



27 MARCH 2007

## CONTENTS

### **Council Meeting Minutes**

<b><u>Item No</u></b>	<b><u>Subject</u></b>	<b><u>Page</u></b>
1.	DECLARATION OF OPENING BY THE MAYOR	1
2.	RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	1
3.	RESPONSES TO 'PUBLIC QUESTIONS' FROM THE PREVIOUS COUNCIL MEETING (WHERE THEY COULD NOT BE ANSWERED AT THAT MEETING)	2
4.	PUBLIC QUESTION TIME - AS SPECIFIED UNDER SECTION 5.24 OF THE LOCAL GOVERNMENT ACT 1995	2
5.	QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL (WITHOUT DISCUSSION)	6
6.	CONFIRMATION OF PREVIOUS MINUTES	6
7.	DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995	6
8.	ANNOUNCEMENTS BY THE MAYOR (WITHOUT DISCUSSION)	7
9.	CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS	8
9.1	NEW CITY LIBRARY AND SMART BUILDING	8
9.2	REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR NORM MCCLEARY	13
10.	RECEPTION OF FORMAL PETITIONS AND MEMORIALS	14

11.	RECEPTION OF REPORTS AND RECOMMENDATIONS FROM THE COUNCIL (STANDING) COMMITTEE MEETING HELD 20 MARCH 2007	15
11.1	REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR TOM DILLON	16
11.2	REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR RAY FRISINA	17
11.3	ARCOLOGIC DESIGN – ETERNAL LIFE – FAWLTY TOWERS – REDEVELOPMENT OF MOTEL – LOT 3 (#205) OCEAN DRIVE BUNBURY	18
11.4	PROPOSED RESIDENTIAL DEVELOPMENT - PORTION LOT 4 PRESTONWOOD STREET, BUNBURY ( <i>THIS ITEM WAS LISTED AS ITEM 11.5 ON THE MEETING AGENDA</i> )	34
11.5	AMENDMENT OF PRIVATE PROPERTY LOCAL LAW TO ALLOW FOR ELECTRIC FENCING ( <i>THIS ITEM WAS LISTED AS ITEM 11.4 ON THE MEETING AGENDA</i> )	46
11.6	BUNBURY COASTAL ENHANCEMENT PROJECT - STAGE FINAL - PROJECT IMPLEMENTATION	54
11.7	BUNBURY-SETAGAYA SISTER CITIES COMMITTEE - MEMBERSHIP NOMINATION	58
11.8	BUNBURY-SETAGAYA SISTER CITIES COMMITTEE NOMINATION FOR 2007 AUSTRALIAN SISTER CITIES ASSOCIATION CONFERENCE	62
11.9	MARCH 2007 BUDGET REVIEW	66
11.10	FINANCIAL STATEMENTS FOR THE PERIOD ENDING 28 FEBRUARY 2007	69
11.11	SOUTH WEST SPORTS CENTRE OPERATIONS AND FINANCIAL REPORTS - FEBRUARY 2007	71
11.12	ITEMS TO BE NOTED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING	74
12.	MOTIONS (OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN)	75
13.	"URGENT" BUSINESS WITH THE APPROVAL OF THE MAJORITY OF MEMBERS PRESENT	75
14.	ITEMS TO BE NOTED (NO DISCUSSION)	75
15.	CONFIDENTIAL BUSINESS AS STIPULATED UNDER SECTION 5.23(2) OF THE LOCAL GOVERNMENT ACT 1995	75
16.	CLOSURE OF MEETING	75

## 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
ARRB	ARRB Transport Research Ltd
ASCA	Australian Sister City Association
AWARE	All West Australians Reducing Emergencies (grant funding)
BBPCG	Back Beach Project Control Group
BCA	Building Code of Australia
BCEP	Bunbury Coastal Enhancement Project
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
BMWSCC	Bunbury Meals on Wheels and Senior Citizens Centre (Inc.)
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
CAFF	Community Cultural and Arts Facilities Fund
CERM	Centre of Environmental and Recreation Management
CPI	Consumer Price Index
CSRFF	Community Sport and Recreation Facilities Fund
CSRU	Community Supported Residential Units
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
DEWCP	Department for Environment, Water and Catchment Protection
DLI	Department of Land Information
DoCEP	Department for Consumer and Employment Projection
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

<b>Term</b>	<b>Explanation</b>
EIA	Environmental Impact Assessment
EPA	Environmental Protection Authority
ERMP	Environmental Review and Management Program
ESL	Emergency Services Levy
FESA	Fire and Emergency Services Authority
FFL	Finished Floor Level
GBPG	Greater Bunbury Progress Group
GBRP	Greater Bunbury Resource Plan report
GBRS	Greater Bunbury Region Scheme
GL	Gigalitres
GRV	Gross Rental Value
GST	Goods and Services Tax
HCWA	Heritage Council of Western Australia
ICLEI	International Council for Local Environmental Initiatives
ICT	Information and Communications Technology
ILUTS	Integrated Land Use and Transport Strategy
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
MHS1	Marlston Hill Stage 1 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
SAT	State Administrative Tribunal

<b>Term</b>	<b>Explanation</b>
SBCC	South Bunbury Cricket Club Inc.
SCADA	Supervisory Control and Data Acquisition
SGDC	Sportsgrounds Development Committee
SW	South West
SWACC	South Western Area Consultative Committee
SWAMS	South West Aboriginal Medical Service
SWBP	South West Biodiversity Project
SWCC	South West Catchments Council
SWDC	South West Development Commission
SWDRP	South West Dolphin Research Program
SWEL	South West Electronic Library
SWSC	South West Sports Centre
TME	Thompson McRobert Edgeloe
TPS	Town Planning Scheme
USBA	Union Bank of Switzerland Australia
VGO	Valuer General's Office
VOIP	Voice-Over Internet Protocol
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission
WAPRES	Western Australian Plantation Resources
WAWA	Water Authority of Western Australia
WC	Water Corporation
WML	WML Consultants
WRC	Waters and Rivers Commission

## COUNCIL MEETING MINUTES

Minutes of an Ordinary Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Centre, 4 Stephen Street, Bunbury on 28 March 2007.

# MINUTES

27 March 2007

### 1. DECLARATION OF OPENING BY THE MAYOR

His Worship the Mayor opened the meeting at 6:03 pm.

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

#### *ATTENDANCE*

<b>Committee Members</b>	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member:	Deputy Mayor, Councillor J Jones
Members:	Councillor A Leigh
	Councillor T Smith
	Councillor R Lambert
	Councillor McCleary
	Councillor D Wenn
	Councillor T Dillon
	Councillor S Rooney
	Councillor L Rose
Councillor S Craddock	
Councillor W Major	
<b>Executive Management Team (Non-Voting)</b>	
Chief Executive Officer:	Mr G Trevaskis
Executive Manager Corporate Services:	Mr K Weary
Acting Executive Manager City Development:	Mr G Fitzgerald
Executive Manager City Services:	Mr M Scott
Acting Executive Manager City Life:	Mr D Marzano
<b>Council Officers (Non-Voting):</b>	
Manager Administration and Property Services:	Mr J Beaton
Manager Development Services:	Mr G Fitzgerald
Regional Librarian:	Ms S Franklin
Manager Community Law and Safety:	Mr J Kowal
Administration Officer Corporate Services:	Mrs E Allan
<b>Others (Non-Voting):</b>	
Members of the Public:	15
Members of the Press:	2

*APOLOGIES AND LEAVES OF ABSENCE*

Cr Frisina – Leave of Absence – 19 March 2007 to 1 April 2007

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

Nil.

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

**Max Owens, Forrest Street, Bunbury**

*Question 1: Will the Public Library will go ahead notwithstanding the outcome of the Prestonwood Street issue?*

Response 1: His Worship the Mayor advised that the proceeds of the sale of Prestonwood Street were not essential to the funding of the library.

*Question 2: I understand that Council has an environmental advisory committee. Was this proposal put before this committee prior to referral to Council and what was their response? If it was not referred to this committee prior to referral to Council, why was it not referred?*

Response 2: His Worship the Mayor advised that Council has a Bunbury Environmental and Sustainability Advisory Committee. This was not referred to BESAC for comment, however it was subject to environmental assessment through the Executive by the City's Environmental Officer, who is also a member of that committee.

The Chief Executive Officer advised that this was the normal process for land rationalisation and programs, items referring to which are referred directly to full council to ensure all members are fully briefed. Should it be necessary to have any land proposal referred back to BESAC for special comment, the option was available for councillors to request.

*Question 3: Is referral to the City's environmental committee discretionary?*

Response 3: The Chief Executive Officer advised that in these instances it is. Normal process would be to brief Council as these are essential projects that all Councillors need to be familiar with.

*Question 4: Council has acknowledged that it currently has no remnant bushland policy, but one is being developed. Can a commitment be given on when this policy will be in place?*

Response 4: His Worship the Mayor advised that apart of their being an Environmental Officer on staff, the City had received funding through the Western Australian Local Government Association. Currently a report on the diversity and value of the remnant bushland on reserves was being prepared.

*Question 5: Is there a timeframe when a policy will be developed?*

Response 5: His Worship the Mayor advised that he expected that the study would be complete within twelve month period.

The City's Environmental Officer advises

1. The City has engaged consultants to conduct biological investigations of all City managed reserves (ex- Ocean to Preston River Park). The results of this work will be presented to Council later this year. This work was part funded through the Environmental Reserve and a \$15,000 grant received through the South West Biodiversity Project (WALGA).
2. The City currently hosts the South West Biodiversity Project team (three staff in total)
3. The work developed through Point 1 above will be used to develop a 'Local Biodiversity Strategy', a document that highlights Council's intent for the protection of its biodiversity and entails a range of policy instruments such as TPS provisions and strategies for the retention of native veg on private land. This was endorsed by Council at its meeting on the 13 February 2007(13/07).
4. The Biodiversity Discussion Paper (precursor to the strategy) will be developed next financial year. The preparation of the Strategy will commence after the completion of the Discussion Paper and is anticipated to take several years to complete (up to three years). Hence, I would anticipate the Strategy to have been completed by 2010/2011.

*Question 6: At the Council (Standing) Committee the TME representative advised that there would no-longer be a fibro-cement wall. Has a cost now been set-out for the proposed limestone-type wall that is planned for the area.*

Response 6: The Executive Manager Corporate Services advised that the cost of a limestone wall has been costed into the most recent costings. The intention is to have a limestone-type wall which will provide a sound-barrier. Once the design is being undertaken, Engineering will design the wall.

*Question 7: What is the estimate of the cost for the limestone type wall?*

Response 7: The Executive Manager Corporate Services advised that the costings are estimated at approximately \$300,000.



*Question 8: How long will the wall be?*

Response 8: The Manager Administration and Property Services advised the length of the wall would be 320m.

*Question 9: How high will the wall be?*

Response 9: The Executive Manager Corporate Services confirmed that the wall height would vary up to 2.4m from inside the lot boundary and up to 5m, for approximately 45m, at the most northern extremity of the subdivision on Robertson Drive where the acoustic wall sits on the retaining wall.

**Diane Ward, 98 Prestonwood Street, Bunbury**

*Question 1: In 2000 a survey was undertaken to monitor the vibrations on Robertson Drive, at a time when there was no ship in Port. Has Council done a more recent vibration survey as traffic has increased significantly in that time? What were the results of the survey? If a more recent survey has not been undertaken is Council considering undertaking one?*

Response 1: The Manager Administration and Property Services advised that he had no knowledge of the 2000 vibrations survey. Council had undertaken an acoustic survey in association with the Prestonwood Street proposal, not a vibrations survey. (At this time Mrs Ward allowed Mr Beaton to view her copy of the 2000 survey.)

The Manager Administration and Property Services advised that the 2000 survey had been commissioned by Main Roads WA and that to his knowledge Council had not been provided with a copy. He advised that he would seek a copy of this report.

*Question 2: Is the proposed wall going to help reduce the vibrations?*

Response 2: His Worship the Mayor advised that he didn't believe that the proposed wall would assist in reducing the vibrations from traffic. The wall was intended to prevent noise.

**John Labriola, 79 Bunning Boulevard, Bunbury**

*Question 1: Why has the vibrations survey not been undertaken on Robertson Drive and will it be undertaken?*

Response 1: His Worship the Mayor advised that the question of vibrations has not previously been raised.

*Question 2: Have surveys been done on the fumes and emissions from the trucks, especially when the ships are being loaded at night? The new residences will be half the*

*distance from the fumes of the existing residences, they would be greater. If a survey has been undertaken what are the results?*

Response 2: His Worship the Mayor advised he was not aware that a study of fumes and emissions had been undertaken by Council. He suggested that while Main Roads WA were being requested to provide a copy of the vibrations report, they could be asked whether a fumes and emissions report had been undertaken. A study could possibly be carried out from Preston River Street as their proximity to the road would be more in keeping with the proposal.

*Question 3: The report states that there will only be approximately a 6dB(A) reduction in sound and currently residences are receiving sound at above recommended rates? Can we have a guarantee that the wall will be able to hold the noise in a normal house in this blocks to below the required decibel rating for people to sleep comfortably at night?*

Response 3: His Worship the Mayor advised that his understanding was that the wall would be to the same height and specification of the walls constructed by Main Roads WA on their highways. Whether it can eliminate the noise or not is unknown.

*Question 4: What is the expected cost of graffiti removal from the wall?*

Response 4: Mr Bill Berry from TME advised that a coating would be put on the wall that would make cleaning graffiti easier. Costs associated with foreseen graffiti could not be determined without assessing Council's graffiti eradication program.

