



5 February 2008

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GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
1:100	Ratio of 'one in one hundred'
AD	Acceptable Development
ARI	Annual Recurrence Interval
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AWARE	All West Australians Reducing Emergencies (grant funding)
BCA	Building Code of Australia
BCCI	Bunbury Chamber of Commerce & Industries
BCRAB	Bunbury Community Recreation Association Board
BEAC	Built Environment Advisory Committee
BESAC	Bunbury Environment and Sustainability Advisory Committee
BHRC	Bunbury Harvey Regional Council
BPA	Bunbury Port Authority
BRAG	Bunbury Regional Art Galleries
BRAMB	Bunbury Regional Arts Management Board
BREC	Bunbury Regional Entertainment Centre
BSSC	Big Swamp Steering Committee
BWEA	Bunbury Wellington Economic Alliance
CALM	Department of Conservation and Land Management
CBD	Central Business District
CCAFF	Community Cultural and Arts Facilities Fund
CERM	Centre of Environmental and Recreation Management

Term	Explanation
CPI	Consumer Price Index
CSRFF	Community Sport and Recreation Facilities Fund
DADAAWA	Disability in the Arts Disadvantage in the Arts Australia, Western Australia
DAP	Detailed Area Plan (required by WA Planning Commission)
DCU	Development Coordinating Unit
DEC	Department of Environment and Conservation (formerly CALM)
DEWCP	Department for Environment, Water and Catchment Protection
DLI	Department of Land Information
DoE	Department of Environment
DOLA	Department of Land Administration
DoPI	Department of Primary Industry
DoW	Department of Water
DPI	Department for Planning and Infrastructure
DSR	Department of Sport and Recreation
DUP	Dual-use Path
ECT	Enforcement Computer Technology
EDAC	Economic Development Advisory Committee
EDWA	Education Department of Western Australia
EIA	Environmental Impact Assessment
EPA	Environmental Protection Authority
ERMP	Environmental Review and Management Program
ESL	Emergency Services Levy
FESA	Fire and Emergency Services Authority
FFL	Finished Floor Level
GBPG	Greater Bunbury Progress Group
GBRP	Greater Bunbury Resource Plan report
GBRS	Greater Bunbury Region Scheme
GFA	Gross Floor Area
GL	Gigalitres
GRV	Gross Rental Value
GST	Goods and Services Tax
HCWA	Heritage Council of Western Australia
ICLEI	International Council for Local Environmental Initiatives
ICT	Information and Communications Technology
IP	Internet Protocol
IT	Information Technology
ITC	In Town Centre
ITLC	Former In-Town Lunch Centre (now the "In Town Centre")
LAP	Local Action Plan
LCC	Leschenault Catchment Council
LEMC	Bunbury Local Emergency Management Committee
LIA	Light Industrial Area
LN (2000)	Liveable Neighbourhoods Policy (2000)
LSNA	Local Significant Natural Area
MHDG	Marlston Hill Design Guidelines
MRWA	Main Roads Western Australia
NDMP	National Disaster Mitigation Program
NEEDAC	Noongar Employment & Enterprise Development Aboriginal Corp.
NLA	Nett Lettable Area
NRM	Natural Resource Management

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

COUNCIL MEETING MINUTES

Minutes of an Ordinary Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 5 February 2008.

MINUTES 5 February 2008

NOTE: These minutes are subject to confirmation at the Council Meeting on 26 February 2008

1. DECLARATION OF OPENING BY THE MAYOR

His Worship the Mayor, Mr David Smith, declared the meeting open at 6.02pm.

2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

PRESENT

Council Committee Members	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member:	Deputy Mayor, Councillor S Craddock
Members:	Councillor J Jones
	Councillor T Dillon
	Councillor S Rooney - arrived 6.26pm (Item 11.8)
	Councillor B Kelly
	Councillor W Major
	Councillor H Punch
	Councillor N Whittle
	Councillor R Slater
	Councillor M Steck
	Councillor A Leigh
Executive Management Team (Non-Voting)	
Chief Executive Officer:	Mr G Trevaskis
Executive Manager Corporate Services:	Mr K Weary
Executive Manager City Services:	Mr M Scott
Executive Manager City Life:	Mr D Marzano
A/Executive Manager City Development:	Mr G Fitzgerald
Council Officers (Non-Voting):	
Bunbury Visitor Centre Manager:	Ms F Anderson
Administration Officer Corporate Services:	Ms D Ryan
Others (Non-Voting):	
Members of the Public:	5
Members of the Press:	1

APOLOGY:

Cr L Worthington

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

Not applicable.

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

Mr Bernhard Bischoff, Forster Street, Bunbury

Question: Does the formation of the new Bunbury Visitor Centre Investigation Group have any relevance to the previously planned co-location of the Visitor Centre with the Regional Museum?

Response: The Mayor advised that the committee will investigate sites for a new Visitor Centre as this is now urgent and this investigation may include sites that will allow for co-location of the new Visitor Centre with other institutions such as an Art Gallery, Aboriginal Cultural Centre or a Museum. He added however, that the likelihood of a regional museum being considered is remote given that the State Government has not committed to the provision of recurrent funding for operation and maintenance of such a facility. The committee will obtain specialist information on construction requirements for the new Visitor Centre and determine whether the Centre is to be "local" or "regional" depending on the level of funding that can be acquired. Should the committee recommend placement of the Visitor Centre on the Three-Waters site, then a site analysis will be undertaken to determine where any co-located buildings would be best situated.

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

Nil.

6. CONFIRMATION OF PREVIOUS MINUTES

Cr Craddock moved, Cr Major seconded the following motion which was adopted to become a decision of the Council:

Council Decision 1/08

The minutes of the Council Meeting held 18 December 2007, be confirmed as a true and accurate record.

CARRIED

11 Votes "For" / Nil Votes "Against"

7. DISCLOSURES OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1995

Mayor David Smith disclosed an impartiality interest in the item titled "*Leschenault Homestead Planning Committee - Final Report*" as he is a member of the Bunbury Port Authority Board.

Mayor David Smith disclosed an impartiality interest in the item concerning the "*Catholic Cathedral Development Precinct Development Application*" as he is a member of the Catholic Church and knows the Bishop personally.

Councillor Leigh disclosed an impartiality interest in the item concerning the "*Catholic Cathedral Development Precinct Development Application*" as he is a member of the Catholic Church.

Councillor Craddock disclosed a financial interest in the item concerning the "*Catholic Cathedral Development Precinct Development Application*" as he owns a home immediately adjacent to the proposed Catholic Cathedral Precinct

Mayor David Smith disclosed an impartiality interest in the item titled "*Appointment of Community Representatives to Various Council Committees*" as his wife is nominated for re-appointment as a member of the Art Collection Committee.

8. ANNOUNCEMENTS BY THE MAYOR (WITHOUT DISCUSSION)

The Mayor announced that his office has received a letter from a recent visitor to Bunbury complimenting Councillor Alfred Leigh on the extremely helpful way in which he assists visitors to the City. The Mayor offered to make copies of the letter available to any councillor who wished to read it.

9. CHIEF EXECUTIVE OFFICER REPORTS/DISCUSSION TOPICS

9.1 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR STEPHEN CRADDOCK

File Ref:	A00215
Applicant/Proponent:	Councillor Stephen Craddock
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

At the Council Meeting, the Chief Executive Officer announced that he had received a written request from Councillor Craddock for leave of absence from all Council-related business from 3 to 12 March 2008 (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.

Cr Dillon moved, Cr Leigh seconded, the following motion which was adopted to become the Council's decision on the matter:

Council Decision 2/08

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Craddock is granted leave of absence from all Council-related business from 3 to 12 March 2008 (inclusive).

CARRIED

11 Votes "For" / Nil Votes "Against"

10. RECEPTION OF FORMAL PETITIONS AND MEMORIALS

Nil.

11. RECEPTION OF REPORTS AND RECOMMENDATIONS FROM THE COUNCIL (STANDING) COMMITTEE MEETING HELD 29 JANUARY 2008

At this point in proceedings, the Council adopted *en bloc* committee recommendations listed under items 11.1, 11.2, 11.6, 11.9, 11.11 and 11.14 of the meeting agenda (as permitted under the City's Standing Orders).

Items 11.3, 11.4, 11.5, 11.7, 11.8, 11.10, 11.12 and 11.13 of the meeting agenda were then dealt with (and voted on) individually.

Please note: Items listed in Section 11 of the minutes differ from the order that they appeared in the meeting agenda. The items have been re-numbered in order of discussion so that those items voted *en bloc* by members of the Council, are listed first.

11.1 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR BRENDAN KELLY

File Ref:	A00215
Applicant/Proponent:	Councillor Brendan Kelly
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary/Background

Councillor Kelly requested leave of absence from all Council-related business from close of business on 7 March to 24 March 2008 (inclusive).

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

Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Kelly is granted leave of absence from all Council-related business from close of business on 7 March to 24 March 2008 (inclusive).

Outcome of the Council Committee Meeting - 29 January 2008

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

Committee Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Kelly is granted leave of absence from all Council-related business from close of business on 7 March to 24 March 2008 (inclusive).

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Slater, seconded Cr Major. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 3/08

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Kelly is granted leave of absence from all Council-related business from close of business on 7 March to 24 March 2008 (inclusive).

CARRIED

11 Votes "For" / Nil Votes "Against"

11.2 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR WAYNE MAJOR

File Ref:	A00215
Applicant/Proponent:	Councillor Wayne Major
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary/Background

Councillor Major requested leave of absence from all Council-related business from 3 March to 6 April 2008 (inclusive).

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

Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Major is granted leave of absence from all Council-related business from 3 March to 6 April 2008 (inclusive).

Outcome of the Council Committee Meeting - 29 January 2008

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

Committee Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Major is granted leave of absence from all Council-related business from 3 March to 6 April 2008 (inclusive).

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Slater, seconded Cr Major. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 4/08

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Major is granted leave of absence from all Council-related business from 3 March to 6 April 2008 (inclusive).

CARRIED

11 Votes "For" / Nil Votes "Against"

11.3 PROPOSED OFFICE EXTENSION - LOT 3 (NO. 18) CAREY STREET, BUNBURY
(WAS LISTED AS ITEM 11.6 IN THE MEETING AGENDA)

File Ref:	P01413
Applicant/Proponent:	Vic Whitehurst & Associates
Author:	Sam McNeilly, Acting Manager Development Services
Executive:	Gary Fitzgerald, Acting Executive Manager City Development

Summary

Council is in receipt of a development application from Vic Whitehurst and Associates, representing the owner (Wendy Taylor & TK Superannuation Fund) requesting approval for the redevelopment (value stated as being approximately \$340,000.00) of Lot 3 (No. 18) Carey Street, Bunbury. The land is currently zoned “City Centre”, and the proposed use “office” is a permitted use in such zone. The current use-class falls into the category of “single house” which is a permitted use in the respective zone.

House plans are **attached** at Appendix 17.

The existing building is listed on the City’s Heritage List, and the Municipal Inventory (MI). Advice from the Regional Heritage Advisor is generally supportive of the proposed development, subject to a recommendation that certain listed conservation works be considered as part of the overall construction work.

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

Background

Council will recall its Decision 134/07 at its meeting held on 3 July 2007 regarding car-parking requirements in the CBD which states:

“Prior to the final adoption of a new Local Planning Policy for the CBD, the Council shall exercise its full discretion of approval on all Development Applications requiring parking provision on a case-by-case basis.”

It is on this principal basis therefore that the matter is therefore referred to Council for its consideration

There is an existing building of fairly traditional design at the front of the site, and it is proposed to extend this building rearwards with a view to providing for a more extensive office area (refer plans and elevations (marked 290108/1-4).

The land is currently zoned “City Centre” and the proposed “use-class” – office – is a “P” (permitted) use in such zone.

The proposal is best described by reference to the submitted plans and elevations (marked 290108/1-4)

The proposed development is indicated as involving an existing and fairly traditional building (area 337 sq. m. approximately) consisting of four offices having access from a central corridor (which would originally have been a residence) at the front of the site, and a proposed extension (area approx. 250 sq. m.) stretching to the rear of the site. A small portion of the rear section is indicated as being 2-storey in height to house archives.

The following criteria are considered relevant in terms of properly considering the matter and in terms of determining as to whether Council should, or should not, grant planning approval.

Land-use Requirements

The land is currently zoned "City Centre". The use-class "office" is a "P" (permitted) use in the respective zone.

The matter of actual land use is therefore considered to be in order.

Bulk and Location Requirements of Scheme

The current Town Planning Scheme (TPS 7) does not list any relevant bulk and location requirements except in respect of plot ratio. The upper maximum allowable plot ratio is 3.5; the proposed plot ratio is less than 1.0 and therefore, easily, complies with Scheme requirements.

Regional Heritage Advisor Requirements

Development Services has referred the matter to the Regional Heritage Advisor (RHA) in that the existing building is currently listed on the City's Heritage List, and the MI. The RHA has carried out a heritage analysis of the matter and is generally happy with the proposed development. The RHA has however recommended that certain precautions be taken when the development takes place in terms of for example properly protecting the fabric of the existing building. The RHA proposes that certain conservation works are carried out to the existing building. Development Services has added appropriate conditions in this regard on the Report Recommendation.

Car Parking Requirements of Scheme

One key issue relates to car parking provision. From a formal perspective, in terms of full compliance with the current Town Planning Scheme the applicant should provide 7 car parking spaces (which should ideally be useable at all times during the normal operating hours of business). The applicant has provided, essentially four tandem spaces (i.e. two not useable at all times). This leaves a deficit of three (3) car parking spaces (if one accepts the four tandem spaces).

Council has, in past recent decision-making, determined in similar recent cases (where the shortfall in car parking provision is relatively small) to use the provisions of the TPS (Clause 5.7.1.9), which states:

“Within the City Centre zone, car parking spaces associated with developments up to 2,000 square metres gross floor area may not be required, however any development in excess of 2,000 square metres gross floor area is to provide for adequate on-site car parking as determined by the local government.”

This provision of the Scheme gives Council the discretionary power to lessen (to zero if found to be acceptable) the car parking for any development up to 2000 square metres in area.

Another important factor in terms of Council’s consideration of the matter (relative specifically to the matter of car parking) relates to the matter of heritage. Clause 10.2.1 (which lists matters to be considered by Council when making planning decisions) of the TPS states that, if, in the opinion of Council, the matter (of heritage) is “relevant to the use or development of the subject of the application” , Council is then, “to have due regard” to the matter of “the conservation of any place that has been entered in the Heritage List under Clause 7.1,” (emphasis by writer). The subject lot has in fact been entered in the Heritage List, and it would therefore be in order, it is considered to give some level of relaxation in respect of car parking standards to ensure the future conservation of the building under consideration in light of this specific provision.

It is also noted that whilst the applicant would have the ability (by say providing car parking on a decked basis with the new offices above such deck), to provide car parking in line with the provisions of the current TPS, in fact such a development would tend to be out of keeping with the heritage character of the existing building, and thereby would be out of keeping with the established level of amenity in terms of streetscape. Furthermore if the applicant was to propose to develop the site to its maximum capacity (R-Code allowable maximum limit is 3.5 for commercial development) then this arguably could result in, a, the applicant making an application to allow the demolition of the existing heritage building, and, b, a situation whereby there could be a much greater adverse impact on the established level of amenity in the immediate vicinity of the proposed development, and in respect of the overall character of the streetscape – by way of the possible construction of a multi-storey office building on the site.

Another relatively important factor in terms of Council’s consideration of the matter is that Council has the power to waive specific provisions of the Scheme in cases where there is matters of heritage being considered, and it is considered relevant that Council exercises its powers in this regard in this case. It is considered that the extra costs (apportioned to the developer) of the conservation works for the existing building (refer Report Recommendation) would substantially balance the waiving of precise car parking provisions, and would have some level of community and civic benefit in terms of the protection of an existing heritage building.

On balance therefore Development Services considers that the proposed development format is in order and it is proposed that a conditional approval should be issued.

Strategic Outcomes

It is considered that the broad direction of the City's 2007 –2012 Strategic Plan would not be compromised to any significant extent by supporting the proposed development.

Community Consultation

It is considered that formal community consultation is not necessarily required in this instance.

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

There would be no adverse consequence in this regard should the development proceed.

Environmental Issues

There are no known environmental issues relating to the proposed development.

Heritage Issues

As indicated, the existing structure (which is proposed to be retained) is listed on the City's Heritage List and the MI. The RHA has provided comment on the proposed development as it is seen to relate to the existing heritage building. In conclusion the RHA has no objection in principle to the development proceeding and has recommended certain technical matters to be addressed with a view to protecting the integrity of the structure of the existing building.

Council Policy Compliance

It is considered that the proposed development complies in principle 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

On the basis of Council's past determinations in respect of car parking for developments in the City Centre zone, the matter is referred to Council for its formal overview and determination.

Relevant Precedents

Council at its Ordinary Meeting held on 28th August 2007, resolved to grant town planning approval in respect of a proposal to establish a consulting room at lot 191 (83a) Victoria (from Offices) which had a marginal shortfall in respect of car parking provision. This example is typical of recent decisions in this regard over the past six months approximately.

Options

Option 1

Per the officer's recommendation listed in this report.

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 provisions of the Planning and Development Act 2005, hereby resolves that it refuses to grant planning approval to Vic Whitehurst & Associates for an office extension (plans dated 290108/1-4) at Lot 3 (No. 18) Carey Street, Bunbury as the applicant has failed to provide sufficient car parking pursuant to Town Planning Scheme No. 7."

(Plus any other reasons to be determined by Council per deliberations on the matter).

Option 3

Cash-in-lieu: This option is not recommended by Council officers.

City of Bunbury Policy 5.4 (Bunbury CBD Parking) makes provision for the option of cash-in-lieu contributions for up to 80% of the overall on-site parking requirements. However, this option only applies to developments with a floor area above 2,000 sq.m and below 3,000 sq.m.

It is noted however, that Council is not necessarily bound by any policy (Clause 5.7.1.10 of the current Town Planning Scheme) on that basis therefore, Council could if it wished take a position that cash-in-lieu could actually be required to be paid to compensate for the considered shortfall in car-parking.

Conclusion

After consideration Development Services officers are of the view that a grant of planning approval would be in order in this instance.

Principally, and importantly, Council has the power to issue a grant of planning approval; this power is derived from the fact that the use-class "Office" which is proposed is a permitted use in the respective zone ("City Centre"). In terms of the matter of car parking whilst the proposed development may be marginally short of the technical requirement in this instance, in fact Council has the power to grant approval in such case in that Clause 5.7.1.9 of the current Town Planning Scheme permits Council to exercise power to grant approval without car parking for commercial development up to 2,000 square metres in area in the City Centre zone. It is considered that this specific clause has been formulated in the current Scheme for this particular purpose - that is, in cases where any development is of such a nature in terms of size and impact, etc. warrants approval for broader benefits such as commercial synergies and benefiting the City Centre zone in terms of contributing to its commercial and social viability, then Council would have the power to exercise its judgment.

