



9 October 2007

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GLOSSARY OF ABBREVIATED TERMS

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

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

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

NOTICE OF COUNCIL (STANDING) COMMITTEE MEETING

Minutes of an Ordinary Meeting of the Council (Standing) Committee held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury, on **Tuesday, 9 October 2007** at 6.00pm.

MINUTES

NOTE: The recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the subsequent Council Meeting on 16 October 2007.

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

The Presiding Member (Deputy Mayor Judy Jones) declared the meeting open at 6.03pm

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

PRESENT:

Council Committee Members	
Presiding Member:	Deputy Mayor, Councillor J Jones
	Councillor W Lambert
	Councillor S Craddock
	Councillor A Leigh
	Councillor D Wenn
	Councillor R Frisina
	Councillor T Dillon
	Councillor L Rose
	Councillor W Major
	Councillor T Smith
	Councillor S Rooney
Executive Management Team (Non-Voting)	
A/Chief Executive Officer:	Mr K Weary
Executive Manager City Development	Mr G Klem
Executive Manager City Services:	Mr M Scott
Executive Manager City Life:	Mr D Marzano
Council Officers (Non-Voting):	
A/Manager Development Services	Mr S McNeilly
Planning Consultant	Mr Paul Davies
Manager Build/Constr/Maint	Mr Steve Stirton
Contracts Coordinator	Mr Mark Robson

Others (Non-Voting):	
Members of the Public:	19 (approx.)
Members of the Press:	2

APOLOGIES:

Mayor David Smith – Apology
CEO Greg Trevaskis – Apology
Cr Norm McCleary - Apology

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

Not applicable.

4. PUBLIC QUESTION TIME

Nil.

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

5.1 QUESTION ON NOTICE – PROPOSED COMMERCIAL AND RESIDENTIAL DEVELOPMENT LOT 20 (NO 22) STEPHEN STREET, BUNBURY

File Ref:	P08976
Applicant/Proponent:	Internal Report
Author:	Ken Weary, Acting Chief Executive Officer, and Geoff Klem, Executive Manager City Development
Executive:	Geoff Klem, Executive Manager City Development

The following question has been received from Cr T Dillon. The Executive has provided a response as printed below:

Question: On what basis and by whose authority has the item in regard to the Stirling Centre redevelopment application been dropped from Council Committee Agenda (Tuesday, 9 October 2007), given that I had personally asked the question of Mr Klem if it was to be an agenda item along with the application

for the Reef Hotel agenda item at Council Briefing session (Tuesday, 25 September 2007), to which I was given an affirmative response? Why could it not have been listed as an agenda item and, if all Councillors were not satisfied with information to hand, passed a recommendation for more information to be provided prior to the full Council meeting scheduled for Tuesday, 16 October 2007?

Response: The reason for deferring this item was outlined in a memorandum to the Mayor and Councillors issued on 4 October 2007.

6. CONFIRMATION OF PREVIOUS MINUTES

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

COMMITTEE DECISION

The minutes of the Council (Standing) Committee Meeting held 11 September 2007 be confirmed as a true and accurate record.

CARRIED

11 Votes "For"/Nil Votes "Against"

7. DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995

Cr Leigh disclosed an impartiality interest in the item titled "*Bunbury Airport Site No 29B Partial Assignment of Lease*" as he knows the applicants.

Cr Wenn disclosed an impartiality interest in the item titled "*Community Sport and Recreation Facility Fund ("CSRFF") Application – Bunbury Bowling Club Inc.*" as he belongs to another bowling club.

Cr Dillon disclosed an impartiality interest in the item titled "*Community Sport and Recreation Facility Fund ("CSRFF") Application – Bunbury Bowling Club Inc.*" as he belongs to another bowling club.

Cr T Smith disclosed a financial and proximity interest in the item titled "*Proposed 14 Storey Mixed Use Residential, Retail and Commercial Development Lot 34 (No 12) Victoria Street, Bunbury*" as he owns a property in Victoria Street in close proximity to the proposed development.

Cr Leigh disclosed a proximity interest in the item titled “Business Plan – Proposed Residential Development on Portion Lot 4 Prestonwood Street, Bunbury” as he lives near Prestonwood Street.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

9. CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS

9.1 BUNBURY WATERFRONT PROJECT - BUNBURY TIMBER JETTY - COUNCIL COMMITMENT TO THE PROJECT

File Ref:	A00502
Applicant/Proponent:	Internal Report
Author:	Ken Weary, Acting Chief Executive Officer, and Geoff Klem, Executive Manager City Development
Executive:	Geoff Klem, Executive Manager City Development

Summary

It is proposed that the City of Bunbury advise Landcorp that it will contribute \$3.5(M) towards the jetty component of Stage 1 of the Bunbury Waterfront Project and prepare a sustainable business plan for ongoing management and maintenance of the jetty.

Background

Landcorp (State Government) having completed a feasibility study and a community consultation program, has announced the redevelopment of the Bunbury Outer Harbour – now known as the Bunbury Waterfront Project. The Bunbury Waterfront Project will include a mix of tourism, residential, retail and commercial development opportunities. Landcorp has briefed Council on the proposal and preliminary works are currently being undertaken.

The Cabinet Submission for the Development of Stage 1 – Koombana Bay Precinct within the Bunbury Waterfront Project includes an amount of \$7(M) – (which includes the City of Bunbury’s \$3.5(M) contribution) for the partial demolition and refurbishment of the Bunbury Timber Jetty. Landcorp is seeking approval to go to tender and award a contract to commence jetty works in mid 2008. The contract is proposed to be in two separate portions comprising demolition and refurbishment. In accordance with the Cabinet approval for Stage 1 of the Bunbury Waterfront Project, Landcorp’s expenditure of \$3.5(M) on the jetty remains subject to:

- The City of Bunbury matching and having available a matching contribution; and
- The City preparing a sustainable business plan for the ongoing management and maintenance of the jetty.

Landcorp is unable to commence the demolition and restoration works on the jetty until the City satisfies the conditions of the Cabinet approval.

In respect to Council contributing \$3.5(M) towards the jetty component of Stage 1 of the Bunbury Waterfront Project, it is intended, that Council give Landcorp a commitment to the funding to allow part of the project to proceed. Council has committed the \$3.5(M) in its 5 Year Finance Plan and has identified part proceeds of the sale of the Lots 210 and 211 Holywell Street (the Punchbowl Caravan Park site) to be utilised for this purpose. Landcorp will be advised accordingly.

In respect to the City preparing a sustainable Business Plan for the ongoing management and maintenance of the Jetty, Landcorp will be advised that the City is aware that subsequent stages of the Bunbury Waterfront Project will include development of the foreshore areas around the Old jetty. Although Project definition is not completed, it is expected that opportunities to generate revenue through particularly leasehold agreements will emerge in relation to water based and tourism related activities.

The City has canvassed the possibility of entering into a partnership with the State Government to secure recurrent funding for the Jetty management and maintenance through a share of lease revenue at the City of Bunbury Integration Meetings hosted by Landcorp. The general view of the meeting group was that this proposal had merit and should be progressed.

Given the implications of the above proposal on the development of a sustainable Business Plan, the City will seek advice as to whether the State is prepared to enter into a partnership which will include a dedicated revenue stream from leasehold (or other income generating options) associated with subsequent stages of the Bunbury Waterfront Project.

Recommendation

1. Council advise Landcorp it will contribute \$3.5(M) towards the Bunbury Timber Jetty component of Stage 1 of the Bunbury Waterfront Project noting that Council's commitment will be part of the proceeds of the sale of Lots 210 and 211 Holywell Street (formerly the Punchbowl Caravan Park site).
2. In respect to the City preparing a sustainable Business Plan for the ongoing management and maintenance of the Bunbury Timber Jetty - Landcorp to be advised that the City is aware that subsequent stages of the Bunbury Waterfront Project will include development of the foreshore areas around the old jetty. Although Project definition is not completed, it is expected that opportunities to generate revenue through particular leasehold agreements will emerge in relation to water-based and tourism related activities.

Given the implications of the above proposal on the development of a sustainable Business Plan, the City will seek advice as to whether the State is prepared to enter into a partnership which will include a dedicated revenue stream from leasehold (or other income generating options) associated with subsequent stages of the Bunbury Waterfront Project.

Outcome of the Council Committee Meeting – 9 October 2007

The Presiding Member called on Mrs Manea (member of the Bunbury Timber Jetty Environment and Conservation Society Inc.) to provide comment in relation to the recommendation listed in the report. Mrs Manea raised the following points:

1. The engineering firm that are doing all the planning for the demolition and reconstruction of the jetty are extremely efficient and most cooperative. However, the Society considers the proposed start date for works of April 2008 as being too late due to inclement weather at that time of year. This could possibly result in more expense to restore the jetty.
2. The Society has an agreement with the Council to look after the jetty for 10 years. The 10 years is up on 31 December 2007.

Cr Dillon moved, Cr Major seconded the recommendation (as listed in the report) and it became the motion under discussion.

During discussion Cr Craddock suggested that the following points 3 and 4 be added to the motion:

- “3. Council to request of Landcorp to make every genuine endeavour to bring forth the commencement of works to an earliest-start date given the inclement conditions which prevail in Bunbury as from April.
4. CEO to liaise with the Bunbury Timber Jetty Environment and Conservation Society to arrange for an ongoing agreement for maintenance of the Jetty once the current arrangement is complete.”

The mover and seconder agreed to include these points in their motion.

The Presiding Member put points 1 and 2 of the motion to the vote and it was adopted to become the Committee’s recommendation on this issue.

Points 1 & 2: Carried 11 votes “for” to nil votes “against”

The Presiding Member then put points 3 and 4 of the motion to the vote and it was adopted to become the Committee’s recommendation on this issue.

Points 3 & 4: Carried 11 votes “for” to nil votes “against”

For ease of reference, the full Committee recommendation is provided below:

Committee Recommendation

- 1. Council advise Landcorp it will contribute \$3.5(M) towards the Bunbury Timber Jetty component of Stage 1 of the Bunbury Waterfront Project noting that Council's commitment will be part of the proceeds of the sale of Lots 210 and 211 Holywell Street (formerly the Punchbowl Caravan Park site).**
- 2. In respect to the City preparing a sustainable Business Plan for the ongoing management and maintenance of the Bunbury Timber Jetty - Landcorp to be advised that the City is aware that subsequent stages of the Bunbury Waterfront Project will include development of the foreshore areas around the old jetty. Although Project definition is not completed, it is expected that opportunities to generate revenue through particular leasehold agreements will emerge in relation to water-based and tourism related activities.**
- 3. Council to request of Landcorp to make every genuine endeavour to bring forth the commencement of works to an earliest-start date given the inclement conditions which prevail in Bunbury as from April.**
- 4. CEO to liaise with the Bunbury Timber Jetty Society to arrange for an ongoing agreement for maintenance of the Jetty once the current arrangement is complete.**

CARRIED

11 Votes "For"/Nil Votes "Against"

10. RECEPTION OF FORMAL PETITIONS AND MEMORIALS

Nil.

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

11.1 BUNBURY AIRPORT SITE NO 29B PARTIAL ASSIGNMENT OF LEASE

File Ref:	F00162 (L121)
Applicant/Proponent:	Peter Heyworth, Dharmendran Chelvanayagam and Lester Northey
Author:	Liz Allan, Administration Officer Corporate Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

An application has been received from Messrs Peter Heyworth, Dharmendran Chelvanayagam and Lester Northey (“Lessees”) seeking Council’s consideration to assign Mr Northey’s Partial Lease over Bunbury Airport Site No. 29B South Western Highway, Bunbury, to Mr David Offer (“Assignee”). The Lease is due to expire on 30 June 2011 with no further option.

It is the Assignee’s intention to continue to use the site for the storage of aircraft. A copy of the site plan is **attached** at Appendix 1.

Background

The Lessees hold a Lease over Site No. 29B (525m²) for the storage of aircraft.

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

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

Fees for airport hangar sites have previously been endorsed by Council.

Lease Details

Current Lease Commenced:	1 July 2001 (exercised option in 1 July 2006)
Current Lessees:	Peter Heyworth, Dharmendran Chelvanayagam and Lester Northey
Proposed Lessees:	Peter Heyworth, Dharmendran Chelvanayagam and David Offer
Term:	Five (5) years with a further (5) years
Expiry Date:	30 June 2006 (with an option to 2011)
Annual Rental:	\$1961.11 plus GST

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Administration Fee:	\$32.53 per annum plus GST
Rent Review	Annual Rental is adjusted annually in accordance with Council's Commercial and Industrial Municipal Rate. The Administration Fee is adjusted annually in accordance with the Consumer Price Index.
Permitted Use:	Storage of Aircraft
Lease Area:	42m x 12.5m (525m ²)
Outgoings:	Responsibility of Lessee
Insurance:	Lessee to maintain Public Risk Insurance and General Insurance on the building. Public Liability to be set at \$5(M)
Preparation of Lease:	\$250 includes documentation, registration and advertising

The City's Executive, the Lessees and Assignee have mutually agreed on the Terms and Conditions of Partial Assignment for the unexpired term of the lease.