*Question 5: Will the protective coating on a limestone wall work? What will the cost be?*

Response 5: Mr Bill Berry from TME advised that the protective coating would work on a limestone wall and that the cost was approximately \$5m<sup>2</sup>.

His Worship the Mayor advised that the major cost would be the staff time which would be taken to remove the graffiti.

*Question 6: Have up-to-date costs been prepared on whether the Prestonwood Street Proposal is a viable proposition?*

Response 6: The Executive Manager Corporate Services advised that although indicating the costs were some months old at the Committee Meeting, the most recent costings had been only undertaken two months previously. During the week the costs had been revisited and the net return for the development remains around \$1.2M.

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

Nil.

6. **CONFIRMATION OF PREVIOUS MINUTES**

**COUNCIL DECISION 51/07**

Moved Cr Major  
Seconded Cr Leigh

*The minutes of the Council Meeting held 6 March 2007, be confirmed as a true and accurate record.*

**CARRIED**

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

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

Cr Lambert disclosed an Impartiality Interest in the item titled "11.5 (previously item 11.4): *Amendment of Private Property Local Law to Allow for Electric Fencing*" as he is a member of a business club of which a local fencing/security business owner is also a member. He advised that the interest declared was not likely to affect his decision and advised that she would not be leaving the meeting during discussion and vote on the item.

Cr Rose disclosed a Proximity Interest in the item titled "11.4 (previously item 11.5): *Proposed Residential Development – Portion Lot 4 Prestonwood Street, Bunbury*" as she lives in Sandridge Park. She advised that the interest declared was not likely to affect her decision and advised that she would not be leaving the meeting during discussion and vote on the item.

Cr Leigh disclosed a Proximity Interest in the item titled "11.4 (previously item 11.5): *Proposed Residential Development – Portion Lot 4 Prestonwood Street, Bunbury*" as he lives in close proximity to Prestonwood Street.

Cr Dillon disclosed a Conflict of Interest (Code of Conduct) in the item titled "11.6 *Bunbury Coastal Enhancement Project – Stage Final – Project Implementation*" as his daughter is the Manager of a company who has previously tendered for this work and who may re-tender for additional works if they become available.

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

His Worship the Mayor advised that two weeks previously a former councillor and mayor, Edward Arthur Cooke (Bunny Cooke) passed away and provided the following information:

*“Edward Arthur Cooke was a north ward councillor from 15 December 1962 until 14 May 1966 when he was elected Mayor of Bunbury receiving a total of 2,713 votes. He served until 13 August 1966.*

*He was employed as the North Railway Inspector until his retirement from what was then the West Australian Government Railways on 29 May 1966. He later went to the North West and became employed as the Railway Manager for Robe River Iron.*

*Cooke Street in Bunbury is named after him.*

*He was also a labour candidate in the state election of 1965, and it was said in relation to the 1964 floods they may have caused major inconvenience and highlighted serious problems with the degree of public concern over the environmental issues were shown in its true perspective by the State Election in February 1965. Although the labour candidate E A Cooke, Town Councillor and Deputy Mayor pledged a policy of de-silting the estuary and of reconsidering the advisability of the plug, the Liberal Member Mr Maurie Williams who had first one the seat at the bi-election in 1962 was re-elected.*

*Mr Cooke followed as Mayor Albert Henry Wilson and Dr Ernest Manea was elected in his place.”*

His Worship the Mayor then asked councillors, staff and members of the public to stand for a period of silence in commemoration.

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His Worship the Mayor then took the opportunity to thank councillors, the Executive, members of staff, members of the public for their support for his family over the death of Mrs DeMarti (the Mayor's Mother-in-Law). He noted the family's great appreciation.

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

**9.1 NEW CITY LIBRARY AND SMART BUILDING**

<b>File Ref:</b>	A02351
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Sue Franklin, Regional Librarian
<b>Executive:</b>	Greg Trevaskis, Chief Executive Officer

**Summary**

This report summarises progress of the New City/Regional Library and Smart Building project since commencement of the design phase in May 2006.

Architectural, structural and civic planning processes for the new building have proceeded to a stage where it is now appropriate to make application for Development Approval.

**Background**

Bunbury City Library opened to the public on 21 October 1974 in its present building in Parkfield Street.

In recent years, the building has increasingly been unable to function effectively as a library due to dramatic changes in the range of resources and services delivered by public libraries, population increase, and changes in service delivery opportunities and expectations.

In 2001, redevelopment of both the City/Regional Library and the City's Council Chambers and Administration Centre were examined together as an opportunity for either co-located or separate premises.

On 4 March 2003, Council resolved to refer site consideration for a new Library back to Committee. The item was again considered on 17 August 2004, following an extensive review of library site options, and Council Decided (228/04) to construct the new Library on the existing site at Lot 512 Parkfield Street, Bunbury.

In 2002, Council's Economic Development Advisory Committee ("EDAC") had begun exploring how Bunbury could enter the Knowledge Economy, and a Smart Community Strategy was endorsed by Council on 17 February 2004. A focus of the Strategy was to promote initiatives that promote the uptake of information technology for the community as a whole, position Bunbury as the ICT services centre for the South West, and improve competitiveness of local business.

The strategy identified synergies between the proposed new Library and this smart community initiative. On 21 December 2004, Council Decided (354/04) to endorse a proposal to investigate co-location of the proposed Library with a Smart Building. A Project Control Group was appointed to oversee assessment of development options.

On 20 September 2005 Council Decided (216/05):

**Council Decision 216/05**

*“Council endorses the immediate construction of a 2,000 sq.m. Library, Business Incubator, ICT Training Facility and Data Centre together with provision for 70 car-parking bays”.*

On 13 December 2005, Council Decided (285/05) to endorse Clifton Coney Group as the Project Manager.

On 9 May 2006, Council Decided to endorse Peter Hunt Architects (Decision 58/06) to provide architectural services for the project, and Davis Langdon Australia (Decision 52/06) to provide Cost Management consultancy services.

By October 2006, Project Architect Graham Hunt had developed concept plans. Other than minor amendment including modifications to the size of the building to reduce costs, the design has remained true to these original plans.

Options for temporary Library accommodation during demolition and construction have been investigated as a parallel process, and are now nearing finalisation.

Architectural, structural and civic planning processes for the new building are now advanced to a stage where it is appropriate to make application for Development Approval.

The anticipated project schedule is:

Issuance of Development Approval (Delegated Authority)	March 2007
Expressions of interest for construction services	March 2007
Tenders for construction services	April 2007
Moving of Library to temporary premises	May 2007
Demolition of existing Library building	June 2007
Construction period	June 2007 to May 2008
Fit-out and occupancy	June 2008

**Strategic and/or Regional Outcomes**

Provision of library services is included in the City of Bunbury’s Strategic Plan 2002 – 2007 under Strategic Direction 1 Goal 4 to *“have Bunbury recognised as a place to live, work and invest”* and to *“provide library resources and services that meet intellectual, economic, cultural and recreational information needs”*.

Construction of a new City Library is included in the City’s Plan of Principal Activities 2005/06 – 2009/10.

### **Community Consultation**

Extensive community consultation occurred in the process of assessing site options for the new City/Regional Library.

A public display of the new development will be presented at the City/Regional Library as soon as details for temporary Library accommodation during 2007/08 are finalised. The display will include:

- \* A precinct concept plan,
- \* Architectural elevations, including an artist's rendering of the completed building, and
- \* A detailed floorplan of the Library space.

The Regional Librarian will also meet with the Community Access Committee next month to discuss the design's universal access features.

### **Councillor/Officer Consultation**

The Deputy Mayor, Cr Judy Jones, and Councillors Ray Frisina, Trevor Smith and Linda Rose are members of the *New City/Regional Library Project Control Group*, accompanied by the Chief Executive Officer, Executive Manager City Life, Executive Manager City Development, Executive Manager Corporate Services, Regional Librarian and Business Development Officer.

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

It should be noted however, that such costings are not intended to match any competitively tendered price which may prove to be lower in price. The Project Control Group is of the view that the amount of \$9M is achievable through the public tender process, which is expected to be highly competitive. Should construction costs be higher than expected then negotiations would be entered into with the lowest tenderer to comply with the \$9M budget. A final review of the financing of the project will be undertaken by Council once tender costs are formalised for inclusion in the 2007/08 Council budget.

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

The project has the capacity to enhance economic and social outcomes through enhanced physical infrastructure and amenity, and the revitalisation of the southern end of the Central Business District.

Public libraries are well documented as having a unique role as one of the most widely-used educational, cultural and social facilities in the community. The new City/Regional Library also offers an opportunity for rejuvenation and innovation, with the Library able to play a

pivotal role in promoting greater social cohesion and a stronger sense of civic pride and local identity.

The new building will encroach to a minor extent on the adjacent State Registered Anzac Park. At its meeting on 20 February 2007, the Heritage Council of Western Australia determined that the encroachment is supported subject to:

- \* A detailed landscape proposal for the area encroaching and adjacent, prior to commencement of works, including retention of existing trees where possible, and
- \* Creation of a new appropriately designed and located birdcage.

A Norfolk Island pine situated on the existing library's southeast side is listed in the City's Municipal Inventory. The tree has been damaged by repeated lopping due to nearby high-tension power lines, and by the May 2005 tornado. Arboriculture advice has been sought to assess options for conserving or moving the tree and are under consideration.

### **Council Policy Compliance**

The library project satisfies established policies in that developments that are being rebuilt/refurbished on existing sites and, which comply with council planning scheme zoning requirements, may be considered under delegated authority as granted to the Chief Executive Officer.

### **Legislative Compliance**

All aspects of the new City Library and Smart Building project will be carefully assessed to meet Town Planning Scheme No.7, heritage, access and related requirements. Should development approval be issued under delegated authority, conditions will required compliance with all relevant legislation and regulations.

### **Delegation of Authority**

The Chief Executive Officer has no delegated authority to approve plans for major works without first seeking the endorsement of Council.

### **Relevant Precedents**

Council has previously undertaken major infrastructure works of this nature, including redevelopment of the Civic Administration Centre in Stephen Street, and construction of the South West Sports Centre.

### **Options**

Option 1: Per the Executive Recommendation.

Option 2: The proposed plans not be endorsed and the Library Project Control Group be instructed to resubmit new designs for the library.



Option 3: The new City Library and Smart Building project be abandoned.

### **Conclusion**

Architectural, structural and civic planning processes for the new City Library and Smart Building have proceeded to a stage where it is now appropriate for Council to endorse the plans and commence formal processes for developmental approval.

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### **AT THE COUNCIL MEETING**

The Executive Recommendation was moved Cr Dillon, seconded Cr Craddock.

Cr T Smith, as representative for the Project Control Group, provided additional information in response to questions from members. He also advised that he had copies of the reports prepared on heritage assessment and arboriculture if councillors wished to view them.

The appreciation of Councillors and the Mayor in respect of the work undertaken by the Project Control Group was expressed. The City's representatives in this group are: Judy Jones, Deputy Mayor; David Smith, Mayor; Linda Rose, Councillor; Trevor Smith, Councillor; Ray Frisina, Councillor; Greg Trevaskis, Chief Executive Officer; Domenic Marzano, Acting Executive Manager City Life; Sue Franklin, Regional Librarian; and Denise Thompson, Regional Librarian.

The Mayor put the Executive Recommendation to the vote and it became a Council Decision.

#### **COUNCIL DECISION 52/07**

Moved Cr Dillon

Seconded Cr Craddock

*That Council endorse the design for the new City Library and Smart Building as presented at the Council Briefing on 13 March 2007 and for associated design and building plans to be submitted for formal planning assessment by Council staff.*

#### **CARRIED**

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

**9.2 REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR NORM MCCLEARY**

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

**Summary/Background**

Councillor McCleary has requested leave of absence from all Council-related business from 1 May 2007 to 18 May 2007 (inclusive).

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

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**AT THE COUNCIL MEETING**

The Executive Recommendation was moved Cr Major, seconded Cr Wenn.

The Mayor put the Executive Recommendation to the vote and it became a Council Decision.

**COUNCIL DECISION 53/07**

Moved Cr Major  
Seconded Cr Wenn

*Pursuant to Section 2.25 of the Local Government Act 1995, Councillor McCleary is granted leave of absence from all Council-related business from 1 May 2007 to 18 May 2007 (inclusive).*

**CARRIED**

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

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

Nil.

**11. RECEPTION OF REPORTS AND RECOMMENDATIONS FROM THE COUNCIL (STANDING) COMMITTEE MEETING HELD 20 MARCH 2007**

**COUNCIL DECISION**

Moved Cr Jones  
Seconded Cr Major

*Council adopts 'en bloc' the Council Committee Recommendation of 20 March 2007 for item 11.1 to 11.3 (inclusive).*

**CARRIED**

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

**COUNCIL DECISION**

Moved Cr Lambert  
Seconded Cr Major

*Council adopts the Council Committee Recommendation of 20 March 2007 for item 11.6.*

**CARRIED**

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

**COUNCIL DECISION**

Moved Cr Wenn  
Seconded Cr Leigh

*Council adopts 'en bloc' the Council Committee Recommendation of 20 March 2007 for item 11.10 to 11.12 (inclusive).*

**CARRIED**

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

**11.1 REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR TOM DILLON**

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

**Summary/Background**

Councillor Dillon has requested leave of absence from all Council-related business from 9 May 2007 to 1 June 2007 (inclusive).