It is also noted that whilst the applicant would have the ability (by say providing car parking on a decked basis with the new offices above such deck), to provide car parking in line with the provisions of TPS No. 7, in fact such a development would tend to be out of keeping with the existing heritage character of the existing building, and thereby would also be out of keeping with the established level of amenity in terms of streetscape.

Another relatively important factor in terms of Council's consideration of the matter is that Council has the power to waive specific provisions of the Scheme in cases where there matters of heritage being considered, and it is considered relevant that Council exercises its powers in this regard in this case. It is considered that the extra costs (apportioned to the developer) of the conservation works for the existing building (refer to the recommendation in this report) would substantially balance the waiving of precise car parking provisions, and would have some level of community and civic benefit in terms of the protection of an existing heritage building.

Recommendation

Council under and by virtue of the powers conferred upon it in that behalf pursuant to the provisions of the Planning and Development Act 2005, hereby resolves to grant planning approval to Vic Whitehurst & Associates for an office extension (plans dated 290108/1-4) at Lot 3 (No. 18) Carey Street, Bunbury subject to the following conditions:

1. The premises being used only in accordance with the definition of “office” contained in Schedule 1 of Town Planning Scheme No. 7 unless otherwise approved by Council.
2. This approval shall expire unless the works hereby authorized have been substantially commenced within 2 years of the date of issue or within any extended period for which Council has granted written consent. Any application for such consent shall be received within 1 month prior to the expiration of the Planning Approval.
3. All development shall be generally in accordance with the approved development plans which form part of this Planning Approval.
4. The applicant is required to carry out conservation works which are to include (to the satisfaction of the Manager Development Services) the following:
 - 4.1 Remove the concrete verandah and steps and replace in timber to a traditional design in order to increase natural ventilation around the foundations (in response to evidence of fretting brickwork).
 - 4.2 Repair verandah posts and match timber brackets to surviving examples to the satisfaction of the Regional Heritage Advisor.
 - 4.3 Remove paint from the front façade and tuck point subject to advice from a tradesman experienced in this field.
 - 4.4 Retain face brickwork to the east elevation with careful replacement of selected fretting bricks if required. (Note: in general it is recommended against rendering the side wall, as retaining the face brick will not only allow the walls to “breathe” to the maximum possible extent, but will also retain clear evidence of the original detailing, character and size of the old house. A soft or sacrificial render could be used, if the extent of fretting brickwork and associated repairs are of aesthetic concern, but would require on going maintenance as the damp and residual salts in the walls are drawn out by natural drying over time.)
 - 4.5 Removal of previous hard cement render “repairs” is generally recommended provided some trials confirm that this can be done without unduly damaging the adjacent brickwork. Any new repairs should match the colour and consistency of the original as closely as possible and not be cement-rich. While hard cement mortars and renders will last longer they also tend to transfer any damp problems into the adjacent more porous brickwork.

- 4.6 Consider (in association with a tradesman expert in this field) removing the hard cement mortar repairs to the rock foundations (as above).
 - 4.7 Seek further professional advice about the source and treatment of rising damp (options may include improving sub-floor ventilation by installing wall vents and improving drainage around the base of the foundations). If necessary chemical or other treatments such as Lectros may also be considered.
 - 4.8 Replace the unsympathetic modern roof plumbing with Ogee gutter profiles and round down pipes.
 - 4.9 Retain and conserve surviving original detailing such as windows, roof form etc.
 - 4.10 Consider replacing the unsympathetic glass front door.
5. Any other condition(s) to the satisfaction of the City's Manager of Development Services.

Outcome of the Council Committee Meeting - 29 January 2008

Applicants for the project, Mr Vic Whitehurst and Ms Wendy Taylor, were invited to respond to questions from committee members in relation to parking arrangements for the proposed development which vary from a normal development as the building is heritage-listed. During discussion, it was noted that the verandah has to be a separate structure from the building (and the access ramp wooden) in order to protect the fabric of the building and allow it to "breathe".

Some amendment was requested by the committee to the wording of points 4.5, 4.6, 4.7, 4.8, 4.9 and 4.10 of the recommendation, in order to clarify that these statements are in fact, conditions of approval and not simply suggestions.

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

Committee Recommendation

Council under and by virtue of the powers conferred upon it in that behalf pursuant to the provisions of the Planning and Development Act 2005, hereby resolves to grant planning approval to Vic Whitehurst & Associates for an office extension (plans dated 290108/1-4) at Lot 3 (No. 18) Carey Street, Bunbury subject to the following conditions:

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

2. This approval shall expire unless the works hereby authorized have been substantially commenced within 2 years of the date of issue or within any extended period for which Council has granted written consent. Any application for such consent shall be received within 1 month prior to the expiration of the Planning Approval.
3. All development shall be generally in accordance with the approved development plans which form part of this Planning Approval.
4. The applicant is required to carry out conservation works which are to include (to the satisfaction of the Manager Development Services) the following:
 - 4.1 Remove the concrete verandah and steps and replace in timber to a traditional design in order to increase natural ventilation around the foundations (in response to evidence of fretting brickwork).
 - 4.2 Repair verandah posts and match timber brackets to surviving examples to the satisfaction of the Regional Heritage Advisor.
 - 4.3 Remove paint from the front façade and tuck point subject to advice from a tradesman experienced in this field.
 - 4.4 Retain face brickwork to the east elevation with careful replacement of selected fretting bricks if required. (Note: in general it is recommended against rendering the side wall, as retaining the face brick will not only allow the walls to “breathe” to the maximum possible extent, but will also retain clear evidence of the original detailing, character and size of the old house. A soft or sacrificial render could be used, if the extent of fretting brickwork and associated repairs are of aesthetic concern, but would require on going maintenance as the damp and residual salts in the walls are drawn out by natural drying over time.)
 - 4.5 Removal of previous hard cement render “repairs” provided some trials confirm that this can be done without unduly damaging the adjacent brickwork. Any new repairs should match the colour and consistency of the original as closely as possible and not be cement-rich. While hard cement mortars and renders will last longer they also tend to transfer any damp problems into the adjacent more porous brickwork.
 - 4.6 In association with a tradesman expert in this field, remove the hard cement mortar repairs to the rock foundations (as above).
 - 4.7 Seek further professional advice about the source and treatment of rising damp (options may include improving sub-floor ventilation by installing wall vents and improving drainage around the base of the foundations). Chemical or other treatments such as Lectros may also be considered.

- 4.8 Replace the unsympathetic modern roof plumbing with Ogee gutter profiles and round down pipes.
 - 4.9 Retain and conserve surviving original detailing such as windows, roof form etc.
 - 4.10 Replace the unsympathetic glass front door.
5. Any other condition(s) to the satisfaction of the City's Manager of Development Services.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Slater, seconded Cr Major. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 5/08

Council under and by virtue of the powers conferred upon it in that behalf pursuant to the provisions of the Planning and Development Act 2005, hereby resolves to grant planning approval to Vic Whitehurst & Associates for an office extension (plans dated 290108/1-4) at Lot 3 (No. 18) Carey Street, Bunbury subject to the following conditions:

1. *The premises being used only in accordance with the definition of "office" contained in Schedule 1 of Town Planning Scheme No. 7 unless otherwise approved by Council.*
2. *This approval shall expire unless the works hereby authorized have been substantially commenced within 2 years of the date of issue or within any extended period for which Council has granted written consent. Any application for such consent shall be received within 1 month prior to the expiration of the Planning Approval.*
3. *All development shall be generally in accordance with the approved development plans which form part of this Planning Approval.*
4. *The applicant is required to carry out conservation works which are to include (to the satisfaction of the Manager Development Services) the following:*
 - 4.1 *Remove the concrete verandah and steps and replace in timber to a traditional design in order to increase natural ventilation around the foundations (in response to evidence of fretting brickwork).*
 - 4.2 *Repair verandah posts and match timber brackets to surviving examples to the satisfaction of the Regional Heritage Advisor.*
 - 4.3 *Remove paint from the front façade and tuck point subject to advice from a tradesman experienced in this field.*

- 4.4 *Retain face brickwork to the east elevation with careful replacement of selected fretting bricks if required. (Note: in general it is recommended against rendering the side wall, as retaining the face brick will not only allow the walls to “breathe” to the maximum possible extent, but will also retain clear evidence of the original detailing, character and size of the old house. A soft or sacrificial render could be used, if the extent of fretting brickwork and associated repairs are of aesthetic concern, but would require on going maintenance as the damp and residual salts in the walls are drawn out by natural drying over time.)*
- 4.5 *Removal of previous hard cement render “repairs” provided some trials confirm that this can be done without unduly damaging the adjacent brickwork. Any new repairs should match the colour and consistency of the original as closely as possible and not be cement-rich. While hard cement mortars and renders will last longer they also tend to transfer any damp problems into the adjacent more porous brickwork.*
- 4.6 *In association with a tradesman expert in this field, remove the hard cement mortar repairs to the rock foundations (as above).*
- 4.7 *Seek further professional advice about the source and treatment of rising damp (options may include improving sub-floor ventilation by installing wall vents and improving drainage around the base of the foundations). Chemical or other treatments such as Lectros may also be considered.*
- 4.8 *Replace the unsympathetic modern roof plumbing with Ogee gutter profiles and round down pipes.*
- 4.9 *Retain and conserve surviving original detailing such as windows, roof form etc.*
- 4.10 *Replace the unsympathetic glass front door.*
5. *Any other condition(s) to the satisfaction of the City's Manager of Development Services.*

CARRIED

11 Votes "For" / Nil Votes "Against"

11.4 REGIONAL DEVELOPMENT COUNCIL - ONE LOCAL GOVERNMENT REPRESENTATIVE VACANCY *(WAS LISTED AS ITEM 11.9 IN THE MEETING AGENDA)*

File Ref:	A00380
Applicant/Proponent:	Internal Report
Author:	John Beaton, Manager - Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

The State of WA Regional Development Council is seeking nominations from WA Local Government Association Members to fill one (1) vacancy on the Council. Nominations closed on Monday, 21 January 2008.

Councillor Worthington has made application for the vacancy.

Background

On 10 December 2007, a memorandum from the WA Local Government Association was issued to Council providing a summary of six vacancies on various State and Association Boards and committees. The memorandum invited Elected Members and Service Officers in the local government industry to nominate.

Councillor Worthington has applied for appointment to the WA Regional Development Council as a WALGA member representative. If her nomination is supported by the Bunbury City Council (and if her nomination is subsequently successful) the appointment will be for a term of three (3) years.

The Regional Development Council's terms of reference are as follows:

- a) to promote development in all regions
- b) to develop policy proposals on development issues affecting one or more of the regions.
- c) To facilitate liaison between commissions and relevant government agencies and the coordination of their respective functions.
- d) To promote liaison between local, State and Commonwealth government bodies with respect to regional issues and the coordination of their respective policies on those issues.
- e) To report to the Minister on matters referred to it by the Minister.

The Minister will consider all nominations received and recommend an appointment to the position to cabinet.

Strategic and/or Regional Outcomes

The proposal for a Bunbury City Councillor to be nominated for the vacancy on the WA Regional Development Council complies with Council's 2007-2012 Strategic Plan Strategy 1.3, "*Establish support with key third party/industry groups regarding infrastructure requirements for Bunbury and the South West*".

Community Consultation

Community consultation is not applicable. However, the nomination must receive the endorsement of Council.

Councillor/Officer Consultation

Councillors were informed and invited to nominate for six various State and Association Boards and Committees vacancies via memorandum dated 10 December 2007.

Analysis of Financial and Budget Implications

This proposal will not impact on Council's financial and budgetary implications.

Economic, Social, Environmental and Heritage Issues

The Regional Development Council's Terms of Reference embraces future planning and delivery of development opportunities within the Greater Bunbury Region and other regions of the State.

Council Policy Compliance

There is no Council policy relevant to this issue.

Legislative Compliance

The Minister will make a recommendation for appointment and refer this to Cabinet.

Delegation of Authority

The Chief Executive Officer does not have delegated authority to submit nominations of this nature.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Council not endorse the nomination of Councillor Worthington to fill the vacancy on the Regional Development Council.

Conclusion

The endorsement of Councillor Worthington's nomination would underline the importance Council places on regional development and in particular the Greater Bunbury Region.

Recommendation

The WA Local Government Association to be advised that the Bunbury City Council endorses Councillor Lorna Worthington as a nominee for the vacancy on the Western Australian Regional Development Council.

Outcome of the Council Committee Meeting - 29 January 2008

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

Committee Recommendation

The WA Local Government Association to be advised that the Bunbury City Council endorses Councillor Lorna Worthington as a nominee for the vacancy on the Western Australian Regional Development Council.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Slater, seconded Cr Major. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 6/08

The WA Local Government Association to be advised that the Bunbury City Council endorses Councillor Lorna Worthington as a nominee for the vacancy on the Western Australian Regional Development Council.

CARRIED

11 Votes "For" / Nil Votes "Against"

11.5 FINANCIAL STATEMENTS - DECEMBER 2007 *(WAS LISTED AS ITEM 11.11 IN THE MEETING AGENDA)*

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

Summary/Background

Financial Statements for the period ending 31 December 2007 have been circulated to members under separate cover. The statements include 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 - 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

Recommendation

The Financial Statements for the period ending 31 December 2007, be received.

Outcome of the Council Committee Meeting - 29 January 2008

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

Committee Recommendation

The Financial Statements for the period ending 31 December 2007, be received.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Slater, seconded Cr Major. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 7/08

The Financial Statements for the period ending 31 December 2007, be received.

CARRIED

11 Votes "For" / Nil Votes "Against"

11.6 ITEM NOTED (NO DISCUSSION) AT THE COUNCIL COMMITTEE MEETING HELD 29 JANUARY 2008 (WAS LISTED AS ITEM 11.14 IN THE MEETING AGENDA)

File Ref:	A00083
Applicant/Proponent:	Internal Report
Author:	David Ransom, City Accountant
Executive:	Ken Weary, Executive Manager Corporate Services

At the meeting, the Committee Members referred to a report circulated under separate cover. Cr Leigh moved, Cr Punch seconded the recommendation that the report be noted. The Presiding Member put the motion to the vote and it was adopted to become the Committee's recommendation on this matter:

Committee Recommendation

The following item listed in the report circulated under separate cover, is noted for information only:

1. Title: Accounts for Payment - December 2007
Author: David Ransom, City Accountant
File: A00083

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Slater, seconded Cr Major. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 8/08

The following item listed in the report circulated under separate cover, is noted for information only:

1. Title: Accounts for Payment - December 2007
Author: David Ransom, City Accountant
File: A00083

CARRIED

11 Votes "For" / Nil Votes "Against"

11.7 LESCHENAULT HOMESTEAD PLANNING COMMITTEE - FINAL REPORT (WAS LISTED AS ITEM 11.4 IN THE MEETING AGENDA)

File Ref:	A00537
Applicant/Proponent:	Leschenault Homestead Planning Committee
Author:	Leigh Barrett, Strategic Planning Officer
Executive:	Geoff Klem, Executive Manager City Development

Summary

The Bunbury Port Inner Harbour Structure Plan will see expansion of the Bunbury Port to the south and east with a significant impact on the historic Leschenault Homestead and its associated structures and curtilage. The Leschenault Homestead Planning Committee was established as an advisory committee to investigate and report on triggers and options for relocation of the Leschenault Homestead. A final report has now been prepared and has been circulated under separate cover.

The report makes recommendations on the following subjects:

1. Stabilisation and Maintenance:
2. Methodology for relocation (indicating the range of issues to be considered and further developed prior to relocation):
3. Triggers for Relocation:
4. Site for Relocation (as shown below):



5. Future Use and Future Management and Maintenance
6. Implementation

Background

Council Decisions

At its meeting of 2 March 2006, the Built Environment Advisory Committee ("BEAC") resolved to recommend to Council that: *"Council nominates a proposed/preferred location for relocation of the Leschenault Homestead and the Port Authority (be advised) accordingly with reference to the Heritage Working Group"*.

Council considered this recommendation at its meeting of 4 April 2006 and resolved as follows:

"Council Decision 40/06: The matter of relocation and conservation of the Leschenault Homestead be deferred until the Bunbury Port Structure Plan is presented to a meeting of the Council, at which time the matter may be considered again."

"Council Decision 41/06: The Council's Built Environment Advisory Committee (BEAC) be requested to consider potential sites for the possible relocation of the Leschenault Homestead and report back to the Council with a recommendation within six (6) months."

"Council Decision 42/06: The possible relocation and conservation of the Leschenault Homestead be referred to the Council's Heritage Committee."

Prior to this (at its meeting of 15 May 2001) the Council had resolved as follows:

"Council Decision 201/01: Council revoke Council Decision 649/99(c) made at its meeting held on 3 August 1999 which reads as follows: 'c) Council urge the Port Authority to give proper consideration to the relocation and restoration of the Leschenault Homestead to a more agreeable site' "

At this May 2001 meeting, Council further resolved (and this resolution is Council's current position on the Leschenault Homestead) as follows:

"Council Decision 202/01: Council to:

- a) *Advise the Bunbury Port Authority and the Heritage Council of WA of its position in relation to the Leschenault Homestead as defined in Resolutions made the Special Meeting of Electors on the 11 April 2001:*
 - i) *The Bunbury City Council appeal to the Bunbury Port Authority to upgrade the Leschenault Homestead to its original condition and retain the building on its present site.*
 - ii) *The Bunbury City Council request the National Trust of Australia to assume ownership and responsibility for the ongoing maintenance of the Leschenault Homestead, cottages and grounds.*

- iii) *Should the National Trust of Australia not accept responsibility for the building and grounds of the Leschenault Homestead, then the Bunbury City Council request the Bunbury Port Authority to establish a Trust Fund to provide funding to maintain the building in perpetuity.*
 - iv) *The Bunbury City Council lobby the Bunbury Port Authority and the Minister for Planning and Infrastructure, to undertake the preservation works (as requested) on the Leschenault Homestead.*
- b) *Acknowledge and endorse the following:*
- i) *The Bunbury Port Authority's option of relocation of Leschenault Homestead is unacceptable in terms of the City of Bunbury's Heritage Planning Policies.*
 - ii) *The Heritage of Western Australia Act should be complied with by the State Government in that it sets an example by which once a property is on the State Heritage List, it receives the force of the Act to protect it in its existing location."*

City of Bunbury Heritage Committee

The City of Bunbury Heritage Committee considered the issue of the possible relocation of the Leschenault Homestead at its meeting of 19 April 2006. The committee considered that while retention and conservation of the Leschenault Homestead in its existing location was the preferred option, this was not practical given the Port Authority's intentions for the site. It was also agreed that the decision regarding the fate of the Homestead was largely out of Council's control.