Strategic and/or Regional Outcomes

Strategic Outcomes

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

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

Regional Outcomes

The proposal provides opportunities to interested persons from the Greater Bunbury Region to use the Bunbury Airport.

Community Consultation

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

Councillor/Officer Consultation

Council officers have held discussions with the Lessees and Assignee and have mutually agreed on the Terms and Conditions of Partial Assignment for the unexpired term.

Analysis of Financial and Budget Implications

Fees for airport hangar sites have previously been endorsed by Council. The Annual Lease Rental is to be increased annually in line with Council's *Commercial and Industrial Rate* increases throughout the lease term. The Administration Fee is to be increased annually in line with the Consumer Price Index. Municipal Rates are paid on airport hangar sites.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The use of aircraft provides economic benefits to suppliers.

Social Issues

The activity provides an avenue for like-minded enthusiasts to participate.

Environmental Issues

The application does not conflict with the “Bunbury Airport Location Analysis Study City of Bunbury” compiled by Connell Wagner Pty Ltd in April 2004.

The activity is in keeping with the amenities of the area.

Heritage Issues

There are no known heritage issues associated with the proposal.

Council Policy Compliance

All leases at the Bunbury Airport expire on the common expiry date of 30 June 2011.

Legislative Compliance

The intention for a Partial Assignment of the Lease will be advertised for a period of fourteen (14) days in accordance with Section 3.58 (3) and (4) of the Local Government Act 1995.

Delegation of Authority

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

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

Relevant Precedents

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

Various airport Leases and Assignments have been approved by Council.

Options

Option 1: Per the recommendation.

Option 2: Council not support the proposal for Partial Assignment of the Lease over Bunbury Airport Site No. 29B Reserve 27686, Lot 455 South Western Highway, Bunbury.

Conclusion

Messrs Heyworth, Chelvanayagam and Northey and Pantlin are seeking Council approval for Partial Assignment over the unexpired term of Lease over Site No. 29B to Mr David Offer for the purpose of storage of aircraft.

The proposal to enter into the Partial Assignment meets the following objectives.

1. The City will meet its responsibilities for the management, care and control of Reserve 27686, Lot 455 South Western Highway, Bunbury, for the benefit of an "Airport".
2. Mr David Offer will enter into a lease arrangement with Peter Heyworth and Dharmendran Chelvanayagam which will provide him with security of tenure and protection of assets.
3. The Terms and Conditions of the Partial Assignment have been mutually agreed to by the City's Executive, the Lessees and the Assignee.

Recommendation

1. Council agrees to grant an Assignment of Lease over portion of Bunbury Airport Site No. 29B, Reserve 27686, Lot 455 South Western Highway, Bunbury, to David Offer for the unexpired term of the lease in accordance with the terms and conditions specified in the report.
2. Public notice of the intention to Assign the Lease will be provided in accordance with Section 3.58(3) and (4) of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration Centre and Libraries, and a notice published in the "City Update" column of the Bunbury Mail Newspaper.
3. Approval for the Partial Assignment of Lease be sought from the Minister for Lands.
4. Subject to no objecting submissions being received, the Chief Executive Officer be authorised to proceed with the Deed of Partial Assignment of Lease.

Outcome of the Council Committee Meeting – 9 October 2007

Cr Leigh disclosed an impartiality interest as he knows the applicants. Cr Leigh left the room at 6.25pm for the duration of the discussion and vote on this item.

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 agrees to grant an Assignment of Lease over portion of Bunbury Airport Site No. 29B, Reserve 27686, Lot 455 South Western Highway, Bunbury, to David Offer for the unexpired term of the lease in accordance with the terms and conditions specified in the report.**
- 2. Public notice of the intention to Assign the Lease will be provided in accordance with Section 3.58(3) and (4) of the Local Government Act 1995, through notices displayed on Public Notice Boards at the City's Administration Centre and Libraries, and a notice published in the "City Update" column of the Bunbury Mail Newspaper.**
- 3. Approval for the Partial Assignment of Lease be sought from the Minister for Lands.**
- 4. Subject to no objecting submissions being received, the Chief Executive Officer be authorised to proceed with the Deed of Partial Assignment of Lease.**

CARRIED

10 Votes "For"/Nil Votes "Against"

Cr Leigh returned to the meeting at 6.29pm.

**11.2 COMMUNITY SPORT AND RECREATION FACILITY FUND ("CSRFF")
APPLICATION - BUNBURY BOWLING CLUB INC.**

File Ref:	A02912
Applicant/Proponent:	Internal Report
Author:	Bill Carlsen, Recreation Planner
Executive:	Domenic Marzano, Executive Manager City Life

Summary

Council has received a Community Sport and Recreation Facilities Fund ("CSRFF") grant application from a local sporting body - Bunbury Bowling Club Inc. – and, before the application can proceed further, it requires Council support. A copy of the application is **attached** at Appendix 2.

The application is in line with recommendations contained within the City of Bunbury Recreation Plan and specifically the strategic aim to *"increase recreation objectives for the community"*.

A Council decision is required urgently to allow the CSRFF application to be submitted to the Department of Sport and Recreation before the 1 November 2007 deadline.

Background

The Department of Sport and Recreation ("DSR") administers the CSRFF grant-funding programme for annual or forward-planning grants. Priority is given to projects that lead to facility sharing and rationalisation. Multi-purpose facilities reduce the infrastructure required to meet similar needs and increase sustainability.

The CSRFF programme operates on a reimbursement system. Grantees are required to demonstrate that their project is complete and that they have expended the funds equivalent to the full cost of the project before a CSRFF grant is paid in full. CSRFF grants are paid to the grantee only. Applicants will need to ensure they are able to carry the full cost of the project for the period between project completion and CSRFF grant payment.

Applicants first discuss their proposal with the DSR's Regional Manager for receipt of a formal CSRFF application form. The DSR takes this opportunity to identify any shortcomings and offer assistance to bring an application up to an acceptable standard. The relevant local government is then required to vet the application, allocate priorities and rank the application prior to making submission to the DSR. CSRFF applications for the 2007/2008 financial year close at the end of October 2007 and the South West Regional Manager is prepared to accept submissions from Bunbury on Thursday, 1 November 2007. Successful applicants are expected to be advised in February/March 2007.

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The cost (including GST) of the project and the source of funding are provided below:

Funding Source:	Bunbury Bowling Club Inc.
Council Contribution:	\$0
Applicant's Cash Contribution:	\$32,935
Volunteer Labour:	\$0
Other (e.g., self-supporting loan)	\$0
Donated Materials:	\$0
CSRFF Application:	\$16,468
Total Cost of Project:	\$49,404

The DSR requires projects to be rated and ranked by Council using the following criteria:

Project Rating

- Well planned and needed by the municipality
- Well planned and needed by the applicant
- Needed by the municipality - more planning required
- Needed by the applicant – more planning required
- Idea has merit – more preliminary work needed
- Not recommended

Priority Ranking

Each proposal is to be listed as a 1, 2 or 3 priority.

A summary of the applications received together with the proposed project rating and priority ranking is provided in the table below. Council has the opportunity to amend the project rating and re-prioritise the proposed ranking. Council is not required to go through this process in this round of CSRFF funding as only one application has been received.

Applicant:	Bunbury Bowling Club Inc.
Project Summary:	Installation of light towers for one bowling green
Council Funds Required:	Nil
Proposed Project Rating:	Well planned and needed by the applicant - the project is in accordance with recommendations in the City of Bunbury Recreation Plan.
Proposed Priority Ranking:	1

It is proposed that the Council approve the Bunbury Bowling Club's CSRFF application.

Strategic and/or Regional Outcomes

The proposed construction of lighting at the Bunbury Bowling Club is consistent with the City's Recreation Plan in that it will facilitate the growth and provision of increased recreational opportunities for the benefit and well being of the community.

Community Consultation

Council is not required to undertake community consultation associated with developments proposed under the CSRFF programme as the applicants must describe the consultation processes undertaken in relation to their own project.

Councillor/Officer Consultation

While putting together its application, the Bunbury Bowling Club Inc. consulted extensively with the City's Sport and Recreation Club Development Officer, Recreation Planner and Manager of the Southwest Region of the DSR.

Analysis of Financial and Budget Implications

Additional funding in the 2007/2008 budget is not required.

If the CSRFF application is approved the applicant does not require any Council funding and it will have no impact on the 2008/2009 budget.

Economic, Social, Environmental and Heritage Issues

Apart from those discussed above, no other economic or social issues have been identified.

No heritage issues have been identified.

Council Policy Compliance

There are no Council policies applicable to CSRFF applications.

Legislative Compliance

The proposal does not contravene any legislative requirements.

Delegation of Authority

Council officers do not have delegated authority to finalise the processing of CSRFF grant applications.

Relevant Precedents

The maximum CSRFF grant approved by the State Government will be no greater than one third of the total estimated cost of the applicant's project and must be matched by the applicant's own cash contribution. Furthermore the balances of one third funds required are to be sourced by the applicant.

Council has previously considered CSRFF grant applications for third parties. However, the Bunbury Bowling Club Inc. is not seeking any financial contributions from Council as part of its CSRFF application.

Options

There are no known alternative options in relation to the processing of CSRFF grant applications.

Conclusion

A decision is required to allow for this CSRFF application to be submitted to the DSR by the deadline of 1 November 2007. The Bunbury Bowling Club Inc. has shown the drive to increase its membership by planning to install lights on its greens which will cater for the Club's future needs and expansion. The Club has actively sought the advice of the City's Club Development Officer and DSR staff in completing its application.

With sound management of its club the Bunbury Bowling Club Inc. has put aside a substantial amount of cash to pay for the project and has not asked for any financial assistance for this project from the Council. Given the Club's strong financial support for the project and that it will facilitate the growth and provision of increased recreational opportunities for the Bunbury community, it is recommended that Council approve the application and give a number one ranking to the project.

Recommendation

The Bunbury City Council ranks the Bunbury Bowling and Social Club Inc. proposal as "CSRFF Priority 1" and approves the CSRFF application from the Bunbury Bowling and Social Club Inc.

Outcome of the Council Committee Meeting – 9 October 2007

Cr Dillon disclosed an impartiality interest as he belongs to another bowling club. Cr Dillon left the room at 6.29pm for the duration of the discussion and vote on this item.

Cr Wenn disclosed an impartiality interest as he belongs to another bowling club. He elected to remain at the meeting and take part in the discussion and vote on this subject.

The recommendation was moved Cr Major, seconded Cr Craddock.

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

Committee Recommendation

The Bunbury City Council ranks the Bunbury Bowling and Social Club Inc. proposal as "CSRFF Priority 1" and approves the CSRFF application from the Bunbury Bowling and Social Club Inc.

CARRIED

10 Votes "For"/Nil Votes "Against"

Cr Dillon returned to the meeting at 6.31pm.

11.3 FINANCIAL STATEMENTS FOR MONTHS OF JULY, AUGUST & SEPTEMBER 2007

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

Financial Statements for September 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	<i>Significant Accounting Policies</i>
Note 2	<i>Description of Programmes</i>
Note 3	<i>Net Current Assets</i>
Note 4	<i>Receivables</i>
Note 5	<i>Other Financial Assets</i>
Note 6	<i>Payables</i>
Note 7	<i>Provisions</i>
Note 8	<i>Trust Funds</i>
Note 9	<i>Capital Expenditure</i>
Note 10	<i>Key Operating Expenditure and Income</i> (budget exceeding \$20,000)
Note 11	<i>Loan Funds</i>
Note 12	<i>Reserve Funds</i>
Note 13	<i>Bunbury Timber Jetty</i>
Note 14	<i>Investment Funds</i> (rate of return benchmarked against International Index)

Financial Statements for the month of July and August 2007 will be tabled at the meeting for the information of members.

Recommendation

Financial Statements for the months of July, August and September 2007, be received.

Outcome of the Council Committee Meeting – 9 October 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

Financial Statements for the months of July, August and September 2007, be received.

CARRIED

11 Votes “For”/Nil Votes “Against”

11.4 RETROSPECTIVE PLANNING APPROVAL, PROPOSED LANDFILL – LOTS 218 AND 219 ELIZABETH CRESCENT, SOUTH BUNBURY

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

Summary

This item was referred back from the Council Meeting held on 18 September 2007 (Item 11.1) to the current Council Committee meeting.

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

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

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

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

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

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

Background

The subject site originally rose very steeply from the lowest corner, approximately 5 metres, rising to approximately 21 metres at the highest point. **Attached** plan at Appendix 3 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. Appendix 4 includes photographs of the current levels of the site.

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

Proposal

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

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

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

The proposal was advertised for public comment and adjoining owners were requested to provide comment with the submission period closing on 1 June 2007, and four (4) submissions were received. Details of the submissions are outlined in the attached Schedule of Submissions included at Appendix 5. The principle issues raised in the submissions include:

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

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

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 set back from boundaries in accordance with the R Codes. The setback to the boundaries for retaining walls increases with the height of the retaining wall.

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

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

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

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

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

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

Strategic and/or Regional Outcomes

Council's 2002 – 2007 Strategic Plan states that Bunbury City Council has a goal to *“have a built environment which is safe, accessible, functional, attractive and sympathetic with the natural environment”*. To achieve this goal, the Strategic Plan specifies assessment and approvals of all development proposals within the context of the Town Planning Scheme.