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

**OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 20 MARCH 2007**

The Executive Recommendation was moved Cr Leigh, seconded Cr T Smith.

The Presiding Member put the Executive Recommendation to the vote and it became the Executive/Committee Recommendation.

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**AT THE COUNCIL MEETING**

The Executive/Committee Recommendation was moved Cr Jones, seconded Cr Major (en bloc).

The Mayor put the Executive/Committee Recommendation to the vote and it became a Council Decision.

**COUNCIL DECISION 54/07**

Moved Cr Jones  
Seconded Cr Major (en bloc)

*Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Dillon is granted leave of absence from all Council-related business from 9 May 2007 to 1 June 2007 (inclusive).*

**CARRIED**

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

**11.2 REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR RAY FRISINA**

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

**Summary/Background**

Councillor Frisina has requested leave of absence from all Council-related business from 19 March 2007 to 1 April 2007 (inclusive).

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

**OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 20 MARCH 2007**

The Executive Recommendation was moved Cr Wenn, seconded Cr Leigh.

The Presiding Member put the Executive Recommendation to the vote and it became the Executive/Committee Recommendation.

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**AT THE COUNCIL MEETING**

The Executive/Committee Recommendation was moved Cr Jones, seconded Cr Major (en bloc).

The Mayor put the Executive/Committee Recommendation to the vote and it became a Council Decision.

**COUNCIL DECISION 55/07**

Moved Cr Jones  
Seconded Cr Major (en bloc)

*Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Frisina is granted leave of absence from all Council-related business from 19 March 2007 to 1 April 2007 (inclusive).*

**CARRIED**

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

**11.3 ARCOLOGIC DESIGN – ETERNAL LIFE – FAWLTY TOWERS – REDEVELOPMENT OF MOTEL – LOT 3 (#205) OCEAN DRIVE BUNBURY**

<b>File Ref:</b>	P07098
<b>Applicant/Proponent:</b>	Arcologic Design ( <i>for Directors' names refer confidential report</i> )
<b>Author:</b>	Sam McNeilly, Senior Planner – Statutory
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

Council is in receipt of a development application from Arcologic Design, representing the owner (Eternal Life) requesting approval for the redevelopment (approximately \$10M) of the Fawlty Towers Motel site at Lot 3 (#205) Ocean Drive, Bunbury. The land is currently zoned “Special Use 43 – Motel”, and the permitted uses are listed as “Motel, Restaurant, and Coffee Lounge”.

Advertising of the proposed development has closed and fourteen submissions have been received. The matter is now submitted to Council for its consideration as the provisions of the current Town Planning Scheme (TPS 7) require that all conditions of development are to be “determined by Council”, and public submissions were received.

The principle planning issues resulting from a study of the proposed development, and the public submissions, have been considered and Development Services has formed the view that the proposed development is generally in order, but requires attachment of conditions to address points of detail.

**Background**

There is currently a motel located on the site and it is understood that the land has recently been purchased with a view to redevelop the site.

The existing motel consists of 17 rooms. The new development is proposed to include 76 rooms along with other facilities associated with a motel development.

The land is currently zoned “Special Use 43 – Motel”, and the permitted uses are listed as “Motel, Restaurant, and Coffee Lounge”.

The development footprint of the existing development is as **attached** at Appendix 1.

**Proposal**

The proposal is best described by reference to the submitted plans (Basement level 1, Basement level 2, Ground floor, First floor, and Mezzanine/ Penthouse level) and elevations and presentation details **attached** at Appendix 2 (Marked as proposed resort/motel development).

The proposed development is proposed to consist of fourteen (14) one-bedroom units, twenty-three (23) two-bedroom units, four (4) three-bedroom units and two studio units (total 76 bedrooms).

An unusual part of the proposed development relates is that the applicant proposes an upgraded access road to the development on the verge area which would accommodate pure vehicle access and some car parking as indicated on the plan. Currently the development uses the verge area. Engineering Services has advised that they have no objection in principle to the reconstruction of the slip access way on the verge area and suggest that the City enters into a Deed of Licence to formalise the use of the verge for this purpose subject to an agreement whereby the developer would be responsible for the construction and maintenance of the facility and the provision of a footpath along the eastern boundary of the site, etc. This intent is reflected in the conditions of approval.

The following criteria are considered relevant:

#### Land-use

The land is currently zoned “Special Use 43 – Motel” “. The permitted uses are listed as “Motel, Restaurant, and Coffee Lounge”.

The provisions of TPS 7 do not place any upper limit on the development of the site in terms of bulk and location provisions and height etc., and state that any conditions of approval are to be “as determined by Council”.

The matter of actual landuse is considered to be in order.

#### Bulk and location requirements of Scheme

The current Town Planning Scheme (TPS 7) does not list any bulk and location requirements. It is considered therefore that the matter of determining setbacks and the bulk of the building becomes a value judgement relative to parameters including carparking provision, and height for example relative to the existing height, and relative to what one would expect for this type of development.

#### Carparking requirements of Scheme

The development generally complies with the provisions of Town Planning Scheme No.7. The Scheme requires one carparking space per bedroom, one space per for every 2m<sup>2</sup> of public drinking area, and one space for every 4m<sup>2</sup> of eating area.

The applicant has advised that the Lounge area is not specifically a drinking area and that it will be used as a meeting room for arriving and departing guests, and on that basis it should not be considered as contributing to any requirement for car parking. The applicant has also advised that the Coffee Lounge will be used specifically for guests and that in this case also it should not contribute to any requirement for car parking. This argument seems reasonable and therefore the development can be considered as meeting the car parking requirements of the Scheme.



The applicant has slightly overestimated the amount of car parking required. Whereas he has stated that 76 spaces are required in fact 74 spaces are actually required (if one space per bedroom), the proposal is for seven (7) spaces as part of the driveway construction. He has proposed to supply 77 spaces on the site in question and another seven (7) spaces as part of the driveway giving a total of 84 spaces.

Another relevant factor is that generally motels usually work on 80% occupancy in which case the development would essentially comply in terms of carparking requirements.

#### WAPC Policy No. DC 6.1 – The Country Coastal Planning Policy

The Western Australian Planning Commission (WAPC) Policy No. DC 6.1 titled “The Country Coastal Planning Policy” is relevant in terms of properly considering the matter. This policy sets out certain objectives and policy guidelines for development in coastal locations. In Clause 1.6 it is stated that is intended to deal primarily with new development and subdivision and may not always be applicable to areas previously developed and subdivided. It also points out that the application of generalisations in coastal planning can lead to difficulties and consequently each case should be dealt with on its merits.

Importantly Clause 3.5.5 of the Policy states “*No Building within 500 metres of the coast shall exceed 12 metres in height unless it is approved by the WA Planning Commission*”. The proposed building is within 500 metres of the coast, however that reference to the WAPC is not necessary in that the proposed building is not over 12 metres. Also, action in this regard is not mandatory as the introductory words of Clause 3.5.5 state that “*the following should be considered*”.

#### Submitters Data

Fourteen (14) submissions have been received. Submissions are as detailed on the Schedule of Submissions **attached** at Appendix 4.

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

- \* Potential lowering of property values in the surrounding areas
- \* Potential noise pollution
- \* Dust pollution
- \* Potential light pollution
- \* Loss of views.
- \* Potential adverse traffic impact.
- \* Height of development.

- \* Retaining walls/ fencing and impact in this regard
- \* Cross walk to beach
- \* Loss of privacy
- \* Heritage value
- \* Beach access – would this remain?
- \* Construction period
- \* Potential compaction/ vibration impacts on nearby properties.
- \* Development of Beach.

Each category of submission is considered in detail as set out below.

#### Property values

A number of objectors have referenced the matter of the possibility of negative impact on investment in the area and concomitant lowering of land values, as being reasons for objecting to the proposed development. Whilst from an individual perspective these reasons seem valid (particularly when superannuation may be directly linked to property values, and expected increases in value), they are not considered to be valid reasons for objecting to the proposed development.

#### Potential Noise, dust, and light pollution

A few submitters have expressed concern regarding the possibility of increased noise levels resulting from: the construction of the proposed development; and the operation of the development. In terms of the construction of the proposed development a condition regarding operating within acceptable noise levels would be attached to the issuance of any grant of approval. In terms of the operation of the facility, it is suggested that it would be appropriate to require the enclosure (by masonry, for example) of the covered car-parking. Furthermore in terms of the possibility of light pollution, an appropriate condition should be applied to any grant of approval, to ensure that there is no adverse impact on adjoining residences in terms of commercial and security lighting, which may lessen the expected level of amenity that one would expect in an established residential area.

In respect of potential dust pollution, a condition would be added by the City's Environmental Health Section to ensure that any dust levels are contained within acceptable and statutory levels.

### Height

The building (when viewed from Ocean Drive) is generally under nine (9) metres in height from the existing ground levels – see explanatory drawing **attached** at Appendix 3. The nine (9) metre height level is considered to be the Plimsoll line in that it is referenced in the current Town Planning Scheme, and any developments over nine (9) metres are required to be advertised. The relevant part of the Scheme is Clause 5.9.1.2 which reads as follows:

*“Before determining an application for any type of residential development in the Residential zone which incorporates a building or buildings where the average building height in respect of the existing ground level exceeds 9 metres and, in the opinion of the local government, the proposed development may have a detrimental effect on the nearby/adjoining properties, the local government shall advertise the proposal in accordance with the provisions of Clause 9.4 of the Scheme”.*

Whilst it is noted that Clause 5.9.1.2 actually refers to residential development specifically in the Residential zone (whereas the development under consideration is in a Special Use zone), this clause is a good reference point in terms of decision-making. This means any development over nine (9) metres should be considered more carefully in respect of any possible adverse impact(s) on other properties. As the proposed development is only marginally over nine (9) metres in height (from the existing ground level) and only over part of the development, it is considered that there is no significant adverse impact. On that basis the matter of height is in order.

The City Vision Strategy (approved in principle by Council in December 2006) recommends that *“The State Coastal Planning Policy (SPP2.6) amendment relating to height is supported where the maximum height for coastal areas (including the bay and inlet) should be five storeys or 21 metres and under certain conditions and subject to criteria including broad community support, consideration may be given to developments up to eight storeys or 32 metres.”*

### Loss of views

Whilst the loss of views is usually an emotive issue in this type of situation, views are not a right. The matter of the considered loss of views should however be read in conjunction with the previous paragraph which deals specifically with the height of the proposed development.

### Perceived loss of privacy.

Some submitters have listed this issue as a matter of concern. Whilst the proposed development is more significant in terms of visual and other impacts, the applicant has presented a legitimate development application which appears to utilise the land concerned to its fullest extent. Whilst there may in fact be a perceived loss of privacy (when the new development is measured against the existing development), this has to be balanced against the fact that the applicant is exercising a legitimate development right, and in light of the fact that should Council determine to issue a grant of planning approval, conditions can be attached whereby privacy issues can be suitably addressed.

Potential adverse motor vehicle traffic impact

Submissions have been received to the effect that the proposed development will result in adverse motor vehicle traffic impacts in the area. Whilst there may be a resultant increase in motor vehicle traffic movements in the vicinity, in fact this would best be measured by way of a Traffic Management Study.

It is noted that the applicant has proposed a formalised pedestrian crossing to the beach on Ocean Drive. This proposal has the potential to impact on the free-flow of motor vehicle traffic on Ocean Drive. The efficacy or otherwise of the idea to have a formalised pedestrian crossing should ideally be considered within any required Traffic Management Study.

Miscellaneous – access to beach; development of beach

It is understandable that submitters in this case are concerned that the beach is retained for general public use and not limited to the developers of the proposed resort. The beach in front of the development is crown land and as such will not be set aside for the exclusive use of the developer. The beach is designated as “Local Scheme Reserve – Parks and Recreation” in the current Town Planning Scheme No. 7 and is set aside for that specific purpose.

Vibration impacts (construction period)

Essentially the matter of vibration impacts on the adjoining properties is the responsibility of the builder who is nominated by the developer. However this point raised by the submitter is proposed to be attached to the grant of approval in the form of a note that the developer should take all necessary precautions in terms of standard practice in legislative requirements to exclude the possibility of adverse vibration impacts on adjoining/ nearby properties.

Length of construction period

In this case there is some concern that the consequences of construction may be long. The matter of the Chateau la Mer development was raised in that this development has extended over a two (2) year period and completion may still be some time off. The development of Chateau la Mer site is unique and does not represent normal construction practices. In any case it is suggested that Council cannot legislate to require that a development is completed in a specific time. The issuance of a building licence for any development is subject to the standard condition that the development is completed in a two (2) year period. This in itself imposes a statutory responsibility on the developer to complete the building in a reasonable period of time.

Whilst the submissions contribute to the final outcome of the decision-making process, it is considered that they are insufficient to preclude consideration of the proposed development, and the issuance of a conditional grant of planning approval.

The proposed development format is in order and it is proposed that a conditional approval should issued.

### **Strategic Outcomes**

It is considered that the broad direction of the City's 2002 –2007 Strategic Plan would not be compromised to any significant extent by supporting the proposed development.

### **Community Consultation**

The development proposal was publicly advertised on 17 January 2007 until 6 February 2007 in accordance with Scheme requirements. Fourteen (14) submissions have been received (attached at Appendix 4).

### **Applicant Consultation**

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

### **Councillor/Officer Consultation**

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

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

The proposal would have no adverse impact on the Municipal Budget.

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

#### Economic Issues

It is considered that the proposed development would provide economic benefits to the City as it proceeds to take up its second-city status in the State.