The Heritage Committee made the following recommendation: *"That the Heritage Committee recognises that the decision regarding the future location and/or relocation of the Leschenault Homestead is largely out of the control of the City of Bunbury and that further to Council's decision requesting BEAC to investigate alternative sites, the Heritage Committee requests that the comments of its community members be sought by BEAC and that the sites considered be sustainable in terms of heritage tourism."*

Leschenault Homestead Planning Committee

The Leschenault Homestead Planning Committee (external body) was established at the beginning of 2007 with the following terms of reference:

- Now? Review the current status of the Homestead.
- When? When would the Homestead move and is there a specific trigger for the relocation?
- Where? Where would Leschenault Homestead be relocated to?
- How? What method will be used to relocate the Homestead? And
- What? The extent and nature of conservation to the Homestead and outbuildings (including responsibility for future use and maintenance).

The committee held its first meeting in January 2007 with the following membership:

- Mr Patric de Villiers (Chair)
- Mr Gerry Gauntlett (HCWA)
- Mr Stephen Carrick (HCWA)
- Mr Bernhard Bischoff (Bunbury Built Environment Committee)
- Mrs Phyllis Barnes (Bunbury Port Community Liaison Committee)
- Mr Derek Jesson (Bunbury Port Authority Board)
- Mr Duncan Gordon (Bunbury Port Authority)
- Ms Leigh Barrett/Mr Thor Farnworth (City of Bunbury)

Ms Annette Green (Greenward Consulting) and Ms Ruth Durak (Urban Design Centre) provided technical advice.

The Committee has met a number of times throughout 2007.

In September 2007 the Committee Chair, Mr Patric de Villiers, briefed Council on the Committee's Interim Report. The City advised the Committee that the proposals contained within the report were "generally noted".

The Heritage Council of Western Australia was briefed in June 2007 and advised the Leschenault Homestead Planning Committee that:

"The Heritage Council is prepared to support the relocation of the Leschenault Homestead comprising of the outbuildings and setting subject to:

1. *The preparation and signing of a management agreement between the Heritage Council and the Bunbury Port Authority.*
2. *The immediate preparation and implementation of a maintenance plan (including, if required, minor work) for the whole of the site to the satisfaction of the Heritage Council.*
3. *The substantial commencement of the diversion of the Preston River.*
4. *The further consideration of other project milestones by the Heritage Council and where appropriate these are to be included in the management agreement.*
5. *The relocation site being agreed to by the Heritage Council."*

The Heritage Council also expressed its concern with regard to the current physical condition of the Homestead its outbuildings and setting.

The Bunbury Port Authority was briefed in July 2007 and advised the Planning Committee that:

- "1. Directors agreed that if the homestead was relocated to another site within the Port that the Authority accepts that it will pay for ongoing costs associated with the maintenance.*
- 2. Directors endorsed a relocation to another site within the port.*
- 3. Directors have a preference for the Glen Iris location based on the current river design.*
- 4. Directors generally endorsed the interim report."*

Draft Bunbury Port Inner Harbour Structure Plan

The Draft Bunbury Port Inner Harbour Structure Plan is in the process of being finalised prior to adoption by the Bunbury Port Authority Board before being formally submitted for Council consideration for advertising and approval under Town Planning Scheme No 7.

Implementation of the Structure Plan would result in:

- the Leschenault Homestead being located in an area of medium impact port land use within the working area required to service proposed Berth 11;
- the level of the land around the Homestead being raised by approximately 3-4 metres from the existing ground level resulting in significant drainage and access issues;
- current road access (Estuary Drive) will be closed with the construction of the southern rail link;
- the Homestead would be located within the Port security fence, severely restricting public access to the place; and
- the extent of works required to extend the basin and fill the land may cause damage to the structure through movement and vibration.

In summary, there would be no public access to, or visibility of, the Homestead which would be located 3-4m lower than the surrounding ground level and within the working area of the Port.

The Draft Structure Plan acknowledges the heritage significance of the Leschenault Homestead, and that heritage buildings are best retained in their original location but concludes that relocation of the Homestead is the best outcome in this instance. The Draft Structure Plan lists the following grounds for relocation:

- The options for configuration of the inner harbour extension are limited. Under these various options the Homestead and/or its curtilage would be either in, or immediately adjacent to, the expanded water body and port infrastructure.
- The Port of Bunbury is subject to the Maritime Transport and Offshore Facilities Security Act 2003 and associated regulations. The legislation would result in access to the Homestead being restricted without direct supervision from card holder with security accreditation.
- The operating ground level of the port will be raised above the level on which the Homestead now sits with increased risk of inundation.
- Reports commissioned in 2001 and 2003 concluded that relocation was possible although some damage is likely to occur to areas such as wattle & daub walls and lathe & plaster ceilings.
- The site context for the Homestead was significantly changed with the past realignment of the Preston River.

The Draft Structure Plan shows two possible sites for the relocated Homestead. These are consistent with the recommendations contained in the Leschenault Homestead Planning Committee's Final Report.

Strategic and/or Regional Outcomes

The *City of Bunbury Strategic Plan 2007-2012* states that "the City of Bunbury will strive to protect Bunbury's unique natural environment and cultural and built heritage for the benefit of current and future generations." Further, the proposal meets Strategy 5.1 "*Protect Bunbury's Natural, Cultural and Built Heritage*" of Strategic Objective No. 5 which is to "*Promote Ecological Sustainable Development of the City's Built and Natural Environment*".

The recommendation seeks to ensure, as much as possible, the retention of the cultural heritage values of the Leschenault Homestead for current and future generations

Community Consultation

A Special Electors' Meeting was called pursuant to Section 5.28 of the Local Government Act on 11 April 2001. A motion was carried by a substantial majority of electors present to the effect that the Leschenault Homestead should be retained and conserved in its current location.

No recent consultation has taken place.

Councillor/Officer Consultation

The issue has been discussed at officer level and was considered by the City of Bunbury Heritage Committee (attended by two Councillors) in April 2006. The Heritage Committee's recommendation in this regard is detailed above.

Analysis of Financial and Budget Implications

There are no financial or budget implications for the City of Bunbury.

Economic, Social, Environmental and Heritage Issues

Economic, Social and Environmental Issues

The economic importance of the Port of Bunbury to the City and the Region is considerable and the future expansion of the Port as proposed by the Bunbury Port Inner Harbour Structure Plan is likely to have significant positive economic and social implications.

There are not considered to be significant economic, social or environmental implications related specifically to the relocation of the Leschenault Homestead.

Heritage Issues

The Leschenault Homestead is included on the City of Bunbury Municipal Inventory 2001 (Ref B046) and on the Heritage List pursuant to Town Planning Scheme No 7.

The Homestead also has interim listing on the State Register of Heritage Places (Place No 00344). The Heritage of Western Australia Act 1990 provides equal protection for places with interim and permanent listing.

Under the provisions of the *Heritage of Western Australia Act 1990* the City of Bunbury is required to seek the advice of the Heritage Council of Western Australia with respect to the proposed development (including demolition/relocation) of a place on the Register of Heritage Places. Subsequent development of the place shall comply with the advice of the Heritage Council of Western Australia.

Council Policy Compliance

The Local Planning Policy "Heritage Building Design Guidelines" refers to the Burra Charter principles which include the following statement "*the cultural significance of a place is embodied in its physical material (fabric), its setting and its contents; in its use; in the associated documents; and in its meaning to people through their use and associations with the place*".

Under the provisions of the Local Planning Policy, demolition of a place would not usually be supported. However, it is considered that the heritage values of the Leschenault Homestead are likely to be significantly diminished by the encroaching port activity and by the significant increase in ground levels surrounding the Homestead. Further, public access to the Homestead will be virtually non-existent due to the security measures required by federal legislation which will require perimeter fencing of the Port (the Homestead's current location is within the perimeter fence). The proposed closure of Estuary Drive will result in the Homestead no longer being visible from the public domain.

As noted above, with respect to the development of places on the Register of Heritage Places, the City of Bunbury is required to refer proposals to the Heritage Council of Western Australia for assessment and advice and is further required to comply with the advice provided by the Heritage Council.

Legislative Compliance

All legislative requirements have been complied with.

Delegation of Authority

There is no delegated authority.

Relevant Precedents

Council's previous decisions with regard to the Leschenault Homestead are detailed above. There are no other relevant precedents.

Options

Option 1

Per the officer's recommendation listed in this report.

Option 2

Council to advise the Leschenault Homestead Planning Committee, the Bunbury Port Authority and the Heritage Council of Western Australia that it does not support the relocation of the Leschenault Homestead, its outbuildings and gardens, and; that it would encourage the Bunbury Port Authority to maintain, protect and conserve the Homestead in its current location.

Option 3

Council reiterate Council Decision 202/01, which states that:

"Council to:

- a) *Advise the Bunbury Port Authority and the Heritage Council of WA of its position in relation to the Leschenault Homestead as defined in Resolutions made the Special Meeting of Electors on the 11 April 2001:*
 - i) *The Bunbury City Council appeal to the Bunbury Port Authority to upgrade the Leschenault Homestead to its original condition and retain the building on its present site.*
 - ii) *The Bunbury City Council request the National Trust of Australia to assume ownership and responsibility for the ongoing maintenance of the Leschenault Homestead, cottages and grounds.*
 - iii) *Should the National Trust of Australia not accept responsibility for the building and grounds of the Leschenault Homestead, then the Bunbury City Council request the Bunbury Port Authority to establish a Trust Fund to provide funding to maintain the building in perpetuity.*
 - iv) *The Bunbury City Council lobby the Bunbury Port Authority and the Minister for Planning and Infrastructure, to undertake the preservation works (as requested) on the Leschenault Homestead.*
- b) *Acknowledge and endorse the following:*
 - i) *The Bunbury Port Authority's option of relocation of Leschenault Homestead is unacceptable in terms of the City of Bunbury's Heritage Planning Policies.*
 - ii) *The Heritage of Western Australia Act should be complied with by the State Government in that it sets an example by which once a property is on the State Heritage List, it receives the force of the Act to protect it in its existing location."*

Conclusion

The heritage significance of the Leschenault Homestead (relating to the main house, cottages/outbuildings, water collection and storage structures and gardens) is widely acknowledged. The significance resides in the individual elements and more importantly, in the collection of elements. The Homestead's broader setting (including the surrounding farmland, bushland and riverine aspects) has also been identified as being an integral part of the cultural significance of the place.

The Bunbury Port Authority's *Draft Bunbury Port Inner Harbour Structure Plan* proposes extensive expansion of the port and its activities which will impact significantly on the Homestead and its curtilage. If the Leschenault Homestead is retained in its current location, its heritage values will be effectively lost to the public as it will necessarily be located within the perimeter security fence and will be at a level 3 to 4 metres lower than the proposed ground level. Any remaining views to the Homestead from the public domain will be lost with the closure of Estuary Drive and further losses to the farmland, bushland and riverine setting of the Homestead will occur due to encroaching port activity and development.

That a heritage place is best retained in its original location is acknowledged and the decision by the Leschenault Homestead Planning Committee to support the relocation of the Homestead was not taken easily or without serious consideration of potential alternatives and all possible options whilst, at the same time, seeking to balance the future needs of the Bunbury Port with the necessity of preserving the cultural heritage significance of the Homestead for future generations.

The Heritage Council of Western Australia which, in 1992, included the Leschenault Homestead and its 1.2 hectare curtilage on its *Register of Heritage Places*, also supports the proposed relocation, subject to conditions, as did the City of Bunbury Heritage Committee in April 2006.

The preferred Glen Iris site will allow for a re-creation of the Homestead's original setting with farmland, bushland and riverine aspects (following re-alignment of the Preston River as indicated in the *Draft Bunbury Port Inner Harbour Structure Plan*). It will also be located on the main access way into Bunbury allowing for a high level of public exposure.

It is therefore considered that relocation of the Homestead and, wherever possible and feasible, its associated outbuildings, structures and garden to a location where the features of the original setting can be effectively re-established is the most appropriate means of achieving that balance between the future needs of the port and preserving the cultural heritage significance of the Leschenault Homestead.

Recommendation

Council to advise the Leschenault Homestead Planning Committee, the Bunbury Port Authority and the Heritage Council of Western Australia that:

1. The City of Bunbury endorses the Leschenault Homestead Planning Committee Final Report (December 2007).
2. The City of Bunbury supports the relocation of the Leschenault Homestead, its outbuildings, associated structures and gardens, subject to:
 - 2.1 Any conditions required by the Heritage Council of Western Australia being complied with.

- 2.2 The recommendations of the Leschenault Homestead Planning Committee being met;.
- 2.3 Any City of Bunbury planning issues associated with the proposed relocation site being resolved to the satisfaction of the Chief Executive Officer.

Outcome of the Council Committee Meeting - 29 January 2008

Mayor David Smith disclosed an impartiality interest as he is a member of the Bunbury Port Authority Board. He elected to remain at the meeting and take part in the discussion and vote on this item.

The Presiding Member invited Ms Judy Johnston to address the committee. Ms Johnston referred to a Special Meeting of Electors held 11 April 2001, at which the City of Bunbury had supported retention of the Homestead at its existing site. Ms Johnston pointed out that as the Homestead is of great heritage value to all citizens of Bunbury, members of the general community should be given the opportunity to read and comment on the findings of the Leschenault Homestead Planning Committee before the Council makes a decision on the matter.

Cr Craddock moved, Cr Slater seconded an alternative to the officer's recommendation, as follows:

- "1. *The Leschenault Homestead Planning Committee Final Report (December 2007) be noted.*
2. *The Leschenault Homestead Planning Committee Final Report (December 2007) be available for public inspection and comment for a period of 42 days before being brought back to Council for further consideration."*

During discussion of the motion (and in response to concerns about possible deterioration of the Homestead) the Presiding Member confirmed that the building is currently occupied and that he will endeavour to obtain a report on maintenance of the Homestead from the Bunbury Port Authority and make this available for the information of councillors.

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

Committee Recommendation

1. The Leschenault Homestead Planning Committee Final Report (December 2007) be noted.
2. The Leschenault Homestead Planning Committee Final Report (December 2007) be available for public inspection and comment for a period of 42 days before being brought back to Council for further consideration.

AT THE COUNCIL MEETING

Mayor David Smith disclosed an impartiality interest as he is a member of the Bunbury Port Authority Board. He elected to remain at the meeting to take part in the discussion and the vote.

The Mayor confirmed that in response to a request made at the Council Committee Meeting on 29 January 2008, he has circulated to councillors an itemised list of expenditure for the Leschenault Homestead for the past 5 years (supplied by the Bunbury Port Authority).

The Committee's recommendation was moved Cr Craddock, seconded Cr Dillon. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 9/08

1. *The Leschenault Homestead Planning Committee Final Report (December 2007) be noted.*
2. *The Leschenault Homestead Planning Committee Final Report (December 2007) be available for public inspection and comment for a period of 42 days before being brought back to Council for further consideration.*

CARRIED

11 Votes "For" / Nil Votes "Against"

11.8 PROPOSED TOWN PLANNING SCHEME NO. 7 - AMENDMENT NO. 22 FOR THE CATHOLIC CATHEDRAL DEVELOPMENT PRECINCT AND DEVELOPMENT APPLICATION FOR SITE WORKS, NEW CATHEDRAL, NEW PARISH HALL AND RESTORATION/MODIFICATION OF EXISTING BUILDINGS ON LOTS 5& 6 MONEY STREET, LOTS 1-4 & 27 PARKFIELD STREET & LOTS 2, 15 & 16 BREND TOR STREET (WAS LISTED AS ITEM 11.5 IN THE MEETING AGENDA)

File Ref:	P07404 & A00398
Applicant/Proponent:	Roman Catholic Bishop of Bunbury
Author:	Paul Davies, Planning Consultant & Ann Jank, Planning Officer
Executive:	Gary Fitzgerald, Acting Executive Manager City Development

Summary

Council at its meeting on 6 August 2007 resolved to initiate an amendment to Town Planning Scheme No 7 ("TPS No. 7") for rezoning Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a private right-of-way from "Residential", "Place of Public Assembly" and "Access Road" to "Special Use Zone". The proposed amendment includes a Master Plan to guide future development of the site.

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

Council has also received a Development Application from Marcus Collins Architects on behalf of the Roman Catholic Bishop of Bunbury for development of the subject land (Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street and Lots 2, 15 & 16 Brend Tor Street) including Stage 1 – Site works, Stage 2 - New Cathedral, Stage 3 - New Parish Centre/Hall, and restoration and modifications to the existing Diocesan offices and Stage 4 - Minor modifications to the existing Bishop's and Priest's accommodation and offices.

The location plan, is **attached** at Appendix 1.

Advertising of the proposed Scheme amendment including the proposed Master Plan closed on 18 December 2007 and advertising for the proposed development application closed on 27 November 2007 and 11 submissions in total for both, Scheme amendment and development application, were received. Details of the submissions are outlined in Schedule of Submissions **attached** at Appendix 2.

It is recommended that Council resolve to finally adopt Town Planning Scheme No 7 Amendment No 22 subject to modification of the Master Plan to be consistent with the proposed development site plan.

Also, it is recommended that Council approve the proposed Development Application subject to appropriate conditions.

Background

Council at its meeting on 6 August 2007 resolved to:

- “1. *Initiate an amendment to the City of Bunbury, Town Planning Scheme No 7 to rezone Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a Private Right of Way from "Residential", "Place of Public Assembly" and "Access Road" to "Special Use" zone, subject a number of minor modifications to the proposed scheme amendment report, text and maps to the satisfaction of the Manager Development Services.*
2. *Advertise the proposed Master Plan for the Special Use zone 51 , Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a Private Right of Way with the scheme amendment for public comment subject to a number of minor modifications to the satisfaction of the Manager Development Services.*
3. *The proponent to prepare a suitable agreement for rights of access to the existing and proposed Council public car park adjacent to the proposed Library building in Parkfield Street.”*

Advertising of the proposed Scheme Amendment including the proposed Master Plan closed on 18 December 2007. Furthermore, a proposed Development Application for the site was advertised for public comment with the submission period closing on 27 November 2007 and a total of 11 submissions were received, as discussed further in the report and the attached Schedule of Submissions.

In accordance with Part 3 above a draft agreement has been received from the proponent which has been referred to Council’s Solicitors for comment. The Solicitors have provided recommendations to include appropriate conditions on the Planning Approval in regard to car parking provision.