Community Consultation

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

- 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 and requires the proponent to remove all unauthorised fill material and building rubble from the site and to reinstate the site to its original ground level.

Conclusion

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

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

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

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

Recommendation

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

1. All development shall be in accordance with the approved development plans, which form part of this Planning Approval. (Copy of plan **attached** at Appendix 6.)

2. This approval shall expire unless the works authorised have been commenced within three months and completed within six months of the date of issue, or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.
3. The proponent to remove fill material to achieve a maximum fill level on the site to a level the same as the existing kerb level for Elizabeth Crescent adjacent to the site to the satisfaction of the City Engineer.
4. The proponent removes all rubbish and building material from the site to the satisfaction of the City Engineer.
5. The proponent to undertake stabilisation works on the batter slopes and finished site level of the site to avoid sand drift and any potential dust nuisance to the satisfaction of the City Engineer.
6. The proponent to provide a geotechnical report and compaction certificate for the finished fill level of the site to the satisfaction of the City Engineer.
7. The proponent to include a Section 70A notification to the satisfaction of the Manager Development Services on the title of the property to advise potential purchasers of the property that the maximum height for building development is limited to 9 metres from the original ground level of the site as defined on the original ground level plan attached to the notification.

Notes: 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 – 9 October 2007

The Presiding Member called for public speakers.

Mr David Jones of Insitu Planning and Design (acting on behalf of the applicant) addressed the Committee in favour of the recommendation and responded to questions from Committee members.

The City's Planning Consultant responded to questions from Committee members concerning the history of this site, the legality of the landfill situated on it and the landfill levels.

The recommendation was moved Cr Major, seconded Cr Craddock.

During discussion, Cr Dillon suggested the following amendment:

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“8. *Council to give serious consideration to its divestment of the adjoining land on the western end of the filled site, being a Council-owned reserve, with a playground in place. This property has many trees which may well be proven to be dangerous.*”

The mover and seconder did not agree to include this in the motion.

After some discussion on members’ concerns over health and safety at the site (content and retaining of the fill), the motion (unamended) was put to the vote and defeated 3 votes “for”/8 votes “against”.

The following new motion was moved Cr T Smith, seconded Cr Dillon:

“That a subdivision site plan be prepared and referred back to Council within three (3) months.”

Following further discussion, the Presiding Member put the motion to the vote and it was adopted to become the Committee’s recommendation on this issue.

Committee Recommendation

That a subdivision site plan be prepared for Lots 218 and 219 Elizabeth Crescent, Bunbury, and referred back to Council within three (3) months.

CARRIED

8 Votes “For”/3 Votes “Against”

11.5 PROPOSED 14 STOREY MIXED USE RESIDENTIAL, RETAIL AND COMMERCIAL DEVELOPMENT LOT 34 (NO 12) VICTORIA STREET, BUNBURY

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

Summary

The City has recently received a Planning Application from Hartree and Associates, Architects on behalf of Raeside Pty Ltd (see Directors names **under separate cover**), for a new 14 Storey Mixed Use Residential, Retail and Commercial development on the current Reef Hotel site.

The proposed development comprises 14 storeys with ground floor retail including a small supermarket and a café, second and third floor comprises commercial (office) and 11 storeys of residential apartments comprising a total of 27 x 3 bedroom apartments. The development includes three levels of car parking on ground, first and second floors.

The proposed development achieves an overall plot ratio of 3.92 which is in accordance with the overall plot ratio requirements under Town Planning Scheme No 7 (TPS 7). The Scheme provides for a plot ratio of 3.5 in the City Centre Zone with up to a 20% bonus in accordance with Clause 5.9.2.2.1.

In accordance with the City Centre Zone residential plot ratio is limited to 1.25 in accordance with the R100 requirements of the Residential Design Codes. The proposed development includes a plot ratio of 2 for the Residential component. It is considered that the increased residential plot ratio is appropriate for the proposed development.

It is recommended that Council approve the proposed development including the plot ratio of 2 for the Residential component. The building design includes three residential units on floors 4 to 8 and two residential units on floors 9 to 14. On this basis, the residential units are well set back from adjoining site boundaries and the development is considered adequate in regard to access to sunlight and overall residential amenity.

The proposed development was advertised for public comment for a 21-day period including advertising notices onsite, letters to adjoining owners and in the local newspaper, and eleven (11) submissions have been received from nearby property owners and other organisations.

The proposed design is generally considered acceptable and it is recommended that Council approve the development with a plot ratio of 3.92 for the overall development including a plot ratio of 2 for the Residential component.

Background

In accordance with TPS 7 the site is zoned 'City Centre' and the proposed Mixed Use Residential, Retail and Commercial development is a use that can be permitted subject to compliance with City of Bunbury, TPS 7 and the Residential Design Codes.

The site is currently developed with the Reef Hotel which is listed on the City of Bunbury Municipal Inventory and Heritage List under TPS 7.

The City of Bunbury, Heritage Committee advises it recommends that a professionally prepared interpretation plan be prepared by the applicant for consideration by the Heritage Committee.

The Heritage Committee also recommends that the interpretation plan include reference to the former Pier Hotel which was located on the site and that an archival and photographic record of the place be prepared and submitted for consideration.

It is recommended that a condition be included on the approval requiring provision of a professionally prepared interpretation plan prior to issue of a building licence or demolition permit for the existing building.

Proposal

The City has recently received a Planning Application from Hartree and Associates, Architects on behalf of Raeside Pty Ltd, for a new 14 Storey Mixed Use Residential, Retail and Commercial development on the current Reef Hotel site.

The proposed development comprises 14 storeys with ground floor retail including a small supermarket and a café, second and third floor comprises commercial (office) and 11 storeys of residential apartments comprising a total of 27 x 3 bedroom apartments. The development includes three levels of car parking on ground and first and second floors.

The proponents advise that the intention of the building design is to create a design that provides a combination of forms, materials and details, with pragmatic resolution of the special requirements of light, ventilation, climate and privacy.

Further, the proponents advise that the overall plan of the ground floor is based around an internal street that divides uses and provides access to shopper parking, service loading, rubbish pick up and access to an anticipated express-style supermarket/delicatessen.

The other half accommodates the commercial and residential lobby and specialty retail. The Victoria Street elevation pays homage to the existing hotel by providing a pedestrian colonnade with an upper verandah. To the north, an open sun court/alfresco space provides a natural extension to the public open space of Guppy Park opposite.

The proponents advise that the proposal is for a multi-storey mixed use development of sufficient overall height to provide a visual bookend to the north end of Victoria Street to identify the extent of the CBD and counter the Bunbury Tower to the south.

Attached plan 1 at Appendix 7 shows the elevations of the proposed development. Attached plan 2 at Appendix 8 shows the ground floor, first and second floors, and typical layout for floors 4 to 14 of the proposed development.

State Coastal Planning Strategy

The subject land partially falls within the 300 metre area from the State coastline, measured from the horizontal datum (HSD) determined in accordance with the Western Australian Planning Commission, Statement of Planning Policy No 2.6.(SPP).

The City and developers are required to have “due regard” to the Statement of Planning Policy for consideration of any development proposals within the 300 metre area, however, do not need to comply precisely with the provisions of the policy.

The SPP generally states that the height of buildings should be limited to 5 storeys, although higher structures up to 8 storeys could be considered subject to consideration of various requirements including the following:

1. There is broad community support for higher buildings following a process of full consultation.
2. The proposed development is suitable for the location taking into account the built form, topography and landscape character of the surrounding area.
3. The location is part of a major tourist or activity node.
4. The amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore area.
5. There is visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.

The SPP outlines that a varied distance from the horizontal setback datum may be approved as part of controls set out in a local planning scheme, on the basis of appropriate analysis with reference to built form, amenity, landscape and topography having regard to cadastral boundaries.

Having “due regard” to the SPP it is considered that given the sites location in the CBD central core area and negligible impact on the foreshore the proposal can be exempt from the requirements of the State Coastal Planning Strategy.

The SPP outlines the following exemption:

- “(e) The need for provision of development nodes on the coast is recognised and should provide for a range of facilities to benefit the broader public. Such nodes may be developed within the setback but should only be located where necessary ancillary coastal protection structures would not result in erosion or destabilisation of adjacent*

coast. Nodes should be located on stable areas and should avoid areas of high natural landscape or resource value.”

The SPP outlines that development which falls within the above possible exemption type will be assessed on a case by case basis and in consultation with other relevant agencies and the community as considered appropriate.

Marlston Hill Stage 2 Design Guidelines

The subject land is located within the Marlston Hill (Stage 2) Design Guidelines (MHS2DG) area which specifies a maximum building height of 3 storeys with no more than 2 storeys (7.5 metres to the eaves) for any single wall height where a street frontage exists.

Clause 1.3 of the Guidelines states that Development in accordance with the Guidelines is deemed to comply. However, alternative designs may be considered subject to demonstration that the proposed development is in keeping with the objective and intent of the Design Guidelines and subject to Council approval.

The proposed building includes an overall height of 14 storeys; hence, a variation to the Guidelines is required. The proposed building height is consistent with the City Vision recommendations for buildings in the central core area of the CBD and the requirements of TPS 7 as discussed below. It is recommended that Council approve the proposed building height.

The MHS2DG also outlines requirements for a pitched roof with a minimum pitch of 25 degrees. The proposed development includes a flat roof; hence, a variation of the roof pitch requirement is also required.

The proposed design of the building incorporates a mixture of textures and materials with colonnades along Victoria Street and verandah to Carey Street which contribute to the overall streetscape and appearance of the development. It is recommended that Council approve variation of the requirement for provision of a pitched roof.

The MHS2DG outline that Council will encourage the use of Guppy Park as a local landmark and meeting place by encouraging active building frontages and pursuing an appropriately high level of landscaping and urban design.

It is considered that the proposed building design with ground floor commercial uses and setback to Carey Street is consistent with the objectives for Guppy Park as outlined under the MHS2DG.

Building Height

The proposed development achieves an overall plot ratio of 3.92. This is generally in accordance with the overall plot ratio requirements under TPS 7 which provide for a plot ratio of 3.5 in the City Centre Zone. The scheme also allows for up to a 20% bonus in plot ratio in accordance with Clause 5.9.2.2.1.

With a 20% bonus on the 3.5 plot ratio, the site could potentially accommodate an overall plot ratio of 4.2. On this basis, the proposed development plot ratio of 3.92 is less than the potential plot ratio which could be achieved on the site.

In accordance with Clause 5.9.2.2.1 the bonus plot ratio may be permitted where the development includes a colonnade adjacent to a street or is set back from the side boundaries such that distance that the local government considers justifies an increase in the permissible plot ratio.

The proposed development includes a colonnade to Victoria Street and the setback to Carey Street facilitates views and access through to Guppy Park from the development. Also, the proposed residential units are well set back from adjoining site boundaries which is considered desirable in regard to access to sunlight and overall residential amenity.

In accordance with the City Centre Zone residential plot ratio is limited to 1.25 in accordance with the R100 requirements of the Residential Design Codes. The proposed development includes a plot ratio of 2 for the Residential component. It is considered that the increased residential plot ratio is appropriate for the proposed development.

The overall plot ratio for the building is retained at 3.92 including the residential component. The overall building bulk and height including the residential component is the same as could be accommodated for office and commercial development.

Provision of increased residential densities is consistent with contemporary planning principles of sustainable urban development. These include increased activity life and vitality in City centres. Reducing transport, infrastructure costs and travel time with people living closer to work, services and recreational facilities.

It is recommended that Council approve the proposed development including the plot ratio of 2 for the Residential component. The building design includes three residential units on floors 4 to 8 and two residential units on floors 9 to 14.

The proposed building height is consistent with City Vision framework for buildings in the central core of the City Centre. The City Vision building height recommendation states:

“That height in the commercial core of the CBD defined as both sides of Wittenoom, Stephen, Victoria and Carey Streets is determined on the basis of complementary development with the Bunbury Tower and the Old Silos hotel development”.

The Bunbury Tower has an overall height of 68.7 metres AHD and the Silos Hotel development has a height of 30.8 metres. The proposed development with an overall height of 53.5 metres AHD is lower than the Bunbury Tower.

Setbacks

The City Centre Zone provisions of TPS 7 provide for building setbacks as required by the Local Authority. The building design includes a ground level setback between 4 and 6 metres to Carey Street and 2 to 3 metres to Victoria Street.

Second and third floor levels adjacent to Victoria Street extend to the property boundary with colonnades along the property boundary. Second and third floor levels adjacent to Carey Street extend forward of the ground floor retail units.

The building design includes parapet boundary walls along the right of way adjoining to the north of the site and the eastern boundary for the first three levels.

Setbacks for Residential units achieve in excess of the required setbacks in accordance with the Residential Design Codes.

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

Submissions received during the advertising period outlined concerns with the proposed building height and potential loss of views, wind shear and reduced land values for existing developments in the area.

In terms of impacts on views for adjoining properties, it is generally acknowledged that views cannot be guaranteed as a significant planning consideration. The proposed development is appropriately set back in accordance with TPS 7 and Residential Design Codes Requirements.