#### Social Issues

It is considered that there would not be any adverse social impact(s) should the development proceed. If anything the City would benefit considerably from a social perspective in that the City's tourism population base will increase.

#### Environmental Issues

There are no environmental issues associated with .

#### Heritage Issues

There are no heritage issues relative to the proposed development.

### **Council Policy Compliance**

It is considered that the proposed development complies generally with relevant Policies.

### **Legislative Compliance**

Legislative requirements relating to the Local Government Act 1995 or any other Act, Local Law or Regulations have been complied with. The proposal will be required to comply with the requirements of the Health Act 1911 and the City of Bunbury Health Local Laws 2001.

### **Delegation of Authority**

There is Delegation of Authority applicable to this proposal.

### **Relevant Precedents**

The Welcome Inn is a precedent in this regard. Council initially considered the matter and determined not to issue a grant of planning approval. The developer in this instance appealed to State Administrative Tribunal (SAT) who then determined (21 May 2003) to support the issuance of a grant of approval. The key issue in this instance related to height. The finally approved height was 23.5 metres AHD (three storeys above a basement car park).

### **Options**

Option 1: Per the Executive Recommendation.

Option 2: Should Council determine not to resolve to issue a grant of planning approval for the proposed development, a suggested format for such action is as follows:

*Council under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves that it refuses to grant planning approval to Arcologic Design (on behalf of Eternal Life) for the proposed redevelopment of the Fawltly Towers site for a Motel at lot 3 (#205) Ocean Drive, for the following reasons:*

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

### **Conclusion**

The proposed development merits approval. The format is acceptable in terms of expected norms for this type of development. The matter of height was a primary issue however the actual proposed height is not significantly above the height of the existing building. It is accepted that the height of the proposed development will be more apparent in that the proposed structure will be more extensive, another key issue related to potential impacts on adjoining residences. These impacts can be controlled by way of suitable conditions attached to the grant of approval.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 20 MARCH 2007**

Mr Eric Halse, 14 Ashford Place, Bunbury addressed the committee. Mr Halse spoke of heritage concerns.

Prior to the Committee Meeting, a Memorandum had been distributed to councillors and the Executive advising that a typographical error had been made in the wording of the Executive Recommendation and that approval was actually recommended. Rewording of the first paragraph of the Executive Recommendation was suggested as:

*“Council under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves to grant planning approval to Arcologic Design (on behalf of Eternal Life) for the proposed redevelopment of the Fawltly Towers site for a Motel at lot 3 (#205) Ocean Drive, with the following conditions:”*

The amended Executive Recommendation was moved Cr T Smith, seconded Cr Wenn (pro forma).

In response to questions from members the Manager Development Services advised:

- \* If the Fawltly Tower development was sold the zoning controls would require the new owners to comply with the approval. The Lounge and Coffee Lounge are not the main use under the zoning and therefore if they were used as a public facility this would contravene the scheme controls.
- \* The proposed pathway would be along the left-hand side if heading south and would mean that pedestrians would not have to cross to the other side of the street to continue.

In response to questions from members the Executive Manager City Development advised:

- \* The steps to the beach proposed under the Back Beach Coastal Enhancement are further north than the Fawltly Towers Development.
- \* The beach in front of the development is crown land and as such will not be set aside for the exclusive use of the developer.
- \* Current access to the beach in front of the development is by a controlled access track. It may be that access is restricted to an existing formalised accessway. Further information would be provided prior to the Council meeting.

The Presiding Member put the amended Executive Recommendation to the vote and it became the Executive/Committee Recommendation.

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**AT THE COUNCIL MEETING**

The Executive/Committee Recommendation was moved Cr Jones, seconded Cr Major (en bloc).

The Mayor put the Executive/Committee Recommendation to the vote and it became a Council Decision.

**COUNCIL DECISION 56/07**

Moved Cr Jones

Seconded Cr Major (en bloc)

*Council under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves to grant planning approval to Arcologic Design (on behalf of Eternal Life) for the proposed redevelopment of the Fawltly Towers site for a Motel at lot 3 (#205) Ocean Drive, with the following conditions:*

*1.1 Use and Development*

*1.1.1 The premises being used only in accordance with the definition of Motel contained in Schedule 1 of Town Planning Scheme No. 7 unless otherwise approved by Council.*

*1.1.2 All development shall be generally in accordance with the approved development plans that form part of this Planning Approval.*

*1.1.3 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.*

*1.1.4 Approval of the proposed development excludes permanent residential development in any form.*

*1.1.5 Management and maintenance of the development to be by an appropriate resort management body to the satisfaction of the Manager Development Services.*

*1.1.6 The applicant is to register against the land a Section 70a Notification under the Transfer of Land Act 1893 which provides a warning to future or prospective owners that the occupancy use of the building is approved as a Motel as defined in Schedule 1 of the current Town Planning Scheme (No. 7).*



- 1.1.7 *A Management Statement being prepared and submitted in accordance with Section 5c of the Strata Titles Act 1985 to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*
- a) *Development or redevelopment of the survey strata lots must comply with an existing development approval issued by the City of Bunbury or such alternative development approval as the Council may grant, which complies with the grouped dwelling requirements of the City of Bunbury Town Planning Scheme; and,*
  - b) *Amendment to or repeal of the above provision cannot be effected without the Commission's agreement.*
- 1.1.8 *All lots subject of this approval are to be amalgamated prior to commencement of any development works on the site.*
- 1.1.9 *The applicant ensuring full compliance with current legislation/regulations in respect of acid sulphate soils and to the satisfaction of the Manager Development Services.*
- 1.1.10 *In respect of the fact that the applicant is proposing to reconstruct the existing driveway on the verge area, Council requires that the applicant enter into a Deed of Licence between the developer and the City, and that the terms of such agreement are to include a provision whereby the developer will be given exclusive use of the verge area as proposed and in return the City will require the developer to construct the driveway and all related works to the City's satisfaction, to pay to the City an agreed annual licence fee, to maintain the facility, to take responsibility for the reinstatement of all existing services on the verge area, to allow any future required public services on the land, to construct at not cost to Council a pathway (to the satisfaction of the City Engineer) along the eastern frontage of the development site, and the provision of a pedestrian crossover to the beach along with any necessary steps down to beach level (to the satisfaction of the City Engineer, and on the basis that the Traffic Management Study supports the proposal to construct a pedestrian crossover at this point). The City retains the right to modify/terminate the licence at any point in time in the future.*
- 1.1.11 *Any uses such as Coffee Lounge and Restaurant are to be ancillary to the principle use-class "Motel".*
- 1.2 *Landscaping requirements*
- 1.2.1 *Existing trees located in verge areas to be retained except where otherwise approved for removal by Manager Parks and Urban Design. Should removal be approved costs associated with the removal to be the responsibility of the developer.*
  - 1.2.2 *A landscaping plan is to be prepared to address the area(s) as shown on the approved development plan and to be to the approval of the Manager Parks and Urban Design. 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.*

### *1.3 Appearance and Material Requirements*

*1.3.1 A schedule of exterior colours and finishes for the proposed development is to be submitted to and approved by Council's Manager Development Services prior to a building licence.*

*1.3.2 Any antennas and/or satellite dishes to be installed at roof level and to be concealed or screened from view, and in any case to be to the approval of the Manager Development Services.*

*1.3.3 The applicant is to submit a proposal for all operational and security lighting which is to be to the approval of the Manager Development Services. The purpose of this proposal (to be approved prior to the issuance of a building licence) is to ensure as far as possible that there is minimum adverse impact on adjoining properties in terms of lighting for the proposed facility.*

*1.3.4 The Developer submitting details of screening devices for windows (except in the case of high-light windows) for all windows facing the eastern and southern boundaries.*

### *1.4 Car Parking Requirements*

*1.4.1 All lower deck car parking is to be fully enclosed to the satisfaction of the Manager Development Services to minimise any adverse noise impact on adjoining residences to the rear of the facility.*

*1.4.2 The applicant is to submit a proposal (to be to the satisfaction of the Manager Development Services) for a masonry wall along the eastern and southern boundaries of the subject site. Such proposal is to be approved by the Manager Development Services prior to the issuance of any building licence.*

*1.4.3 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 (Copies of standard plans attached).*

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

*Paths shall take priority over crossovers*

*In accordance with Local Planning Policy – "Vehicle Crossovers", Councils Crossover rebate will only be issued where construction has been completed in accordance with the standard drawings.*

*1.4.4 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 standards shall be in accordance with the relevant standards including Australian Standards, Austroads, AUS-SPEC, City of Bunbury Engineering Design and Construction Standards, City of Bunbury Standard Drawings and other relevant standards).*

*1.4.5 Street lighting shall be provided for the access way(s), parking area(s) and turning area(s) by the developer. (Advice Note: Design and construction standards shall be in accordance with the relevant Australian Standards).*

#### *1.5 Engineering Requirements*

*1.5.1 The applicant shall dispose of stormwater onsite. Detailed 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 issuance of a building licence. (refer Local Planning Policy – Stormwater Disposal From Private Property). (Advice Note: The applicant to provide for 1m<sup>3</sup> of storage for stormwater for each 65m<sup>2</sup> of impervious area, including parking, driveways, other paved and sealed areas and roof areas).*

*1.5.2 Arrangements to 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 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.*

*1.5.3 Payment of the Path network contribution of \$16,119.84 prior to the issue of a building licence. The contribution will be used to fund Councils path replacement and expansion programme. The contribution may, at the City Engineers discretion, be used to upgrade/construct paths on the property frontage.*

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

*1.5.5 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 constructions 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.).*

*1.5.6 Road Assets Damage bond of \$1000.00 to be paid by the applicant prior to the issuance of the building licence as per Council's Local Planning Policy "Bonds" attached.*

*1.6 Health requirements*

*1.6.1 Compliance with the Health Act 1911 is required.*

*1.6.2 Compliance with the Health (Public Buildings) Regulations 1992 will be required.*

*1.6.3 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.*

*1.6.4 Compliance with the Health (Swimming Pools) Regulations 1964 will be required.*

*1.6.5 Construction shall not commence until the written approval of the Executive Director, Public Health has been obtained.*

1.6.6 *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.*

1.6.7 *Compliance with the City of Bunbury Health Local Laws 2001 is required.*

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

*Guidance Notes:*

- \* *The Plans and Specifications must be submitted to the Water Corporation for approval.*
- \* *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.*
- \* *Prior to the removal of any structure, a Demolition Licence shall be obtained from the Council pursuant to the Building Regulations 1989.*
- \* *Two (2) of the residential units are to be accessible for persons with disabilities in accordance with BCA Part D3. The accessible units are to be distributed as equitably as practicable so as to be representative of the range of amenity available.*
- \* *Three (3) residents car parking spaces for persons with disabilities are to be provided in accordance with BCA Part D3.5.*
- \* *Note: if the proposed development is under the day to day control of a managing company /agent then the premises will require registration as lodging house with the City of Bunbury.*
- \* *The developer is required to comply with all relevant legislation in respect of ensuring minimum impact adjoining/ nearby residences due to vibration during the construction process.*
- \* *This is not a Building Licence. This development is subject to a building licence approval – an application shall be made with Council’s Building Services prior to commencement of works on-site.*
- \* *All documentation submitted with the application shall be in accordance with the Building Regulations 1989 and the Building Code of Australia 1996 – Volume 1, including in particular, detailed plans and specifications for the site works (including finished ground and floor levels), storm water and roof run-off disposal, existing easements, parking areas (including pavement type), to the satisfaction of Council.*
- \* *The Plans and Specifications must be submitted to the Fire Emergency and Safety Association (FESA), Postal Address is, PO Box P1174 Perth WA 6844, Contact No: 08) 9323 9300.*
- \* *The Plans and Specifications must indicate the positions of any Exit Doors and Exit Signs and they are to be in accordance with the BCA – Parts D1 and E4 (Volume 1).*
- \* *The Plans and Specifications must indicate the position of and required Fire Hydrants and Fire Hose Reels and they are to be in accordance with the BCA – Part E1 (Volume 1).*
- \* *Should the Plans and Specifications indicate that the external walls are within 3 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 (Volume 1).*
- \* *The Plans and Specifications must indicate all provisions of Access for People With Disabilities, into and within the building, in accordance with the BCA – Part D3 (Volume 1) and AS 1428.1.*
- \* *The Plans and Specifications for the Building Application must provide Sanitary Facilities for people with disabilities in accordance with the BCA – F2 (Volume 1) and AS 1428.1.*
- \* *Owners, Builders and Developers undertaking development and/or construction of any kind are hereby advised of their responsibility to comply with the requirements of the Disability Discrimination Act 1992. For your convenience, Council has a copy of the documentation of the requirements at the front counter for your perusal.*

**27 March 2007**  
**Minutes - Council Meeting**

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- \* *For any further information on this Act, inquiries are to be directed to the Disability Services Commission on the following, Website: [www.dsc.wa.gov.au](http://www.dsc.wa.gov.au), Telephone: 08) 9426 9384, or, TTY: (08) 9426 9315.*
- \* *Until a Certificate of Classification has been issued by the Department of Development Services under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the land for the purposes in accordance with this approval.*
- \* *A sign licence application, including a plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted and approved by the Council's Department of Development Services, prior to the erection of any signage on the site and/or building.*

**CARRIED**

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

**11.4 PROPOSED RESIDENTIAL DEVELOPMENT - PORTION LOT 4 PRESTONWOOD STREET, BUNBURY** *(THIS ITEM WAS LISTED AS ITEM 11.5 ON THE MEETING AGENDA)*

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

**Summary**

It is proposed to subdivide and develop a portion of Lot 4 Prestonwood Street, Bunbury, into sixteen fully serviced residential lots - refer to the Display Plan and Subdivision Plan contained in the report under separate cover. As can be seen from the plans, a large proportion of the block will remain public open space i.e., 1.4964 hectares.