Proposal

The proposal consists of both, Town Planning Scheme No 7 Amendment No 22 and development application for development of the subject land including Stage 1 Site works, Stage 2 New Cathedral, Stage 3 New Parish Centre/Hall, restoration and modifications to the existing Diocesan offices and Stage 4 Minor modifications to the existing Bishop’s and Priest’s accommodation and offices.

Master Plan

The proposed Scheme amendment includes a Master Plan to guide future development of the site. A copy of the proposed Master Plan is **attached** at Appendix 3. The Master Plan outlines proposals for future development of a new Cathedral and Parish Hall with new car parking layout and landscaping. The existing heritage building on the site is retained for Diocesan offices and the existing Bishop's House and Priest's accommodation is retained.

The proposed Master Plan was advertised for public comment with the proposed Town Planning Scheme Amendment No 22. The proponents have submitted a development site plan with the Planning Application which varies from the Master Plan. A copy of the proposed Development Site Plan is **attached** at Appendix 4.

It is recommended that Council resolve to modify the Master Plan to incorporate proposals consistent with the development site plan proposals with appropriate modifications as discussed further in this report.

Development Application

The proposed Development site plan includes a number of variations to the Master Plan as discussed further in this report. The application is generally consistent with the Master Plan in regard to the proposed buildings. The car parking layout has been changed to ensure that there will be less impact on surrounding properties due to different levels and terraced retaining walls.

Floor plans, elevations and perspectives are **attached** at Appendix 5.

The proposed new Cathedral accommodates 500 people in the nave and 280 people on the gallery. According to advice from the applicant for normal services ca. 300 people are expected and full capacity is only expected to occur 2-3 times a year.

The existing Parish House will be modified to accommodate the Diocesan offices and a new Parish Hall linked to the proposed new Cathedral with a cloister and a paved court. There are proposed internal modifications to the existing Bishop's House and Priest's accommodation and to the existing Parish offices.

Retaining Walls

The Master Plan as advertised indicates a single retaining wall around the boundary of the subject site particularly adjacent to Money Street and Parkfield Street. In view of the steep topography of the site the retaining wall would be very high up to approximately 7 metres in the highest sections.

Submissions received during the advertising period and comments from the Heritage Council of WA for the scheme amendment and the Development Application outlined concerns with the potential height of retaining walls with resultant visual impacts.

The proposed Development Site Plan includes a tiered retaining wall around the site and particularly adjacent to Money Street and Parkfield Street which will significantly reduce the visual impact of the retaining walls. It is recommended that the Master Plan be modified to incorporate overall proposed tiered retaining walls as indicated on the Development Site Plan.

Stairs

The Master Plan as advertised includes stairs in the retaining wall for pedestrian access to the Cathedral Court yard and the Parish Hall Court yard from Parkfield Street. The proposed Development Site Plan does not include the stair access from the Parkfield Street access.

The submission from the Heritage Council of WA recommends that the stairway to the Cathedral Court yard area be retained as an integral part of the development. The proponent advises that the stairways were deleted in view of potential concerns with security of access to the site.

It is considered that the stairway access to the Court yard areas is appropriate to facilitate pedestrian access to the Cathedral and the overall site. It is recommended that the stairways to the Parish Hall Court yard and the Cathedral Court yard be retained.

Access

The Master Plan as advertised indicates a two-way access driveway from the site to Parkfield Street. The proposed Development site Plan modifies the driveway to a single lane exit only to Parkfield Street.

The single lane exist only driveway is considered more suitable for traffic safety and also allows the height of adjacent retaining walls to be reduced. It is recommended that the Master Plan be modified to incorporate the one-way driveway access to Parkfield Street as indicated on the Development Site Plan.

The Master Plan as advertised includes a single (two way) access driveway to Money Street which is proposed as the main entrance to the site. The proposed Development Site Plan indicates a revised car parking layout with two access driveways to Money Street for in and out use respectively.

The revised car parking layout is considered suitable, however, the provision of two access driveways is not considered appropriate in view of increased potential for traffic conflicts. It is recommended that the Master Plan be modified to include the revised car parking layout as indicated on the proposed Development Site Plan with a single (in and out) access driveway to Money Street .

Footpath

The proposed Development Site Plan includes a footpath along Money Street adjacent to the development site. The Master Plan as advertised does not include a footpath along Money Street adjacent to the development site.

The submission from the Heritage Council of WA recommends that a footpath may be suitable along Money Street. The proponents advise that the footpath along Money Street is required to facilitate pedestrian access around the site.

The provision of a footpath in the road reserve along Money Street is not supported by the City Engineering Department as the road reserve is narrow and may impact on future requirements for upgrading the intersection of Money Street and Parkfield Street.

Also, there is an existing footpath on the opposite side of Money Street adequate to provide pedestrian access to the site. It is recommended that the footpath along Money Street be deleted from the proposed Development Site Plan.

Car Parking Requirements

The proposed Development Application makes provision for 134 car parking bays on the subject land. The proponents advise that in their opinion this is more than adequate for most daily operational requirements for the development, however major services may generate a demand for additional bays.

The use-class "Place of Worship" is not listed in Table No.2 of TPS No.7, therefore the number of spaces required is to be at the discretion of the local government. Development Services has considered the car parking requirements on the basis of 1 space per every 4 seats. Assuming that 4 people use one car to attend Sunday services or other services like weddings and funerals.

A total of 780 seats are proposed (500 in nave, 280 in gallery) and therefore 195 spaces are required.

All other traffic generated uses such as offices, Priest's accommodation and Parish Hall are considered to be shared uses, as their uses will occur during the week whereby the use of the new Cathedral will occur on weekends.

Although it would be open for Council to vary the provisions of the scheme relating to car parking. On a strict interpretation of TPS No.7 requirements there is a shortfall of 61 car parking bays for the overall development. To ensure compliance with TPS No.7 requirements and the relevant Australian Standards it is recommended that any grant of planning approval by the City shall be subject to the proponents adequately addressing the issue of car parking. Several options have been discussed including contributing \$25,000 per car parking space in deficit.

An alternative solution could be that the proponent enter into a legal agreement or other form of agreement outlining the use of part of the proposed church car parking for public car parking to offset the shortfall (61 bays) in meeting parking requirements. This has been suggested on the basis that full utilisation of the onsite parking is likely to occur on a non regular basis only several times a year.

On this basis, the public would be able to utilise a portion of the car parking within the church grounds.

The church would then be able to use the adjacent Council public car parking area as may be required for significant events. It is anticipated that general parking requirements for the Cathedral Precinct will be accommodated with the proposed on site car parking.

A draft agreement has been received from the proponent at this stage which has been referred to Council's Solicitors for comment. The preparation of a suitable legal agreement is included as a condition of the development approval as outlined in Option 2.

Recommended Modifications to the Master Plan

It is recommended that the proposed Master Plan be modified to include the following requirements:

1. Include the revised tiered retaining wall layout around the site as indicated on the Development Site Plan.
2. Include the one-way driveway access to Parkfield Street as indicated on the Development Site Plan.
3. Include the revised car parking layout as indicated on the proposed Development Site Plan with a single access driveway to Money Street .

Recommended Modifications to Development Application

It is recommended that the proposed Development Site Plan be modified as follows;

1. Retain stairway access to the Parish Hall Court yard and the Cathedral Court yard as indicated on the proposed Master Plan.
2. Delete the proposed western side exit driveway and to create a single (two-way) driveway access to Money Street.
3. Delete the proposed footpath along Money Street adjacent to the development site.

Heritage Council of WA

The Heritage Council of Western Australia has advised that it has no objection to the proposed Master Plan. The Heritage Council also supports the proposed Development of the Catholic Cathedral Precinct per the Development Application subject to the retaining walls being terraced to soften their visual impact on the corner of Money and Parkfield Streets.

Further, the Heritage Council recommends that the proponent provide stairs leading up to the paved court between the proposed Parish Hall and the proposed new Cathedral to allow a sense of entry from the east into the new cathedral forecourt.

It is also recommended that footpaths be introduced to Money Street and Parkfield Street along the retaining wall to allow safe pedestrian accessibility to the proposed new Cathedral.

As outlined previously the provision of a footpath in the road reserve along Money Street is not supported as the road reserve is narrow and may impact on future requirements for upgrading the intersection of Money Street and Parkfield Street. Also, there is an existing footpath on the opposite side of Money Street.

Development Services recommends that stairways be provided to facilitate pedestrian access from Parkfield Street. This will reduce demand for a pedestrian path along Money Street.

Strategic and/or Regional Outcomes

The *City of Bunbury 2007-2012 Strategic Plan* states that the Council has an objective to “*Promote Ecologically Sustainable Development of the City’s Built and Natural Environment*”. The proposed Scheme Amendment and Development Application are consistent with this objective.

Community Consultation

The proposed Scheme Amendment and the associated Development Application were advertised separately for public comment including letters to adjoining property owners and referred to Government agencies for comment and 11 submissions were received.

The principal issues raised in the submissions include:

- Potential for structural damage to surrounding buildings during construction
- Detrimental visual impact of high solid retaining walls around the development site and specifically along Money Street and Parkfield Street
- Additional opportunities for public workshop to address townscape, design and overall development proposals
- include Lot 4 in proposed Special Use zone

Concerns about structural damage of the surrounding buildings will be addressed in an advice note on the Planning Approval which is proposed to read as follows: *“The developer is required to comply with all relevant legislation in respect of ensuring minimum impact to adjoining/ nearby residences due to vibration during the construction process.”*

The potential impact of high solid retaining walls has been addressed in amended plans by way of proposed terraced retaining walls along the boundaries. It is not considered necessary to undertake public workshops in regard to the overall design and retaining walls.

One submission from the owner of adjacent lot property No 6 (Lot 17) Sampson Road requests that the lot be included in the Special Use zone or the City Centre zone to accommodate a joint venture for a senior’s residence. It is not considered appropriate to include the adjoining land in the Special Use zone as the purpose of the zone is specifically to accommodate the Cathedral development proposals.

Other opportunities for the development of the adjoining property can be considered in terms of the current Residential R15 zoning of the Land. Uses such as a Residential Building could be considered subject to advertising for public comment and consideration by Council.

One submission outlines a number of detailed suggestions/requirements for the design of the development to be included in the proposed special provisions for the Special Use zone. It is considered that these issues can appropriately be addressed with the current Development Application. A copy of the submissions will be forwarded to the proponent for consideration in detailed design of the development.

A submission received from TME Planning Consultants on behalf of the proponent seeks Council support for future development of Priests accommodation on both Lots 3 and 4. Lot 4 is proposed to be retained in the Residential R15 zone to provide a buffer and residential character between the development site and existing residential uses along Sampson Road.

It is recommended that Lot 4 be retained in the current Residential R15 zoning. Future development of the lot can then be considered in terms of uses appropriate under the current zoning in accordance with TPS No.7 and the Residential Design Codes.

Councillor/Officer Consultation

This matter has been reviewed by Council officers at Development Coordination Unit Meetings which comprise officers from the Engineering, Planning, Building and Health Sections. Further discussions have taken place with the Manager Development of Services, Senior Planner (Statutory) and Executive Manager of City Development in the lead-up to this report.

Analysis of Financial and Budget Implications

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

The issue of car parking provision has potential to require provision of additional public car parking if adequate on-site parking is not provided.

Economic, Social, Environmental and Heritage Issues

In economic terms, the proposal will provide economic benefit during the construction phase of the development. The proposal will provide for social opportunities for residents and the general public. There are no significant adverse environmental impacts of the development. The heritage issues are discussed in the report.

Council Policy Compliance

It is considered that the recommendation listed in this report does not contravene any known Council policy.

Legislative Compliance

Rezoning of the site is required to be undertaken in accordance with the requirements of the Planning and Development Act 2005.

Delegation of Authority

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

Relevant Precedents

Council has rezoned a number of sites throughout the City to a "Special Use Zone" to accommodate specific development proposals and the Council has previously approved Development Applications for places of public worship. However, there are no known absolutely relevant precedents in respect of the specific matter being considered by Council on this occasion.

Options

PART A - Possible Options for the Scheme Amendment

Option 1

Per the officer's recommendation as listed in this report.

Option 2

Council to advise Thompson McRobert Edgeloe (on behalf of Roman Catholic Bishop of Bunbury) that it does not support the proposed rezoning or proposed Master Plan for Lots 5 & 6 Money Street, Lots 1 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a private right-of-way from "Residential", "Place of Public Assembly" and "Access Road" to "Special Use" zone as the proposal does not comply with car parking requirements of Town Planning Scheme No. 7.

PART B - Possible Options for the Planning Application

Option 1

As per report recommendation.

Option 2

Council, under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005 (as amended), hereby resolves to grant planning approval to Marcus Collins Architects on behalf of the Roman Catholic Bishop of Bunbury for development of the subject land (Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street and Lots 2, 15 & 16 Brend Tor Street) including Stage 1 – Site works, Stage 2 - New Cathedral, Stage - 3 New Parish Centre/Hall, restoration and modifications to the existing Diocesan offices and Stage 4 - Minor modifications to the existing Bishop's and Priest's accommodation and offices (with car parking as submitted) subject to the following conditions:

1. The proposed Development Site Plan be modified as follows;
 - 1.1. To retain stairway access to the Parish Hall Court yard and the Cathedral Court yard as indicated on the proposed Master Plan.
 - 1.2. To delete the proposed western side exit driveway and to create a single (two-way) driveway access to Money Street.
 - 1.3 To delete the proposed footpath along Money Street adjacent to the development site.
2. All other standard conditions to the satisfaction of the Manager Development Services.

Conclusion

It is recommended that Council resolve to finally adopt Town Planning Scheme No 7 Amendment No 22 to rezone Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a private right-of-way from "Residential", "Place of Public Assembly" and "Access Road" to "Special Use" zone subject to modification of the proposed Master Plan as follows:

1. Include the revised tiered retaining wall layout around the site as indicated on the Development Site Plan.
2. Include the one-way driveway access to Parkfield Street as indicated on the Development Site Plan.
3. Include the revised car parking layout as indicated on the proposed Development Site Plan with a single (two-way) driveway access to Money Street .

It is recommended that Council grant planning approval to Marcus Collins Architects on behalf of the Roman Catholic Bishop of Bunbury for development of the subject land including Stage 1 – Site works, Stage 2 - New Cathedral, Stage - 3 New Parish Centre/Hall, restoration and modifications to the existing Diocesan offices and Stage 4 - Minor modifications to the existing Bishop's and Priest's accommodation and offices subject to appropriate conditions.

Recommendation

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

PART A

Finally adopt Town Planning Scheme No 7 Amendment No. 22 to rezone Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a private right-of-way from "Residential", "Place of Public Assembly" and "Access Road" to "Special Use" zone, subject to the following modifications being included on the proposed Master Plan:

1. Include the revised tiered retaining wall layout around the site as indicated on the Development Site Plan.
2. Include the one-way driveway access to Parkfield Street as indicated on the Development Site Plan.
3. Include the revised car parking layout as indicated on the proposed Development Site Plan with a single (two-way) driveway access to Money Street .

PART B

Grant planning approval to Marcus Collins Architects on behalf of the Roman Catholic Bishop of Bunbury for development of the subject land (Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street and Lots 2, 15 & 16 Brend Tor Street) including Stage 1 – Site works, Stage 2 - New Cathedral, Stage - 3 New Parish Centre/Hall, restoration and modifications to the existing Diocesan offices and Stage 4 - Minor modifications to the existing Bishop's and Priest's accommodation and offices subject to the following conditions:

1. The Development must have available at all times 195 car parking bays in accordance with the City of Bunbury Town Planning Scheme No.7 (Clause 5.7.1.5).

[Advice to applicant - to address the shortfall in parking the City is prepared to enter into a legal agreement for reciprocal shared parking. The agreement shall be prepared by the City's solicitors to the satisfaction of the City and enable the City to lodge an absolute caveat over the certificate of title(s) to the Land. The owner shall be responsible to pay all costs of and incidental to the preparation (including all drafts) and stamping of the agreement and lodgement of the absolute caveat at Landgate. Or, the proponent is required to pay to the City the monetary sum of \$25,000 for each car parking space less than that which is required for the proposed development pursuant to the requirements of TPS No.7 and Austroads and any other relevant Australian Standards, to the satisfaction of the CEO, and any monetary figure in this regard is to be paid to the City prior to the issuance of any building licence for the proposed development.]

2. The proposed Development Site Plan to be modified as follows:
 - 2.1. Retain stairway access to the Parish Hall Court yard and the Cathedral Court yard as indicated on the proposed Master Plan.
 - 2.2. Delete the proposed western side exit driveway and create a single (two-way) driveway access to Money Street.
 - 2.3. Delete the proposed footpath along Money Street adjacent to the development site.
3. All other standard conditions to the satisfaction of the Manager Development Services.

Outcome of the Council Committee Meeting - 29 January 2008

Mayor David Smith disclosed an impartiality interest as he is a member of the Catholic Church and knows the Bishop personally. He elected to remain at the meeting and take part in the discussion and vote on this item.

Councillor Leigh disclosed an impartiality interest as he is a member of the Catholic Church. He elected to remain at the meeting and take part in the discussion and vote on this item.

Councillor Craddock disclosed a financial interest as he owns a home immediately adjacent to the proposed Catholic Cathedral Precinct. He left the meeting for the duration of discussion and the vote on this item.

Prior to discussion of the item, the Most Reverend Bishop Holohan, Leader of the Catholic Church in Bunbury, was invited to provide a PowerPoint™ presentation for the information of committee members. In his concluding remarks, the Bishop made the following requests:

- "- The Council note as fact that the New Cathedral Precinct development application does not conflict with current car parking regulations.*
- The Council will not impose a car-to-seat ratio on the new St Patrick's Cathedral site but will treat this development application in the same way as other public places of workshop have been treated in the past, particularly since there will be less need for public car spaces when the cathedral is full than was the case with the old Cathedral since 1921.*
- The Council will apply TPS No. 7 Clause 5.7.1.4 should it decide there is a need to impose a car-seat ratio, bearing in mind the parking experience of the old St Patrick's Cathedral since 1921 and not Clause 5.7.1.5 as proposed in the paper.*
- The Council not insist on stairs to the Parkfield Street side of the site given that the reason for the stairs has long gone and they will pose a serious security risk."*

During a discussion session with the Bishop that followed, the Bishop requested that the requirement for 195 car parking bays (in point 1. of Part B of the recommendation) be replaced with 134 bays as there is plenty of public car parking available during the times that church services are held (normally after hours and on weekends) and the new Cathedral will be at full capacity only 2 to 3 times per year for school events and on Christmas Eve. He confirmed that the stairs that the City requires the Catholic Church to build in Parkfield Street will not provide pedestrian-access to the new Cathedral (or associated buildings) but will pose a serious security risk by allowing vandals easy-access to the precinct after-dark.

Committee members discussed the merits of having the matter referred to a Briefing Session but the Bishop requested the matter be resolved as soon as possible as every delay leads to increased building costs for the project.