Car Parking and Access

In accordance with TPS 7 requirements the proposed development requires a total of 123 car parking bays. The proposed development plan includes provision of 94 car parking bays including 2 car parking bays for each multiple dwelling and 40 car parking bays for the commercial development. On this basis, an additional 29 car parking bays would be required.

It is noted that the proposed car parking layout will require some modification to increase width of end bays and provide adequate turning areas on each floor which may require removal of some parking bays.

Also, the proposed development includes two access driveways to Victoria Street which would require removal of 4 existing verge parking bays from the road reserve. Further, the proposed bin storage area is required to be increased to a minimum dimension of 3.8 x 4.2 metres which would require removal of one parking bay.

On this basis, overall an additional 34 car parking bays would be required for the development including 4 bays to replace lost verge parking and one bay for an increased bin

storage area. The proponent advises that the design plans for the development can be modified to include the required car parking.

Alternatively, the proponent could pay cash in lieu for the entire shortfall in car parking or provide some additional bays on site with cash in lieu for the balance. It is recommended that a condition be included on the Planning Approval requiring provision of an additional 34 car parking bays on site or cash in lieu.

Notwithstanding the above, Clause 5.7.1.9 of TPS 7 states: *“Within the City Centre Zone, car parking spaces associated with developments of up to 2,000 square metres gross floor area may not be required, however, any development in excess of 2,000 square metres gross floor area is to provide for adequate onsite car parking as determined by the local government”*.

On this basis, the Council could allow for a reduction in the car parking spaces for up to 2000 square metres for the proposed development. The current proposed 94 car parking bays would then be in excess of the car parking requirements and no additional car parking spaces would be required.

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

Notwithstanding, Development Services is not advocating that this position be taken. Development Services considers that in light of recent discussions (reference for example the most recent briefing session on the Stirling Centre redevelopment) regarding CBD developments and concerns expressed by Councillors, it is considered that the matter of the provision of car parking deserves to be treated as a priority issue to avoid serious future shortfalls in car parking in the CBD area.

With recent concerns with availability of car parking in the CBD, the parking provisions under the Scheme are considered appropriate for new developments to provide the full car parking provision in accordance with TPS 7 requirements.

Submissions received during the advertising of the proposal outlined concerns with increased noise levels, increased traffic and potential for traffic conflicts. The proposed access and car parking arrangement is considered suitable and provision of two crossovers with a one-way system will minimise potential for traffic conflicts.

Traffic management is not considered to be a significant issue in regard to the proposed development and can be appropriately addressed as a condition of planning approval.

It is recommended that a condition be included on the approval requiring preparation of a traffic management plan to the satisfaction of the City Engineer. Also, the design and layout of the car parking and access will be required to be designed and constructed to the satisfaction of the City Engineer.

Strategic Outcomes

Council's 2002 – 2007 Strategic Plan states that Bunbury City Council has a goal to *“Have a built environment which is safe, accessible, functional, attractive and sympathetic with the natural environment”*. To achieve this goal, the Strategic Plan specifies assessment and approvals of all development proposals within the context of the Scheme. The proposed policy is consistent with this goal.

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

Community Consultation

The proposed development was advertised for public comment for a 21-day period including advertising notices onsite, letters to adjoining owners and in the local newspaper, and eleven (11) submissions were received. Appendix 9 **attached** includes a Schedule of Submissions.

The submissions were generally from residents or owners of nearby existing properties. The submissions generally outline concerns with the proposed development in regard to:

- Proposed building height with potential loss of views and reduced privacy from existing properties
- Reduced property values
- Increased traffic conflicts and noise
- Wind tunnel effects
- Waste and litter
- Potential anti social behaviour
- Overshadowing

The issues raised in the objections are noted and have been addressed within the submission schedule, however, the proposed development is considered by Development Services staff to be satisfactory.

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

The building height is consistent with the City Vision central core where development is to be determined on the basis of being complementary with the Bunbury Tower and the Old Silos development.

Adequate car parking is provided onsite for the proposed development and is generally in excess of TPS 7 requirements. The design of access to the development aims to minimize potential for conflict with vehicles and pedestrians.

Issues in regard to wind have been addressed with orientation of the building for prevailing winds. The design of the building and orientation also addresses issues of shadow of

adjoining buildings. It is anticipated overshadowing will be minimized by the building boundary setbacks and orientation.

Waste and litter disposal is facilitated within the development. Noise and vandalism issues associated with dense population are only likely to be similar to current issues in the central area. The proposed development will provide high quality inner city living which has potential to discourage anti social behaviour.

Councillor/Officer Consultation

This matter has been reviewed by Council staff within the Development Coordination Unit and 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

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

Council Policy Compliance

The proposal requires variation of provisions of the City's Local Planning Policy "*Marlston Hill (Stage 2) Design Guidelines*" in terms of Clause 3.2 Building Height, and Clause 4.2 Roofscape.

The proposal requires consideration in accordance with the City of Bunbury, Local Planning Policy, Car Parking Strategy and TPS 7 Clause 5.7.1.9 for the shortfall of 34 car parking spaces.

Legislative Compliance

The proposal requires variation to the *Marlston Hill (Stage 2) Design Guidelines* to vary requirements for building height and roofscape.

The proposal also requires variation of TPS 7 and the Residential Design Codes to increase the plot ratio provision for the Residential component of the development from 1.25 to 2.

Delegation of Authority

Interpretation of City's Local Planning Policy – *'Marlston Hill (Stage2) Design Guidelines'* and City's Local Planning Policy – car parking is delegated to the Chief Executive Officer, Executive Manager City Development and Manager Development Services.

Relevant Precedents

Council recently approved development of Lot 222 Abrahamson Mews (known as The Shed) including a 5 storey section of building fronting Casuarina Drive as a variation to the Marlston Hill Design Guidelines.

There is no known precedent for increase on the plot ratio requirement for the Residential component of the proposed development.

Options

Option 1: Per the recommendation.

Option 2: Council resolve not to approve the proposed development for the following reasons:

1. The proposed residential plot ratio of 2 exceeds the plot ratio requirement of 1.25 in accordance with the R100 density code required by Clause 5.9.2.3.1 of the City of Bunbury TPS 7
2. The proposed residential plot ratio of 2 exceeds the plot ratio requirement of 1.25 in accordance with the R100 density code under the Residential Design Codes.

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

Council, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 2005, hereby resolves to refuse to grant approval to Hartree and Associates, Architects on behalf of Raeside Pty Ltd, for a new 14 Storey Mixed Use, Residential, Retail and Commercial development on Lot 34 (No 12) Victoria Street, Bunbury, for the following reasons:

- i) The proposed design does not comply with City's TPS 7 which requires a maximum plot ratio of 1.25 for multiple dwelling developments under the R100 Code.
- ii) The proposed design does not comply with the Residential Design Codes which require a maximum plot ratio of 1.25 for multiple dwelling developments under the R100 Code.

- iii) The proposed design does not comply with the provisions of the City's Local Planning Policy "*Marlston Hill (Stage 2) Design Guidelines*" in terms of Clause 3.2 Building Height, and Clause 4.2 Roofscape.
- iv) The proposed development does not comply with Western Australian Planning Commission, Statement of Planning Policy No 2.6. (SPP) regarding recommended building height.

Conclusion

The proposed development seeks variation of requirements of the Marlston Hill (Stage 2) Design Guidelines (MHS2DG) in regard to Building Height and Roofscape. The Guidelines state that Council may consider alternative designs which vary from the guidelines subject to demonstration that the proposed development is in keeping with the objective and intent of the Design Guidelines.

The proposed development achieves an overall plot ratio of 3.92. This is generally in accordance with the overall plot ratio requirements under TPS 7 which provide for a plot ratio of 3.5 in the City Centre Zone. The scheme also allows for up to a 20% bonus in plot ratio in accordance with Clause 5.9.2.2.1.

It is recommended that Council approve the proposed development including the plot ratio of 2 for the Residential component. The proposed building height is consistent with City Vision framework for buildings in the central core of the City Centre to be consistent with the existing Bunbury Tower and Old Silos building.

In accordance with TPS 7 requirements the proposed development requires a total of 123 car parking bays. The proposed development plan includes provision of 94 car parking bays including 2 car parking spaces for each multiple dwelling.

Overall an additional 34 car parking spaces are required for the development including 4 bays to replace lost verge parking and one bay for an increased bin storage area. It is anticipated that the design of the building can be modified to include the additional car parking spaces.

Alternatively, the proponent could pay cash in lieu for the entire shortfall in car parking or provide some additional bays on site with cash in lieu for the balance. It is recommended that a condition be included on the Planning Approval requiring provision of an additional 34 car parking bays on site or cash in lieu.

Recommendation

Council, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 2005, hereby resolves to grant approval to Hartree and Associates, Architects on behalf of Raeside Pty Ltd, for a new 14 Storey Mixed Use, Residential, Retail and Commercial development on Lot 34 (No 12) Victoria Street, Bunbury subject to the following conditions;

1. All development shall generally be in accordance with the approved development plans which form part of this Planning Approval.
2. This approval shall expire unless the works authorised have been commenced within twelve months and completed within two years of the date of issue, or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.
3. Existing trees located in verge areas to be retained except where otherwise approved for removal by Manager Parks and Recreation. Should removal be approved, costs associated with the removal to be the responsibility of the developer.
4. Plans submitted with the Building Licence to include a total of 128 onsite car parking bays designed to the satisfaction of the City Engineer or provision of cash in lieu for the current shortfall in car parking of 34 bays to the satisfaction of the Manger Development Services.
5. Plans submitted with the Building Licence to show detailed design of the proposed ground level car park shutter doors to the satisfaction of the Manager Development Services.
6. All external concrete surfaces to be painted. A schedule of colours and finishes to be submitted with the building licence application to the satisfaction of the Manager Development Services.
7. Provision of a professionally prepared interpretation plan for the site including reference to the former Pier Hotel which was located on the site, and an archival and photographic record of the place to the satisfaction of the Manager Development Services prior to the issue of a building licence or demolition permit.
8. Arrangements shall be made to the satisfaction of the City Engineer for the submission of an approved independent traffic planning study for the development of the subject land together with the necessary traffic management measures being installed at the cost of the applicant, prior to the building licence being issued.

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

- *Traffic volumes including pre development and post development traffic volumes to and from accesses to the development and on surrounding streets;*
- *Level of service of accesses;*
- *Impact of the development on the surrounding streets and intersections, including level of service pre and post development;*

- *Recommendations for measures to address impacts and maintain satisfactory levels of service;*
 - *Safety Audit and recommendations to address any safety issues;*
 - *Assessment of pedestrian access to and from the site including proposed pedestrian routes, road crossings and an access audit;*
 - *Assessment of public transport access to and from the site including pedestrian access to the nearest bus stop.*
9. Satisfactory arrangements to be made with the City of Bunbury for the upgrading/construction of Carey and Victoria Streets including grading, kerbing, draining, sealing, bus stops, footpath, pedestrian crossing and lighting to the satisfaction of the City Engineer.
10. Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the City Engineer at the developer's expense.
11. Road assets Damage Bond of \$5,000 shall be paid by the applicant prior to the issue of the building licence as per Council's Local Planning Policy "Bonds".
12. Plans submitted with the building licence to be modified to show additional width for bays next to solid walls and turn around bays/areas on each level of the car parking area. The access way(s), parking areas(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, linemarked and finished with a sealed or paved surface or equivalent by the developer to an approved design to satisfaction of the City Engineer. Once constructed, the access way(s), parking area(s) and turning area(s) shall be maintained at all times to the satisfaction of the City Engineer.
- (Advice Note: Design and construction shall be in accordance with the City of Bunbury Engineering Design and Construction Standards & Austroads Part 11 Guide to Traffic Engineering Practice: Parking.)*
13. Street lighting shall be provided for the access way(s), parking areas(s) and turning area(s) by the developer.
- (Advice Note: Design and construction standards shall be in accordance with the relevant Australian Standards.)*
14. The applicant shall construct and maintain vehicle crossovers to the development. Existing crossovers not required for the proposed development shall be removed, the verge made good and kerbing reinstated, immediately upon completion of the building.
- (Advice Note: Crossovers shall be in accordance with Council's Standard Drawings MISC-01-03; MISC-01-04, MISC-01-05 or approved alternative design.)*

15. Crossovers shall not vary from the standard designs without written approval from the City Engineer. Pedestrian access across the crossover shall be free of tripping hazards (e.g. no raised kerbing).
16. The applicant shall dispose of stormwater onsite. Plans and specifications relating to the disposal of stormwater and groundwater for the development shall be submitted and approved by the City Engineer prior to the issue of a building licence. (Refer Local Planning Policy – Stormwater Disposal From Private Property).

(Advice Note: The applicant to provide for 2m³ of stormwater storage for each 65m² of impervious area, including parking, driveways, other paved and sealed areas and roof area. Minimum of 50% of storage shall be underground and above the annual average maximum groundwater level, with the balance of the storage on the surface.)