Income from the development will contribute to the funding for the new City Library.

**Background**

Lot 4 Prestonwood Street (Certificate of Title Vol. 1547 Fol. 596) being portion of Leschenault Location 26 and being Lot 4 on Diagram 51418; was purchased in Fee Simple by the City of Bunbury on 5 November 1979. A search of the City's records has not identified any restrictions placed on the land by former Councils for use of the site.

The land is located in the area known as Sandridge Park and is bounded by Prestonwood Street to the west and Robertson Drive to the east. A location plan is included in the report under separate cover.

Public Open Space

Lot 4 Prestonwood Street has an area of 2.8144 hectares and is zoned Residential R15. It is proposed to develop 1.3180 hectares into a sixteen-lot fully serviced residential building lots with building design guidelines similar to the City's development in College Grove. The balance of the land (1.4964 hectares) is to be retained for public open space. As part of the City's subdivision application, it is proposed that this public open space will be vested in the Crown in Fee Simple under Section 20A of the Town Planning and Development Act.

Zoning

City of Bunbury Town Planning Scheme No. 5 was gazetted in 1969 and shows Lot 4 Prestonwood Street as zoned for "residential development". In 1973, the Scheme plan was amended to show Lot 4 as zoned "Residential B". The City of Bunbury purchased the land in 1979 and when adopting Town Planning Scheme No. 6 in 1984, zoned the land as "Residential R15" in keeping with the standardisation of residential planning codes that was taking place at that time. The Residential R15 zoning was carried forward into the City's current Town Planning Scheme (No. 7) which was adopted in 2001.

The proposed development equates to an overall residential density of approximately Residential R6 (calculated at 6 lots per hectare). The existing residential zoning of residential properties in close proximity is generally to a density of R12.5 to R15. The proposed development has a lower density than nearby residential properties.

The proposed Greater Bunbury Region Scheme identifies Lot 4 Prestonwood Street as being "Urban".

#### Public Consultation

At its meeting on 5 April 2005, the Council endorsed the proposal to subdivide and sell Lot 4 subject to the disposal of land being advertised for public comment for a period of twenty-eight (28) days as required by Section 3.58(3) and (4) of the Local Government Act 1995. The endorsement was also subject to no objecting submissions being received from the public during the advertising period.

The minutes of the meeting record that arrangements would be made to contact all properties in close proximity to the development through a letter-drop so as to ensure that the Council considers the project in the light of feedback and general comments from residents. Councillors were provided with copies of the Information Brochure and subdivision concept plan that had been prepared in readiness for the letter-drop.

The Information Brochure outlined some of the benefits that the new development would bring to the neighbourhood, including:

- \* surrounding homes will enjoy a significant reduction of traffic noise through new-age noise barrier technologies that will complement the area's natural bushland;
- \* the new subdivision will be serviced with underground power;
- \* preservation of the area's natural bushland feel with tree-scaping in line with the existing natural vegetation, including a children's play area, barbecue facilities and picnic seating;
- \* creation of a new bushland walkway along Robertson Drive to ensure continued access for pedestrians;
- \* Increased tree screening near Eelup Roundabout to reduce traffic noise and increase visual appeal;
- \* It is expected the new development will lead to an increase in the value of surrounding established properties;
- \* The development is aimed at achieving a mixture of quality housing and maintaining the natural bushland.



On 22 January 2007, a total of 108 local residents in close proximity to Lot 4 Prestonwood Street were sent a letter advising them of the development proposal. The letter included a copy of the Information Brochure and an invitation to submit comments by 9 February 2007. Due to the extent of enquiries received, the closing date was later extended to 23 February 2007.

A total of thirty-three submissions (and a petition containing 117 signatures) was received at the close of the submission period on 23 February 2007.

A schedule of public submissions containing a summary of each submission received, is included in the report under separate cover together with a petition submitted to the Council Meeting of 6 March 2007. A Confidential Report containing each letter (in full) has also been distributed to Council Members.

Subdivision Feasibility Study, Environmental Assessment, Acoustic Assessment and Aboriginal Heritage Survey

Upon receiving preliminary approval to proceed with public consultation on the proposed development of Lot 4 Prestonwood Street, the following studies were commissioned to identify impacts and/or management issues that would need to be considered before the development could proceed: Subdivision Feasibility Study; Environmental Assessment; Acoustic Assessment, and; Aboriginal Heritage Survey.

The studies revealed no adverse findings that would prevent the City from proceeding to the subdivision application stage.

1. *Subdivision Feasibility Study*

A subdivision feasibility study was conducted by Thompson McRobert Edgeloe ("TME"). In its report, TME states that:

- \* The design provides for creation of thirteen (13) single residential lots of 700 sq.m and three (3) duplex lots of 1,335 sq.m fronting Prestonwood Street. The design also provides for approximately 1.4964 hectares of public open space located centrally and to the northern and eastern boundaries of the land.
- \* The development is expected to provide a net return to the City of approximately \$1.2(M).

2. *Environmental Assessment*

An environmental assessment has been conducted by GHD Pty Ltd.

Lot 4 is situated within the Vasse Complex of the Swan Coastal Plain. Its central and southern sections contain remnant Tuart, Jarrah and Marri trees with patches of mixed native scrub across the lot. However, ground cover on the lot is mostly dominated by perennial veldt grass and other introduced grasses.

The site is not a gazetted reserve but it is noted that historically, local residents have used the site as public open space and the Design Plan identifies that approximately 53% of Lot 4 will be retained for this purpose. The northern end of Lot 4 is essentially, cleared land that has been planted with a number of trees. In contrast, the vegetation to be retained in the centre of the proposed development is remanent bushland. The centre boundary connects these two sections and consists mainly of re-vegetation of the road buffer to Robertson Drive. An aerial photograph (taken in 2006) shows the existing trees and vegetation together with an overlay of the proposed subdivision - a copy is included in the report under separate cover.

Although a search of the Threatened Flora Database (CALM) and WA Herbarium records has identified nine (9) threatened flora species as potentially occurring within or adjacent to lot 4, no species known to be of particular conservation significance have been recorded and none of the declared rare or priority flora species known to occur in the area, have been observed on the site.

A botanical survey has revealed that no threatened ecological communities exist on Lot 4 save for the possible occurrence of Western Ringtail Possums (*Pseudocheirus Occidentalis*). A preliminary survey of the site was conducted by the City's Environmental Officer but it is recommended that a comprehensive survey be undertaken by the Department of Environment and Conservation (formerly known as CALM) to ascertain the extent (or otherwise) of the marsupial's habitat.

The Department of Environment and Conservation's "Native Vegetation Map Viewer" does not list the subject lot as environmentally sensitive. This being the case, it is not expected that a clearing permit application will be needed prior to lodging the subdivision application.

If a subdivision approval is granted, it is expected that clearing could proceed through the Schedule 6 exemption - "Clearing under the Town Planning and Development Act 1928". This exemption states:

*"Clearing is allowed in accordance with a subdivision approved by the responsible authority under the Town Planning and Development Act 1928. This includes clearing native vegetation for the purposes of:*

- \* *Constructing roads to provide access to or within the subdivision.*
- \* *Providing water services to the satisfaction of the Water Corporation*
- \* *Filling or draining the land in accordance with the specification of the approval.*
- \* *Clearing within any building envelope described in the approved plan or diagram.*

*Most subdivision approvals do not explicitly authorise the clearing of native vegetation other than for the purposes outlined above."*

No potential contamination sites were identified within or adjacent to Lot 4.

The Western Australian Heritage Council does not list any European or Natural Heritage on Lot 4.

3. *Acoustic Assessment*

An acoustic assessment of Lot 4 was conducted by Herring Storer Acoustics between 15 May and 25 May 2006.

The modelling used for the study takes into account current traffic flows along Robertson Drive of 15,778 vehicles per day and projected traffic flow of 26,823 vehicles per day in 2026 (based on the same dense graded asphalt and 80 km per hour speed limit zone). Heavy vehicles make up 5% of the traffic flow.

The modelling carried out also indicates that in 2026, noise levels in the proposed residential subdivision will exceed the Main Roads WA "Noise Level Objectives" of 63dB(A) during the day by up to 7dB(A). The night time level of 55dB(A) is expected to be exceeded by up to 4dB(A). The external noise levels would also exceed the requirements of the WA Planning Commission's policy on this subject.

To comply with the Australian Standard A52107 "Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors", it is recommended that a 2.4 metre high wall be constructed along the rear boundary between the development and the road reserve. The barrier wall would also need to "return" at the northern and southern ends of the development.

The barrier wall should be solid and continuous, with a minimum surface mass of 15 kg per cubic metre. Minimum construction is to be 9mm compressed fibre cement. A side elevation plan is included in the report under separate cover.

A summary of noise levels is provided below:

	Current Levels	With 2.4m Wall
Existing Properties:	60 > 66dB(A)	56 > 59dB(A)
Proposed Development:	66 > 72dB(A)	56 > 59dB(A)

If a two-storey residence is constructed, then "quiet house" design will need to be incorporated to ensure acceptable internal noise levels.

4. *Aboriginal Heritage Survey*

An Aboriginal Heritage Survey including ethnographic and archaeological assessments, was conducted by Yates Heritage Consultants.

Twelve members of the Gnaala Karlu Booja Native Title Claim Group have been consulted and have confirmed that no archaeological sites (as defined pursuant to Section 5 of the Aboriginal Heritage Act) are situated on Lot 4. However, a spokesman for the group identified Lot 4 as being an old dune and the type of place that Nyungars would have buried people. As such, if the development proceeds, they would like to see the work monitored by appropriate Aboriginal community members.

5. *Response to Concerns*

In addition to the Public Submissions received, the following concerns were raised by the Member for Bunbury (and representatives from the local resident community):

Concern: The finished floor levels for each of the lots and differential height variation with the crown of Prestonwood Street road reserve.

Response: The earthworks for the project will revolve around the requirement for flat lots to match the existing Prestonwood Street properties. The majority of fill is to be imported. It is estimated that 22,000 cubic metres of fill will be required with approximately 300 cubic metres of cut on-site.

Thompson McRobert Edgeloe has commented that all retaining walls will be designed in accordance with Australian Standards. The height of the proposed limestone wall would vary from 0.37 metres to 3 metres with the majority of the wall being between 0.76 metres to 1.52 metres. No retaining walls will face Prestonwood Street.

The lot levels will be constrained by the servicing requirements of the existing sewer. Each lot will require a degree of terracing - approximate calculations are 1 metre at the northern end of the subdivision to 2 metres at the southern end. A plan is included in the report under separate cover.

Concern: If the proposal is to proceed, will the speed limit along Prestonwood Street change?

Response: The WA Traffic Code regulates the speed limit to 50 km per hour in all built-up areas unless otherwise sign-posted. In this instance, the speed limit along Prestonwood Street would remain at 50 km per hour.

Concern: Collection of storm water and where it would be displaced.

Response: The possibility of stormwater run-off collecting at the northern end of Lot 4 (the portion to be retained as public open space and local park) will be investigated with Main Roads WA during the design phase. It is likely the subdivision lots will be filled with sand and each building will be required to use on-site soakwells with overflow into existing 225mm road reserve drainage infrastructure. Another option

is to investigate with MRWA to redirect the stormwater runoff under Robertson Drive and connect with the Preston River.

*Concern:* Has a report been commissioned on vehicle emissions from Robertson Drive? What will be the effect of the levels on the proposed subdivision?

*Response:* A study of traffic volumes and emission levels will be conducted in consultation with Main Roads WA.

*Concern:* Does Council have a policy on clearing remanent vegetation?

*Response:* Council is currently investigating an overall remnant vegetation strategy for the City area. It is expected the WA Planning Commission will seek comments from regulatory authorities (i.e., the Department of Environment, Water and Catchment) on clearing the vegetation as part of the City's subdivision application.

Subject to the City agreeing to proceed to advertise the Business Plan for the proposal and undertake the associated statutory six-week advertising period for the plan; the proposal for development of Lot 4 will be referred to Council's Built Environment and Sustainability Advisory Committee (or "BESAC") for comment and these comments (together with any objecting submissions received for the Business Plan) will be referred to Council.

*Question:* Who will be responsible for any damage during the construction of the subdivision.

*Response:* The appointed Civil Works contractor will be responsible for all public liability issues. However, prior to construction, it may be prudent for the City to conduct a Dilapidation Survey of existing residential properties in Prestonwood Street. This survey will be available for reference should a home-owner in Prestonwood Street claim against the City for structural damage to their house during construction of the new subdivision.

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

### Strategic

Land rationalisation complies with the City's 2007-2012 Strategic Plan 2(a) in that it will provide more housing for an increasing population which in turn, will boost Bunbury's economy.

### Regional

The proposed development underpins Bunbury's commitment to be a strong Regional Centre through ensuring the availability of high-quality land for residential development.

### **Community Consultation**

Refer to "Public Consultation" heading under "Background" in this report.

### **Councillor/Officer Consultation**

Council members were briefed on the status of this project at Briefing Sessions on 7 November 2006 and 13 March 2007.

The petition was tabled for formal receipt by Council at the meeting on 6 March 2007.

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

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.

As stated previously, income from the project will be used to fund the development with any excess to be contributed to the City's new library project.

