



SPECIAL MEETING OF ELECTORS

Date & Means of Public Notification: Public Notices published in the *South Western Times* on Thursday, 5 June 2008; in the *Bunbury Mail* on Wednesday, 11 June 2008 (2 notices - one in the City Update column), and; in the City Update Column of the *Bunbury Mail* on Wednesday, 18 June 2008. Notices were also placed on notice boards at the Council Administration Centre and City Libraries and on the City's website.

Minutes of a Special Meeting of Electors called pursuant to Section 5.28 of the *Local Government Act 1995* and held on Thursday, 19 June 2008 in the Municipal Chambers Building, 2 Stephen Street, Bunbury.

MINUTES

19 June 2008

1. OPEN MEETING

The Presiding Member, His Worship the Mayor - Mr David Smith, declared the meeting open at 5.31pm and welcomed those in attendance.

2. REGISTER OF ATTENDANCES & APOLOGIES

PRESENT

Bunbury City Council Representatives:

Mayor - Mr Mayor David Smith (**Presiding**)
Deputy Mayor - Councillor Stephen Craddock
Councillor Alfred Leigh
Councillor Wayne Major
Councillor Helen Punch
Councillor Michelle Steck
Councillor Judy Jones
Councillor Brendan Kelly
Councillor Noel Whittle

Bunbury Electors (approx. 228 - refer to list at Appendix 1)

City of Bunbury Representatives:

Mr Geoff Klem, Executive Manager - City Development
Mr John Beaton, Manager - Administration & Property Services
Mr Jack Dyson, Senior Administration Officer
Ms Denise Ryan, Administration Officer

APOLOGIES

Mrs Fleay - Elector
Mr Brian McCrae - Elector

3. CONDUCT OF THE MEETING

The Mayor advised that the meeting had been convened in response to a petition containing over 100 signatures of electors that had been received under Section 5.28 of the *Local Government Act 1995*. He also confirmed that the meeting will be run pursuant to Sections 5.30 and 5.31 of the Act and generally in accordance with the Standing Orders for meetings of the Council.

Pursuant to Sections 5.32 and 5.33 of the Local Government Act 1995, any motions passed by electors at the meeting will be referred (in the form of recommendations) to the next meeting of the Bunbury City Council or if this is not practicable, to the subsequent meeting of the Council.

The Mayor requested that during the meeting, electors refrain from making offensive remarks when addressing the meeting and speak only to the issues listed under "Purpose of the Meeting" and/or any motion moved.

4. PURPOSE OF THE MEETING

The meeting was requested by City of Bunbury electors by petition under Section 5.28 of the Local Government Act 1995, to discuss the Bunbury Waterfront Project (Eastside Precinct) and specifically:

- Extension of the public submission period for the Eastside Precinct Structure Plan for a further 60 days because of the complex nature of the proposal and the need to obtain appropriate information to enable worthwhile submissions to be made.
- Suitable zoning options to meet the needs of the community
- The City of Bunbury's obligation to electors to totally uphold the voice of the electors through City Vision.

The petition organiser was Ms Karen Steele, SOS representative.

The Mayor indicated that "headers" on some of the pages of the petition varied from the points above to include the following request: *"To discuss Landcorp's Waterfront option versus City Vision."*

The Mayor noted that the first dot point of issues listed on the petition was dealt with by Council at its meeting on 13 May 2008, when the submission period for the Structure Plan was extended by a further 60 days to a total of 120 days. The submission period now ends on 5 August 2008.

5. MOTIONS OR QUESTIONS OF WHICH PRIOR NOTICE HAS BEEN RECEIVED

There were no questions received on notice.

The following 'Motion on Notice' and explanatory note were received by email from the Save our Shores ("SOS") Group late on Wednesday, 18 June 2008:

Moved Ms Karen Steele / Seconded Ms Joannah Clark

- "1. *The land involved in the proposed Eastside Precinct Structure Plan being Lot 707 Blair Street, Lot 681 Koombana Drive and Lot 723 Koombana Drive currently zoned as "Parks and Recreation Reserve" remain as "Parks and Recreation Reserve" for development within the Parks and Recreation Reserve guidelines (this area includes land and water within the inlet).*
2. *Portion of Lot 723 Koombana Drive and parcels of Unallocated Crown Land be rezoned from "Railway Reserve" to "Parks and Recreation". These lots are to be kept for the purpose of development that falls into the category of "Parks and Recreation" using information and feedback that is provided from the public submissions and guided by the City Vision Strategy.*
3. *The advertising sign in front of the development currently to the bay-side of Koombana Drive, be moved to a more appropriate site, for example Lot 707 Blair Street."*

Note: In explanation of part 3. of the motion above, the mover and seconder advised that current placement of the sign is deceiving. Most people they have spoken to or who have approached them, assume the sign relates to development in that area only and not all the Lots as mentioned above.