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

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

18. Site stormwater overflow shall be connected to the Cities stormwater drainage system to the satisfaction of the City Engineer. Plans and specifications are to be submitted and approved by the City Engineer prior to the issue of a building licence.
19. This property is situated on the Preston River Flood Plain and is susceptible to flooding. Habitable rooms in any building construction shall have a minimum finished floor level of 1.9 metres AHD.
20. The development design shall be modified to cater for waste collection via Council's bulk bin system to the satisfaction of the Manager Waste Services. The plans to be approved prior to the issue of a building licence.
21. Property shall be connected to Water Corporation sewer.
22. A landscaping plan is to be prepared to address the area(s) as shown in green on the approved development plan. The landscaping plan is to be submitted to and approved by Council, prior to the issuance of a building licence. The landscaping plan is to include the following:
 - Building layout (external walls, windows and roof) and property boundary
 - The location, species and size of existing vegetation
 - Details of any significant vegetation to be removed.
 - Exact location and number of species proposed

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- Mature height of any proposed trees
- Treatment of paved areas (parking and pedestrian areas)
- Fence material, height and treatment
- A key or legend detailing species type grouped under the subheadings of tree, shrub and ground cover
- Mulching or similar treatments of garden beds including edges
- Contours including any alternation to natural ground levels
- Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility of maintenance.

Notes:

- (1) This is not a Building Licence. This development is subject to a building licence approval – an application shall be made with Council’s Building Services prior to commencement of works on-site.
- (2) Until a Certificate of Classification has been issued by the Department of Development Services under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the land for the purposes in accordance with this approval.
- (3) A sign licence application, including a plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted and approved by the Council’s Department of Development Services, prior to the erection of any signage on the site and/or building.
- (4) The Plans and Specifications must be submitted to the Water Corporation for approval.
- (5) A Geotechnical Site Report covering the whole site, must be prepared in accordance with AS 2870, by a Practising Structural Engineer on behalf of the applicant and must be submitted to ascertain the soil type and classification and is required prior to the issue of the Building Licence.
- (6) Retaining wall(s) are to be constructed for earth banks caused by any required filling or excavation of the site and the retained area(s) must be landscaped.
- (7) Prior to the removal of any structure, a Demolition Licence shall be obtained from the Council pursuant to the Building Regulations 1989.
- (8) The applicant is reminded of their obligations to ensure that all sand drift, waste, building materials and equipment is contained within the boundaries of the site during the construction period.
- (9) All documentation submitted with the application shall be in accordance with the Building Regulations 1989 and the Building Code of Australia – Volume 1, including in particular, detailed plans and specifications for the site works (including finished ground and floor levels), storm water and roof run-off disposal, existing easements, parking areas (including pavement type), to the satisfaction of Council.
- (10) The Plans and Specifications must be submitted to the Fire Emergency and Safety Authority (FESA), Postal Address is, PO Box P1174 Perth WA 6844, Contact No: 08) 9323 9300.
- (11) The Plans and Specifications must indicate the positions of any Exit Doors and Exit Signs and they are to be in accordance with the BCA – Parts D1 and E4 (Volume 1).
- (12) The Plans and Specifications must indicate the position of and required Fire Hydrants and Fire Hose Reels and they are to be in accordance with the BCA – Part E1 (Volume 1).

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- (13) Should the Plans and Specifications indicate that the external walls are within 3 metre of a boundary, then the walls must have a Fire Resistance Level (FRL) of 90/90/90 in accordance with the BCA – Part C3 (Volume1).
- (14) The Plans and Specifications must indicate all provisions of Access for People With Disabilities, into and within the building, in accordance with the BCA – Part D3 (Volume 1) and AS 1428.1.
- (15) The Plans and Specifications for the Building Application must provide Sanitary Facilities for people with disabilities in accordance with the BCA – F2 (Volume 1) and AS 1428.1.
- (16) Compliance with the Health (Public Buildings) Regulations 1992 will be required. The building shall not be opened to the public until a Certificate of Approval has issued in accordance with Section 178 of the Health Act 1911.
- (17) Certificate of Electrical Compliance in accordance with the Health (Public Buildings) Regulations 1992 will be required.
- (18) Application for Certificate of Approval or Variation of Certificate of Approval in accordance with the Health (Public Buildings) Regulations 1992 will be required.
- (19) Compliance with the Health (Food Hygiene) Regulations 1993 will be required. Fit-out plans should be submitted to the Environmental Health Service of the Council prior to construction.
- (20) Compliance with City of Bunbury Health (Eating House) Local Laws 2000 will be required.
- (21) Compliance with the Health (Swimming Pools) Regulations 1964 will be required. Construction shall not commence until the written approval of the Executive Director, Public Health has been obtained.
- (22) Compliance with the Health Act 1911 is required.
- (23) Compliance with the City of Bunbury Health Local Laws 2001 is required.
- (24) Adequate waste storage and bin wash down areas to be provided.
- (25) Laundries to be a minimum of 3m2 width in accordance with Health Local Law.
- (26) Car park ventilation to be provided in accordance with Division 5 of the Health Local Law.

Outcome of the Council Committee Meeting – 9 October 2007

Cr T Smith disclosed a financial and proximity interest as he owns a property in Victoria Street in close proximity to the proposed development. Cr T Smith left the room at 7.20pm for the duration of the discussion and vote on this item

Ms Judith Wall, a resident at 4 Carey Street, Bunbury, spoke to members against the proposal and raised the following concerns:

- Lack of community debate and failure to provide an open forum for decision making
- Possible windshear/wind tunnel effects from the structure and overshadowing of other buildings in the vicinity
- Parking/traffic management and access
- Potential for anti-social behaviour, increase in noise levels, waste and litter, etc

Mr Bruce Crabb (the proponent) responded to queries from members in relation to timeframe and replied that, if approved, he expected the structure to commence construction within 12 months or sooner.

The Executive Manager City Development responded to queries from members in relation to car parking bays, the cash-in-lieu option, traffic management, and height restrictions.

After some discussion, the motion was moved Cr Dillon, seconded Cr Wenn.

The Presiding Member put the recommendation 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 Town Planning and Development Act 2005, hereby resolves to grant approval to Hartree and Associates, Architects on behalf of Raeside Pty Ltd, for a new 14 Storey Mixed Use, Residential, Retail and Commercial development on Lot 34 (No 12) Victoria Street, Bunbury subject to the following conditions:

- 1. All development shall generally be in accordance with the approved development plans which form part of this Planning Approval.**
- 2. This approval shall expire unless the works authorised have been commenced within twelve months and completed within two years of the date of issue, or within any extended period for which Council has granted written consent. Any application for such consent shall be received within one month prior to the expiration of the Planning Approval.**
- 3. Existing trees located in verge areas to be retained except where otherwise approved for removal by Manager Parks and Recreation. Should removal be approved, costs associated with the removal to be the responsibility of the developer.**
- 4. Plans submitted with the Building Licence to include a total of 128 onsite car parking bays designed to the satisfaction of the City Engineer or provision of cash in lieu for the current shortfall in car parking of 34 bays to the satisfaction of the Manger Development Services.**
- 5. Plans submitted with the Building Licence to show detailed design of the proposed ground level car park shutter doors to the satisfaction of the Manager Development Services.**
- 6. All external concrete surfaces to be painted. A schedule of colours and finishes to be submitted with the building licence application to the satisfaction of the Manager Development Services.**

7. Provision of a professionally prepared interpretation plan for the site including reference to the former Pier Hotel which was located on the site, and an archival and photographic record of the place to the satisfaction of the Manager Development Services prior to the issue of a building licence or demolition permit.

8. Arrangements shall be made to the satisfaction of the City Engineer for the submission of an approved independent traffic planning study for the development of the subject land together with the necessary traffic management measures being installed at the cost of the applicant, prior to the building licence being issued.

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

- *Traffic volumes including pre development and post development traffic volumes to and from accesses to the development and on surrounding streets;*
- *Level of service of accesses;*
- *Impact of the development on the surrounding streets and intersections, including level of service pre and post development;*
- *Recommendations for measures to address impacts and maintain satisfactory levels of service;*
- *Safety Audit and recommendations to address any safety issues;*
- *Assessment of pedestrian access to and from the site including proposed pedestrian routes, road crossings and an access audit;*
- *Assessment of public transport access to and from the site including pedestrian access to the nearest bus stop.*

9. Satisfactory arrangements to be made with the City of Bunbury for the upgrading/construction of Carey and Victoria Streets including grading, kerbing, draining, sealing, bus stops, footpath, pedestrian crossing and lighting to the satisfaction of the City Engineer.

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

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

12. Plans submitted with the building licence to be modified to show additional width for bays next to solid walls and turn around bays/areas on each level of the car parking area. The access way(s), parking areas(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, linemarked and finished with a sealed or paved surface or equivalent by the developer to an approved design to satisfaction of the City Engineer. Once constructed, the access way(s), parking area(s) and turning area(s) shall be maintained at all times to the satisfaction of the City Engineer.

(Advice Note: Design and construction shall be in accordance with the City of Bunbury Engineering Design and Construction Standards & Austroads Part 11 Guide to Traffic Engineering Practice: Parking.)

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

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

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

(Advice Note: Crossovers shall be in accordance with Council's Standard Drawings MISC-01-03; MISC-01-04, MISC-01-05 or approved alternative design.)

15. Crossovers shall not vary from the standard designs without written approval from the City Engineer. Pedestrian access across the crossover shall be free of tripping hazards (e.g. no raised kerbing).

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

(Advice Note: The applicant to provide for 2m³ of stormwater storage for each 65m² of impervious area, including parking, driveways, other paved and sealed areas and roof area. Minimum of 50% of storage shall be underground and above the annual average maximum groundwater level, with the balance of the storage on the surface.)

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

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

18. Site stormwater overflow shall be connected to the Cities stormwater drainage system to the satisfaction of the City Engineer. Plans and specifications are to be submitted and approved by the City Engineer prior to the issue of a building licence.
19. This property is situated on the Preston River Flood Plain and is susceptible to flooding. Habitable rooms in any building construction shall have a minimum finished floor level of 1.9 metres AHD.
20. The development design shall be modified to cater for waste collection via Council's bulk bin system to the satisfaction of the Manager Waste Services. The plans to be approved prior to the issue of a building licence.
21. Property shall be connected to Water Corporation sewer.
22. A landscaping plan is to be prepared to address the area(s) as shown in green on the approved development plan. The landscaping plan is to be submitted to and approved by Council, prior to the issuance of a building licence. The landscaping plan is to include the following:
 - Building layout (external walls, windows and roof) and property boundary
 - The location, species and size of existing vegetation
 - Details of any significant vegetation to be removed
 - Exact location and number of species proposed
 - Mature height of any proposed trees
 - Treatment of paved areas (parking and pedestrian areas)
 - Fence material, height and treatment
 - A key or legend detailing species type grouped under the subheadings of tree, shrub and ground cover
 - Mulching or similar treatments of garden beds including edges
 - Contours including any alternation to natural ground levels
 - Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility of maintenance.

CARRIED

11 Votes "For"/Nil Votes "Against"

Cr T Smith returned at 8.34pm.

11.6 2007/2008-01 TENDER FOR THE SUPPLY OF BULK AND EX-BOWSER FUELS
(WAS LISTED AS ITEM 11.8 ON THE MEETING AGENDA)

File Ref:	New File
Applicant/Proponent:	N/A
Author:	Steve Stirton, Manager Building Construction and Maintenance
Executive:	Michael Scott, Executive Manager City Services

Summary

Council invited suitable companies to supply and deliver bulk distillate/blended fuels, and/or ex-bowser ULP, LPG, distillate and blended fuels for the Council's vehicle fleet.

Background

Tenders were prepared and advertised in the West Australian and the South Western Times on 29 and 30 August 2007.

The tender was split into two sections; being:

Part "A" the supply and delivery of:

- Bulk distillate/blended to the Parks and Recreation's above ground tank at the McCoombe Street Depot.
- Bulk distillate/blended to the Council Engineering's above ground tank at the Nuytsia Avenue Depot.

Part "B" the supply of:

- Ex-bowser unleaded petrol, distillate/blended and automotive LP gas at country and metropolitan outlets.

Tenders closed at 3:00pm on Thursday, 13 September 2007. Steve Stirton, Manager Building Construction and Maintenance, and Mark Robson, Contracts Coordinator, opened the tender box.

Three (3) enquires were registered for the tender with only one (1) tender received by closing time.

The tender received was from BP City and Regional Fuels, Lot 24 Weatherly Street, Picton.

Term of Contract

The contract shall be in force for a period of one (1) year. The principal (City of Bunbury) at its sole discretion, can elect to extend the duration of this contract either in whole or in part for a further three (3) years.

A panel comprising the Manager, Building Construction and Maintenance, and the Contracts Coordinator assessed the responses. The tender was assessed for compliance, qualitative criteria and price.

Compliance Criteria

- (a) Will you be able to comply with the specification contained in this request?
- (b) Have you complied with the conditions of responding contained in this request?
- (c) Have you complied with and completed the qualitative and price schedule?

Tenderer	Compliance with Specification	Compliance with Conditions	Completed Qualitative and Price Schedule
BP City and Regional	Yes	Yes	Yes

Qualitative Criteria

Description of Qualitative Criteria	Weighting
(a) Available outlets	4
(b) Vehicle performance	3
(c) Purchase restrictions	3
(d) System security	2
(e) Documentation	2

Price

Price assessment has been carried out by ranking tenders from lowest price to highest price.