The Presiding Member invited Sampson Road resident, Mr Arpad Mencshelyi, to address the committee. Mr Mencshelyi claimed that in his opinion, there has been some mis-information in the public domain concerning details of the project. He was first advised that a retaining wall to be built at the boundary of his property (which abutts the new cathedral development) will be 6 metres in height and he notices from recent plans that this has increased to 7 metres. As stated in his submission, Mr Mencshelyi and other Sampson Road residents are concerned at proposed buffer zones around the new Cathedral Precinct and how this new development will interface with Sampson Road.

<p>Point of Clarification: Plans submitted by the proponent do not detail any retaining walls abutting Mr Mencshelyi's property and there is no proposal by the proponent to construct any retaining walls on the boundary separating its property from Mr Mencshelyi.</p>

The Mayor advised Mr Mencshelyi that he will be provided with all current plans for the building development, master plan and the rezoning proposal.

Members of the committee agreed that a meeting should be held with the Catholic Church and Mr Mencshelyi to discuss amendment of planning conditions and a revised tiered retaining wall layout around the site. It was agreed that this meeting should take place prior to the Council Meeting of 5 February 2008. The wording of the officer's recommendation (as printed in this report) was amended accordingly and moved Cr Dillon, seconded Cr Steck. The Presiding Member put the motion to the vote and it was adopted to become the Committee's recommendation on this issue.

Committee Recommendation

PART A

Finally adopt Town Planning Scheme No 7 Amendment No. 22 to rezone Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a private right-of-way from "Residential", "Place of Public Assembly" and "Access Road" to "Special Use" zone, subject to the following modifications being included on the proposed Master Plan:

1. Including a revised tiered retaining wall layout around the site to be determined at the Council Meeting on 5 February 2008.
2. Include the one-way driveway access to Parkfield Street as indicated on the Development Site Plan.
3. Include the revised car parking layout as indicated on the proposed Development Site Plan with a single (two-way) driveway access to Money Street .

PART B

Grant planning approval to Marcus Collins Architects on behalf of the Roman Catholic Bishop of Bunbury for development of the subject land (Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street and Lots 2, 15 & 16 Brend Tor Street) including Stage 1 – Site works, Stage 2 - New Cathedral, Stage - 3 New Parish Centre/Hall, restoration and modifications to the existing Diocesan offices and Stage 4 - Minor modifications to the existing Bishop's and Priest's accommodation and offices subject to conditions to be determined at the Council Meeting on 5 February 2008.

AT THE COUNCIL MEETING

Mayor David Smith disclosed an impartiality interest as he is a member of the Catholic Church and knows the Bishop personally. He elected to remain at the meeting to take part in the discussion and the vote on this matter.

Councillor Leigh disclosed an impartiality interest as he is a member of the Catholic Church. He elected to remain at the meeting to take part in the discussion and the vote on this matter.

Councillor Craddock disclosed a financial interest as he owns a home immediately adjacent to the proposed Catholic Cathedral Precinct. He left the meeting at 6.15pm for the duration of discussion and the vote on this matter.

It was noted that Bishop Holohan and Mr Ogilvey were present at the meeting to answer questions if required.

The Mayor referred Council members to a memorandum (dated 31 January 2008) that had been tabled at the meeting by the Manager of Development Services. The memorandum contains an alternative to the committee's recommendation printed in the meeting agenda. The alternative wording had been provided in response to a request for a meeting to be held with representatives of the Catholic Church Development and neighbouring resident, Mr Mencshelyi, to discuss retaining walls and negotiate suitable conditions for Part B of the committee's recommendation.

After reading the memorandum, councillors indicated that they would like to consider the committee's recommendation (Parts A and B as printed in the meeting agenda) first. They would then consider the additional conditions provided in the memorandum as if they were a "Part C" to the recommendation.

Cr Rooney arrived at the meeting at 6.26pm.

The Acting Executive Manager of City Development confirmed that a site plan had been provided by the applicant (showing retaining walls/parking as revised on 14 December 2007 and additional levels as amended on 16 November 2007) and that this was displayed on the meeting room wall for the information of councillors. He used the plan to confirm the location of the private right-of-way subject of the application

The Committee's recommendation both Parts A and B (as printed in the meeting agenda) was moved Cr Steck, seconded Cr Major. The Mayor put the motion to the vote and it was adopted 11 votes "for" to nil votes "against", to become a Council Decision.

The members of the Council then considered the list of conditions on the last 2 pages of the memorandum - a copy is **attached** at Appendix 18. The conditions (to form Part C of the Council's decision) were moved Cr Dillon, seconded Cr Major (pro forma) with deletion of the following requirement: "(3)(i) *To retain stairway access to the Parish Hall Court yard and the Cathedral Court yard as indicated on the proposed Master Plan.*".

In support of his amendment, Cr Dillon pointed out that the stairway is no longer required as access to the cathedral cannot be gained from this side of the property; and, as this site is adjacent to the CBD less and less residents live in the area and walk to church. The only people to benefit from the staircase will be vandals.

In response to questions, the Acting Executive Manager of City Development confirmed that from a planning point of view, the stairway is considered necessary to provide interaction between the CBD and the cathedral site especially in light of the fact that further residential

development in the CBD is anticipated. He also advised that he had met with Mr Mencshelyi and visited Mr Mencshelyi's property to go through the revised plans with him. It was confirmed that there will be no change in land levels on Mr Mencshelyi's property resulting from the plans for the new Cathedral Precinct.

Cr Major foreshadowed that if the motion is defeated, he will move the planning conditions with the retention of the requirement for stairway access to the Parish Hall Court yard and the Cathedral Court yard as indicated on the proposed Master Plan.

The motion moved Cr Dillon, seconded Cr Major (pro forma) was put to the vote at this point and carried 10 votes "for" to 1 vote "against". It became Part C of the Council Decision on this matter.

Cr Rooney referred to Submission No. 1 listed in the Schedule of Submissions (refer to Appendix 2) in which Planning Officers state that a condition of the planning approval will be a requirement for the developer to undertake a dilapidation survey.

Cr Rooney moved, Cr Major seconded that the additional planning condition be added to the list of conditions in Part C of the Council Decision: *"6. The developer be required to undertake a dilapidation survey of adjoining and nearby properties prior to commencing works."*

The motion was put to the vote and adopted 11 votes "for" to nil votes "against".

For ease of reference the Council Decision (Parts A, B and C) is repeated below in its entirety:

Council Decision 10/08

PART A

Finally adopt Town Planning Scheme No 7 Amendment No. 22 to rezone Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street & Lots 2, 15 & 16 Brend Tor Street and a private right-of-way from "Residential", "Place of Public Assembly" and "Access Road" to "Special Use" zone, subject to the following modifications being included on the proposed Master Plan:

- 1. Including a revised tiered retaining wall layout around the site as indicated on the proposed site plan for the Cathedral Precinct displayed at the Council Meeting on 5 February 2008 (plan dated 18 September 2007 being Sheet 2 of 9 - as amended on 16 November and 14 December 2007).*
- 2. Include the one-way driveway access to Parkfield Street as indicated on the Development Site Plan.*
- 3. Include the revised car parking layout as indicated on the proposed Development Site Plan with a single (two-way) driveway access to Money Street .*

PART B

Grant planning approval to Marcus Collins Architects on behalf of the Roman Catholic Bishop of Bunbury for development of the subject land (Lots 5 & 6 Money Street, Lots 1-4 & 27 Parkfield Street and Lots 2, 15 & 16 Brend Tor Street) including Stage 1 – Site works, Stage 2 - New Cathedral, Stage - 3 New Parish Centre/Hall, restoration and modifications to the existing Diocesan offices and Stage 4 - Minor modifications to the existing Bishop's and Priest's accommodation and offices subject to conditions to be determined at the Council Meeting on 5 February 2008.

PART C

The approval in Part B is subject to the following conditions:

- 1. The applicant to provide at all times 134 car-parking bays on site in accordance with the City of Bunbury, Town Planning Scheme No.7 (Clause 5.7.1.5).*
- 2. The City and the Roman Catholic Diocese of Bunbury entering into a Memorandum of Understanding (version marked 300108.doc or as amended from time to time by mutual agreement) to allow the reciprocal use of 61 (i.e. up the maximum limit of the shortfall) car-parking spaces, by the City, on the land owned by the applicant, during times when the Church does not require such spaces for its congregational activities.*
- 3. The proposed Development Site Plan be modified as follows:*
 - (i) To delete the proposed western side exit driveway and to create a single (two-way) driveway access to Money Street.*
 - (ii) To delete the proposed footpath along Money Street adjacent to the development site.*
- 4. New fencing to be built along the western boundary of Lot 5 Money Street, along the northern boundary of Lot 2 Brend Tor Street, along the southern boundary of Lot 16 Brend Tor Street, along the western boundary of Lot 3 Parkfield Street and along the western boundary of Lot 4 Parkfield Street to the satisfaction of the Manager Development Services.*
- 5. All other standard conditions to the satisfaction of the Manager Development Services.*
- 6. The developer be required to undertake a dilapidation survey of adjoining and nearby properties prior to commencing works.*

CARRIED

Cr Craddock returned to the meeting at 7.25pm.

11.9 EXTENSION OF LEASE OVER PORTION FORREST PARK - SOUTH WEST MODEL ENGINEERS ASSOCIATION INC., PART LOT 73 BLAIR STREET, BUNBURY *(WAS LISTED AS ITEM 11.3 IN THE MEETING AGENDA)*

File Ref:	F00053
Applicant/Proponent:	SW Model Engineers Association Inc.
Author:	John Beaton, Manager - Administration & Property Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

An application has been received from the South West Model Engineers Association Inc. seeking extension of its current lease/licence for a further five (5) year term with an option to renew for a further five (5) years. The lease covers a portion of Forrest Park (the miniature railway) and is due to expire on 30 September 2008.

Background

The South West Model Engineers Association Inc. has occupied a 1.6 hectare portion of Forrest Park for the purpose of the miniature railway since 1984. The land is identified as Lot 73 and is owned by the City of Bunbury on Certificate of Title Volume 438 Folio 54A on Diagram 2224. A location/site plan of the lease/licence areas are **attached** at Appendix 6.

The lease area contains various buildings including the railway station and a store shed. The railway tracks are contained within the licence area with the Association having full use of the area and the public permitted access to it.

Membership of the South West Model Engineers Association Inc. stretches from the Perth Metropolitan area to Albany. Members from Perth are offering to fund the upgrade to some of the existing facilities including provision of a new station subject to grant of an extension of lease/licence to protect the investment. The Association will be required to obtain a Development Approval and Building Licence to carry out any proposed building improvements.

The Bunbury Recreation Plan does not specifically identify the lease/licence area for future alternative use. The plan does identify the balance of Forrest Park as a potential location for development of retail and warehousing of bulk goods.

The current lease/licence includes the following Special Condition:

"Ground Rationalisation. In the event that the City requires the whole or part of the lease/licensed property for redevelopment or ground rationalisation or in the event that the lease/licensed property is in the opinion of the City or the Association adversely affected by any redevelopment or ground rationalisation, then either party may terminate the lease/licence hereinbefore granted (but not one only thereof) by giving twelve (12) months notice in writing to the other of the termination of this Agreement."

Lease and Land Details

Current Lease Details

Lessee (<i>have held the lease since 1989</i>):	South West Model Engineers Association Inc.
Term Commenced:	1 October 1998
Renewed Term:	Five years (with option to renew for a further five years)
Expiry Date:	30 September 2008
Rental:	\$720.30 per annum (inc. GST)
Rent Review:	Index to CPI annually
Outgoings:	Responsibility of the Lessee (includes power and telephone charges)
Insurance:	Lessee to maintain Public Risk Insurance and General Insurance on the premises. Public liability to be set at \$5(M).
Special Conditions:	Ground Rationalisation - During the period of the Lease, should the City require any portion of the lease site for redevelopment or ground rationalisation, either party may without penalty, give the other 12 months' notice of termination.

Proposed Extension of Lease Details

Lessee (<i>have held the lease since 1989</i>):	South West Model Engineers Association Inc.
Extended Lease Term to Commence:	1 October 2008
Renewed Term:	Five years (with option to renew for a further five years)
Expiry Date:	30 September 2018
Rental:	As determined by Landgate Valuation Services on commencement, indexed by CPI 1 st Year, CPI 2 nd Year, Market Valuation 3 rd Year.
Rent Review:	Index to CPI annually
Outgoings:	Responsibility of the Lessee (includes power and telephone charges)
Insurance:	Lessee to maintain Public Risk Insurance and General Insurance on the premises. Public liability to be set at \$10(M).
Document Preparation Costs:	Lessee to pay the full costs of documentation, registration and advertising.

Special Conditions:	Ground Rationalisation - During the Lease term, should the City require any portion of the lease site for redevelopment or ground rationalisation, either party may without penalty, give the other 12 months' notice of termination. <u>Plus</u> The Lessee is required to obtain a Development Approval and Building Licence to carry out any proposed building improvements.
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Strategic and/or Regional Outcomes

The proposal complies with Council's 2007-2012 Strategic Plan Strategy 2.4 which states that the City "*will develop a Property Strategy that benefits the City's residents, businesses, community and sporting organisations*".

Community Consultation

Any proposal to grant an extension of a lease over Council-owned or managed land must be advertised pursuant to Section 3.58 of the Local Government Act 1995 and requires a public submission period of fourteen (14) days.

Councillor/Officer Consultation

Council officers have held discussions with the applicant and have mutually agreed on the terms and conditions of the extended lease.

Analysis of Financial and Budget Implications

Landgate Valuation Services will be required to assess the lease rental prior to the due date of expiry of the current lease on 30 September 2008. The Lessee is responsible for all normal outgoings.

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

Economic, Social, Environmental and Heritage Issues

The Association has received an offer to finance improvements to its facilities. The Association continues to undertake a number of major improvements for the benefit of the wider community.

The amenity of Forrest Park is protected by the orderly use of the venue. The proposed improvements to the facilities will not have an adverse environmental impact.

The Association provides a social benefit for its members and the miniature railway is a popular attraction for parents with young children on the weekends that it operates at the park.

There are no heritage issues to consider at this time.

Council Policy Compliance

There is no Council policy concerning leasing of Council buildings.

Legislative Compliance

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

Delegation of Authority

The Chief Executive Officer has the delegated authority of the Council to negotiate the terms of an application for extension of a lease provided the settled term and conditions are presented to Council for approval before documentation is finalised.

It is proposed that subject to no objecting submissions being received as a result of public advertising, the Chief Executive Officer proceed with preparation and signing of the Deed of Extension of Lease.

Relevant Precedents

The Council last renewed this lease at its meeting on 15 September 1998.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Per the recommendation listed in this report as amended by Council members.

Option 3

Council may opt not to approve the application from the South West Model Engineers Association Inc. for extension of its lease over portion of Lot 73 Blair Street, Bunbury.

Conclusion

The applicant has leased the site since 1984. At all times the lessee has satisfactorily fulfilled its obligations and responsibilities under the lease.

The applicant Association provides a social benefit for its members and the miniature railway is a popular attraction for parents with young children on the weekends that it operates at the park.

It is proposed that the extended lease continue to operate on the condition that during the period of the lease (should the City require any portion of the lease site for redevelopment or ground rationalisation) either party may without penalty, give the other 12 months' notice of termination.

Recommendation

Council agrees to extend the lease over portion of City of Bunbury Freehold Lot 73 Blair Street, Bunbury, to South West Model Engineers Association Inc., such extension to commence on 1 October 2008 for a term of 5 years (with an option to renew for a further 5 years) on the terms and conditions as specified in the report to Council, and;

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

Outcome of the Council Committee Meeting - 29 January 2008

The Presiding Member announced that Mr Jeff Clifton, President of the SW Model Engineers Association Inc., was present at the meeting. In response to questions, Mr Clifton indicated that his Association had initially applied for a further 20-year lease term, and, that the Association had not received a written invitation to attend the meeting.

The Acting Executive Manager Corporate Services explained that he had negotiated the lease term with the SW Model Engineers Association resulting in the 5-year term (with a further 5-year option). He apologised for not sending a written invitation to the Association but he had been in telephone contact concerning the agenda item with the Association's Secretary.

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

Crs Rooney and Slater requested that their votes "against" the Committee Recommendation, be recorded.

Committee Recommendation

Council agrees to extend the lease over portion of City of Bunbury Freehold Lot 73 Blair Street, Bunbury, to South West Model Engineers Association Inc., such extension to commence on 1 October 2008 for a term of 5 years (with an option to renew for a further 5 years) on the terms and conditions as specified in the report to Council, and;

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

Additional Executive Comments (presented at Council Meeting on 5 February 2008)

The South West Model Engineers Association had sought Council consideration in granting an extension of its current lease by a further 20 years in a bid to obtain security of tenure for its future planning and capital improvements.

The City's Executive Management considered the proposal and concluded that granting a 20 year term would be excessive. A 5 year term with an option for a further 5 years (total - 10 years) was considered reasonable as the Association would still be able to seek to extend this term if, in the future, the need arose.

The Association's initial lease commenced 1 October 1988 and was for a 10 year term with an option of a further 5 years (total - 15 years) and its current lease extension commenced on 1 October 2003 for a 5 year term.

The City has not identified the site for possible alternative use in the foreseeable future.

AT THE COUNCIL MEETING

The Mayor invited Mr Jeff Clifton, President of the SW Model Engineers Association Inc., to address the members of Council. Mr Clifton gave a brief history of the Association before requesting a 20 year lease extension (or at the very least, a 15 year lease extension with a further 5 year option). He indicated that he is concerned at having a land valuation undertaken every third year to determine the level of annual rental as the Club does not generate much income. In response to questions, Mr Clifton indicated that the "ground rationalisation" condition (which was a condition of his previous lease) is not favoured by the Association and relocating the miniature railway to Big Swamp as previously suggested, would be impractical as the salty sea air would hasten the corrosion of metal parts and railway tracks.

During discussion, the Executive Manager of Corporate Services confirmed that the normal arrangement for rent reviews of the City's various leased properties is a CPI review for the first 2 years with a rent review (conducted by Landgate) every third year.

In response to a request for the Council (not Landgate) to determine rental valuations, the Mayor advised that this would not be a practical solution and that lease-holders are entitled to make application to Council for a reduction in their annual rental should they feel a rent increase is unjustified or are experiencing difficulty in meeting payments.