6. MOTIONS FROM THE FLOOR

6.1 Public Questions

The following is a summary of questions asked and responses given.

Mr Steve Bennetts, 8 Clifton Street, Bunbury

Q. Were results of the Landcorp Survey conducted in October 2007, ever made public?

A. (Mayor) No, not to my knowledge. However, a summarised version of the survey has been made available for consideration by Bunbury City Councillors. I would have no problem in requesting Landcorp to make the results of the survey available to the public.

Mr Bob Morgan, 90 Beach Road, Bunbury

- Q. Following up on the question above, can we expect clear and transparent feedback from Landcorp? Will we get similar feedback to that provided to Perth residents in relation to a similar Landcorp venture (Perth Waterfront) where it was stated that 66% of people surveyed had approved of the proposed development?
- A. (Mayor) The City of Bunbury is the authority that is seeking submissions from the public at present not Landcorp. Landcorp (the developer) has presented the City with two applications - one to rezone the land and one being a structure plan (Eastside Precinct) which will guide development of the land. Under Town Planning legislation, the City is obliged to seek public comment on both these applications. At the close of submissions, councillors will receive a summarised version of all submissions received listing the main points (councillors can request a full copy of a submission if necessary) and they will make a decision on whether to approve the applications from Landcorp based on the outcome of the submissions and guidance provided by City officers. [Note: The Schedule of Submissions will be a public document]

The Mayor noted that development of any part of the foreshore areas around Koombana Bay or the inlet would require not only an amendment to the City's Town Planning Scheme No. 7 but also amendment of the State Government's Greater Bunbury Region Scheme ("GBRS"). He indicated that Landcorp has not initiated an application for amendment of the GBRS yet but when it does, the residents of Bunbury will again, be given the opportunity to lodge public submissions. Further, the Department of Environment and Conservation may become involved and should this occur, even further submissions could be sought from the Bunbury community.

6.2 Electors' Motions

The following motion (which had been received on notice and was printed in the meeting agenda) was moved by Ms Karen Steele, seconded Ms Joannah Clark and carried by those present to become a formal recommendation from the electors of Bunbury to the Bunbury City Council:

(see over)

Electors Recommendation

1. The land involved in the proposed Eastside Precinct Structure Plan being Lot 707 Blair Street, Lot 681 Koombana Drive and Lot 723 Koombana Drive currently zoned as "Parks and Recreation Reserve" remain as "Parks and Recreation Reserve" for development within the Parks and Recreation Reserve guidelines (this area includes land and water within the inlet).
2. Portion of Lot 723 Koombana Drive and parcels of Unallocated Crown Land be rezoned from "Railway Reserve" to "Parks and Recreation". These lots are to be kept for the purpose of development that falls into the category of "Parks and Recreation" using information and feedback that is provided from the public submissions and guided by the City Vision Strategy.
3. The advertising sign in front of the development currently to the bay-side of Koombana Drive, be moved to a more appropriate site, for example Lot 707 Blair Street.

A summary of the discussion that took place concerning the motion, is as follows:

- Mayor David Smith - The Mayor indicated that part 2. may prove problematic in that the State Government has already announced its intention for a high speed railway service for Bunbury and there is a good possibility that the Railway Reserve may be needed in order for the railway to access the Bunbury CBD.
- Karen Steele (SOS Group) - The proposed Eastside Precinct Development does not comply with the City Vision document nor does the public consultation for this project comply with a recent paper on improved public consultation released recently by the Premier. The proposed development will not improve the amenity of Bunbury or the recreational value of the foreshore area - it will simply be a development for the rich and will leave the City with little recreational space to induce tourists or to pass on to successive generations. Queensland is currently going back to nature-based development so perhaps Bunbury can do likewise.
- Dr Manea, 18 Haydock Street, East Bunbury - Outlined the history of the foreshore area. He indicated that the decision to build a wall around the inlet and create "green open space" (e.g., the Frank Buswell Foreshore) was done in 1968. The part of the foreshore closer to the CBD was rehabilitated from a railway reserve into open space in 1984. In 1992, a part of this area was dedicated to former Mayor - Mr Pat Usher. It was named the "Pat Usher Memorial Promenade" and it concerns Dr Manea greatly that the developer is considering interfering with a memorial. In closing, Dr Manea requested that children's play equipment purchased by the Variety Club be put back near the City's beach and added that additional public seating is required around the foreshore area generally to encourage more parents and the elderly to utilise the space.