The evaluation of the tenderer's prices and ranking has been assessed and, because they are commercial-in-confidence, details have been provided **under confidential cover**.

Strategic and/or Regional Outcomes

The proposal reflects the Council's strategic plan which will "facilitate the provision of engineering services in the design and construction of capital works and the maintenance of civil works and related infrastructure".

Community Consultation

The tender was advertised for public information as required under legislation.

Councillor/Officer Consultation

The Contracts Coordinator and Fleet Officer were consulted during the tender and evaluation process.

Analysis of Financial and Budget Implications

All costs for the purchase of fuel will come from the fleet operating budget.

Economic, Social, Environmental and Heritage Issues

Economic

The recommended company is located in Bunbury and the contract will benefit employment opportunities in the region.

Social

There are no known social issues.

Heritage

There are no known heritage issues.

Environment

There are no known environmental issues.

Policy Compliance

The tender process complies with the requirements of Work Procedure WP4.6 – Tender Procedure and associated legislation.

Where applicable the Local Buying Compact 5% preference has been applied.

Legislative Compliance

Advertising and processing of tenders has been conducted in accordance with the Local Government (Function and General) Regulation 1996, Part 4 – Tenders for Providing Goods or Services (S.3.57).

Delegation of Authority

The total cost of the contract will exceed \$100,000.00 as exact costs were not known. The contract has been dealt with in accordance with the Local Government (Function and General) Regulation 1996, Part 4 – Tenders for Providing Goods or Services (S.3.57) and be considered by the “local authority”.

Relevant Precedents

Council has dealt with all tenders previously called.

Conclusion

Under the Local Government Regulations section (11.2, part G) Council is not required to tender for fuel. However, tenders were called to test the market and, at the same time, give local companies the opportunity to respond.

BP City and Regional Fuels currently supply the bulk distillate to the depots and already have the infrastructure in place; therefore, continuing the contract with this company has proven savings. However, their tender for ex-bowser fuel did not include the supply of LP Gas and the discounts for ULP applied only to fuel purchased from local outlets.

Other avenues exist through which Council can purchase fuels, such as the Department of Treasury administered "Common Use Arrangement 31101".

Options

Option 1: Per the recommendation.

Option 2: Reject all tenders and re-advertise.

Recommendation

Council to undertake the following with respect to Tender 2007/2008-01 for the supply of bulk and ex-bowser fuels:

1. Accept Part "A" of the tender (and enter into a contract) from BP City and Regional Fuels for the supply of bulk distillate to McCoombe Road and Nuytsia Ave Depots for a period of one (1) year with the option to extend a further three (3) years.
2. Reject part "B" of the tender from BP City and Regional Fuels for the supply of ex-bowser fuels and negotiate with suppliers for the purchase of ex-bowser fuel.
3. Record the successful tender price in the Council minutes.

Outcome of the Council Committee Meeting – 9 October 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

Council to undertake the following with respect to Tender 2007/2008-01 for the supply of bulk and ex-bowser fuels:

- 1. Accept Part “A” of the tender (and enter into a contract) from BP City and Regional Fuels for the supply of bulk distillate to McCoombe Road and Nuytsia Ave Depots for a period of one (1) year with the option to extend a further three (3) years.**
- 2. Reject part “B” of the tender from BP City and Regional Fuels for the supply of ex-bowser fuels and negotiate with suppliers for the purchase of ex-bowser fuel.**
- 3. Record the successful tender price in the Council minutes.**

CARRIED

11 Votes “For”/Nil Votes “Against”

**11.7 BUSINESS PLAN - PROPOSED RESIDENTIAL DEVELOPMENT ON PORTION
LOT 4 PRESTONWOOD STREET, BUNBURY** *(WAS LISTED AS ITEM 11.9 ON THE
MEETING AGENDA)*

File Ref:	A00420
Applicant/Proponent:	Internal Report
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

The Business Plan for the proposed sixteen-lot residential development on portion of Lot 4 Prestonwood Street, Bunbury, was advertised pursuant to Section 3.59 of the Local Government Act 1995. At the close of the public submission period on 28 September 2007, nine submissions had been received eight (8) of which are objections and the issue is now referred back to the Council for consideration (and a final decision).

The City's Executive draws to the Council's attention that, subsequent to the Business Plan being advertised, Main Roads WA briefed the Council (on 14 August 2007) concerning proposed alterations to the Eelup Roundabout. MRWA proposes that the east/west route through the junction be converted into an underpass with an overpass to be constructed for the north/south route. Road reserves along approach roads may need to be expanded to accommodate these changes. Council officers consider that the height of the overpass may have a significant impact on the current proposal to subdivide part of Lot 4 Prestonwood Street as it could invalidate existing traffic, noise and emissions studies undertaken as part of the project.

The Member for Bunbury - Mr John Castrilli, MLA, has also identified this as a major concern and has lodged a submission specifically relating to the proposed Main Roads re-development of this roundabout.

Accordingly, it is proposed that the Council defer the proposed subdivision of Lot 4 Prestonwood Street pending construction of the Eelup Roundabout overpass (as outlined to Council by MRWA on 14 August 2007) and to enable a re-assessment of the road reserve requirements, traffic, noise and emissions impact on the land.

Background

The development proposal was previously considered by Council at its meeting on 27 March 2007.

Lot 4 Prestonwood Street is located in the area known as Sandridge Park and is bounded on its eastern side by Robertson Drive. The land (Certificate of Title Vol. 1547 Fol. 596) was purchased by the City of Bunbury on 5 November 1979 as zoned for "residential development".

9 October 2007
Minutes - Council Committee Meeting

It is proposed to subdivide and develop a portion of Lot 4 Prestonwood Street, Bunbury, into sixteen fully serviced residential lots. The income from the development will contribute to funding of the new City Library.

A location plan for the development is **attached** at Appendix 14, Lot 4 Prestonwood Street has an area of 2.8144 hectares and is zoned Residential R15. It is proposed to develop 1.3180 hectares with the balance of the land (1.4964) retained as public open space.

The Council Decision made on 27 March 2007 is as follows:

Council Decision 57/07 - 27 March 2007

"Council agrees to:

- 1. Prepare a Subdivision Plan for a sixteen-lot residential subdivision on a 1.3180 hectare portion of Lot 4 Prestonwood Street as identified on Subdivision Plan No. 06046P-06 prepared by TME on 7 March 2007.*
- 2. Release a Business Plan outlining the proposed Prestonwood Street subdivision. Copies of the Business Plan are to be advertised for public information pursuant to Section 3.59 of the Local Government Act 1995 with any objecting submissions received, referred back to Council for consideration.*
- 3. That in the interim the item be referred to the Bunbury Environment and Sustainability Advisory Committee (BESAC) for comment."*

Statutory Advertising - Business Plan

A business plan was prepared and advertised for public information via notices published in the City Update column of the *Bunbury Mail* on 18 and 25 April and in *The West Australian* on 17 August 2007. Members of the Council were supplied with a copy of the business plan by memorandum dated 20 April 2007.

Notices inviting members of the public to inspect the business plan were also displayed on the City's website and on notice boards at the Customer Service Centre and both libraries.

Schedule of Submissions - Business Plan

The closing date for submissions was 28 September 2007. Nine (9) submissions have been received eight (8) of which object to the proposal - a Schedule of Submissions is **attached** at Appendix 15. The schedule gives a summary of the main points raised by submitters and lists responses from Council Officers.

A full copy of each submission has been circulated to councillors in a Confidential Report circulated **under separate cover**.

Bunbury Environment and Sustainability Advisory Committee

As requested by Council on 27 March 2007, the development proposal was submitted to the Bunbury Environment and Sustainability Advisory Committee ("BESAC") for comment and a recommendation.

At its meeting held on 7 June 2007, BESAC considered the proposal and referred a recommendation for Council's consideration. A copy of the recommendation is **attached** at Appendix 16.

Strategic and/or Regional Outcomes

The strategic and regional outcomes of the proposed development will need to be re-assessed upon completion of the overpass at the Eelup Roundabout junction currently proposed by Main Roads WA.

Public Consultation

An extensive public consultation programme was undertaken pertaining to the proposed development of portion of Lot 4 Prestonwood Street and the associated business plan. An outline of the programme is **attached** at Appendix 17 for Council information.

Councillor/Officer Consultation

Council members were briefed on the status of the Prestonwood Street development proposal at Briefing Sessions on 7 November 2006 and 13 March 2007.

A petition received from residents was tabled for formal receipt by Council at the meeting on 6 March 2007.

Prestonwood Street residents attended the Council Committee Meeting on 20 March 2007 to brief members with their concerns. The issue was then formally considered by Council at the subsequent Council Meeting on 27 March 2007.

Subsequent to the Council Meeting of 27 March 2007, members of Council's Bunbury Environment and Sustainability Advisory Committee ("BESAC") were provided with details of the development proposal for consideration and recommendation.

Members of the Council were supplied with a copy of the business plan by memorandum dated 20 April 2007.

Relevant members of Executive Management and City staff have been consulted concerning preparation of the Business Plan and responses to the objecting submission received.

Analysis of Financial and Budget Implications

Should the development proceed, it is anticipated land sales will provide a net return to Council of \$1.2(M). Once the land is fully developed, rate revenue each year is expected to be in the region of \$16,000 to \$20,000 with this income used to fund the Prestonwood Street development and the excess contributed to the City's new library project.

It should be noted that the proposed deferral of the Prestonwood Street development pending construction of an overpass at the Eelup Roundabout, will not impede funding of the new City Library project.

Economic, Social, Environmental and Heritage Issues

Economic, social, environmental and heritage issues previously assessed as part of the development proposal for portion of Lot 4 Prestonwood Street, are **attached** at Appendix 18. These issues will need to be re-assessed once construction of the overpass at the Eelup Roundabout has been completed.

Council Policy Compliance

There is no relevant Council policy.

Legislative Compliance

The proposal to develop and subdivide a portion of Lot 4 Prestonwood Street complies with statutory and legislative obligations.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority of the Council to dispose of land.

Relevant Precedents

Council has undertaken residential land subdivisions previously with the most recent being College Grove.

Options

- Option 1: Per the recommendation listed in this report.
- Option 2: Council call tenders for the sale of Lot 4 Prestonwood Street with the purchaser to develop the subdivision to Council's advertised Plan within a three-year period.
- Option 3: Council to sell Lot 4 Prestonwood Street to a private purchaser with no development conditions.

- Option 4:
1. Council to prepare a Subdivision Plan for a sixteen-lot residential subdivision on a 1.3180 hectare portion of Lot 4 Prestonwood Street as identified on Subdivision Plan No. 06046P-06 prepared by Thompson McRobert Edgeloe ("TME") on 7 March 2007, and following receipt of statutory approvals, Council proceed with the subdivision.
 2. The recommendation made by Council's Bunbury Environment and Sustainability Advisory Committee ("BESAC") on 7 June 2007, to be undertaken prior to commencement of development works.

Conclusion

Due to information provided by Main Roads WA subsequent to advertising of the Business Plan, it is now recommended that the project be deferred until construction of an overpass on the Eelup Roundabout junction is completed.

Recommendation

In relation to a proposed sixteen-lot subdivision on part Lot 4 Prestonwood Street, Bunbury:

1. Council notes the community objections to the proposed subdivision and responses provided by the City's Executive.
2. Council defers the proposed subdivision of Lot 4 Prestonwood Street pending construction of the Eelup Roundabout overpass (as outlined to Council by Main Roads WA on 14 August 2007) to enable a re-assessment of the road reserve requirements, traffic, noise and emissions impact on the land.

Outcome of the Council Committee Meeting – 9 October 2007

Cr Leigh disclosed a proximity interest as he lives near Prestonwood Street. Cr Leigh left the room at 8.34pm for the duration of the discussion and vote on this item.

Mr John Castrilli spoke to the item and advised members that, even though he was for the proposal, consideration needed to be given to the MRWA's intention to reconfigure the Eelup Roundabout; including the proposed overpass/flyover. In light of this, Mr Castrilli urged members to postpone any decisions regarding Lot 4 Prestonwood Street until such time as MRWA had finalised their plans.

Cr Dillon moved a motion to amend the recommendation to include a third item which states: *"Council to ensure that its right to develop the land in question on Prestonwood Street remains as "residential development" firmly in place, throughout the ensuing period of postponement."*

At this point of proceedings, Cr Major left the room and did not take part in the voting of Parts 1 and 2 of the amended Committee recommendation.

9 October 2007
Minutes - Council Committee Meeting

In light of the amended recommendation, the Presiding Member put each part the motion to the vote separately. Results of the votes are as follows:

Part 1: Carried 9 votes “for” to nil votes “against”

Part 2: Carried 9 votes “for” to nil votes “against”

At this point of the proceedings, Cr Major returned to the room and took part in the voting of Part 3 of the amended Committee recommendation.

Part 3: Carried 7 votes “for” to 3 votes “against”

Committee Recommendation

In relation to a proposed sixteen-lot subdivision on part Lot 4 Prestonwood Street, Bunbury:

- 1. Council notes the community objections to the proposed subdivision and responses provided by the City's Executive.**
- 2. Council defers the proposed subdivision of Lot 4 Prestonwood Street pending construction of the Eelup Roundabout overpass (as outlined to Council by Main Roads WA on 14 August 2007) to enable a re-assessment of the road reserve requirements, traffic, noise and emissions impact on the land.**
- 3. Council to ensure that its right to develop the land in question on Prestonwood Street remains as "residential development" firmly in place, throughout the ensuing period of postponement.**

CARRIED

A request was made for the vote to be recorded.