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

#### Economic Issues

The proposal will provide sixteen extra housing lots to provide for the increasing population of Bunbury. The project is expected to revitalise the housing market in Sandridge Park.

#### Social, Environmental and Heritage Issues

Environmental, acoustic and Aboriginal Heritage studies have been conducted on the site.

### **Council Policy Compliance**

There is no relevant Council policy.

### **Legislative Compliance**

The proposal to develop and subdivide a portion of Lot 4 Prestonwood Street will comply with all 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 Executive Recommendation listed in this report.

Option 2: Per the Executive Recommendation with any identified amendments.

Option 3: Council may elect NOT to proceed with the subdivision, development and sale of a portion of Lot 4 Prestonwood Street.

### **Conclusion**

The land is zoned Residential R15 and under the Subdivision Plan, sixteen (16) new residential lots will be created providing new home sites in Sandridge Park. The new development will feature natural bushland along with a children's play area and barbecue facilities. It is anticipated that the development will benefit existing residents by reducing traffic noise from Robertson Drive through new age noise barrier technologies and an increase in tree planting along the Robertson Drive escarpment (north to the Eelup Roundabout). It is envisaged this high quality development will increase property values in the area.

Income from land sales will be used to fund improvements on that portion of Lot 4 to remain as public open space with remaining funds to be contributed toward the City's new library project.

### **OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 20 MARCH 2007**

Cr Rose disclosed a Proximity Interest as she lives in Sandridge Park. She chose to remain in chambers during discussion and vote on the item.

Cr Leigh disclosed a Proximity Interest as he lives in close proximity to Prestonwood Street. He left the meeting at 7:21 pm for the duration of discussion and vote on the matter and returned to the meeting chamber at 8:32 pm.

Mr Max Owens, 2 Zoe Street, Bunbury addressed Council. Mr Owens was against the Executive Recommendation.

Mr Labriola, resident, addressed Council. Mr Labriola was against the Executive Recommendation.

The Executive Recommendation was moved Cr T Smith , seconded Cr McCleary.

Mr Bill Berry of TME addressed the Committee and responded to questions from members, on the retaining wall, noise acoustic wall and drainage issues.

In response to questions from members the Manager Administration and Property Services advised the preliminary survey of the site has been conducted to identify the possible inhabitation of the Western Ringtail Possum. No sightings were made. A comprehensive survey will be undertaken with the Department of Environment and Conservation during the final design of the subdivision.

Cr Wenn moved a procedural motion that the item be referred back to Committee.

**MOTION**

Moved Cr Wenn

*That this matter be moved back to Committee.*

**LOST**

**3 Votes “For”/4 Votes “Against”**

The Presiding Member put the Executive Recommendation to the vote and it became the Executive/Committee Recommendation.

**EXECUTIVE COMMITTEE RECOMMENDATION**

*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.*

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**AT THE COUNCIL MEETING**

Cr Rose disclosed a Proximity Interest as she lives in Sandridge Park. She advised that the interest declared was not likely to affect her decision and advised that she would not be leaving the meeting during discussion and vote on the item.



Cr Leigh disclosed a Proximity Interest as he lives in close proximity to Prestonwood Street. He left the meeting at 6:42 pm for the duration of discussion and vote on the item.

A Memorandum had been distributed to Councillors with their Agendas which provided an updated financial analysis for the project.

The Executive/Committee Recommendation was moved Cr Dillon, seconded Cr McCleary.

Cr Dillon advised of a proposed amendment to the Executive/Committee Recommendation as follows:

*“Following finalisation and full satisfaction to Council of all matters relating to the residential development at Portion Lot 4 Prestonwood Street, Bunbury including all mandatory conditions of planning, building, engineering, etc. Council to not proceed with in-house property development but rather for Council to make this particular development opportunity available to interested, licensed, qualified developers preferably by public tender process, whilst ensuring the maximum financial return to Council as estimated by Officers is achieved.”*

His Worship the Mayor advised that this would not be accepted as an amendment or additional item to the motion as it required the residential development to be undertaken by a developer which was not in keeping with the Motion on the table.

Mr Bill Berry of TME addressed the Committee and responded to questions from members, on the revised cost estimates.

Cr Wenn moved a procedural motion that the item be referred back to Committee.

**MOTION**

Moved Cr Wenn

*That this matter be moved back to Committee.*

**LOST**

**5 Votes “For”/7 Votes “Against”**

Cr Rooney advised of a proposed amendment to the Executive/Committee Recommendation as follows:

*“That in the interim the item be referred to the Built Environment and Sustainability Advisory Committee (BESAC) for comment.”*

The amendment was moved Cr Rooney, seconded Cr Lambert.

**AMENDMENT**

Moved Cr Rooney

Seconded Cr Lambert

- “3. *That in the interim the item be referred to the Built Environment and Sustainability Advisory Committee (BESAC) for comment.*”

**CARRIED**

**9 Votes “For” / 3 Votes “Against”**

The Mayor put the Motion to the vote and it became a Council Decision.

**COUNCIL DECISION 57/07**

Moved Cr Dillon

Seconded Cr McCleary

*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 Built Environment and Sustainability Advisory Committee (BESAC) for comment.*

**CARRIED**

**6 Votes “For” / 5 Votes “Against”**

Note: Council chose to amend the Executive Recommendation to ensure that comments on the proposal were sought from the Built Environment and Sustainability Advisory Committee.

Note: Councillors T Smith, Dillon, Craddock, McCleary, Rose and the Deputy Mayor requested that their votes “for” the above Council Decision, be recorded.

Note: Councillors Rooney, Wenn, Lambert, Major and His Worship the Mayor requested that their votes “against” the above Council Decision, be recorded.

Cr Leigh returned to the meeting chamber at 7:24 pm.

**11.5 AMENDMENT OF PRIVATE PROPERTY LOCAL LAW TO ALLOW FOR ELECTRIC FENCING** *(THIS ITEM WAS LISTED AS ITEM 11.4 ON THE MEETING AGENDA)*

<b>File Ref:</b>	A00999
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	John Kowal, Manager Community Law & Safety
<b>Executive:</b>	Geoff Klem, Executive Manager City Development

**Summary**

A review of the Private Property Local Law was requested by Council with a view to allowing the use of electrified fencing within its boundaries.

**Background**

At the Meeting held 26 September 2006 Council Decided (174/06)

Council Decision 174/06

*"The City of Bunbury review its Private Property Local Law (which deals with different fencing types) with a view to allowing use of electric fencing within its boundaries."*

This Motion had been moved by Cr Lambert who advised:

*"I have been approached by a local security firm asking for the review of this particular Local Law along with its letter of request is supporting documentation of: five (5) letters of support from local businesses; brochure on how electric fences work; list of existing certified electric security fences installed throughout other shires in Western Australia (and Australia), and; copies of Local Laws in relation to this type of fencing from the Shire of Harvey and City of Perth where electric fencing is allowed.*

*I believe it would be short-sighted of this Council if it did not at least look at the possibilities of updating this particular Local Law."*

At the meeting held 12 December 2006 Council Decided (234/06):

Council Decision 234/06

*Amendment of the Private Property Local Law to allow for electrified fencing be referred back to the first briefing session of 2007 for further consideration.*

Previously provided to Council was advice from Council's legal practitioners, McLeod's and also from Council Insurers. Advice from the City's Legal Practitioners is **attached** at Appendix 5.

As previously, the advice from the City's insurers is:

*"We (the Insurer) do not have sufficient information to supply you with a definitive answer in respect of what may be covered and what may not be covered. However, what we can say is, council would more than likely be joined in an action for accidents arising from the installation of the electric fences, if the fence did not comply with standards, conditions and ongoing maintenance as set out in the conditions of approval for installation.*

*We have not been approached by other councils in respect of the similar concerns".*

It seems from the interim advice given that an amendment to the Private Property Local Law should be worded as such so as to remove any requirements or obligations on Council to monitor and/or inspect any installation of electric fencing. Council will however need to ensure that any electric fencing complies and is maintained in accordance with the Australian Standards and any conditions imposed by Council. This can be achieved by the development of a Local Planning Policy ensuring that an applicant formerly applies to Council prior to any installation and then Council in turn applying conditions it considers necessary.

The Local Planning Policy may include the following conditions of approval:

- \* Fencing shall comply with AS/NZS 3016 – Electrified Fencing Standards as amended from time to time.
- \* Fencing to be rendered inoperable during normal business operating hours (hours maybe stipulated).
- \* Fencing must be maintained in a safe and serviceable manner by a qualified person.
- \* Warning signs are to be installed and maintained so as to be readable along all boundaries warning of the electrified fencing.
- \* Suitability of the electric fencing to the surrounding area.
- \* Consent of property owner.
- \* Consent of surrounding property owner/occupiers.
- \* Transfer of approval conditions from one property owner/occupier to another (Section 70 notice).

Although there may not be a significant number of applications for the installation of electrified fencing, the abovementioned obligation on Council will nevertheless require Council staff to scrutinise and process applications. This may create additional workload for staff and therefore an application may be required to attract a fee for the approval service.

At Council's request, a survey of other local government authorities was conducted with regard to electrified fencing. A summary of the information relating to the survey is **attached** at Appendix 6.

In light of the survey and discussions with representatives of other local government authorities it would appear that amending the Private Property Local Law to allow electric fencing is a simple matter, further controlled via formal application and internal processes. Compliance could be achieved through conditions determined on a case by case basis as part of the approval process and in accordance with the Local Planning Policy. Ongoing maintenance requirements of the fencing can be dealt with under the existing Private Property Local Law.

### **Proposal**

Council approve amendment of the current Private Property Local Law to allow for the installation of alternate fencing including electric fencing or razor wire. A draft Private Property Amendment Local Law is **attached** at Appendix 7.

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

There are no Regional Outcomes relevant to this report. The report may have the following link to Council Strategic Plan 2002 – 2007

*Strategic Direction -1 - 3 - Have a safe and attractive city for the community and visitors.*

*a) Ensure that Bunbury City Council's policies, local laws and legislation are complied with throughout the district to ensure safety, equity and order are maintained.*

### **Purpose and Effect**

The purpose of the Private Property Amendment Local Law is to allow for the installation of electric fencing and razor wire fencing.

The effect will be that the installation of electric fencing and razor wire fencing will be permitted only subject to Local Government approval.

### **Community Consultation**

There has been ongoing consultation with a fencing business owner and the Bunbury Chamber of Commerce and Industry. As yet there has been no communitywide consultation regarding this matter. However, within the process for making a local law there is a mandatory six (6) week public submission period.

### **Councillor/Officer Consultation**

There has been consultation between relevant Council Officers including the Chief Executive Officer, Executive Manager City Development and Manager Development Services.

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

The item has financial and budgetary implications in the fact that there may be costs associated with the following:

- \* legal opinion and review of local law;
- \* drafting of local law;
- \* local and statewide advertising and advertising of the local law in the *Government Gazette* in accordance with legislation.

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

#### Economic Issues

There could be some economic issues with this item as currently fencing contractors who want to install electrified fencing are unable to because of the local law.

#### Social Issues

There are no social issues associated with this proposal.

#### Environmental Issues

There are no environmental issues associated with this proposal.

#### Heritage Issues

There are no heritage issues associated with this proposal.

### **Council Policy Compliance**

There is no Council Policy relevant to this item.

### **Legislative Compliance**

Section 3.12 of the *Local Government Act 1995* gives the process for Local Law adoption (this includes amendments to local laws). The ten-step process is as follows:

1. A summary of the 'Purpose and Effect' of the Local Law is to be read aloud at a Council Meeting and a Council decision made to advertise the proposed law for public information.
2. The draft Local Law is to then be given state-wide public notice and local public notice.
3. A public submission period of at least six (6) weeks from the date of the first state-wide notice is to be allowed.

4. A copy of the proposed law is to be sent to the Minister for Local Government and any other Minister administering an Act under which the law is made.
5. A copy of the proposed Local Law is to be made available to any person requiring it. (Adoption of a Local Law or any amendments thereto, can only be made once the public submission process is complete).
6. A written summary of any public submissions received is to be included as an item for Council consideration.
7. Council is to consider submissions and may decide by a special majority vote to make the law (if not substantially different from the original proposal).
8. The new Local Law is to be published in the Government Gazette and a copy provided to the relevant Minister.
9. Local public notice is to be given stating the title of the new Local Law, a summary of its "Purpose and Effect" and the date on which it comes into operation. The public must be advised that copies are available for information.
10. Explanatory material and copies of the new Local Law are to be provided to the Parliament at the direction of the Minister.

### **Delegation of Authority**

The Local Government Act does not allow for delegation of authority that would allow council officers to amend a local law.

### **Relevant Precedents**

There is no relevant precedent in relation to this report. Although Council has made, reviewed and amended local laws previously.

### **Options**

Option 1: Per the Executive Recommendation.

Option 2: Council resolve to not amend the Private Property Local Law to allow for the installation of electrified security fencing.

### **Conclusion**

There appears to be a need for certain type of alternate fencing within the Community. This needs to be balanced to ensure that any type of structure including fencing is properly installed and continually maintained to ensure the safety and reduction of risk to the community, the aesthetics and amenity of an area. It is considered that this can be achieved through Council's formal approval process. The Amendment to the Private Property Local

Law will allow for the installation of alternate fencing. Internal processes will evaluate applications on a case-by-case basis and determine appropriate conditions for each application.