- Judy Wall, 4 Carey Street, Bunbury - Ms Wall indicated that the Leschenault Inlet is far too important to leave to the management of Perth-based bureaucrats and warned the Bunbury City Council that if it allows Landcorp to cram a large amount of residential and office development into this space (and possibly poison the water in the inlet through displacement of acid soil) then the members of the Council will go down in history as the people that sold off Bunbury's best and most famous asset.
- John Sherwood (South West Environment Centre) - Mr Sherwood stated that the South West Environment Centre strongly opposes this development as it could destroy the ecology of the inlet. He objected to the slick advertising that has been undertaken for the proposal and stated that this should not pass for public consultation. Mr Sherwood stated that the SW Environment Centre will be writing a submission opposing the development especially as there are some anomalies - he cited a report from the WA Planning Commission that states that the inlet is at high risk of damage from acid sulphate soils whereas Landcorp is claiming that the risk is only low, and; added that no study has been done on the effect the development will have on tidal flow and how disruption of the inlet bed or tidal flows may ultimately affect (or damage) the Mangroves upstream.
- Helena Sahm, 30 Tuart Street, Bunbury - Considered the cultural impact of the development to be important and she fails to see why the City needs to have a development that is built to a formula. She is of the opinion that the development proposed is quite "generic" and will only result in a severe lack of recreational and green open space in the Bunbury CBD. She would like any development that does go ahead to be done in consultation with the local community so that it is well-balanced and of a design unique and specially suited to the needs of Bunbury residents.
- Les Pike, 34 Dunstan Street, Bunbury - Mr Pike indicated that he spent three years on the State Government's South West Planning Committee and his main concern is that the tall buildings proposed will block out the sun preventing grass and plants from growing in the garden areas depicted in the design drawings. He indicated that the foreshore areas around the inlet are the "jewel in the crown" for Bunbury so any development needs to be carefully considered.
- Unidentified Speaker - Pointed out that the motion to relocate the sign is very important. He attended an RSL meeting recently and half the people he spoke with were unaware of the actual pieces of land to be developed. He would like the public notice on-site to be made clear and descriptive so that it can be easily read and understood by passing motorists/pedestrians.
- Ross Ranson, 6 Elizabeth Crescent, Bunbury - Mr Ranson objected to a previous speaker's suggestion that the Variety Club's play equipment be relocated to the City's beach. In his opinion, the City should have enough funding to be able to purchase additional equipment for this purpose.

- Geoff Klem (City of Bunbury) - Mr Klem clarified for members of the meeting that the portion of foreshore area currently proposed for re-development is reserved for "Parks and Recreation" under Town Planning Scheme No. 7 (and reserved for "Regional Open Space" under the State Government's Greater Bunbury Region Scheme). From the City's point of view, unless the Town Planning Scheme is amended, the only development that can take place there is installation of play equipment, construction of barbecues and gazebos and infrastructure for other recreational activities being uses that are consistent with the purpose of the reserve.
- Margaret Sargeant, 15 Hoylake Avenue, South Bunbury - In relation to the large crowd at the meeting, requested that any further meetings on this subject be held at the Bunbury Regional Entertainment Centre so that there is sufficient space and seating for everyone.
- Ray Frisina, 14 Kalari Rise, Bunbury - Mr Frisina (a former City councillor) complained that the development does not comply with the City Vision Strategy for the foreshore area which was prepared by the City in consultation with the different sectors of the local community through a series of monthly workshops over a 3-year period. City Vision restricts development on the foreshore to public buildings, cafes, barbecues, play equipment and infrastructure for recreational activities. He stated that the proposed development also contravenes the State Government's Coastal Planning Policy (which stipulates buffer areas between water and high-rise) and the Greater Bunbury Region Scheme in which the State Government aims to protect the waterway for "the people of the region". He would like to see the walkway around the inlet maintained and no high-rise buildings permitted. Mr Frisina indicated that it is not just the high-rise that is the problem with the proposed development - it is the density of the development and the extent of the paving and decking proposed which will leave precious little green space for recreation.
- Mayor David Smith - In response to a question from Mr Frisina as to the proper process for advertising the proposed rezoning and structure plan, the Mayor stated that the City's action of advertising both the rezoning proposal and the structure plan at the same time was done deliberately so that residents could see what is proposed for the area under the Structure Plan if the rezoning goes through.
- Mrs Snookie Manea, 18 Haydock Street, East Bunbury - Mrs Manea is the President of the Bunbury Timber Jetty Environment & Conservation Society Inc. She indicated that during a recent visit by Mr Ian McKee from Landcorp, the Society was verbally advised that if Stage 1 (Eastside Precinct) of the Bunbury Waterfront Project does not go ahead as planned, then there may be no money available for restoration of the jetty despite the fact that consultants for Landcorp have already completed plans for the restoration. Mrs Manea stated that she and members of the Society would be sad to lose the funding but cannot support the proposed Eastside Precinct development (as is) as it goes against their principles and ethics.
- Mayor David Smith - At this point, the Mayor indicated that it is proposed to set aside \$3.5(M) in the City's Corporate Financial Plan for 2008/09 for part-demolition and restoration of the jetty.