For: Cr Jones
Cr T Smith
Cr Dillon
Cr Craddock
Cr Rose
Cr Major
Cr Frisina

Against: Cr Wenn
Cr Lambert
Cr Rooney

Cr Leigh returned at 8.59pm

**11.8 PROPOSED CHANGE OF USE TO A HOME BUSINESS
(ACCOUNTING/CONSULTING) – LOT 328 (NO 4) BERGERSEN COURT, CAREY
PARK (WAS LISTED AS ITEM 11.6 ON THE MEETING AGENDA)**

File Ref:	A00401
Applicant/Proponent:	Rezolt Pty Ltd
Author:	Teshome Tadesse, Planning Officer
Executive:	Geoff Klem, Executive Manager City Development

Summary

An application has been received for a Home Business (Accounting/Consulting) at Lot 328 (No 4) Bergersen Court. During the advertisement period two (2) objections were received in relation to traffic and parking related matters. It is considered that the substance of the submissions are speculative and cannot be possibly justified given the size and scale of operation proposed under the current application. The applicant will be required to provide an additional parking space as specified under the City's Local Planning Policy – Home Based Business.

The proposal is consistent with Town Planning Scheme No 7 (TPS 7) and its associated policy and, therefore, Development Services recommends approval to the proposed Home Business (Accounting/Consulting) on the subject land.

Background

The proposal is, principally, to use a portion of a dwelling (lounge room) at Lot 328 (No 4) Bergersen Court for a home business operation. The specifics of the proposed home business include accounting activities and management consulting. The occupier of the dwelling will run the business with the help of a personal assistant.

A location plan is **attached** at Appendix 10.

The proposal has been categorised as a home business for the reason that it is a professional activity proposed to be undertaken from a dwelling. A home business in a residential zone is an "A" use under the current Scheme. In accordance with the Scheme requirements, the proposal was advertised for 21 days and two (2) objections were received. The two submitters have objected to the proposal on the basis of traffic related matters and on the grounds of perceived on-street parking problems in the area. **Attached** at Appendix 11 is a Schedule of Submissions received. Both submitters have indicated that increase in traffic and on-street parking would be problematic in this small cul de sac location.

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 compiled and incorporated into agenda item to Council for their consideration."* In this instance, two (2) objections were received and, therefore, Council will have to determine the proposal accordingly.

Proposal

The proposal is a change of use to a Home Business (Accounting/Consulting) at Lot 328 (No 4) Bergersen Court, Carey Park. **Attached** at Appendix 12 is a site plan.

The proposed home business will employ one personal assistant in addition to the occupier of the dwelling for about 20 hours per week. The business is professional in nature and that one person will be employed to run the business. The proposal, therefore, can be comfortably categorised as a home business.

The following are the main features of a home business as outlined in the Scheme:

- It is a business, service or profession carried in a dwelling or land around a dwelling;
- It does not employ more than two (2) people outside of the family;
- Will not compromise the amenity of the neighbourhood;
- Restricted to an area not more than 50m²;
- Does not involve retail sale, display or hire of goods;
- Does not create traffic difficulties in terms of shortage of parking provisions and increase in traffic volume; and
- Will not require more essential services than normally required in the area.

The applicant has provided the following justifications in support of the proposal:

- That the proposal will only employ one personal assistant;
- That the property has adequate parking spaces (at least 4 spaces on the driveway)

The details of the proposal reveal that the existing lounge room will be used principally as an office area for the business operation. In addition, minor storage and shelving sites will be dedicated inside the dwelling to run the business. It is considered that the proposed area coverage is within the 50m² area limit as specified under the home business category in the Scheme. All in all, the proposal satisfies the above mentioned features of a home business as listed in the Scheme.

Attached at Appendix 13 is a floor plan.

The submissions on the matter of traffic and parking problems (street parking) cannot be possibly justified given the proposed area of the business and the scale of operation within the allowable extent in a residential zone. The applicant claims that 4 parking spaces on the driveway can be accounted for the proposal. In practice, this is not the case as the driveway cannot be considered as part of parking spaces. Rather, it is a means of access to the site. The applicant will be required to provide one additional car parking space on the subject and it is expected that this action will minimise the risk of street parking in the immediate locality.

Development Services is of the opinion that a home business venture with a size of the current proposal is unlikely to generate significant traffic in the locality and cause on-street parking problem.

It is recommended that Council support the proposal.

Strategic Outcomes

It is considered that the proposal, by implication, can be considered within the general direction of the City's 2007 – 2012 Strategic Plan in respect of Strategy 5.3 "*Provide a cohesive system of integrated land use planning*", which outlines the importance of a comprehensive and integrated planning system to meet community expectations.

The recommendation has had regard to City's 2007-2012 Strategic Plan.

Community Consultation

The proposal was advertised for public consultation for a period of 21 days in accordance with the requirements of the current Scheme. At the end of the advertising period, two (2) submissions were received.

Councillor/Officer Consultation

The concerned officers within the Development Services discussed the proposal prior to the finalisation of the report for Council consideration.

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

Economic Issues

The economic implication is that it will create an employment opportunity for the occupier of the dwelling and one other person.

Social Issues

There are no foreseeable concerns as a result of this proposal.

Environmental Issues

There are no known environmental implications regarding the proposal.

Heritage Issues

The proposal is within relatively new residential development sites, therefore, there is no heritage concern.

Council Policy Compliance

The proposal is consistent with City's Local Planning Policy – Home Based Business in the category of home business in terms of the maximum number of people allowable for employment (two permitted one proposed), the maximum area of operation, etc.

Legislative Compliance

The proposal complies with the current Scheme requirement, specifically with the land use designation which is an "A" use in the residential zone. It also satisfies the definition of a home business as outlined in the Scheme.

Delegation of Authority

The authority to approve/refuse the application in the case of submissions from the public is a mandate for Council.

Relevant Precedents

There are no known precedents exactly the same proposal in this case.

Options

Option 1: Per the Recommendation.

Option 2: Approve the proposal conditionally for a one-year trial period. Should Council determine 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 of the Planning and Development Act 2005, hereby resolves to approve the proposal conditionally for a one-year trial period subject to the following conditions:

1. This approval is only for twelve months from the date of this approval after which time a fresh application shall be lodged with Development Services for reconsideration in light of any issues that have arisen during the approval period.
2. The business does not employ more than two (2) people who are not members of the occupier's household.
3. The business will not cause injury to or adversely affect the amenity of the neighbourhood.
4. The business does not occupy an area greater than 50 square metres.
5. The business does not involve the retail sale, display or hire of goods of any nature.

6. In relation to vehicles and car parking, the business does not result in traffic difficulties as a result of parking inadequacy 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.
7. The business does not involve the use of essential services of greater capacity than normally required in the zone.
8. One additional parking space is to be provided.”

Option 3: Refuse the proposed Home Business (Accounting/Consulting) at Lot 328 (No 4) Bergersen Court.

Should Council determine to refuse to grant Planning Approval pursuant to 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 of the Planning and Development Act 2005, hereby resolves to refuse the proposed Home Business (Accounting/Consulting) for Rezolt Pty Ltd at Lot 328 (No 4) Bergersen Court, Carey Park, on the basis that the proposal would compromise the amenity of the area due to traffic generation and on-street parking in the immediate locality.”

Conclusion

The proposed home business is in line with the Scheme provisions and the associated Local Planning Policy – Home Based Business. It is an income-generating activity which is proposed to be carried out within a dwelling environment and it can be supported under the current Scheme.

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. Grant Planning Approval to the proposed Home Business (Accounting/Consulting) for Rezolt Pty Ltd at Lot 328 (No 4) Bergersen Court, Carey Park, subject to the following conditions:
 - 1.1 The business does not employ more than two (2) people who are not members of the occupier’s household.
 - 1.2 The business will not cause injury to or adversely affect the amenity of the neighbourhood.
 - 1.3 The business does not occupy an area greater than 50 square metres.

- 1.4 The business does not involve the retail sale, display or hire of goods of any nature.
 - 1.5 In relation to vehicles and car parking, the business does not result in traffic difficulties as a result of parking inadequacy 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.
 - 1.6 The business does not involve the use of essential services of greater capacity than normally required in the zone.
 - 1.7 One additional parking space is to be provided on site.
2. Advise the applicant and submitters of Council's decision.

Outcome of the Council Committee Meeting – 9 October 2007

The recommendation was moved Cr Dillon, seconded Cr Wenn.

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

Committee Recommendation

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

- 1. Grant Planning Approval to the proposed Home Business (Accounting/Consulting) for Rezolt Pty Ltd at Lot 328 (No 4) Bergersen Court, Carey Park, subject to the following conditions:**
 - 1.1 The business does not employ more than two (2) people who are not members of the occupier's household.**
 - 1.2 The business will not cause injury to or adversely affect the amenity of the neighbourhood.**
 - 1.3 The business does not occupy an area greater than 50 square metres.**
 - 1.4 The business does not involve the retail sale, display or hire of goods of any nature.**
 - 1.5 In relation to vehicles and car parking, the business does not result in traffic difficulties as a result of parking inadequacy 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.**

- 1.6 The business does not involve the use of essential services of greater capacity than normally required in the zone.
- 1.7 One additional parking space is to be provided on site.
2. Advise the applicant and submitters of Council's decision.
- CARRIED**
11 Votes "For"/Nil Votes "Against"

11.9 NORTHERN ENTRY STATEMENT PUBLIC ART COMMISSION *(WAS LISTED AS ITEM 11.7 ON THE MEETING AGENDA)*

File Ref:	A01793
Applicant/Proponent:	Internal
Author:	Peter Roberts, Manager Parks and Urban Design
Executive:	Michael Scott, Executive Manager City Services

Summary

The purpose of the report is to seek Council's endorsement of the selected artists for the Northern Entry Statement Art Commission.

Background

The selection process for the public art commission for the Northern Entry Statement is now complete.

Expressions of Interest (EOI) were called in April 2007 by way of a display advertisement in the South Western Times on 3 May 2007. The EOI called for a submission detailing the creation and installation of an artwork to act as a defining statement on the northern entry into the City of Bunbury.

The commission budget was advertised at \$100,000 (ex GST). The expressed vision was to provide:

- A bold, striking, contemporary and enduring artwork, or series of artworks, that creates a sense of arrival on the approach to the Eelup roundabout; and
- A sense of Bunbury, the place, and an appreciation of its attributes.

Fourteen (14) submissions were received including local, intrastate and one interstate artist.

A selection panel was appointed in consultation with Cr Warren Lambert and consisted of representatives from the local art community, community members, elected representatives, tourism and relevant Council officers. The panel consisted of community representatives Lloyd Horn & Sascha Turner, Elected Representative Cr Lambert, and Council staff Steve Stirton, Del Ambrosius and Peter Roberts.

The panel met to review all submissions and six (6) artists were shortlisted to proceed to Stage 2 of the project that required them to develop a marquette and detailed proposal of their artwork. The marquettes were displayed for community comment at the Council Administration Office for a period of two weeks.

The Stage 2 presentations were held on the Friday, 10 August 2007, at which time the panel considered the community comments received and each design presented. The following recommendation was made unanimously by the Committee:

Council endorse Matt Dickmann and Louise Morrison as the successful artists for the Northern Entry Statement. The Committee also strongly recommended that Council consider the lighting at the installation stage of the project as this will significantly enhance the presence of the artwork at night.

A memorandum and photographs of the selected artwork was provided to all elected representatives on the 16 August 2007. A confidential report containing a cost breakdown of the successful artists' proposal has been circulated to members **under confidential cover**.

The idea of the structure was inspired by Bunbury's identity as the City of Three Waters with boats, tinnies, runabouts, yachts to cray boats, commercial fishing vessels and cargo ships as an integral part of the visual landscape in Bunbury for locals and visitors alike. The shape is reminiscent of boat hulls and sails and will be fabricated using boat building methodologies. The materials refer to Bunbury's industrial identity as the world's leading export port for alumina and as the home of Australia's only silica smelter. The materials of aluminium, glass and stainless steel cable have been chosen for their durability, resistance to vandalism and low maintenance requirements. Aluminium has exemplary environmental credentials. It is a natural recyclable product with low embodied energy rating.

The form is a large, bold contemporary structure that is over 8 metres tall and is apparently hinged and anchored by stainless steel cable. It is a hollow aluminium form with a strip of glass that can be lit from within in the future.

The artists have proposed for the design documentation phase to commence in September 2007 with the fabrication to be undertaken between mid to late October to February 2008; the installation being in March 2008.

The Committee selected this artwork as it met the requirements of the brief and is structurally sound. It was selected for its simplicity as a contemporary artwork and it is a striking piece of art that is vibrant and readable to the general public. It has a fresh approach representing the future of Bunbury.

Strategic and/or Regional Outcomes

The proposal is consistent with the strategic directions with the vision to enhance our community's pride in our City by demonstrating the pursuit of excellence by our leadership, advocacy, service delivery and facilities.

