over stated. The recommendation is to remove outstanding infringements issued prior to the 1 July 2005 and therefore does not affect budgeted income from infringements issued this current financial year.

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

Not applicable.

### **Council Policy Compliance**

The write-off of outstanding infringements does not contravene any Council Policy.

### **Legislative Compliance**

The write-off of outstanding infringements complies with Section 6.12 of the Local Government Act.

### **Delegation of Authority**

The Chief Executive Officer has delegated authority to write off amounts owed to the City that are considered unrecoverable or where circumstances warrant. However as this is the first year that infringements have been written-off this item has been referred to Council.

### **Relevant Precedents**

The City regularly reviews outstanding amounts owed to Council to ensure that amounts shown in the financial statements are collectible.

## **Options**

### Option 1

Ranger Services Infringements issued prior to the 1 July 2005 totalling \$86,423 are written off as at 30 June 2007.

### Option 2

Ranger Services Infringements issued prior to the 1 July 2005 totalling \$86,423 are not written off and further efforts are made to collect these amounts.

## **Conclusion**

All endeavours to facilitate collection of outstanding infringements have been exhausted and after 2 years it is prudent that these amounts are removed to accurately reflect the collectability of infringements shown in the financial statements.

## **Recommendation**

1. Ranger Services Infringements issued between 1994 and 2004 and brought to account in error (totalling \$54,266) be written off as at 30 June 2007.
2. Ranger Services Infringements issued during 2004/2005 (totalling \$32,157) and not considered collectable, be written off as at 30 June 2007.

## **OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

The Executive Manager Corporate Services gave a brief explanation as to why the two figures making up the total amount to be written off, have been separated.

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

### **COMMITTEE RECOMMENDATION**

1. *Ranger Services Infringements issued between 1994 and 2004 and brought to account in error (totalling \$54,266) be written off as at 30 June 2007.*
2. *Ranger Services Infringements issued during 2004/2005 (totalling \$32,157) and not considered collectable, be written off as at 30 June 2007.*

### **CARRIED**

10 Votes "For" / Nil Votes "Against"

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

Nil.

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

Nil.

**14. ITEMS TO BE NOTED**

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

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various

A report had been circulated to members under separate cover.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING - 26 JUNE 2007**

The recommendation was moved Cr Major, seconded Cr Dillon and adopted to become the Committee's recommendation.

**COMMITTEE RECOMMENDATION**

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

1.     **Title:**     *Accounts for Payment - May 2007*  
          **Author:** *David Ransom, City Accountant*  
          **File:**     *A00083*
  
2.     **Title:**     *Write-off of Account Receivable Balances - 2007*  
          **Author:** *David Ransom, City Accountant*  
          **File:**     *A00088*

**CARRIED**

10 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 9.30pm.

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**26 June 2007**  
**Minutes - Council Committee Meeting**

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CONFIRMED this day 31 July 2007, to be a true and correct record of proceedings of the Council (Standing) Committee Meeting held on 26 June 2007.

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