It is clear from advice received that Council is obligated to ensure that electric fencing is installed and maintained in accordance with Australian Standards and community requirements. This can be achieved via internal application process and application evaluation. Should a public liability issue arise as a result of the installation of an electrified fence, there is advice that Council together with our insurer may be caught up in litigation. This is not a unique situation as Council deals with litigious issues relating to various matters. However, the risk of liability may be minimised by placing the onus on property owner/occupiers and the installers of electric fencing to comply with suitable conditions in relation to approvals as stated in this report.

### **EXECUTIVE RECOMMENDATION**

1. Council resolves to give public notice that it intends to adopt amendments to its Private Property Local Law so as to allow the use of razor wire in a fence or the electrifying of a fence.
2. The proposed Local Law to amend the text of the Private Property Local Law is to be advertised for public information state-wide and locally with a submission period of no less than six (6) weeks as required under Section 3.12(3) and (3a) of the Local Government Act 1995.
3. A copy of the proposed amended Local Law be provided to the Minister.
4. Following the public submission period the proposed amended Local Law to be returned to Council for further consideration and adoption.

### **OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 20 MARCH 2007**

Cr Lambert disclosed an Impartiality Interest as he is a member of a business club of which a local fencing/security business owner is also a member. He chose to remain in chambers during discussion and vote on the item.

The Executive Recommendation was moved Cr Lambert, seconded Cr Leigh (pro forma).

In response to questions from members the Manager Community Law and Safety:

- \* Razor wire had been included to allow for amendment for other types of fencing at this time if council so desired.



- \* The Cities of Cockburn and Rockingham had been consulted on the liability issues and had advised that part of their conditions were for the proponent to indemnify Council and they were required to enter into a management agreement with the company who installed the fence with a review to be conducted annually.

The Manager Development Services advised in regards to concerns relating to future owners' obligations that a notification under Section 70a notification of liability could be made on the property for future owners.

During discussion members expressed that they would feel more comfortable if the use of razor wire was not included in this proposal. The Executive Recommendation was changed accordingly with the consent of the mover and seconder.

The Presiding Member put the Motion to the vote and it became the Committee Recommendation.

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

Cr Lambert disclosed an Impartiality Interest as he is a member of a business club of which a local fencing/security business owner is also a member. He advised that the interest declared was not likely to affect his decision and advised that she would not be leaving the meeting during discussion and vote on the item.

The Committee Recommendation was moved Cr Lambert, seconded Cr Dillon.

His Worship the Mayor read aloud the purpose and intent of the proposed amendment to the Local Law as follows:

*“The purpose of the Private Property Amendment Local Law is to allow for the installation of electric fencing.*

*The effect will be that the installation of electric fencing will be permitted only subject to Local Government approval.”*

The Mayor put the Committee Recommendation to the vote and it became a Council Decision.

**COUNCIL DECISION 58/07**

Moved Cr Lambert

Seconded Cr Dillon

1. *Council resolves to give public notice that it intends to adopt amendments to its Private Property Local Law so as to allow electrification of a fence.*
2. *The proposed Local Law to amend the text of the Private Property Local Law is to be advertised for public information state-wide and locally with a submission period of no less than six (6) weeks as required under Section 3.12(3) and (3a) of the Local Government Act 1995.*
3. *A copy of the proposed amended Local Law be provided to the Minister.*
4. *Following the public submission period the proposed amended Local Law to be returned to Council for further consideration and adoption.*

**CARRIED**

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

**AN ABSOLUTE MAJORITY VOTE WAS ATTAINED AT COUNCIL**

**11.6 BUNBURY COASTAL ENHANCEMENT PROJECT - STAGE FINAL - PROJECT IMPLEMENTATION**

File Ref:	A2019
Proponent:	N/A
Author:	Stewart Parkinson, Assistant Project Manager
Executive:	Michael Scott, Executive Manager City Services

**Summary**

This report makes recommendations on implementing the final stage of the Bunbury Coastal Enhancement Project (BCEP) following the announcement of additional state government grant funding of \$4M to complete the project.

**Background**

Council called tenders in September 2006 for the Civil and Landscaping works for “Stage 3” of the BCEP, that is, the section of Ocean Drive from Baldock to Hayward St. As tendered prices exceeded the then budget of \$3.9M, the scope of works was reduced to match the available budget and was subsequently endorsed by Council.

An approach was then made to the State Government for additional funding whilst in January 2007 a contract was awarded to APH Contractors for civil works and negotiations with the landscaping tenderers were in progress.

In early March 2007 the State Government announced it had granted Council an additional \$4M to complete the project.

This additional funding meant the project did not need to be scaled back. Funds are now sufficient to complete the project in accordance with the original scope of works.

Council will now proceed with implementing the entire project as soon as possible, to complete the project by about the summer of 2007/08.

Implementation actions are as follows:

1. Civil Contract

The existing contract (for works between Baldock St and William St) will need to be extended. As works are in progress, early issue of a contract variation is desirable to minimise delays and disruption.

The variation for the extended works needs to be endorsed by Council.

A poll of councillors was undertaken on 12 March 2007 with the majority giving in-principle support for the variation.

2. Landscaping Contract

Negotiations with the Landscaping tenderers were still underway when the additional funding announcement was made, so a contract had not yet been awarded. Details of the tenders received, tender evaluation and recommendation on tender selection are included in a separate confidential report.

**Strategic and/or Regional Outcomes**

The additional \$4M in state funding will allow the completion of the entire Bunbury Coastal Enhancement Project, providing a significant improvement to the amenity and facilities on this section of beach frontage.

**Community Consultation**

The development of the coastal foreshore between Symmons and Hayward Streets has been discussed at length with the community. A community briefing session was held at the Hungry Hollow Tavern where plans and diagrams of the entire project were displayed.

**Councillor/Officer Consultation**

Several Council briefings have been provided in regard to the Bunbury Coastal Enhancement Project. It is intended that regular Council Briefings continue.

A Project Control Group (PCG) has been formed to guide the project, which includes three (3) Councillors: Cr T Smith; Cr Dillon; and Cr Lambert.

**Analysis of Financial and Budget Implications**

The State Government has now agreed to a grant a total of \$6.6M and the City has allocated \$1.3M in the 2006/2007 Budget for the development of Stage Final of the Project.

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

Economic Issues

The upgrading and enhancement of the Back Beach precinct is expected to attract development, both residential and commercial, to the beach frontage.

Social Issues

The project will significantly improve the amenity of the beach frontage.

Environmental Issues

Sustainable landscaping treatments have been incorporated in the design

### Heritage

Aboriginal heritage monitoring (for artefacts in the foredune) has been included in the construction phase, in accordance with the Dept. Indigenous Affairs approval.

### **Council Policy Compliance**

Tendering has been undertaken in accordance with the Council policies and procedures.

### **Legislative Compliance**

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

### **Delegation of Authority**

There is no delegation in this instance as this is a Tender and approval for further expenditure is being sought.

### **Relevant Precedents**

Previous stages associated with Rocky Point–Wyalup and the Back Beach have been submitted to Council for approval.

### **Options**

Option 1: Per the Executive Recommendation.

Option 2: Should Council consider further deliberation is required; the alternative option would be to return the matter to Committee.

### **Conclusion**

The additional funding has provided Council with the opportunity to complete the entire scope of works of the Bunbury Coastal Enhancement Project. As works are already underway, approval to commence the additional works is required.

## **OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 20 MARCH 2007**

The Executive Recommendation was moved Cr Wenn, seconded Cr McCleary.

The Presiding Member put the Executive Recommendation to the vote and it became the Executive/Committee Recommendation.

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**AT THE COUNCIL MEETING**

Cr Dillon disclosed a Conflict of Interest (Code of Conduct) as his daughter is the Manager of a company who has previously tendered for this work and who may re-tender for additional works if they become available. As the Executive/Committee Recommendation was dealt with en bloc Cr Dillon did not leave the chamber, however he chose not to take part in the voting process.

The Executive/Committee Recommendation was moved Cr Lambert, seconded Cr Major.

The Mayor put the Executive/Committee Recommendation to the vote and it became a Council Decision.

**COUNCIL DECISION 59/07**

Moved Cr Lambert

Seconded Cr Major (en bloc)

1. *Council endorse authorisation of a variation to the Civil Contract to include the section of the project from William to Hayward Street into the scope of works.*
2. *Council endorse the recommendation contained within the confidential report on the selection of the successful Tenderer for the Landscaping Works.*
3. *The successful tender prices be recorded in the Council Minutes.*

**CARRIED**

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

**Successful Tender Price**

Environmental Industries Pty Ltd

\$2,077,269.25

**11.7 BUNBURY-SETAGAYA SISTER CITIES COMMITTEE - MEMBERSHIP NOMINATION**

<b>File Ref:</b>	A00443
<b>Applicant/Proponent:</b>	Bunbury-Setagaya Sister Cities Committee
<b>Author:</b>	Sandra Goerling, Sister Cities Assistant
<b>Executive:</b>	Domenic Marzano, Acting Executive Manager City Life

**Summary**

Chigusa Haugen has nominated for appointment to the Bunbury-Setagaya Sister Cities Committee. The addition of further members to the committee is permitted under its Terms of Reference i.e., a maximum of twelve community members allowable. Currently, there are only six members on the Committee as four have resigned (David Byatt, Jenny Byatt, Helen Punch and Laurea MacFarlane) due to work and family commitments. The appointment of Mrs Haugen would ensure the committee has a quorum present at each meeting and bring a range of experience to the committee. The committee supports the new appointment.

**Background**

The Bunbury-Setagaya Sister Cities Committee comprises two (2) councillors and up to twelve (12) community representatives. The committee makes recommendations to Council based on the following Terms of Reference:

- To publicise and educate the Bunbury community on its Sister City relationship with the City of Setagaya through active promotional programmes and liaison with community, educational and commercial organisations.
- To encourage the development of special links between individuals and interest groups of the two communities.
- To encourage and plan for cross-cultural visitations between the Cities of Bunbury and Setagaya.
- To identify opportunities to develop areas of mutual interest between the two cities.
- To advise the Bunbury City Council on matters relating to the Sister City relationship.
- All communications to the Mayor of Setagaya shall be through the Mayor of Bunbury's office.

Mrs Haugen has nominated for the committee. She is a resident of Bunbury, migrating from Japan to take up a teaching position at Bunbury Cathedral Grammar School, which she held for 18 years. Now that Mrs Haugen has retired she wishes to become involved with the Sister

Cities Committee to help promote the Sister City relationship and to offer her language skills and knowledge of the culture.

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

The proposal is consistent with the City's Strategic Directions i.e., *"having diverse arts, cultural, recreational and leisure opportunities"* and *"having Bunbury recognised as a place to live work and invest"*.

### **Community Consultation**

No community consultation has been undertaken with regards to this proposal.

### **Councillor/Officer Consultation**

The members of the Bunbury-Setagaya Sister Cities Committee unanimously support the nomination

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

There are no budget implications resulting from the proposal to appoint new members.

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

#### Economic Issues

There are no economic issues associated with this proposal.

#### Social Issues

The Bunbury-Setagaya Sister Cities Committee supports increased awareness of (and interaction with) other cultures.

#### Environmental Issues

There are no environmental issues associated with this proposal.

#### Heritage Issues

There are no heritage issues associated with this proposal.

### **Council Policy Compliance**

The proposal does not contravene any existing Council Policy.



### **Legislative Compliance**

Section 5.8 of the Local Government Act 1995 requires Council to appoint members to its advisory committees by an "absolute majority vote".

### **Delegation of Authority**

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

### **Relevant Precedents**

Council endorses nominations for membership of Council's various committees.

### **Options**

Option 1: Per the Executive Recommendation.

Option 2: Council can elect not to endorse the appointment to the Bunbury-Setagaya Sister Cities Committee.

### **Conclusion**

The Bunbury-Setagaya Sister Cities Committee is a very active group. Its members all contribute directly (in a voluntary capacity) to the successful outcomes of its projects. The addition of more active, committed and knowledgeable community members would be highly beneficial.

## **OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 20 MARCH 2007**

The Executive Recommendation was moved Cr Rose, seconded Cr Wenn.

The Presiding Member put the Executive Recommendation to the vote and it became the Executive/Committee Recommendation.

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### **AT THE COUNCIL MEETING**

The Executive/Committee Recommendation was moved Cr Jones, seconded Cr Leigh.

The Mayor put the Executive/Committee Recommendation to the vote and it became a Council Decision.

**COUNCIL DECISION 60/07**

Moved Cr Jones

Seconded Cr Leigh

*Council endorses the appointment of Chigusa Haugen as a member of the Bunbury-Setagaya Sister Cities Committee.*

**CARRIED**

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

**AN ABSOLUTE MAJORITY VOTE WAS ATTAINED AT COUNCIL**

**11.8 BUNBURY-SETAGAYA SISTER CITIES COMMITTEE NOMINATION FOR 2007 AUSTRALIAN SISTER CITIES ASSOCIATION CONFERENCE**

<b>File Ref:</b>	A443
<b>Applicant/Proponent:</b>	Bunbury-Setagaya Sister Cities Committee
<b>Author:</b>	Sandra Goerling, Sister Cities Assistant
<b>Executive:</b>	Domenic Marzano, Acting Executive Manager City Life

**Summary**

Cr Rose, as Chairperson of the Bunbury-Setagaya Sister Cities Committee, and Cr Wenn have received an invitation to attend the 2007 Australian Sister City Association (ASCA) Conference in Darwin. At the March meeting the members of the Bunbury-Setagaya Sister Cities Committee nominated Cr Rose to attend the conference on their behalf. 2007 is the 25<sup>th</sup> Anniversary of ASCA and this conference provides an excellent opportunity to meet delegates from across Australia and gain new skills and knowledge. This opportunity will assist to strengthen the Bunbury-Setagaya Sister Cities Committee's relationship with Setagaya, which is celebrating its 15<sup>th</sup> Anniversary this year.