It is anticipated that the artwork will enhance Bunbury as an attractive, vibrant city of people from diverse social, cultural, religious and economic backgrounds. The City of Bunbury will acknowledge and celebrate the character of its community through the design and structure of the piece

The artwork will depict Bunbury's industrial and social links to the rest of the region via the port and the use of locally recognised products such as alumina and silica.

Community Consultation

During the selection process the Panel consisted of a local community member plus a representative from Australia's South West as a third party to the process.

During Stage 2 of the process the marquettes were displayed in the Council Administration Office for two weeks commencing on 23 July 2007 for community comment and these comments were considered in the selection process.

A marketing and public relations campaign will be undertaken leading up to the installation and it is anticipated that there will be an official launch of the artwork.

Councillor/Officer Consultation

Cr Lambert has been involved in the project since its inception and was a member of the selection panel. The Building Department has been consulted regarding any building requirements and the Planning Department will be involved in the design phase. The Manager Building Construction and Maintenance has been involved in the selection process and initial discussion with MRWA.

Analysis of Financial and Budget Implications

In the 2007/2008 budget, an amount of \$131,961 has been brought forward for the purposes of the development of the Northern Entry Statement.

Economic, Social, Environmental and Heritage Issues

No adverse economic, social, environmental or heritage issues are thought likely to arise as a result of the recommendation. It is anticipated that the artwork will become an icon and enhance the social and tourism aspects of Bunbury.

Council Policy Compliance

The EOI process complies with the requirements of Work Procedure WP-4.6 (Tender Procedure).

Legislative Compliance

The calling for EOIs 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 EOI process complies with the requirements of Work Procedure WP-4.6 (Tender Procedure).

Relevant Precedents

Previous tenders and EOIs have been referred to Council for determination.

Options

Option 1: Per the recommendation.

Option 2: The Council may elect to reject the EOIs and the selection process, and re-advertise.

Conclusion

From the information provided and the assessment process undertaken, the selection panel believes the recommendation will provide the City with the most suitable Entry Statement Artwork.

Recommendation

With regard to the call for EOIs for the Northern Entry Statement Public Art Commission:

1. Council accept the EOI from Matt Dickmann and Louise Morrison (and enter into a contract with) as the successful artists for the Northern Entry Statement Commission.
2. The successful price be recorded in the Council minutes.

Outcome of the Council Committee Meeting – 9 October 2007

The recommendation was moved Cr Lambert, 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

With regard to the call for EOIs for the Northern Entry Statement Public Art Commission:

1. **Council accept the EOI from Matt Dickmann and Louise Morrison (and enter into a contract with) as the successful artists for the Northern Entry Statement Commission.**
2. **The successful price be recorded in the Council minutes.**

CARRIED

11 Votes "For"/Nil Votes "Against"

11.10 APPLICATION BY AQWEST (BUNBURY WATER BOARD) TO PURCHASE CITY OF BUNBURY-OWNED FREEHOLD LAND CURRENTLY LEASED TO AQWEST

File Ref:	A00420
Applicant/Proponent:	Aqwest (also known as the Bunbury Water Board)
Author:	John Beaton, Manager Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

A Business Plan proposing the sale of City of Bunbury owned freehold land to Aqwest was advertised for public information in June and August 2007. Aqwest currently leases the land from the City of Bunbury for water supply purposes. One (1) objecting submission was received by the end of the submission period on 1 October 2007.

A Schedule of Submissions responding to the lone submitter's list of queries is **attached** at Appendix 19. A copy of the submission (in full) has been circulated to members in a Confidential Report issued **under separate cover**.

As required by Section 3.59(5) the Council must now consider the submission received in relation to the proposal to sell the following land to Aqwest:

Location	Facilities On-site	Value (inc. GST)
Lot 46 Roberts Crescent (1.47 ha) C/T Vol. 1309 Fol. 584	Reservoir	\$3,600,000
Part Lot 167 Spencer Street (2,647m ²) C/T Vol. 1022 Fol. 68	Treatment Plant	\$330,000
Part Lot 521 Robertson Drive (2,372m ²) C/T Vol. 551 Fol. 28A	Treatment Plant	\$95,000
TOTAL:		**\$4,025,000

****Note:** This total differs from that adopted by Council on 1 May 2007 as Aqwest has since advised that it no longer requires Lots 28 and 29 Mangles Street for water supply purposes. The leases that Aqwest holds over these two pieces of land will be surrendered to the City of Bunbury in the near future.

Background

The proposal to sell Lot 46 Roberts Crescent, Part Lot 167 Spencer Street and Part Lot 521 Robertson Drive to Aqwest was considered by Council at its meetings held on 11 July 2006 and 1 May 2007. Aqwest currently leases these sites from the City of Bunbury for water supply purposes and it is proposed to sell the land to Aqwest on the following conditions:

1. Aqwest is to give the City of Bunbury first right of refusal to re-purchase the land should it cease to be used by Aqwest for water supply purposes in the future. The

price of re-purchase is to be at the Valuer General's valuation based on the same valuation methodology used in determining the current land sale arrangements.

2. Aqwest is to improve the landscape of Lot 46 Roberts Crescent.
3. The area of land to be purchased by Aqwest on Part Lot 167 Spencer Street is 2,647m² and Part Lot 521 is 2,372m².

Aqwest has advised that the Minister for Water Resources has approved its proposal to purchase the land.

Statutory Advertising

Pursuant to Council's decision of 1 May 2007, a Business Plan was prepared and advertised for public information in the *South Western Times* on 28 June 2007 - one (1) submission was received. The business plan was revised in line with comments made in the public submission and the revised edition advertised in *The West Australian* on 18 August 2007 and in the *Bunbury Mail* on 22 August 2007. Submissions closed on 1 October 2007.

Notices inviting members of the public to inspect the business plan were also displayed on the City's website and on notice boards at the Customer Service Centre and both libraries.

Strategic and/or Regional Outcomes

The proposal complies with Council's 2007-2012 Strategic Plan through Strategic Objective 1 which directs "*Improve the Relationship with State, Federal and Other Local Governments*", which states that "*improved relationship with state and federal governments is vital in gaining commitment for increased funding for major capital projects that would improve the attractiveness of Bunbury from an industry, employment and lifestyle perspective*".

Income from the sale of the land will provide funding to assist in development of Bunbury's regional infrastructure including the new City Library and a proposal for redevelopment of the Stephen Street Precinct.

Community Consultation

The Business Plan outlining the City's intention to enter into a major land transaction has been advertised for public information pursuant to Section 3.58 and 3.59 of the Local Government Act 1995.

Councillor/Officer Consultation

Council has previously considered the sale and lease proposal for the subject land at its meetings on 11 July 2006 and 1 May 2007.

Council has been kept informed during negotiations with Aqwest by Memorandum and Council Briefing Session.

Analysis of Financial and Budget Implications

As reported to the Council Meeting of 1 May 2007, the Valuer General's Office valuation report detailing the valuation method employed for negotiation was received on 30 June 2006.

Income from the sale of the land will provide funding to assist in development of Bunbury's regional infrastructure including the new City Library and a proposal for redevelopment of the Stephen Street Precinct.

Economic, Social, Environmental and Heritage Issues

Economic Issues

The income from the sale of these properties will promote construction of regional infrastructure projects identified in Council's future Capital Works Programme and provide employment and further economic activity.

Social Issues

The sale retains the land parcels as a community asset held by Aqwest.

Environmental Issues

Each of the facilities are licensed and comply with the requirements stipulated by the Department of Minerals and Energy.

Heritage Issues

There are no known heritage issues associated with the proposal.

Council Policy Compliance

There is no Council policy relating to the sale of these properties.

Legislative Compliance

Following Council's decision to sell the land (refer to Council Meeting of 1 May 2007) a Business Plan was advertised for public information. Pursuant to Section 3.59(5) the Council is now to consider the objecting submission received before making a formal decision on whether (or not) to proceed with the land transaction as proposed.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to sell these properties.

Relevant Precedents

The City has previously entered into other major land transactions including College Grove and Bunbury Business Park - proceeds from the sale of this property was utilised to assist in funding construction of the South West Sports Centre, the City's new Civic/Administration Centre, and; the proposed new City/Regional Library.

Options

- Option 1: Per the recommendation
- Option 2: Per the recommendation with minor amendments to the land transaction proposal so that it is not significantly different to what is outlined in the Business Plan.
- Option 3: Council refuses the application from Aqwest (Bunbury Water Board) to enter into negotiations to purchase the subject land.

Conclusion

In order for the City to meet its strategic objectives of planning future growth and meeting community needs, the sites have been identified for sale but will be retained by Aqwest in the community's interest. The proceeds from the sale will assist funding projects of regional significance.

Recommendation

In relation to the major land transaction outlined in the Business Plan titled "*Sale of Aqwest Water Treatment Sites (Bunbury)*":

1. The submission received from Mr Summers (and the Executive's responses), be noted.
2. The City to proceed with the sale of the following land to Aqwest (a State Government entity) at the Valuer General's Market Valuation of 30 June 2006:

Location	Facilities On-site	Value (inc. GST)
Lot 46 Roberts Crescent (1.47 ha) C/T Vol. 1309 Fol. 584	Reservoir	\$3,600,000
Part Lot 167 Spencer Street (2,647m ²) C/T Vol. 1022 Fol. 68	Treatment Plant	\$330,000

Part Lot 521 Robertson Drive (2,372m ²) C/T Vol. 551 Fol. 28A	Treatment Plant	\$95,000
TOTAL:		\$4,025,000

3. The land sale to be subject to the following conditions:
 - 3.1 Aqwest is to give the City of Bunbury first right of refusal to re-purchase the land should it cease to be used by Aqwest for water supply purposes in the future. The price of re-purchase is to be at the Valuer General's valuation based on the same valuation methodology used in determining the current land sale arrangements.
 - 3.2 Aqwest is to improve the landscape of Lot 46 Roberts Crescent.
4. Aqwest to surrender its leases for Lots 28 and 29 Mangles Street to the City of Bunbury as it no longer requires this land for water supply purposes.

Outcome of the Council Committee Meeting – 9 October 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

In relation to the major land transaction outlined in the Business Plan titled "*Sale of Aqwest Water Treatment Sites (Bunbury)*":

1. The submission received from Mr Summers (and the Executive's responses), be noted.
2. The City to proceed with the sale of the following land to Aqwest (a State Government entity) at the Valuer General's Market Valuation of 30 June 2006:

Location	Facilities On-site	Value (inc. GST)
Lot 46 Roberts Crescent (1.47 ha) C/T Vol. 1309 Fol. 584	Reservoir	\$3,600,000
Part Lot 167 Spencer Street (2,647m ²) C/T Vol. 1022 Fol. 68	Treatment Plant	\$330,000

Part Lot 521 Robertson Drive (2,372m²)
C/T Vol. 551 Fol. 28A

Treatment Plant	\$95,000
TOTAL:	\$4,025,000

3. The land sale to be subject to the following conditions:

3.1 Aqwest is to give the City of Bunbury first right of refusal to re-purchase the land should it cease to be used by Aqwest for water supply purposes in the future. The price of re-purchase is to be at the Valuer General's valuation based on the same valuation methodology used in determining the current land sale arrangements.

3.2 Aqwest is to improve the landscape of Lot 46 Roberts Crescent.

4. Aqwest to surrender its leases for Lots 28 and 29 Mangles Street to the City of Bunbury as it no longer requires this land for water supply purposes.

CARRIED

11 Votes "For"/Nil Votes "Against"

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

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

Refer to Item 15.1 of these Minutes.

14. ITEMS TO BE NOTED

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

Nil.

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

Nil.

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

Cr Dillon moved, Cr Major seconded a procedural motion that the following item be dealt with as confidential business under Section 5.23(2)(a) of the Local Government Act 1995.

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

There were no members of the public present at the meeting at this time.

15.1 PROPOSED COMMERCIAL AND RESIDENTIAL DEVELOPMENT LOT 20 (NO 22) STEPHEN STREET, BUNBURY

File Ref:	P08976
Applicant/Proponent:	Cr Tom Dillon
Author:	Not applicable
Executive:	Ken Weary, Acting Chief Executive Officer

At the Council Committee meeting of 9 October 2007, Cr Dillon brought forward as a matter of urgent business (requiring confidential discussion) a request to place the Stirling Centre Redevelopment proposal on the Agenda for the forthcoming Council Meeting of 16 October 2007.

Following discussion, the following motion was moved Cr Dillon, seconded Cr Major, and adopted to become the Committee’s recommendation on this issue.

Committee Recommendation

The proposed commercial and residential development of Lot 20 (No 22) Stephen Street, Bunbury, be placed on the Agenda for the Council Meeting on 16 October 2007.

CARRIED

11 Votes “For”/Nil Votes “Against”

Moved Cr Wenn, seconded Cr Dillon, that the Council Committee Meeting resume.

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

16. CLOSE OF MEETING

The Presiding Member, Deputy Mayor Jones, declared the meeting closed at 10.15pm.

CONFIRMED this day 30 October 2007, to be a true and correct record of proceedings of the Council (Standing) Committee Meeting held on 9 October 2007.

DEPUTY MAYOR J JONES
PRESIDING MEMBER