The Committee's recommendation was moved Cr Craddock, seconded Cr Major with an amendment changing the term of the extended lease to "10 years with an option to renew for a further 5 years". The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 11/08

Council agrees to extend the lease over portion of City of Bunbury Freehold Lot 73 Blair Street, Bunbury, to South West Model Engineers Association Inc., such extension to commence on 1 October 2008 for a term of 10 years (with an option to renew for a further 5 years) on the terms and conditions as specified in the report to Council, and;

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

CARRIED

12 Votes "For" / Nil Votes "Against"

11.10 NEW BUNBURY REGIONAL VISITOR CENTRE INVESTIGATION GROUP (WAS LISTED AS ITEM 11.7 IN THE MEETING AGENDA)

File Ref:	A00449
Applicant/Proponent:	Internal Report
Author:	Felicity Anderson, Bunbury Visitor Centre Manager
Executive:	Domenic Marzano, Executive Manager City Life

Summary

This proposal is to seek the establishment of a New Bunbury Regional Visitor Centre Investigation Group to allow for active investigation of a new purpose-built Bunbury Regional Visitor Centre. This is to address the constraints and issues currently being faced by the centre in its existing location. It will also address future growth and assist in the delivery of quality visitor services supporting the tourism industry in the Bunbury Region.

Background

The re-location and re-development of the Bunbury Visitor Centre was endorsed by Council as part of the Three-Waters Centre project. The future of a new Visitor Centre is subject to outcomes from the Three-Waters Project Control Group. The establishment of this new group will enable Council to consider the Three Waters Report and the proposed New Bunbury Regional Visitor Centre Investigation Group's report concurrently.

The existing Visitor Centre has many constraints. It is located in a heritage listed building - Old Railway Station - which lacks basic amenities such as clean drinking water (due to old pipes), hot water and staff toilets. There are space and storage issues with the Visitor Centre forced to use storage facilities at the City's Works Depot to house brochures, maps and visitor guides which require collection on a regular basis. There is no further space to develop or expand services or business opportunities. Accessibility is an issue, as is insufficient parking facilities for visitors, particularly those with caravans, campers, trailers or buses.

Together with the trend of growing visitor numbers to Bunbury (particularly the day tripper market) and the fact that Bunbury is one of the fastest growing regional centres in Australia, it is expected demand for services will increase.

Strategic and/or Regional Outcomes

Development of a new Bunbury Regional Visitor Centre would be in line with the objective in the *City of Bunbury Strategic Plan 2007-2012* of "facilitating desired tourism growth and increasing visitor numbers." It would also address Strategy 2.5 of "improving the level and quality of customer service" and objective 8.9 to "establish a task force to investigate a new Visitor Centre".

Community Consultation

As this is a recommendation to investigate the development of a new Bunbury Regional Visitor Centre it is expected that community and stakeholder consultation will be part of this process.

Councillor/Officer Consultation

Council and Executive Management were provided with a briefing on Tuesday, 4 December 2007 which included the opportunity for questions and feedback.

Analysis of Financial and Budget Implications

It is anticipated that funding will be required for consultation, research and proposed concepts. A request will be made to the March Budget Review Meeting for \$8,500 to cover these expenses. At a later date capital funding would be required for development subject to finalisation of the Group's investigation report and Council's decision on its recommendations.

Economic, Social, Environmental and Heritage Issues

A new Bunbury Regional Visitor Centre will provide an improved environment and facility to deliver quality customer services support to the tourism industry in Bunbury. It is acknowledged that through the Visitor Centre, staff can influence extra spending (other than planned) into the local economy by visitors. This is done by encouraging stay and exploration of attractions and services in the area. The 2006/2007 year estimated yield influence was \$16(M).

At present there are no other identified social, environmental or heritage issues associated with the proposed New Bunbury Regional Visitor Centre Investigation Group's establishment.

Council Policy Compliance

This recommendation does not contravene any known Council policy

Legislative Compliance

Legislative requirements relating to the Local Government Act 1995 or any other Act, Local law or Regulations have been complied with in the process leading up to the finalisation of this proposal. Amending the terms of reference for a Council Committee requires an absolute majority vote under Section 5.8 of the Local Government Act 1995.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to approve the establishment of a committee of the Council.

Relevant Precedents

There are no known precedents in respect to this matter

Options

Option 1

Per the officer's recommendation listed at the end of this report.

Option 2

The Council resolves not to approve the establishment of the New Bunbury Regional Visitor Centre Investigation Group.

Conclusion

A new Bunbury Regional Visitor Centre will aid in addressing the demand on visitor servicing, ensuring quality customer service, improving accessibility for visitors and providing a functional and flexible working environment with capacity for future needs. The role of the Visitor Centre is extremely important in the support of the tourism industry and business in Bunbury. The investigation and proposed development of a purpose built Visitor Centre is a major component of developing tourism in Bunbury.

Recommendation

The Council approves the establishment of the New Bunbury Regional Visitor Centre Investigation Group to allow active investigation for the development of a new purpose-built Bunbury Visitor Centre on the terms listed below.

1. Purpose

To investigate and report on location and considerations with regard to the building of a new purpose-built Bunbury Regional Visitor Centre other than that proposed as part of the Three Waters Centre. This is to coincide with the reporting deadline for the Three Waters Centre so that both ways forward may be considered by Council concurrently."

2. Membership

Members (voting rights)

His Worship the Mayor – Mr David Smith
Deputy Mayor – Councillor Stephen Craddock
Mr Greg Trevaskis – City of Bunbury CEO
Mr Dom Marzano – Executive Manager City Life

Ex-officio Members (non-voting)

Chairperson - Bunbury Dolphin Discovery Centre
CEO - Bunbury Chamber of Commerce and Industries

2. Support Staff

2.1 Professional/Technical Advice: As required (internal City of Bunbury)

2.2 Executive Officer: Bunbury Visitor Centre Manager

2.3 Nominated Budget Officer: Executive Manager City Life

3. Sunset Clause

The New Bunbury Regional Visitor Centre Investigation Group will expire upon the completion of the project to coincide with the Three Waters Centre reporting deadline.

4. Terms of Reference

The New Bunbury Regional Visitor Centre Investigation Group is an advisory committee of the Council that operates with the following Terms of Reference:

4.1 Identify potential sites for a New Bunbury Regional Visitor Centre and the issues for consideration associated with each site.

4.2 Identify the built facility and service requirements for a new Bunbury Regional Visitor Centre.

4.3 Consider all funding sources available to build a new Bunbury Regional Visitor Centre.

4.4 Provide recommendations to Council on a course of action in May 2008 to coincide with the Three Waters reporting deadline.

Outcome of the Council Committee Meeting - 29 January 2008

Cr Steck was absent for the vote on this matter.

The recommendation was moved Cr Craddock, seconded Cr Major with the following amendments:

- Remove the Bunbury Visitor Centre Manager from the support staff and add her in as a member of the committee (with voting rights).
- remove the sub-title "*Ex-officio Members (Non-voting)*"

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

Committee Recommendation

The Council approves the establishment of the New Bunbury Regional Visitor Centre Investigation Group to allow active investigation for the development of a new purpose-built Bunbury Visitor Centre on the terms listed below.

1. Purpose

To investigate and report on locations and considerations with regard to the building of a new purpose-built Bunbury Regional Visitor Centre.

2. Membership

His Worship the Mayor – Mr David Smith
Deputy Mayor – Councillor Stephen Craddock
Councillor Michelle Steck
Mr Greg Trevaskis – City of Bunbury CEO
Mr Dom Marzano – Executive Manager City Life
Ms Felicity Anderson - Bunbury Visitor Centre Manager
Chairperson - Bunbury Dolphin Discovery Centre
CEO - Bunbury Chamber of Commerce and Industries

2. Support Staff (Non-Voting)

2.1 Professional/Technical Advice: As required (internal City of Bunbury)

2.2 Nominated Budget Officer: Executive Manager City Life

3. Sunset Clause

The New Bunbury Regional Visitor Centre Investigation Group will expire upon the completion of the project to coincide with the Three Waters Centre reporting deadline.

4. Terms of Reference

The New Bunbury Regional Visitor Centre Investigation Group is an advisory committee of the Council that operates with the following Terms of Reference:

4.1 Identify potential sites for a New Bunbury Regional Visitor Centre and the issues for consideration associated with each site.

4.2 Identify the built facility and service requirements for a new Bunbury Regional Visitor Centre.

- 4.3 Consider all funding sources available to build a new Bunbury Regional Visitor Centre.
- 4.4 Provide recommendations to Council on a course of action in May 2008 to coincide with the Three Waters reporting deadline.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Dillon, seconded Cr Craddock. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 12/08

The Council approves the establishment of the New Bunbury Regional Visitor Centre Investigation Group to allow active investigation for the development of a new purpose-built Bunbury Visitor Centre on the terms listed below.

1. *Purpose*

To investigate and report on locations and considerations with regard to the building of a new purpose-built Bunbury Regional Visitor Centre.

2. *Membership*

*His Worship the Mayor – Mr David Smith
Deputy Mayor – Councillor Stephen Craddock
Councillor Michelle Steck
Mr Greg Trevaskis – City of Bunbury CEO
Mr Dom Marzano – Executive Manager City Life
Ms Felicity Anderson - Bunbury Visitor Centre Manager
Chairperson - Bunbury Dolphin Discovery Centre
CEO - Bunbury Chamber of Commerce and Industries*

2. *Support Staff (Non-Voting)*

- 2.1 *Professional/Technical Advice: As required (internal City of Bunbury)*
- 2.2 *Nominated Budget Officer: Executive Manager City Life*

3. *Sunset Clause*

The New Bunbury Regional Visitor Centre Investigation Group will expire upon the completion of the project to coincide with the Three Waters Centre reporting deadline.

4. *Terms of Reference*

The New Bunbury Regional Visitor Centre Investigation Group is an advisory committee of the Council that operates with the following Terms of Reference:

- 4.1 *Identify potential sites for a New Bunbury Regional Visitor Centre and the issues for consideration associated with each site.*
- 4.2 *Identify the built facility and service requirements for a new Bunbury Regional Visitor Centre.*
- 4.3 *Consider all funding sources available to build a new Bunbury Regional Visitor Centre.*
- 4.4 *Provide recommendations to Council on a course of action in May 2008 to coincide with the Three Waters reporting deadline.*

CARRIED

12 Votes "For" / Nil Votes "Against"
Absolute Majority Vote Attained

11.11 PROPOSED UNDERGROUND POWER PROJECT - WITHERS *(WAS LISTED AS ITEM 11.8 IN THE MEETING AGENDA)*

File Ref:	R00567
Applicant/Proponent:	Internal Report
Authors:	Ken Weary, Executive Manager Corporate Services & John Beaton, Manager Administration & Property Services
Executive:	Michael Scott, Executive Manager City Services

Summary

It is proposed that the City survey the rate-paying residents of Withers to ascertain whether they would support replacement of the existing overhead power supply system with an underground power grid to overcome ongoing power supply problems in the district. The Office of Energy has offered to provide a \$10(M) funding package for the project. The City's required contribution to the project is estimated at \$5.6(M).

A location plan forms **Attachment 5** of a report that has been circulated to members under separate cover.

Background

The State Underground Power Program is a State Government initiative administered by its Office of Energy. Local government bodies are invited to nominate areas for conversion to underground power and (if accepted) the cost of the resulting project is shared between the State Government and the local authority concerned.

The City of Bunbury recently supported Western Power's nomination of Withers as a priority for conversion to underground power due to ongoing power surges in the area caused through ageing infrastructure. The nomination has been accepted by the City (in principle) subject to consideration of the financial and budget implications of the project. In addition, the Office of Energy requires confirmation that at least 60% of ratepayers in Withers (including a 12% block vote from Homeswest) support the proposal as each property owner will be required to contribute to the cost of installing the new underground power grid, and, pay a service connection charge for connection of power on their private property from the meter board to the service pillar located at the front of the property boundary.

A pro forma of the type of Community Survey that would be distributed to residents has been circulated to councillors as a **Confidential Report**. The survey outlines the following information for consideration by residents:

- Benefits of the project
- Costs to property owners
- Target Area Map(s)
- Any disruptions anticipated
- Details of house service connections

- Anticipated timetable
- Responses to Frequently Asked Questions

Some of the advantages/disadvantages associated with the project are listed below:

Advantages

- Reduced power supply surges and fewer supply problems
- Improved property values
- Improved street appearance - no pruning of trees required
- Improved safety
- New and brighter street lighting to be installed as part of the package

Disadvantages

- The Withers Underground Power Project is not included in the Annual Budget 2007/08
- Full cost recovery of \$5.6(M) through ratepayers in Withers
- Some of the new on-ground transformers may need to be placed on street verges

Although the City has no strategic planning in place for this project it is obliged to complete the application process (i.e., community survey) as the State Government has already set aside \$10(M) for the project and Western Power is proposing that work commence before the end of the 2007/08 financial year.

A detailed report on the cost of this project and possible funding options has been provided under the heading titled "*Analysis of Financial and Budget Implications*" later in this report. If the project proceeds, contractors will undertake the underground power project under the supervision of Western Power.

Strategic and/or Regional Outcomes

Replacement of the overhead power system in Withers with an underground power grid is not a component of the *City Vision Strategy* nor is there a specific strategic objective in the *Strategic Plan 2007-2012*.

Strategic Plan Objective 3 states that: "*delivery of major capital projects can only be achieved through an alignment of current and future plans and resources with the organisation's strategic direction.*" However, it then goes on to make the qualification that: "*As part of this process, the City of Bunbury will re-evaluate its current plans and activities in line with this plan and seek to rationalise plans where possible.*" This is especially relevant in cases where a considerable community benefit exists.

The Withers Underground Power Project is not included in the Annual Budget for 2007/2008 or the Council's Five-Year Finance Plan 2007/2008 to 2011/2012.

Community Consultation

It is proposed to survey the ratepayers of Withers to ascertain whether they would support the installation of underground power in the precinct on a cost-recovery basis. At least 60% of ratepayers (including a 12% block vote from Homeswest) will need to support the proposal as each property owner will be required to contribute to the cost of providing the connection to the underground power supply that runs between their front boundary and the meter board on the property. It is expected the survey form will contain information on costs and connection charges.

Councillor/Officer Consultation

Executive management has been consulted concerning this proposal.

Analysis of Financial and Budget Implications

The Executive Manager Corporate Services has provided the following report:

Within the Context of Council's Five-Year Finance Plan

The Withers Underground Power Project ("WUPP") is not included in the Annual Budget for 2007/2008 or Council's Five-Year Finance Plan 2007/2008 to 2011/2012 and how this will affect Council's future projects should be carefully weighed against the capacity for ratepayers to make underground power contribution repayments.

An analysis of the Council's proposed \$5.6 million contribution to the WUPP could be construed as a cost-shifting exercise by the State Government whereby it seeks Local Government funds to pay for the upgrade of its own infrastructure. The City's Asset Coordinator has confirmed that the City of Bunbury has a shortfall on asset renewal requirements of \$1.7 million per annum. In fact, the \$1.7 million per annum additional asset renewal requirement will be listed for discussion when Council reviews its Five-Year Finance Plan in March 2008. It is therefore appropriate that the \$5.6 million contribution requested by the Office of Energy also be included in Council's Five-Year Finance Plan and not be considered in isolation.

A financial contribution to the State Government's Office of Energy would compete with Council's funding of existing infrastructure requirements. In addition to Council's existing \$1.7 million shortfall per annum in respect to asset renewal, municipal funding in Withers for underground power needs to be compared against the other municipal infrastructure needs in the district including active/passive recreation facilities, improvements to playgrounds, parks and reserves, provision of playground equipment, cycleways and security lighting, etc.

An extract of Council's Five-Year Finance Plan is provided as **Attachment 1** in the report under separate cover. Although it identifies \$16.9 million of capital works expenditure in 2008/09 it does not fund the known \$1.7 million per annum shortfall in asset renewal. Council's funding sources are fully committed in achieving this works program. Further, other projects yet to be considered and which are not included in the Five-Year Finance Plan are provision of decked car parking in the CBD (\$8 million); implementation of Council's Recreation Plan for a multi-functional pavilion at Hay Park (\$1.5 million) and other projects to be determined following calling of submissions from Council and the Executive in the compilation of the Five-Year Finance Plan. Hence, any draw on Council revenues to fund the Office of Energy's infrastructure in Withers by way of providing underground power will compete with Council's previously determined Capital Works Programs.

Council's Capital Works Program for this year and the next 5 years totals \$72.8(M). The anticipated 2008/09 budget requirement includes:

Plant and Equipment	\$ 1,176,000
Drainage	\$ 525,000
Koombana Bay Jetty Contribution	\$ 3,000,000
Recreation	\$ 1,036,000
Library	\$ 3,800,000
Transport	\$ 4,024,000
New Depot	<u>\$ 1,900,000</u>
Total:	\$16,000,000

In addition, other items being considered by Council but not yet included in the Five-Year Finance Plan totalling \$31(M), are as follows:

Decked Car Parking	\$ 8,000,000
Recreation Plan	\$13,000,000
Withers Underground Power	\$ 5,600,000
Data Centre	\$ 1,260,000
Kerbside Parking Meters	\$ 1,500,000
Asset Management Plan (asset renewal per/annum)	<u>\$ 1,700,000</u>
Total:	\$31,060,000

Office of Energy Request for Council Contribution

The WUPP project has been costed by the Office of Energy and requires a contribution from the City of Bunbury of \$5.6(M) which represents 35% of the total estimated project cost of \$16(M). Generally, local governments participating in this type of project pass all of the cost onto the ratepayers in the project area as these are the people set to gain benefit from having the power network placed underground. Yet other local governments in WA have elected to subsidise the ratepayers for various reasons but this is not common.

Underground power projects are normally based on a 50% contribution from the Office of Energy and a 50% contribution from the Local Government. However, the Office of Energy has advised that due to the Socio-economic Index for the Withers area, this project is eligible for additional funding assistance and the contribution required from the City of Bunbury has been reduced from \$8(M) or 50% to \$5.6(M) being a 35% contribution.

Effect on Council's Debt Program and Contributing Property Owners

The WUPP would affect the City's Debt Management Program should Council elect to utilise borrowed funds for payment of its contribution to the project. The project will also require property owners within the project area to pay either a one-off payment of approximately \$3,000 or a \$250-\$290 annual payment over a 20-year period. This would equate to a 27% increase for an average Withers residential property over the repayment period.

Subject to the outcome of the community consultation process, if property owners were to make repayments over 20 years, Council's loan borrowing as at 30 June 2008 would increase from \$13.7(M) to \$19.3(M) and increase the Debt Service Ratio from 8.6% to 9.9%. Note: Council's target range in the Corporate Financial Plan is between 8–10%. Borrowing \$5.6(M) would move the Debt Service Ratio to the top of Council's target range and would limit the future borrowing capacity of Council.