- Juliet Harrop, 18/2 Davenport Way, Bunbury - Ms Harrop, in referring to a statement from Landcorp concerning a silt-curtain to be built around the construction site to restrict water contamination and turbidity; stated that she considers the risk to the waterway will be much greater than expected by Landcorp and that the ecology of the inlet needs to be protected at all costs. Ms Harrop encouraged the City to support residents in objecting to the proposed development. She referred to the City's Environmental Statement and its own literature titled "Bunbury Walks" which states that the mangroves in the inlet are a conservation priority and are internationally recognised.
- Joan Jenkins, 5/8 Minninup Road, Bunbury - Ms Jenkins advised that at a recent Climate Change Conference she attended in Bali, the conference delegates were warned not to build too close to the water due to rising sea levels and the fact that some insurance companies are now refusing to insure buildings built along the coastline. Ms Jenkins considers the Eastside Precinct development will be much too close to the water to be sustainable in the long term and she indicated that even Dubai's famous waterside developments have been built to be 5 metres above sea level.
- Geoff Klem (City of Bunbury) - In response to a question from Ms Joannah Clark, Mr Klem indicated that people wanting to object to the proposal would need to fill in submission forms for both the "rezoning" and the "structure plan" as these are two distinctly different statutory procedures.
- Joannah Clark (SOS Group) - Made the following recommendations:
 1. Council not proceed towards approval of the Bunbury Waterfront Eastside Structure Plan for a period of at least six (6) months during which further extensive community briefing and feedback is integrated into the document.
 2. Council take no steps toward rezoning of the land until the Bunbury Waterfront Eastside Structure Plan has been reviewed.
 3. The Landcorp sign north of Koombana Drive be relocated immediately to the land south of Koombana Drive to assist understanding (by the public).
 4. Council conduct further meetings with local community representatives, professionals, interest groups, environmentalists, indigenous peoples and others to collaborate and conceive a development for "Public Open Space" on the Leschenault Inlet and Koombana Bay.

- Gordon Roberts, 3 Keble Heights, Bunbury - In response to a question asked by Mr Roberts, the Mayor confirmed that the land in question is reserved for Regional Open Space in the State Government's Greater Bunbury Region Scheme, and, this same land is reserved for "Parks and Recreation" in the City of Bunbury's Town Planning Scheme No. 7. When there is a Regional Scheme in force, a City Council is obliged to make its Town Planning Scheme comply. The "Regional Open Space" reservation is more restrictive than reserving land for "Parks and Recreation". The Mayor added that both the Amendment to the Town Planning Scheme (rezoning) and the Structure Plan for the proposed development must be approved by the Council (and the Greater Bunbury Region Scheme approved by the WA Planning Commission and Parliament) before development of the Eastside Precinct could proceed.
- Judy Johnston, 17 Lerici Circle, Bunbury - Ms Johnston pointed out to the Mayor and those present that the City's Town Planning Scheme clearly denotes the subject foreshore area is reserved for "Parks and Recreation" and indicated that it should be retained for this purpose in the future. She indicated that many great cities around the world such as London and New York have wonderful open spaces and parks but none has this open space along their waterfront as is the case in Bunbury.
- Karen Steele (SOS Group) - As the mover of the motion, Ms Steele was permitted a "right of reply". During her reply, Ms Steele questioned Mr Klem on the meaning of "limited development" on land reserved for parks and recreation as she understands the Silos development recently leased reserve land on the foreshore from Council in order to develop tennis courts.
- In response to Ms Steele's question, it was confirmed that the agreement concerning the tennis courts was settled some years ago and is not part of the current plans by Landcorp. It is a condition of the City's agreement with the Silos developers that the courts be made available for public hire. It was also confirmed that there is a landscaping plan for the reserve that surrounds "the plug" but it will not be progressed until such time as a structure plan for the area is decided.

7. CLOSE OF MEETING

Before closing the meeting, the Mayor confirmed the following:

- Electors have until 5 August 2008 in which to lodge a submission in relation to the proposed structure plan for the Eastside Precinct (this is an extended deadline agreed to by Council at its meeting on 13 May 2008).
- The existing project sign on-site will stay on-site and a new sign will be erected across the road in accordance with point 3. of the recommendation made by electors.

The meeting was declared closed at 7.28pm.

APPENDIX 1

Note: Appendix 1 can be viewed upon request at City of Bunbury Administration Building.