**Background**

The Bunbury-Setagaya Sister Cities Committee comprises two (2) councillors and up to twelve (12) community representatives. The committee makes recommendations to Council based on the following Terms of Reference:

- To publicise and educate the Bunbury community on its Sister City relationship with the City of Setagaya through active promotional programmes and liaison with community, educational and commercial organisations.
- To encourage the development of special links between individuals and interest groups of the two communities.
- To encourage and plan for cross-cultural visitations between the Cities of Bunbury and Setagaya.
- To identify opportunities to develop areas of mutual interest between the two cities.
- To advise the Bunbury City Council on matters relating to the Sister City relationship.
- All communications to the Mayor of Setagaya shall be through the Mayor of Bunbury's office.

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

The proposal is consistent with the City's Strategic Directions i.e., *"having diverse arts, cultural, recreational and leisure opportunities"* and *"having Bunbury recognised as a place to live work and invest"*.

### **Community Consultation**

No community consultation has been undertaken with regards to this proposal.

### **Councillor/Officer Consultation**

The members of the Bunbury-Setagaya Sister Cities Committee unanimously support the nomination.

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

The nomination by Cr Rose to attend would require expenditure on conference fees (\$990), five nights accommodation (\$150 per night totalling \$750), a return airfare (\$820 fully flexible fare) and expenses. Without any additional expenses this would approximate \$2,560.

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

#### Economic Issues

There are no economic issues associated with this proposal.

#### Social Issues

The Bunbury-Setagaya Sister Cities Committee supports increased awareness of (and interaction with) other cultures.

#### Environmental Issues

There are no environmental issues associated with this proposal.

#### Heritage Issues

There are no heritage issues associated with this proposal.

### **Council Policy Compliance**

The proposal does not contravene any existing Council Policy.

### **Legislative Compliance**

As a budget allocation is requested an Absolute Majority Vote is required.

### **Delegation of Authority**

The Chief Executive Officer has no delegation in this instance. As this recommendation requires a budget allocation a decision of Council will be required.

### **Relevant Precedents**

Cr Dillon has attended previous ASCA conferences as a representative of the City of Bunbury.

### **Options**

Option 1: Per the Executive Recommendation.

Option 2: Council can elect not to support the nomination to attend the 2007 ASCA Conference.

### **Conclusion**

The Bunbury-Setagaya Sister Cities Committee is a very active group. The City of Bunbury and the Sister Cities Committee previously hosted the National Conference in 2002. It would be beneficial for the future direction of the committee for a representative from the City of Bunbury to attend.

### **OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 20 MARCH 2007**

The Executive Recommendation was moved Cr Rose, seconded Cr T Smith.

The Presiding Member put the Executive Recommendation to the vote and it became the Executive/Committee Recommendation.

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### **AT THE COUNCIL MEETING**

The Executive/Committee Recommendation was moved Cr Jones, seconded Cr Dillon.

The Mayor put the Executive/Committee Recommendation to the vote and it became a Council Decision.

**COUNCIL DECISION 61/07**

Moved Cr Jones

Seconded Cr Dillon

1. *Council endorses the nomination of Cr Rose to attend the 2007 Australian Sister Cities Conference in Darwin from September 30<sup>th</sup> to October 3<sup>rd</sup>.*
2. *That Cr Wenn to attend as Cr Rose's proxy if she is unable to attend.*

**CARRIED**

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

**AN ABSOLUTE MAJORITY VOTE WAS ATTAINED AT COUNCIL**

## **11.9 MARCH 2007 BUDGET REVIEW**

File Ref:	A00284-02
Applicant/Proponent:	Internal Report
Author:	David Harrison Assistant Accountant
Executive:	Ken Weary, Executive Manager Corporate Services

### **Summary**

The City of Bunbury reviews its annual budget in December and March each year. The reviews are comprehensive and identify additional expenditures (where unavoidable) and additional income and/or expenditure savings to offset funding requirements.

This budget review maintains the budget in a balanced position.

### **Background**

The March Budget Review identifies \$447,077 of expenditures for general works, variations and new projects. Funding of \$447,077 inclusive from savings, adjustment of grant funding, additional revenue and reserve funding, has been identified in this review to maintain a balanced budget.

A copy of the March 2007 Budget Review has been circulated under separate cover.

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

The proposal complies with the City's Strategic Plan, providing efficient financial management and accounting services to all Strategic Directions for the City of Bunbury.

### **Community Consultation**

Community Consultation is not required.

### **Councillor/Officer Consultation**

Executives, Managers and Officers with budget responsibility are consulted in the preparation of the Budget Review.

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

Budget reviews assist in and form part of the financial management processes within the City of Bunbury. The scope of financial management is to ensure a sufficient cash supply is available to meet expenditure demand. Council's Executive together with Corporate Services staff monitor Council's monthly revenue and expenditure activities and as required referring to council any variances requiring remedial action.

Approved budget amendments are recorded in the financial statements to reflect Council's current budget and financial position at all times.

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

#### Economic Issues

There are no economic issues associated with this report.

#### Social Issues

There are no social issues associated with this report.

#### Environmental Issues

There are no environmental issues associated with this report.

#### Heritage Issues

There are no heritage issues associated with this report.

### **Council Policy Compliance**

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

### **Legislative Compliance**

The Executive Recommendation complies with Section 6.8 of the Local Government Act 1995. An Absolute Majority Vote by Council will be required.

### **Delegation of Authority**

The Chief Executive Officer does not have the delegated authority of the Council to adopt Budget Reviews.

### **Relevant Precedents**

Council reviews its Budget in December and March each year.

### **Options**

Option 1: Per the Executive Recommendation.

Option 2: Adopt the March 2007 Budget Review for the City of Bunbury with amendments



**OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 20 MARCH 2007**

The Executive Recommendation was moved Cr Wenn, seconded Cr Leigh.

The Presiding Member put the Executive Recommendation to the vote and it became the Executive/Committee Recommendation.

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**AT THE COUNCIL MEETING**

The Executive/Committee Recommendation was moved Cr Jones, seconded Cr Major.

The Mayor put the Executive/Committee Recommendation to the vote and it became a Council Decision.

**COUNCIL DECISION 62/07**

Moved Cr Jones  
Seconded Cr Major

*Council adopt the March 2007 Budget Review.*

**CARRIED**

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

**AN ABSOLUTE MAJORITY VOTE WAS ATTAINED AT COUNCIL**

**11.10 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 28 FEBRUARY 2007**

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

Financial Statements for the period ending 28 February 2007 have been circulated to members **under separate cover**. The statements included the following details:

- \* Income Statement
- \* Balance Sheet
- \* Statement of Changes in Equity
- \* Statement of Financial Activity
- \* Statement of General Purpose Income
- \* Statement of Rating Information

- Note 1 Significant Accounting Policies
- Note 2 Description of Programmes
- Note 3 Net Current Assets
- Note 4 Receivables
- Note 5 Other Financial Assets
- Note 6 Payables
- Note 7 Provisions
- Note 8 Trust Funds
- Note 9 Explanation of Significant Variations to Income Statement
- Note 10 Capital Expenditure
- Note 11 Key Operating Expenditure and Income (budget exceeding \$20,000)
- Note 12 Loan Funds
- Note 13 Reserve Funds
- Note 14 Bunbury Timber Jetty
- Note 15 Investment Funds (rate of return benchmarked against International Index)

**OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 20 MARCH 2007**

The Executive Recommendation was moved Cr Lambert, seconded Cr McCleary.

The Presiding Member put the Executive Recommendation to the vote and it became the Executive/Committee Recommendation.

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**AT THE COUNCIL MEETING**

The Executive/Committee Recommendation was moved Cr Wenn, seconded Cr Leigh.

The Mayor put the Executive/Committee Recommendation to the vote and it became a Council Decision.

**COUNCIL DECISION 63/07**

Moved Cr Wenn

Seconded Cr Leigh (en bloc)

*The Financial Statements for the period ending 28 February 2007, be received.*

**CARRIED**

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

**11.11 SOUTH WEST SPORTS CENTRE OPERATIONS AND FINANCIAL REPORTS - FEBRUARY 2007**

<b>File Ref:</b>	F00111-25
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, City Accountant
<b>Executive:</b>	Ken Weary, Executive Manager Corporate Services

**Summary**

This report is to advise Council on the operational and financial performance of the South West Sports Centre (SWSC).

The City has been provided with an Operations Report for February 2007 from Belgravia Leisure's, Mr Malcolm Neill (SWSC Manager), which is **attached** at Appendix 8. The Operations Report includes information on attendances, income and expenditure, marketing initiatives, an overview of programs, customer feedback, incidents, maintenance and staff training during February 2007.

A Financial Report for the SWSC prepared by Council's Accounting Services Department to 28 February 2007 has been distributed **under separate cover**. Overall the SWSC has a net operating result (i.e. income less expenditure) of \$131K better than budget to February 2007. Revenues are up \$76K and expenditure \$55K less than budgeted for the six (6) months to the end of February 2007.

Both reports are for councillor's information.

**Background**

The South West Sports Centre is currently under an interim management arrangement (until the 30 April 2007) with Belgravia Leisure Pty Ltd who commenced management of the SWSC on the 1 September 2006.

Council has appointed RSM Bird Cameron to investigate the management options of the SWSC and prepare a report by the 26 March 2007 to assist Council in determining the future management of the Centre.

**Strategic and/or Regional Outcomes**

The South West Sport Centre supports Council's Strategic Plan of having diverse recreational and leisure opportunities. The SWSC provides a comprehensive range of facilities and services to the local community and the South West Region.

### **Community Consultation**

Council's decision to receive the operations and financial reports of the South West Sports Centre will not impact the community and will not require community consultation.

### **Councillor/Officer Consultation**

Council adopted the 2006/2007 Budget for the South West Sports Centre at the Council Meeting 21 November 2006.

### Summary of the Financial Report to 28 February 2007

	Budget 1/9/06–30/6/07	Budget 1/9/06-28/2/07	Actual 1/9/06-28/2/07	Variance
Operating Income	\$1,822,033	\$1,105,954	\$1,182,276	\$76,322
Operating Expenditure	\$2,132,952	\$1,337,355	\$1,282,242	\$(55,113)
Operating Deficit	\$310,919	\$231,401	\$99,966	\$131,435

The financial report to 28 February 2007 shows a favourable actual to budget-to-date variance of \$131,435.

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

The South West Sports Centre employs 62 staff members and provides opportunities for an additional 10 staff on a seasonal basis.

### **Council Policy Compliance**

Council's decision to receive the operations and financial reports of the South West Sports Centre do not contravene any Council policies.

### **Legislative Compliance**

The preparation of an operations and financial report for the South West Sports Centre is not required under any legislation.

### **Delegation of Authority**

No delegated authority applies.

### **Relevant Precedents**

Council has previously received operation and financial reports on the South West Sports Centre.

### **Options**

Option 1: Per the Executive Recommendation.

Option 2: The South West Sports Centre Operations and Financial Reports for February 2007 are not received.

### **Conclusion**

The Operations and Financial Reports to February 2007 are provided to inform Councillors on the performance of the South West Sports Centre.

### **OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 20 MARCH 2007**

The Executive Recommendation was moved Cr Wenn, seconded Cr Rose.

The Presiding Member put the Executive Recommendation to the vote and it became the Executive/Committee Recommendation.

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### **AT THE COUNCIL MEETING**

The Executive/Committee Recommendation was moved Cr Wenn, seconded Cr Leigh.

The Mayor put the Executive/Committee Recommendation to the vote and it became a Council Decision.

#### **COUNCIL DECISION 64/07**

Moved Cr Wenn

Seconded Cr Leigh (en bloc)

*The South West Sports Centre Operations and Financial Reports for February 2007 be received.*

#### **CARRIED**

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

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

A report had been circulated under separate cover.

**OUTCOME OF THE COUNCIL COMMITTEE MEETING ON 20 MARCH 2007**

The Executive Recommendation was moved Cr Leigh, seconded Cr Rooney.

The Presiding Member put the Executive Recommendation to the vote and it became the Executive/Committee Recommendation.

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**AT THE COUNCIL MEETING**

The Executive/Committee Recommendation was moved Cr Wenn, seconded Cr Leigh.

The Mayor put the Executive/Committee Recommendation to the vote and it became a Council Decision.

**COUNCIL DECISION 65/07**

Moved Cr Wenn

Seconded Cr Leigh (en bloc)

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

1.     *Title:     Public Library Service – Structural Reform Report*  
       *Author:   Sue Franklin, Regional Librarian*  
       *File:     F00096*
  
2.     *Title:     Accounts for Payment for the Period 1 February to 28 February 2007*  
       *Author:   David Ransom, City Accountant*  
       *File:     A00083-09*

**CARRIED**

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

**12. MOTIONS (OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN)**

Nil.

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

Nil.

**14. ITEMS TO BE NOTED (NO DISCUSSION)**

There were no new items for noting.

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

Nil.

**16. CLOSURE OF MEETING**

There being no further business, His Worship the Mayor declared the meeting closed at 7:39 pm.

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CONFIRMED this day 1 May 2007, to be a true and correct record of proceedings of the Bunbury City Council Meeting held 27 March 2007.

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**D SMITH**  
**HIS WORSHIP THE MAYOR**