Ratepayer Repayment Options

Ratepayer Repayment Options	Cost to Average Residential Property *	Affect on Council
1. One-off Payment	\$2,952	No effect (Payment by Property Owner)
2. Repayment over a 20-year period	(a) \$287 per annum per residential property which equates to a 27% increase in Rates over the project area. (b) If charged over the whole of Bunbury: \$24 per residential property or 2% City Rate increase.	Council to borrow \$5.6(M) and recoup the cost of repayments through a Specified Area Rate over 20 years.

(* Note: The cost will vary according to the Gross Rental Valuation of the property as determined by Landgate Valuation Services. The range of property values and the amount payable is shown at **Attachment 2** in the report under separate cover.)

Preferred Funding Option

The preferred funding option is that each property is invoiced upfront for the cost to install underground power within the Withers precinct. The average cost to the residential property being \$2,952 and additional substantial higher costs for commercial, retail or high density residential investment complexes in the precinct. Each individual property is costed as shown in **Attachment 2** of the report under separate cover.

Examples of Other Councils' Funding Arrangements

In **Attachment 3** of the report under separate cover, is a list showing how other local governments in Western Australia have funded similar underground power projects.

Property Valuations and Payment Effect on Individual Properties

An overview of the range of property values, effect on Pensioner rebates together with a list of all properties in the Withers Underground Power Precinct is provided in **Attachment 2** of the report under separate cover. The document outlines the upfront payment and the annual repayment amount required over a 20- year loan repayment period.

Possible Funding Sources

Should Council consider providing a further subsidy to property owners in excess of the 15% additional subsidy already granted by the Office of Energy, the following funding sources are identified:

Funding Source	Comment
1. Aqwest Land Sales	Funds currently committed to the Stephen Street Landscaping Project, library construction and debt reduction.
2. Punchbowl Caravan Park Site	Funds currently committed to Bunbury Timber Jetty Restoration Project and loan reduction.
3. Lot 66 Ocean Drive	Funds currently committed to library and depot construction.
4. Loan Funds	Additional loan borrowing would exceed Council's debt management guidelines by increasing current debt from \$13.7(M) to \$19.3(M). Council's own revenue sources, i.e., the Rate Revenue would be required to meet loan repayments. This is the <u>least</u> preferred option.
5. Land Rationalisation within Withers	A number of possible sites have been identified. These are currently classified as "Crown Reserves" and would require public consultation and land rezoning.

Economic, Social, Environmental and Heritage Issues

Economic

Underground power is an attractive feature to home-buyers as it results in less black-outs (due to faults/tree branches) and increases the visual appeal of an area. Accordingly, it would not be unreasonable to anticipate that properties in Withers could increase in value should the project proceed.

Replacement of overhead power grids with underground systems broadly reduces the level of maintenance, repairs and fault-rectification associated with overhead power systems but it is unknown whether this will have any flow-on effect on employment in the region.

Social and Environmental Issues

Underground power is safer, improves security of the power supply and reduces the need for tree pruning. Other benefits include improved visual appeal and a reduction in the death of some native animals known to climb on power poles and electrical wires. Although these benefits would be appealing to many in Withers, property owners will be required to pay for connection to the new underground power grid at a substantial cost and as this precinct contains many lower income households and pensioners, it is likely this cost (whether paid direct by home-owners or absorbed through imposition of rental increases on tenants) could result in undue financial stress on those that can least afford it.

Heritage Issues

There are no known heritage issues to consider.

Council Policy Compliance

Council Policy CEO-6 "*Infrastructure Asset Management*" applies to the street-lighting upgrade component of the project only - a copy of the policy forms **Attachment 4** of the report under separate cover.

Legislative Compliance

Section 6.37 of the Local Government Act 1995 permits a Council to impose a specified area rate on rateable land within portion of its district for the purpose of meeting the cost of the provision of services to those who will benefit from the supply of underground power.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to make a decision on this matter.

Relevant Precedents

Tree Street Underground Power Project

At its meeting on 1 August 2000, the Bunbury City Council decided to discontinue the Underground Power Project proposed for the Tree Street Precinct due to insufficient support for the project from residents. At that time, the precinct contained 2,050 rateable properties. The project was first proposed in 1995 when the total project cost would have been \$8.7(M). Of the total number surveyed only 37% returned the survey form and of these only 16% were in favour of the project.

Spencer Street Underground Power Project

At its meeting on 20 September 2005, the City decided to support a proposal for undergrounding of power on the western side of Blair Street (between Teede and Stirling Streets) and both sides of Spencer Street (between Stirling Street and Beach Road) provided sufficient ratepayer support was obtained.

The project was the subject of an Office of Energy Local Enhancement Project ("LEP") Level 4 application and the City of Bunbury was successful in obtaining Office of Energy support for the Spencer Street portion of the project on the basis that the State Government contributes \$250,000 of the estimated \$1(M) project cost. The balance of \$750,000 is to be provided out of City of Bunbury revenue sources either as a part contribution by the City and ratepayers or as a full-cost recovery cost to affected ratepayers. A preliminary survey of ratepayers proved inconclusive but a detailed survey is still required once options for financial implications and analysis have been prepared.

Options

Option 1

Per the recommendation listed in this report - Council prepare and issue a Community Survey to ratepayers in Withers seeking their support to have underground power installed - each property owner to pay one upfront payment for connection to the underground grid.

Note: This is the most preferred option as it does not impact on Council's financial revenue sources or debt position.

Option 2

Council prepare and issue a Community Survey to ratepayers in Withers seeking their support to have underground power installed - each property owner to contribute to the cost of the project through payment of either:

1. a full contribution cost upfront, or;
2. through a Specified Area Rate on their property over a 20-year period.

Option 3

Council prepare and issue a Community Survey to ratepayers in Withers seeking their support to have underground power installed in the precinct and Council undertake a Land Rationalisation Program within Withers to identify land available for sale to provide the City's \$5.6(M) contribution to the project.

Note: This is not recommended as it would be a lengthy exercise and revenues would not be realised within the required 2-year time frame.

Conclusion

Although the City currently has no strategic planning in place for the Withers Underground Power Project it is now obliged to complete the application process (i.e., community survey) as the State Government has already set aside \$10(M) for the project and Western Power is proposing that work commence before the end of the 2007/08 financial year.

It is proposed the following action be taken by Council Officers once the results of the Community Survey have been determined:

1. If the project is supported by the majority of ratepayers in Withers then it is proposed the details of the Community Survey be referred to Council for consideration and a final decision.
2. If the project is not supported by the majority of ratepayers then Council Officers are to seek the Office of Energy's commitment to allocation of the \$10(M) funding source that has been set aside for the Withers project on a "street-by-street" basis so that those streets in Withers that are a high priority for replacement are attended to only at no cost to the City or its ratepayers.

Recommendation

1. Council prepare and issue a Community Survey to ratepayers in Withers seeking their support to have underground power installed in the precinct on the basis that each property owner pays one upfront payment for connection to the new underground grid:
 - 1.1 If the project is supported by the majority of ratepayers in Withers then it is proposed the details of the Community Survey be referred to Council for consideration and a final decision.
 - 1.2 If the project is not supported by the majority of ratepayers then Council Officers are to seek the Office of Energy's commitment to allocation of the \$10(M) funding source that has been set aside for the Withers project on a "street-by-street" basis so that those streets in Withers that are a high priority for replacement are attended to only at no cost to the City or its ratepayers.

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2. The Office of Energy to be requested to provide written confirmation that it will provide project funding of \$10(M) toward the Withers Underground Power Project should the project receive majority support from ratepayers in Withers.
3. The results of the Community Survey to be referred to Council for further consideration.

Outcome of the Council Committee Meeting - 29 January 2008

The recommendation was moved Cr Major, seconded Cr Dillon. During discussion, the Executive Manager City Services confirmed that the survey form is being prepared in-house but will be printed by professional printers.

The Presiding Member requested that copies of the survey form (and information pamphlet) be circulated to members as soon as possible. Members are to be given a 24-hour period in which to provide their written comments or suggestions.

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

Committee Recommendation

1. Council prepare and issue a Community Survey to ratepayers in Withers seeking their support to have underground power installed in the precinct on the basis that each property owner pays one upfront payment for connection to the new underground grid:
 - 1.1 If the project is supported by the majority of ratepayers in Withers then it is proposed the details of the Community Survey be referred to Council for consideration and a final decision.
 - 1.2 If the project is not supported by the majority of ratepayers then Council Officers are to seek the Office of Energy's commitment to allocation of the \$10(M) funding source that has been set aside for the Withers project on a "street-by-street" basis so that those streets in Withers that are a high priority for replacement are attended to only at no cost to the City or its ratepayers.
2. The Office of Energy to be requested to provide written confirmation that it will provide project funding of \$10(M) toward the Withers Underground Power Project should the project receive majority support from ratepayers in Withers.
3. The results of the Community Survey to be referred to Council for further consideration.

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Major, seconded Cr Dillon. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 13/08

1. *Council prepare and issue a Community Survey to ratepayers in Withers seeking their support to have underground power installed in the precinct on the basis that each property owner pays one upfront payment for connection to the new underground grid:*
 - 1.1 *If the project is supported by the majority of ratepayers in Withers then it is proposed the details of the Community Survey be referred to Council for consideration and a final decision.*
 - 1.2 *If the project is not supported by the majority of ratepayers then Council Officers are to seek the Office of Energy's commitment to allocation of the \$10(M) funding source that has been set aside for the Withers project on a "street-by-street" basis so that those streets in Withers that are a high priority for replacement are attended to only at no cost to the City or its ratepayers.*
2. *The Office of Energy to be requested to provide written confirmation that it will provide project funding of \$10(M) toward the Withers Underground Power Project should the project receive majority support from ratepayers in Withers.*
3. *The results of the Community Survey to be referred to Council for further consideration.*

CARRIED

12 Votes "For" / Nil Votes "Against"

11.12 APPOINTMENT OF COMMUNITY REPRESENTATIVES TO VARIOUS COUNCIL COMMITTEES *(WAS LISTED AS ITEM 11.10 ON THE MEETING AGENDA)*

File Ref:	A00215
Applicant/Proponent:	Internal Report
Author:	Ken Weary, Executive Manager Corporate Services
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

It is proposed to appoint community representatives to the following committees which provide advice and recommendations to the Council. Terms of reference are attached as stated below:

- Art Collection Management Committee - Terms of Reference **attached** at Appendix 7.
- Big Swamp Wildlife Park Steering Committee - Terms of Reference **attached** at Appendix 8.
- Bunbury Airport Advisory Committee - Terms of Reference **attached** at Appendix 9.
- Bunbury Environment & Sustainability Advisory Committee ("BESAC") - Terms of Reference **attached** at Appendix 10.
- Bunbury Region Roadwise Committee - Terms of Reference **attached** at Appendix 11.
- Bunbury-Setagaya Sister Cities Committee - Terms of Reference **attached** at Appendix 12.
- Community Access Committee - Terms of Reference **attached** at Appendix 13.
- Heritage Advisory Committee - Terms of Reference **attached** at Appendix 14.
- Retail Trading Implementation Committee - Terms of Reference **attached** at Appendix 15.
- Youth Advisory Council - Terms of Reference **attached** at Appendix 16.

Background

At its meeting on 27 November 2007, various committees were appointed to provide guidance and recommendations to assist the Council in discharging its duties. Part of Council Decision 247/07 read as follows:

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

A group advertisement calling for public nominations was advertised in the *Bunbury Herald* on 4 December 2007 and in the *South Western Times* on 13 December 2007. A notice was also displayed on the City's website. The closing date for applications was 15 January 2008.

Executive Officers for the committees concerned, invited previous community members to re-nominate.

The following nominations have been received. A copy of each application form has been circulated to members in a confidential report. Each form has been numbered and reference is made to these numbers in the table below.

Art Collection Management Committee

Ref	Applicant's Name	Supported (Yes/No)
17.	Lorna Margaret Kaino (Academic)	Yes
18.	Colleen Gillick (Rep. - Bunbury Society of Artists)	Yes
19.	Tresslyn Maxine Smith (Public Servant)	Yes
20.	Ronald Middleton (Retired)	Yes
21.	Charmian Gaye Brigden (Demonstrator)	Yes
22.	Rosemary Louise Nicholson (Primary School Teacher)	Yes
23.	Paul Alan Robertson (Art Gallery Attendant)	No - possible conflict of interest as he works at the Art Gallery. Council decision required.

Big Swamp Wildlife Park Steering Committee

Ref	Applicant's Name	Supported (Yes/No)
11.	Janice Mason (Community Worker)	Yes
24.	Michael Eric Morgan (Marketing/Promotion/Advertising)	Yes

Bunbury Airport Advisory Committee

Ref	Applicant's Name	Supported (Yes/No)
42.	Blair Howe (Lessee - Bunbury Airport)	Yes
43.	Alex Karatamoglou (Lessee - Bunbury Airport)	Yes
N/A	Paul Coffey (Lessee - Bunbury Airport)	Yes
N/A	Brendan Watts (Lessee - Bunbury Airport)	Yes
N/A	Iain Farmer (Lessee - Bunbury Airport)	Yes
44.	Mike Fletcher (Lessee - Bunbury Airport)	Yes
25.	Arpad Mencshelyi (former City of Bunbury employee & Perth Airport Admin.)	Not at this stage - refer to BAAC's first meeting as he not an airport lessee.

Bunbury Environment & Sustainability Advisory Committee ("BESAC")

Ref	Applicant's Name	Supported (Yes/No)
12.	Andrew Obal (Safety, Health & Environment Coordinator)	Yes
13.	Philip John Smith (Relief School Teacher)	Yes
14.	Bernhard Bischoff (Retired)	Yes
26.	Shane Elmore (Visitor Centre Officer/Manager Boyanup District Farmer's Market)	Yes
N/A	Dr Sandra Woollorton (Senior Lecturer on Ecological Sustainability - TAFE) <i>Note: Former committee member - nomination form yet to be received</i>	Yes

Bunbury Region Roadwise Committee

Ref	Applicant's Name	Supported (Yes/No)
1.	Brad Brooksby (Traffic Consultant)	Yes
2.	Richard Oborn (Motor Vehicle Assessor)	Yes
3.	Charles Keith Wilks (Ambulance Paramedic/Manager)	Yes
4.	Lindsay William Harding (Police Officer)	Yes

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5.	Catherine Anne Ferguson (Counsellor/Teacher/Researcher)	Yes
6.	Lisa Gartrell (School Drug Education & Road Awareness Officer)	Yes
7.	Alan Roberts (Customer Services Manager - Main Roads WA)	Yes
8.	Paul Cassidy (Civil Engineer)	Yes
27.	Jo-Anne Moore (Community Health Manager - Bunbury/Harvey)	Yes

Bunbury-Setagaya Sister Cities Committee

Ref	Applicant's Name	Supported (Yes/No)
28.	Royston Adrian Hansen (Semi-retired Music Teacher)	Yes
29.	Douglas William Wenn (Civil Celebrant - Marriages/Funerals)	Yes
31.	Valda Rose-Marie Smith OAM Not stated	Yes
39.	David Lawrence Powell (Retired)	Yes
40.	Phillippa Powell (Retired)	Yes
41.	Pauline Ann Vukelic (Developer/Company Director)	Yes

Community Access Committee (*Note: Further nominations are being sought for this committee*)

Ref	Applicant's Name	Supported (Yes/No)
30.	Susan Maree Wood (Volunteer)	Yes

Heritage Advisory Committee

Ref	Applicant's Name	Supported (Yes/No)
15.	Bernhard Bischoff (Retired)	Yes
16.	Phyllis Ann Barnes (Retired)	Yes
45.	Morris Johnston (Retired)	Yes
46.	Peter Leslie Suckling (Consulting Engineer)	Yes

Retail Trading Implementation Committee

Ref	Applicant's Name	Supported (Yes/No)
9.	Robert Allan Birrell (CEO - Bunbury Chamber of Commerce & Industries)	Yes
10.	Vernon Merchant (Asset Manager - Bunbury Forum Shopping Centre)	Yes

Youth Advisory Council

Ref	Applicant's Name	Supported (Yes/No)
32.	Vittavat (Petch) Folvig (Casual Youth Officer)	Yes
33.	Sarah Simpson (Waitress)	Yes
34.	Sam Alexander Treasure (Lifeguard)	Yes
35.	Christopher David Young (Self-employed)	Yes
36.	David Theodore Thomas Punch (Student)	Yes
37.	Josh Lawrie (Volunteer)	Yes
38.	Evangelia Kakulas (Enrolled Nurse)	Yes

Strategic and/or Regional Outcomes

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

The Strategic Plan is based around six objectives - two of these are relevant to the recommendation in this report, they are:

1. Strengthen the City of Bunbury's governance and leadership
2. Develop social capital - having community representatives on council committees helps those committees derive a broader insight into public sentiment concerning the activities of the Council.

Community Consultation

A group advertisement calling for public nominations was advertised in the *Bunbury Herald* on 4 December 2007 and in the *South Western Times* on 13 December 2007. A notice was also displayed on the City's website. The closing date for applications was 15 January 2008.

Executive Officers for the committees concerned, inviting previous community members to re-nominate.

Councillor/Officer Consultation

The Executive Officer of each committee has been consulted concerning advertising and the applications received.

Analysis of Financial and Budget Implications

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

Economic, Social, Environmental and Heritage Issues

Not applicable.

Council Policy Compliance

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

Policy CEO7 (adopted by Council on 27 November 2007) sets out guidelines for establishment and operation of advisory committees but it provides no guidelines for appointment of community members to committees.

Legislative Compliance

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

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

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

Delegation of Authority

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

Relevant Precedents

The Council regularly appoints community members to its various committees.

Options

- Option 1: Per the recommendation listed in this report.
- Option 2: Per the recommendation listed in this report (with amendments as stated by members at the meeting)

Recommendation

PART A

The following to be appointed as 'Community Representatives' on committees that provide guidance and recommendations to the Council - tenure of membership is specified in Section 5.11 of the Local Government Act 1995:

1. **Art Collection Management Committee**

Lorna Margaret Kaino
Colleen Gillick
Tresslyn Maxine Smith
Ronald Middleton
Charmian Gaye Brigden
Rosemary Louise Nicholson

2. **Big Swamp Wildlife Park Steering Committee**

Janice Mason
Michael Eric Morgan

3. **Bunbury Airport Advisory Committee**

Blair Howe
Alex Karatamoglou
Paul Coffey
Brendan Watts
Iain Farmer
Mike Fletcher

4. **Bunbury Environment & Sustainability Advisory Committee ("BESAC")**

Andrew Obal
Philip John Smith
Bernhard Bischoff
Shane Elmore
Dr Sandra Wooltorton

5. **Bunbury Region Roadwise Committee**

Brad Brooksby
Richard Oborn
Charles Keith Wilks
Lindsay William Harding
Catherine Anne Ferguson
Lisa Gartrell
Alan Roberts
Paul Cassidy
Jo-Anne Moore

6. **Bunbury-Setagaya Sister Cities Committee**

Royston Adrian Hansen
Douglas William Wenn
Valda Rose-Marie Smith OAM
David Lawrence Powell
Phillippa Powell
Pauline Ann Vukelic

7. **Community Access Committee**

Susan Maree Wood

8. **Heritage Advisory Committee**

Bernhard Bischoff
Phyllis Ann Barnes
Morris Johnston
Peter Leslie Suckling

9. **Retail Trading Implementation Committee**

Robert Allan Birrell - CEO of Bunbury Chamber of Commerce & Industries
Vernon Merchant - Asset Manager - Bunbury Forum Shopping Centre

10. **Youth Advisory Council**

Vittavat (Petch) Folvig
Sarah Simpson
Sam Alexander Treasure
Christopher David Young
David Theodore Thomas Punch
Josh Lawrie
Evangelia Kakulas

PART B

1. The nomination from Mr Paul Robertson for appointment to the Art Collection Management Committee is declined as he is an employee of the Art Gallery at which the City's art collection is housed (Mr Robertson to be thanked for his nomination and encouraged to nominate for an alternative committee).
2. The nomination from Mr Arpad Mencshelyi for appointment to the Bunbury Airport Advisory Committee, is to be referred to that committee for consideration (and a recommendation to Council) as Mr Mencshelyi is not a lease-holder at the airport.

Outcome of the Council Committee Meeting - 29 January 2008

The recommendation was moved Cr Dillon, seconded Cr Punch. During discussion:

- The Executive Manager City Life confirmed that point 1. in Part B of the recommendation is no longer required as the members of the Art Collection Management Committee have decided that Mr Robertson's appointment to the committee would not represent a conflict of interest.
- Where there have been insufficient nominations, the committee members (or Council staff) are to seek nominations for future referral to Council.

The Presiding Member put the motion (as amended) to the vote and it became the Committee Recommendation.

Committee Recommendation

PART A

The following to be appointed as 'Community Representatives' on committees that provide guidance and recommendations to the Council - tenure of membership is specified in Section 5.11 of the Local Government Act 1995:

1. Art Collection Management Committee

Lorna Margaret Kaino
Colleen Gillick
Tresslyn Maxine Smith
Ronald Middleton
Charmian Gaye Brigden
Rosemary Louise Nicholson
Paul Robertson

2. Big Swamp Wildlife Park Steering Committee

Janice Mason
Michael Eric Morgan

3. Bunbury Airport Advisory Committee

Blair Howe
Alex Karatamoglou
Paul Coffey
Brendan Watts
Iain Farmer
Mike Fletcher

4. Bunbury Environment & Sustainability Advisory Committee ("BESAC")

Andrew Obal
Philip John Smith
Bernhard Bischoff
Shane Elmore
Dr Sandra Wooltorton

5. Bunbury Region Roadwise Committee

Brad Brooksby
Richard Oborn
Charles Keith Wilks
Lindsay William Harding

Catherine Anne Ferguson
Lisa Gartrell
Alan Roberts
Paul Cassidy
Jo-Anne Moore

6. Bunbury-Setagaya Sister Cities Committee

Royston Adrian Hansen
Douglas William Wenn
Valda Rose-Marie Smith OAM
David Lawrence Powell
Phillippa Powell
Pauline Ann Vukelic

7. Community Access Committee

Susan Maree Wood

8. Heritage Advisory Committee

Bernhard Bischoff
Phyllis Ann Barnes
Morris Johnston
Peter Leslie Suckling

9. Retail Trading Implementation Committee

Robert Allan Birrell - CEO of Bunbury Chamber of Commerce & Industries
Vernon Merchant - Asset Manager - Bunbury Forum Shopping Centre

10. Youth Advisory Council

Vittavat (Petch) Folvig
Sarah Simpson
Sam Alexander Treasure
Christopher David Young
David Theodore Thomas Punch
Josh Lawrie
Evangelia Kakulas

PART B

The nomination from Mr Arpad Mencshelyi for appointment to the Bunbury Airport Advisory Committee, is to be referred to that committee for consideration (and a recommendation to Council) as Mr Mencshelyi is not a lease-holder at the airport.

PART C

Where there have been insufficient nominations, the committee members (or Council staff) may seek nominations for future referral to Council.

AT THE COUNCIL MEETING

Mayor David Smith disclosed an impartiality interest his wife is nominated for re-appointment as a member of the Art Collection Committee. He elected to remain at the meeting for the duration of discussion and the vote on this matter.

The Committee's recommendation was moved Cr Craddock, seconded Cr Dillon. The Mayor put the motion to the vote and it was adopted to become the Council's decision on this matter.

Council Decision 14/08

PART A

The following to be appointed as 'Community Representatives' on committees that provide guidance and recommendations to the Council - tenure of membership is specified in Section 5.11 of the Local Government Act 1995:

1. *Art Collection Management Committee*

*Lorna Margaret Kaino
Colleen Gillick
Tresslyn Maxine Smith
Ronald Middleton
Charmian Gaye Brigden
Rosemary Louise Nicholson
Paul Robertson*

2. *Big Swamp Wildlife Park Steering Committee*

*Janice Mason
Michael Eric Morgan*

3. *Bunbury Airport Advisory Committee*

*Blair Howe
Alex Karatamoglou
Paul Coffey
Brendan Watts
Iain Farmer
Mike Fletcher*

4. *Bunbury Environment & Sustainability Advisory Committee ("BESAC")*

*Andrew Obal
Philip John Smith
Bernhard Bischoff
Shane Elmore
Dr Sandra Wooltorton*

5. *Bunbury Region Roadwise Committee*

*Brad Brooksby
Richard Oborn
Charles Keith Wilks
Lindsay William Harding*

Catherine Anne Ferguson
Lisa Gartrell
Alan Roberts
Paul Cassidy
Jo-Anne Moore

6. *Bunbury-Setagaya Sister Cities Committee*

Royston Adrian Hansen
Douglas William Wenn
Valda Rose-Marie Smith OAM
David Lawrence Powell
Phillippa Powell
Pauline Ann Vukelic

7. *Community Access Committee*

Susan Maree Wood

8. *Heritage Advisory Committee*

Bernhard Bischoff
Phyllis Ann Barnes
Morris Johnston
Peter Leslie Suckling

9. *Retail Trading Implementation Committee*

Robert Allan Birrell - CEO of Bunbury Chamber of Commerce & Industries
Vernon Merchant - Asset Manager - Bunbury Forum Shopping Centre

10. *Youth Advisory Council*

Vittavat (Petch) Folvig
Sarah Simpson
Sam Alexander Treasure
Christopher David Young
David Theodore Thomas Punch
Josh Lawrie
Evangelia Kakulas

PART B

The nomination from Mr Arpad Mencshelyi for appointment to the Bunbury Airport Advisory Committee, is to be referred to that committee for consideration (and a recommendation to Council) as Mr Mencshelyi is not a lease-holder at the airport.

PART C

Where there have been insufficient nominations, the committee members (or Council staff) may seek nominations for future referral to Council.

CARRIED

Part A Nos. 1 to 5, 7 to 10 (12 votes "for" / Nil votes "against")

Part A No. 6 (11 votes "for" / 1 vote "against") - Cr Major records his vote "against"

Parts B & C (12 votes "for" / Nil votes "against")

Absolute Majority Vote Attained

11.13 CBD CAR PARKING (*WAS LISTED AS ITEM 11.12 ON THE MEETING AGENDA*)

File Ref:	A00472
Applicant/Proponent:	Councillor Wayne Major
Author:	Councillor Wayne Major
Executive:	<i>If adopted by Council refer to:</i> Geoff Klem, Executive Manager City Development

Cr Major has submitted the following motion for consideration at the Council Committee Meeting on 29 January 2008:

- "1. Council resolves with the utmost expediency an amendment to Town Planning Scheme No. 7 fully clarifying the new car parking direction (when available).*
- 2. Council to commence to enhance car parking in the CBD through provision of the following:*
 - 2.1 Herringbone car parking opposite the Council offices in Stephen Street.*
 - 2.2 Herringbone car parking in Eliot Street.*
 - 2.3 Call tenders for the development of a multi-storey car park on the site opposite the Bunbury Regional Art Galleries.*
- 3. In relation to the tenders for point 2.3 above:*
 - 3.1 Tenders to be called Australia-wide for development of 400 car parking bays on the site (developers could provide additional commercial development and additional car parking).*
 - 3.2 Tenders to have sunset clauses for completion of development.*
 - 3.3 Site value may be reduced in the tender to account for the excess car parking on-site.*
 - 3.4 When completed - the developers to operate the car park at their discretion."*

Comments - Cr Major

Nil.

Executive Comments

The Executive Manager City Development advises that a full report on parking for the CBD (including any necessary amendments to Town Planning Scheme No. 7) will be presented to Council at the first Briefing Session in February 2008.

Part of the CBD Parking Strategy endorsed by Council on 28 August 2007 already identifies Eliot Street for development as a parking area. In addition, Stephen Street has been under investigation for some time as a "Place" or "Civic Mall" and the area behind the new library is also under investigation as a decked parking area. Should these plans proceed, there will be no need for another decked parking station on the car park opposite the Bunbury Regional Art Galleries.

Cr Major's Motion

1. Council resolves with the utmost expediency an amendment to Town Planning Scheme No. 7 fully clarifying the new car parking direction (when available).
2. Council to commence to enhance car parking in the CBD through provision of the following:
 - 2.1 Herringbone car parking opposite the Council offices in Stephen Street.
 - 2.2 Herringbone car parking in Eliot Street.
 - 2.3 Call tenders for the development of a multi-storey car park on the site opposite the Bunbury Regional Art Galleries.
3. In relation to the tenders for point 2.3 above:
 - 3.1 Tenders to be called Australia-wide for development of 400 car parking bays on the site (developers could provide additional commercial development and additional car parking).
 - 3.2 Tenders to have sunset clauses for completion of development.
 - 3.3 Site value may be reduced in the tender to account for the excess car parking on-site.
 - 3.4 When completed - the developers to operate the car park at their discretion.

Outcome of the Council Committee Meeting - 29 January 2008

Cr Major's motion was moved Cr Major, seconded Cr Kelly (pro forma).

During discussion, an amendment was moved Cr Craddock, seconded Cr Slater that consideration of the motion be deferred until after the Executive Manager of City Development has presented his report on CBD parking at a briefing planned for February 2008.

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

Committee Recommendation

Council consideration of the following motion-on-notice from Cr Major is to be deferred until after the Executive Manager of City Development has presented his report on CBD parking at the Briefing Session in February 2008:

- "1. Council resolves with the utmost expediency an amendment to Town Planning Scheme No. 7 fully clarifying the new car parking direction (when available).*
- 2. Council to commence to enhance car parking in the CBD through provision of the following:*
 - 2.1 Herringbone car parking opposite the Council offices in Stephen Street.*
 - 2.2 Herringbone car parking in Eliot Street.*
 - 2.3 Call tenders for the development of a multi-storey car park on the site opposite the Bunbury Regional Art Galleries.*
- 3. In relation to the tenders for point 2.3 above:*
 - 3.1 Tenders to be called Australia-wide for development of 400 car parking bays on the site (developers could provide additional commercial development and additional car parking).*
 - 3.2 Tenders to have sunset clauses for completion of development.*
 - 3.3 Site value may be reduced in the tender to account for the excess car parking on-site.*
 - 3.4 When completed - the developers to operate the car park at their discretion."*

AT THE COUNCIL MEETING

The Committee's recommendation was moved Cr Major, seconded Cr Craddock. The Mayor put the motion to the vote and it was adopted to become a Council Decision.

Council Decision 15/08

Council consideration of the following motion-on-notice from Cr Major is to be deferred until after the Executive Manager of City Development has presented his report on CBD parking at the Briefing Session in February 2008:

- "1. Council resolves with the utmost expediency an amendment to Town Planning Scheme No. 7 fully clarifying the new car parking direction (when available).*
- 2. Council to commence to enhance car parking in the CBD through provision of the following:*
 - 2.1 Herringbone car parking opposite the Council offices in Stephen Street.*
 - 2.2 Herringbone car parking in Eliot Street.*
 - 2.3 Call tenders for the development of a multi-storey car park on the site opposite the Bunbury Regional Art Galleries.*
- 3. In relation to the tenders for point 2.3 above:*
 - 3.1 Tenders to be called Australia-wide for development of 400 car parking bays on the site (developers could provide additional commercial development and additional car parking).*
 - 3.2 Tenders to have sunset clauses for completion of development.*
 - 3.3 Site value may be reduced in the tender to account for the excess car parking on-site.*
 - 3.4 When completed - the developers to operate the car park at their discretion."*

CARRIED

11 Votes "For" / 1 Vote "Against"

11.14 APPOINT NEW COASTAL ENHANCEMENT PROJECT CONTROL GROUP (WAS LISTED AS ITEM 11.13 IN THE MEETING AGENDA)

File Ref:	A02019
Applicant/Proponent:	Councillor Stephen Craddock
Author:	Not applicable
Executive:	Michael Scott, Executive Manager City Services

At the meeting, Cr Craddock tabled the following motion for urgent consideration as (under Standing Order 5.1.13) it cannot wait until the next round of meetings:

- "1. A replacement Project Control Group be appointed immediately to coordinate the completion of the Coastal Enhancement Project at Back Beach.*
- 2. The Project Control Group to comprise: Cr Slater, Cr Whittle, Cr Dillon, the Executive Manager City Services (Michael Scott) and the City's Project Manager (Stewart Parkinson)*
- 3. The terms of reference for the Project Control Group to be presented for consideration at the Council Meeting on 5 February 2008."*

The motion was moved Cr Craddock, seconded Cr Slater. During discussion, it was pointed out that since disbandment of the previous Coastal Enhancement Project Control Group in 2007, delivery of the landscaping component of the project has blown out considerably and issues have emerged concerning public access to the beach. It is considered that the Group may need to meet only a few times in order to resolve these issues.

Cr Dillon declined the invitation to be a member of the new Coastal Enhancement Project Control Group (point 2. of the motion) as his daughter has been involved in the landscaping industry and this could be construed by the general community as a conflict of interest.

It was decided that Mr Mike Barrett of the SW Development Commission (who was formerly associated with the project) should be invited to join the project control group. The motion was amended accordingly, put to the vote and adopted to become the committee's recommendation on this issue.

Committee Recommendation

- A replacement Project Control Group be appointed immediately to coordinate the completion of the Coastal Enhancement Project at Back Beach.
- The Project Control Group to comprise: Councillor Slater, Councillor Whittle, Mr Mike Barrett (SW Development Commission), the Executive Manager City Services (Michael Scott) and the City's Project Manager (Stewart Parkinson).
- Terms of reference for the Project Control Group are to be presented for consideration at the Council Meeting on 5 February 2008.

AT THE COUNCIL MEETING

A memorandum dated 5 February 2008 from the Assistant Project Manager for the Bunbury Coastal Enhancement Project, was tabled at the meeting for the information of councillors - a copy is **attached** at Appendix 19. The memorandum contained a list of suggested Terms of Reference for the new committee.

The Committee's recommendation was moved Cr Craddock, seconded Cr Leigh. During discussion, some of the items listed in the memorandum were discussed and the following changes made to the motion:

- Add in point 3.2 with the wording *"To make recommendations to Council regarding any maintenance or remedial matters associated with Stages 1 and 2 of the project."* and re-number remaining points accordingly.
- Add in point 3.4 with the wording *"To the extent that the Executive considers necessary, approvals from the SWDC to be sought."*
- Change the membership list to include the following as voting members: Mayor David Smith, Councillor Michelle Steck, City of Bunbury CEO (Greg Trevaskis) and Manager Parks and Gardens (Peter Roberts)

The amended motion (as displayed on the screen at the meeting) was adopted to become the Council's decision on this matter.

Council Decision 16/08

1. A replacement Project Control Group be appointed immediately to coordinate the completion of the Coastal Enhancement Project at Back Beach.
2. The Project Control Group to comprise (as voting members):

Mayor David Smith
Councillor Ross Slater
Councillor Noel Whittle
Councillor Michelle Steck
Mr Mike Barrett (SW Development Commission)
City of Bunbury CEO (Greg Trevaskis)
Executive Manager City Services (Michael Scott)
Assistant Project Manager (Stewart Parkinson)
Manager Parks and Gardens (Peter Roberts)
3. Terms of reference for the Project Control Group are to be:
 - 3.1 Overview works associated with completion of the Bunbury Coastal Enhancement Project Stage III - being that portion of the coastal foreshore project between Baldock and Hayward Streets, by:

- a. Reviewing design plans and delivery timeframes.
 - b. Monitoring the completion of project components.
 - c. Providing reports and recommendations to Council on any major variations to design, budget or timeframes that may be required.
 - d. Guiding communication in order to minimise inconvenience to motorists, pedestrians, nearby residents and beachgoers.
 - e. Planning the opening day event.
- 3.2 To make recommendations to Council regarding any maintenance or remedial matters associated with Stages 1 and 2 of the project.
- 3.3 Provide the Bunbury City Council with regular briefings to keep members informed of the status of the project.
- 3.4 To the extent that the Executive considers necessary, approvals from the SWDC to be sought.

CARRIED

12 Votes "For" / Nil Votes "Against"

Absolute Majority Vote Attained

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

Nil.

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

The Presiding Member permitted Cr Kelly to speak at this point in proceedings.

Cr Kelly referred to a *Local Government Advice Note* (issued May 2000) and clarified for the members of the Council and public present, that he will be resigning from the South West Environment Centre Committee but will remain a Life Member of the South West Environment Centre. Whenever members of the South West Environment Centre become involved in an issue before the Council in the future, Cr Kelly intends to disclose an "impartiality" interest.

The Mayor added that a councillor's decision to disclose an interest is a private one and that if they required clarification as to whether (or not) they should disclose an interest or what type of interest to disclose, they should consult their manuals or the Department of Local Government.

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

At this point in proceedings Crs Craddock and Leigh attempted to move a motion to suspend Standing Orders to permit discussion of a retreat planned for Sunday, 10 February 2008.

The Mayor advised that ordinarily he would not allow this motion as no material was provided to meeting members with the agenda and the Urgent Business portion of the meeting has closed. However, he put the motion to the vote and it was carried 9 votes "for" to 3 votes "against".

Members of the public and press were asked to leave the meeting room.

During the discussion that followed, the Mayor declared the meeting closed. There was no motion to re-open the meeting as there was no further business to discuss.

16. CLOSE OF MEETING

The Mayor declared the meeting closed at 9.10pm.

CONFIRMED this day 26 February 2008 to be a true and correct record of proceedings of the Bunbury City Council Meeting held 5 February 2008.

MR DAVID SMITH
MAYOR